



AGENDA

Lincoln City Planning Commission
Tuesday, October 4, 2022, 6:00 PM
Council Chambers,
801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL

2. AGENDA CHANGES OR REVISIONS

3. MINUTES

3.1. Planning Commission - Regular Meeting - Aug 16, 2022 6:00 PM

4. FINAL ORDERS, RESOLUTION, & WRITTEN COMMUNICATIONS

4.1. FR 2022-16 for CPA ZC 2022-07

4.2. FR 2022-17 for ZOA 2022-09

5. PUBLIC HEARINGS/DELIBERATIONS

5.1. ZOA 2022-10 Special Event Accessory

6. OLD BUSINESS

6.1. Status Update 2043 Comprehensive Plan

7. PLANNING COMMISSION TRAINING

7.1. Presentation from Oregon Department of Land Conservation and Development

8. REPORTS AND COMMENTS

9. FUTURE AGENDA ITEMS & NEXT MEETINGS

10. ADJOURN

All information for this meeting is available on the City of Lincoln City website at www.lincolncity.org, and this meeting will be televised live on Charter Channel 4 Lincoln City and rebroadcast at various times. Planning Commission meetings are streamed live

on the Internet through a link on the City of Lincoln City website, and can also be viewed following the meeting. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder, at 541-996-1203.

**LINCOLN CITY PLANNING COMMISSION
MINUTES
August 16, 2022**

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL

Attendee Name	Title	Status	Arrived
Steve Griffiths	Commissioner	Present	
Mellissa Sumner	Commissioner	Present	
Marci Baker	Commissioner	Present	
Robert Vincent	Commissioner	Present	
Kim Blackerby	Chair	Present	
Charlsy Affuso	Commissioner	Present	
Miles Schlesinger	Commissioner	Present	

2. AGENDA CHANGES OR REVISIONS

There were no agenda changes.

3. MINUTES

3.1. Planning Commission - Regular Meeting - Jul 19, 2022 6:00 PM

MOTION:	Approve minutes as written
MOVER:	Vincent
SECONDER:	Griffiths
AYES:	Griffiths, Sumner, Baker, Vincent, Blackerby, Affuso, Schlesinger
RESULT:	Passed

4. PUBLIC HEARINGS/DELIBERATIONS

4.1. CPA ZC 2022-07 Spyglass Ridge comprehensive plan map amendment/zone change

Planning Commission Chair Kim Blackerby opened the public hearing at 6:02 PM, introduced the application, read the required statements, and explained the order of proceedings for the hearing. No one was excused for conflicts of interest and no challenges were offered. Chair Blackerby and Commissioner Robert Vincent stated that they had each individually visited the neighborhood, but had not talked to anyone. Director Anne Marie Skinner cited the applicable substantive criteria. She noted that the Nelscott Gap Neighborhood Plan was adopted by City Council but is not part of the adopted Comprehensive Plan, and thus is not applicable criteria. Responding to a question from Commissioner Griffiths, Director Skinner stated that the standing of the Nelscott Neighborhood Plan is as a potential source for goals and policies in the Comp Plan update process currently underway.

Director Skinner presented a summary of the staff report. The applicants are Knott Holdings LLC, Schwab Holdings LLC, Andrea and Mark Bowman, and Doris J. Eades Trustee. They are requesting a Comprehensive Plan Map Amendment from R-7.5 to RM and a Zone Change from R-1-7.5 to R-M for two parcels totaling 30.3 acres in the vicinity of SE 31st Street.

Director Skinner stated that comments were received from members of the public via an emailed letter signed by Matt and Val Sakraida, Paul Jenkins, Deb Soper, and Stacy and Wayne Borum. Comments were also received from the Department of Land Conservation and Development, the Oregon Division of State Lands, Oregon Department of Transportation, North Lincoln Fire & Rescue District #1, and Lincoln City Departments of Economic Development and Human Resources. The entirety of these comments was included in the agenda packet.

Director Skinner provided an overview of the findings for each of the applicable goals. In relation to the Housing Goal, Director Skinner identified the housing types allowed in the existing and the proposed zones, and the amount of each housing type the property could support. Responding to a question from Chair Blackerby, Director Skinner clarified that the housing totals were maximums and were not to be added together. Responding to a question from Commissioner Griffiths, Director Skinner provided the definition of a residential home as being a home for five or fewer individuals in a residential treatment or training setting and registered with the state. Director Skinner provided a detailed review of the transportation findings, including the relationship of the development to the recommendations of the 2015 Transportation System Plan, which include the SE Lee Extension, the SE Fleet Extension, the SE 27th St Extension, the SE 28th St Realignment, and the SW 30th Extension.

Responding to a question from Chair Blackerby, Director Skinner clarified that the future developer would be responsible for improving streets within the property, and the improvement of half-streets on those adjacent to property lines. Responding to a question from Commissioner Griffiths, Director Skinner cited that the adopted 2015 Lincoln City Transportation System Plan is the basis of this requirement.

Responding to a question from Commissioner Baker, Director Skinner stated that both the goals and the underlying policies of the Comprehensive Plan were relevant criteria applied to the review. In response to Commissioner Vincent, Director Skinner stated that the Planning Commission could not further restrict the types of housing allowed with the zone change, that types of allowed housing would require a code amendment. Prohibiting VRDs cannot be a condition of approval for a zone change. To Chair Blackerby, Director Skinner clarified the comments provided by Fire Chief Dahlman regarding the eligibility of the site for future fire protection.

Commissioner Griffiths requested clarification regarding the comments from Alison Robertson, Economic Development Director, who was present and able to comment. Director Robertson provided the context of her comments and their relation to the Nelscott Neighborhood Plan. Director Skinner shared details regarding the timeline and the process for agency comments, including the fact that the requests for agency comment were sent immediately after the application was received and deemed complete and prior to the initiation of the staff report. Commissioner Griffiths pointed out the memo from the applicant rebutting the written comments provided by the neighbors, and asked if they had had a chance to respond. Director Skinner responded that they had not.

Lamoine Eiler, an architect representing the applicants, provided an overview of the zone change application, the property, and the general intent of the future development. Applicant Dwight Schwab was also present, and transportation engineer Scott Ferguson participated via phone. Mr. Eiler described site features, such as wetlands and steep slopes, that will significantly reduce the number of units possible. He also shared the preliminary traffic impact study findings.

Commissioner Affuso asked about the mix of housing types the applicants intend to provide, and the size and number of bedrooms being considered. Mr. Eiler responded that the exact mix had not been determined, but that they were considering a range of sizes to reflect the diverse family types of workforce housing. To a question from Commissioner Vincent, Mr. Eiler responded that the development would likely be stick-built structures rather than manufactured. Responding to a question from Commissioner Griffiths, Mr. Eiler stated that the physical constraints that occur throughout the site would pose a challenge to a partial re-zoning as opposed to a zone change for the entire 30 acres. Chair Blackerby asked about the plans to get construction equipment onto the site. Mr. Eiler stated that the applicant would likely be required to contribute towards improvements of SE 33rd St (sic?), and evaluated further under the development review process. Responding to a question from Chair Blackerby, Director Skinner stated that the setbacks in the R-M zone are currently under review and will be proposed for changes in an upcoming code change. Chair Blackerby stated that he is in favor of housing that considers the financial means of the Lincoln City workforce, and asked if there were any local examples of similar housing. He also asked about the potential for VRDs in this area, and the applicant stated that there was no intent to encourage their use as short-term rentals. Commissioner Affuso asked if all of the units would be rental, or if an opportunity might be provided for home ownership. Mr. Eiler stated that would be a consideration in the more detailed site planning phases that follow a zone change. Commissioner Griffiths asked if the applicants had any experience in developing rental workforce housing. Mr. Eiler stated that they would look to add expertise in this area.

In response to a question from Chair Blackerby, Mr. Eiler stated that additional transportation analysis will be conducted during the development review process. This work will determine the actual level of development and the needed transportation improvements required to meet the Lincoln City Transportation System Plan. Responding to a question from Commissioner Griffiths, Mr. Eiler described the possibilities for open space protection and/or enhancement.

Judith Sanders, an adjacent property owner provided a response in opposition. She stated that there is a greater community need for single-family units, as opposed to apartments. She pointed out that there is a need and intention of the Comprehensive Plan to preserve neighborhood character, which is primarily single-family development. She also disagreed that the notification process was effective as she did not receive a notification, likely due to the fact that she is a recent second-home buyer. Regarding transportation, she does not feel that existing roads can accommodate additional traffic, and Highway 101 presents a significant barrier to efficient traffic movement in this neighborhood.

Roger Swanton, a resident of SE 31st Street, provided a packet of information, including photographs of the neighborhood and 31st St. His primary opposition is that the road is not capable of additional traffic, even with improvements. The available right-of-way near his home averages 32 feet, which is considerably less than the right-of-way required for Lincoln City standards.

Commissioner Affuso asked Mr. Swanton if there is a possibility that the road improvements required by the future development could help alleviate the current traffic problems. Commissioner Blackerby asked if the majority of future traffic used SE 32nd instead of SE 31st, would Mr. Swanton be more supportive of the project. Mr. Swanton replied that additional cars would continue to impact SE 31st in either case.

Commissioner Griffiths asked if roadways could be developed within wetlands, or if there were required wetland buffers. Director Skinner stated that some exceptions apply for the construction of public infrastructure. Commissioners Affuso and Baker both pointed out that such details would be addressed within the development review stage of the project, but that the criteria for approval of the zone change were limited to broader issues.

Jennifer Anderson Vickers, a neighborhood resident, supports additional housing but expressed concern about safety, and she wanted the issue of SE 31st Street traffic documented in the planning process.

James Vickers, echoed previous comments about the severe existing traffic issues in their neighborhood, and the lack of adequate street infrastructure to support additional densities.

Sue Pfohl, a resident of this neighborhood since 1977, stated that she has consistently requested that the city provide a secondary outlet to improve traffic and increase safety. She encouraged the city to fix this issue prior to allowing any additional development and increasing traffic.

Lisa Lobello and Kim Hamby, also residents, supported the statements of prior speakers.

Director Skinner shared a comment from Stephanie Reid, Lincoln City Public Works Director, that the City was in the design phase of improvements to the SE 31st St and Highway intersection.

There was no rebuttal from the applicants. There were no requests to leave the record open or continue the public hearing. Commissioner Vincent moved to close the record and the public hearing, seconded by Commissioner Sumner, and approved unanimously by the Planning Commission. The public hearing was closed at 8:05 pm.

Chair Blackerby returned the item to the Planning Commission for deliberation and recommendations.

Commissioner Vincent stated that he felt that the issues identified in the public hearing would be able to be addressed in subsequent planning phases, but that they did not represent adequate basis for denial of the zone change request.

Commissioner Affuso agreed with the residents that the traffic issues were problematic, but that they were not unique to this neighborhood. She did not feel that the traffic issue should preclude the zone change.

Commissioner Baker also agreed that the concerns brought up by the neighbors were valid and that real traffic issues were evident. However, she stated that the applicable criteria for approval of a zone change have been met.

Commissioner Griffiths supported waiting to evaluate the zone change until after the Comprehensive Plan is updated to implement the recommendations of the Nelscott Neighborhood Plan. Commissioner Baker agreed that would have been ideal, but that it simply is not the condition under which this application must be evaluated.

Commissioner Sumner stated that she lives in a similar neighborhood, and that she believes that existing development codes will ensure that the subsequent design phases meet the wider community needs for housing, safety, and connectivity.

Commissioner Schlesinger stated that the traffic issues should be addressed before any additional development is allowed on the east side of Highway 101. Chair Blackerby asked if it was understood that this particular development could be a potential catalyst for the development of strategic transportation improvements needed in southeast Lincoln City, such as the Foothill Parkway. Commissioner Schlesinger disagreed, and restated his initial concerns.

Chair Blackerby urged the developers to consider the resident comments, and to be responsive as they move forward in the planning process.

Commissioner Griffiths commented that it was his opinion that the traffic issues identified were in conflict with the Comprehensive Plan transportation goal "to provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people", and as such he was not in favor of approving the zone change.

Commissioner Baker moved to recommend to the City Council that the Spyglass Ridge zone change be approved, seconded by Commissioner Vincent. The motion passed 5 in favor, 2 opposed. This item will return to the Planning Commission on October 4th for the adoption of the formal written recommendation to the City Council at their October 24th meeting, which will also include a public hearing.

MOTION:	Recommend to City Council approval of CPA ZC 2022-07 Spyglass Ridge comprehensive plan map amendment/zone change
MOVER:	Baker
SECONDER:	Vincent
AYES:	Sumner, Baker, Vincent, Blackerby, Affuso
NAYS:	Griffiths, Schlesinger
RESULT:	Passed

4.2. ZOA 2022-09 Tiny House Definition and Time Ext Procedure

Chair Blackerby opened the public hearing for ZOA 2022-09 at 8:30 PM, introduced the application, read the required statements, and explained the order of proceedings for the hearing. No one was excused for conflicts of interest and no challenges were offered.

Director Skinner provided an overview of the draft ordinance. She stated that it is part of an ongoing effort to reduce impediments to development and to increase options for more affordable housing. This amendment includes the use of a new building material, known as mass timber, updates the definition for a tiny house, and revises the review process for time extensions.

The new definition for tiny house was developed in conjunction with Lincoln County Housing Authority, the Lincoln City building official, and representatives of the mass timber industry.

Responding to a question from Commissioner Vincent, Director Skinner clarified that tiny houses are not an allowed use in R-1 zones. Chair Blackerby suggested that the definition continue to

state that a tiny house is not a “trailer, residential trailer, or a recreational vehicle.” Director Skinner supported making this change.

Responding to a question from Commissioner Griffiths, Director Skinner stated that tiny houses are not allowed as accessory dwelling units.

Director Skinner described the changes to the time extension application process. Since a time extension has a clear and objective criteria for review it can be a staff-only process.

Commissioner Vincent moved, seconded by Commissioner Affuso, to close the public hearing and the record.

Commissioner Baker moved, seconded by Commissioner Vincent, to approve the Zoning Ordinance Amendment with the edit suggested by Chair Blackerby. The motion passed unanimously.

MOTION:	Recommend approval to City Council of ZOA 2022-09 with the additional statement in the tiny house definition that “a tiny house is not a trailer, residential trailer, or a recreational vehicle.”
MOVER:	Baker
SECONDER:	Vincent
AYES:	Griffiths, Sumner, Baker, Vincent, Blackerby, Affuso, Schlesinger
RESULT:	Passed

5. OLD BUSINESS

5.1. Status Update 2043 Comprehensive Plan

Director Skinner shared additional public outreach underway, including participation in National Night Out on August 1st, issuing a revised community survey, and mailing to apartment and rental addresses. Director Skinner also met with the Public Arts Committee and will meet with the Parks Board on August 17th. The Public Arts Committee supported historic preservation goals, and the creation of a cultural district that would provide an area for cultural events and possibly housing for artists and craftspeople. They also suggested pursuing designation as a Main Street City.

Other activities underway include the commercial, industrial, and residential lands inventories, tsunami hazard planning components, climate change data, and draft goals for discussion at the upcoming Planning Commission work sessions scheduled for October.

Responding to a question from Commissioner Griffiths, Director Skinner stated that the results from the revised survey would be presented separately from those compiled earlier so that comparisons between the two could be generated.

6. REPORTS AND COMMENTS

There were no reports or comments.

7. FUTURE AGENDA ITEMS & NEXT MEETINGS

There are no pending applications for September so the Planning Commission will not meet until October.

Director Skinner proposed three work sessions be held separate from regular Planning Commission meetings in October. Consensus of the commissioners led to a decision to meet Mondays from 1:30 to 3:30 PM, starting October 3rd, continuing on October 17th and 24th. The meetings will be work sessions and will be held in Council Chambers.

Director Skinner added that future zoning ordinance amendments the Planning Commission will see in October and November will address setbacks, special events as an accessory use, and maximum height in commercial zones.

8. ADJOURN

Chair Blackerby adjourned the Planning Commission at 9:07 PM.

Respectfully submitted,

Anne Marie Skinner
Planning Director

Kim Blackerby
Chair

Planning Commission Communication

FR 2022-16

Meeting Date: October 4, 2022 Primary Staff Contact: AnneMarie Skinner
Department: Planning Commission E-Mail: ASkinner@lincolncity.org
Secondary Dept: Secondary Contacts:
Approval: Estimated Time:

Question:

Should the Planning Commission adopt FR 2022-16?

Staff Recommendation:

Staff recommends the Planning Commission adopt FR 2022-16.

Potential Motions:

I move to adopt FR 2022-16 for CPA ZC 2022-07.

Attachments:

CPA ZC 2022-07 EXHIBIT A Findings for FR 2022-16 (DOCX)
CPA ZC 2022-07 Final Recommendation (DOC)

EXHIBIT A – FINDINGS

A. Lincoln City Comprehensive Plan

1. Land Use Planning Goal

“To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

The City Council established a land use policy framework and implementing ordinance through adoption of a comprehensive plan and zoning ordinance, respectively. The Oregon Land Conservation and Development Commission acknowledged the City of Lincoln City’s Comprehensive Plan (hereinafter referred to as Comprehensive Plan) and implementing land development regulations, including LCMC Title 17 Zoning, as complying with the Oregon Statewide Planning Goals. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. Review of this proposed comprehensive plan map amendment and rezoning in accordance with the Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal. The application procedure for the comprehensive plan map amendment and zone change is integrated and consistent with the planning process and policy framework.

2. Citizen Involvement Goal

“Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process.”

The Comprehensive Plan’s Citizen Involvement Program goal is to “develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process.” Lincoln City has developed a Citizen Involvement Program through Resolution 94-33. The public hearing process for the proposed map amendment and zone change included mailed and published notice to the public and property owners as required by state law and city ordinance, and review of the proposal by Lincoln City Planning Commission and Lincoln City City Council, consistent with the Comprehensive Plan, Citizen Involvement Goal, and Resolution 94-33.

Among the policies under the City’s Citizen Involvement Program goal is one that states: “Lincoln City shall assure that a reasonable effort is made to encourage the opportunity for citizens to attend public meetings.” The Planning Commission and City Council meetings are publicized with hearing notices mailed to property owners in the affected area, published in *The News Guard*, and posted on the City’s website. The City holds public hearings in the evening to encourage public attendance. Moreover, for those unable to attend in person, the meetings are televised live, streamed live over the internet, and rebroadcast on cable television. Additionally, persons unable to attend in person have the option of calling into the meeting to participate by phone. Video of meetings and the packet materials are also available on the City’s website for review, free of charge. These aforementioned items in their totality constitute a more than reasonable effort to encourage citizens to attend public meetings and meet the Citizen Involvement Goal.

3. Public Services and Utilities Goal

“To plan and develop a timely, orderly, and efficient arrangement of public facility and services which compliment [sic] the area and serve as a framework for urban and rural development.”

Public services and utilities are available in the area of the map amendment and zone change. The available public services and utilities are as follows:

- a. Power – Pacific Power provides electric power to adjacent development. When the site develops, underground power lines will be installed to service the future use.
- b. Water – Lincoln City provide water to adjacent development. There is a pressurized water main line in SE 31st St. The main line will be extended and service lines will be installed to service the future use when the site develops.
- c. Sewer – Lincoln City provides sanitary sewer service to adjacent development. There is a gravity main line in SE 31st St. The main line will be extended and service lines will be installed to service the future use when the site develops. If necessary, a pump station will be installed as part of future development.
- d. Various providers provide land line and cellular telephone service. When the site develops, service lines will be installed to service the future use.

The proposed changes will have no impact to the existing public facilities and services and will have no direct impact to the extension of existing public facilities and services to the site. At the time of development, the extensions of services takes place whether the site is zoned R-1-7.5 or R-M. Both zones are residential and the same public facilities and services are needed for either R-1-7.5 or R-M. The public services and utilities goal is met.

4. Urbanization Goal

“To promote an orderly and efficient transition of land uses from rural to urban.”

The area affected by the proposed map amendment and zone change is within the urban growth boundary and city limits and is, therefore, already urban and poised for urban development. The proposed amendment and zone change will not remove the site from city limits or the urban growth boundary. The site will be utilized for urban development with or without the proposed change. This goal is met or is not applicable.

5. Natural Hazard Goal

“The City shall control development in hazardous areas to protect life and property from natural disasters and hazards.”

The map amendment and zone change on their own do not allow development in hazardous areas. Development in such areas is controlled by existing comprehensive plan and zoning ordinance standards, as well as building code requirements. Additionally, the City’s maps show no identified natural hazards on the site. This goal is not applicable.

6. Housing Goal

“To provide for the housing needs of all citizens.”

The request is to change the plan map from one residential district to another and the zone from one residential zone to another residential zone. Both zones allow housing as permitted uses, with each zone allowing different types of housing. The request would convert the 30.3-acre site from Single-Unit Residential R-1-7.5 to Multiple-Unit Residential R-M. As stated previously, housing is an outright permitted use in both zones. The housing options are different in the two zones with the R-1-7.5 zone allowing detached single-unit dwellings, attached single-unit dwellings, duplexes, cottage housing developments, manufactured homes, residential homes, four-flat dwellings, and accessory dwelling units. The R-M zone allows attached single-unit dwellings, cottage housing developments, duplexes, multi-unit dwellings, residential homes, and tiny house developments. Both zones, then, provide for the housing needs of the citizens of Lincoln City, just with different options.

Based on the requirements of the R-1-7.5 zone and deducting 30% from the site’s gross 30.3 acres for significant wetland preservation and infrastructure, the property could support the following: (these are approximate numbers)

123 detached single-unit dwellings	(246 units – house plus accessory dwelling unit)
369 attached single-unit dwellings	(369 units)
123 duplexes	(246 units)
557 cottage houses	(557 units)
123 manufactured homes	(123 units)
123 residential homes	(123 units)
263 four-flat dwellings	(1,052 units)

Based on the requirements of the R-M zone and deducting 30% from the gross acreage for significant wetland preservation and infrastructure development, the property could support the following: (these are approximate numbers)

369 attached single-unit dwellings	(369 units)
557 cottage houses	(557 units)
367 duplexes	(734 units)
1,066 multi-unit dwellings	(1,066 units)
123 residential homes	(123 units)
600 tiny houses	(600 units)

At maximum capacity, the R-M zone will provide 14 more units than the R-1-7.5 zone. Additionally, multi-unit dwellings and tiny houses (which are allowed in the R-M zone but not in the R-1-7.5 zone) can be less expensive to construct than individual detached houses, which allows for more affordable housing for the citizens of Lincoln City. Accordingly, the request is consistent with the housing goal.

7. Economy Goal

“To support the tourist industry and achieve a degree of diversity in the community which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area.”

The area affected by the proposed rezoning is within the urban growth boundary and city limits and currently designated and zoned for residential development. The affected area does not contain any commercial lands that will be directly impacted by the request. Indirectly, affordable or work force housing affects the tourist industry. Local businesses, shops, and eating and drinking establishments need employees to provide their services to tourists. The employees need affordable housing. A healthy supply of affordable and work force housing allows people to accept jobs in Lincoln City that they may not otherwise be able to accept without a place to live. When businesses have a steady employment rate, they are able to maintain more open hours and more consistent open hours, which attracts tourists and encourages lengthier stays. The economy goal is either not applicable or is met.

8. Aesthetic Goal

“To develop a livable and pleasing city which enhances man’s activities while protecting the exceptional aesthetic quality of the area.”

The site does not contain any designated aesthetic resources. Future development must adhere to Title 17 of Lincoln City Municipal Code, which has landscaping requirements, tree plan requirements, landscaping maintenance requirements, and development standards. Adherence to these requirements and standards is required whether the site is zoned R-1-7.5 or R-M. The aesthetic goal is met or is not applicable.

9. Transportation Goal.

“To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people.”

The site has access from the terminus of SE 31st St. Development will require adherence to the 2015 Lincoln City Transportation System Plan and Lincoln City Municipal Code (LCMC). LCMC 16.16.010 states: “The following improvements shall be installed at the expense of the subdivider or partitioner in accordance with the city requirements: streets, including drainage adequate to serve the property and streets; sanitary sewers and services; water distribution lines and services; sidewalks in any pedestrian ways; street name signs and street light poles; sot, street and perimeter monumentation; underground power lines; underground telephone lines; bicycle, equestrian or special “ways”; underground cable TV lines.” “All improvements shall be constructed to the subdivision or partition boundary.” “Where dedicated or undedicated open space is proposed or provided, it shall be the subdivider’s or partitioner’s responsibility to provide, if required, standard public improvements to and through the open space.”

LCMC 16.16.020 states: “The developer shall be responsible for improving all streets, including alleys, within the subdivision or partition, and streets adjacent, but only partially within the subdivision or partition, and streets adjacent to a subdivision or partition, whether included or excluded from the subdivision or partition.” “Construction of all streets and alleys shall be to city section standards for permanent street and alley construction, pursuant to requirements set forth in the city transportation system plan and public works/engineering standards.”

The surrounding area of the site has requirements from the 2015 Lincoln City Transportation System Plan, which are listed below. The site may or may not contain any of these; however, nexus and proportionality shall be applied at the time of development to ensure that the development constructs or contributes street improvements in proportion to the development where such improvements are on the site.

- SE Lee Extension – Extend SE Lee Ave to SE 23rd Dr; install sidewalks along the west side and a shared use path along the site side (work done by developer/city)
- SE Fleet Extension – Extend SE Fleet Ave to SE 23rd Dr while also connecting to stub streets east of Hwy 101; install sidewalks along the west side and a shared use path along the east side (work done by developer/city)
- SE 27th St Extension – Extend SE 27th St east to the proposed SE Lee/Fleet Ave extension, and upgrade existing facility; improvement includes sidewalks (work to be done by developer)
- SE 28th St Realignment – Realign SE 28th St to the intersection of Hwy 101 and SW 29th St, extend SE 28th ST east to the proposed SE Lee/Fleet Ave extension, and upgrade existing facility;

install sidewalks along the north side and a shared use path along the south side (work to be done by developer)

- SW 30th Extension – Extend SW 30th St from SW Coast Ave to Hwy 101 at SE 31st St; improvement includes sidewalks (work to be done by developer)

Streets built within the future development must extend to the edges of the site for future connection as determined by city requirements. Future development must also meet all access requirements for emergency services. The request is immaterial to the requirements, since the site is undeveloped and any development is going to require the same whether the development takes place in the R-1-7.5 zone or the R-M zone. The maximum capacity in the R-M zone is only 14 more units than that in the R-1-7.5 zone, and the addition of 14 units will have little to no impact on transportation. The transportation goal is met.

10. Energy Goal

“To conserve energy.”

Future development of the site must meet all current codes, including building and energy codes. The proposed changes will not impact the requirements to meet current building and energy codes, nor are any changes to the building and energy codes being requested as part of the proposal. This goal is met or is not applicable.

11. Overall Environmental Goal

“To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city.”

The site has mapped significant wetlands. LCMC Chapter 17.46 outlines the requirements for preserving significant wetlands. The requirements for preservation of or development around natural resources are the same regardless of the map designation or zone classification. The requested map amendment and zone change in and of themselves have no impact on the natural resources present on the site. Future development must adhere to the zoning code requirements, including LCMC Chapter 17.46, regardless of the type of development. The proposal does not include a request to change the adopted significant natural resources maps or amend the area mapped as significant natural resource. This goal is either satisfied or not applicable.

12. Shoreland, Beaches, Dunes, Estuary, and Ocean Resources Goal

“To conserve, protect, and enhance the coastal resources of the city.”

The site does not contain any shoreland, beaches, dunes, estuaries, or ocean resources and is more than a mile from the Pacific Ocean. The map amendment and zone change of a site that is more than a mile from the ocean, and doesn't contain any shoreland, beaches, dunes, or estuaries, will not have any impact on the city's coastal resources; therefore, the proposed request is consistent with this goal or this goal is not applicable.

B. Statewide Planning Goals

Goal 1 – “Citizen Involvement” “To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.”

The application for amending the comprehensive plan map and changing the zoning was available at no cost on the City's website and also available for public review and purchase at the Planning and Community Development counter in City Hall. Staff was available in person and by phone or email to explain the proposal and technical information. The city advertised public hearings on the proposed

comprehensive plan map amendment and zone change in the local newspaper in accordance with notice requirements. The city mailed notice of the public hearings to required property owners in accordance with state and city notice requirements. The Planning Commission and the City Council each held a public hearing at which citizens were invited to participate. The findings concerning the Comprehensive Plan Citizen Involvement Program are incorporated herein by this reference. Accordingly, the proposed map amendment and zone change are consistent with Goal 1.

Goal 2 – “Land Use Planning” *“To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.”*

The City Council adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearings and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revision of the plan and implementing ordinances. The Planning Commission and City Council considered the request in accordance with the process and based on the criteria provided in the municipal code; therefore, the request is consistent with Goal 2 or Goal 2 does not apply.

Goal 3 – “Agricultural Lands” *“To preserve and maintain agricultural lands.”*

The area affected by the proposed map amendment and zone change is within the City’s Urban Growth Boundary. The area is currently designated and zoned for urban development and will remain as such, regardless of the request. There is no agricultural land in Lincoln City. The request does not affect agricultural lands. Goal 3 is not applicable.

Goal 4 – “Forest Lands” *“To conserve forest lands by maintaining the forest land base and to protect the state’s forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.”*

The area affected by the proposed map amendment and zone change is within the City’s Urban Growth Boundary. The area is currently designated and zoned for urban development and will remain as such, regardless of this request. There is no forest land in Lincoln City, nor does the affected area include any designated forest lands. Goal 4 is not applicable.

Goal 5 – “Open Spaces, Scenic and Historic Areas and Natural Resources” *“To protect natural resources and conserve scenic and historic areas and open spaces.”*

The site does not contain any designated open spaces or scenic and historic areas. No changes to any properties on the National Register of Historic Places are proposed. The site does contain natural resources in the form of significant wetlands. However, the requested changes have no immediate effect on the site’s significant wetlands or any other natural resource. Environmental protections that are in place in the City’s code and development standards are unchanged by the map amendment and zone change and must be adhered to at the time the property develops. Adherence to these protections is required regardless of the map designation or zone classification. The findings concerning the City’s Comprehensive Plan Overall Environmental Goal as well as the Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal are incorporated herein by this reference. The request is consistent with Goal 5.

Goal 6 – “Air, Water and Land Resources Quality” *“To maintain and improve the quality of the air, water and land resources of the state.”*

The map amendment and zone change will not adversely affect the quality of the air, water, or land resources of the state. Development in either the current R-1-7.5 or the proposed R-M zone requires the availability of the full complement of public facilities and services. Environmental protections that are in place in the City’s code and development standards are unchanged by the map amendment and zone change and must be adhered to at the time the property develops. Adherence to these protections is required regardless of the map designation or zone classification, and no modifications to the protections are being requested. The findings concerning the City’s Comprehensive Plan Overall Environmental Goal are incorporated herein by this reference. The proposed request is consistent with Goal 6.

Goal 7 – “Areas Subject to Natural Disasters and Hazards” *“To protect people and property from natural hazards.”*

The City’s maps show the site does not contain any natural disasters and hazards areas. The request does not propose development within any natural hazard area. The existing ordinances and code requirements pertaining to natural hazards will continue to apply to all properties that might be affected by natural hazards. Required natural hazard protections are unchanged by this request, and no modifications to the protections are being requested. The findings concerning the City’s Comprehensive Plan Natural Hazard goal are incorporated herein by this reference. The proposal is consistent with Goal 7.

Goal 8 – “Recreational Needs” *“To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts.”*

Per the Parks Master Plan, the site does not have any areas designated for the siting of necessary recreational facilities. Development standards in the R-M zone for multi-unit dwellings require usable open space for either passive or active recreation. The R-1-7.5 zone does not have these requirements. The zone change, then, provides the requirement for development of usable open space that is not required in the current zone. The proposal is consistent with Goal 8.

Goal 9 – “Economic Development” *“To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”*

The area affected by the proposed rezoning is within the City’s Urban Growth Boundary and currently designated and zoned for residential development. The affected area does not contain any economic development, commercial, or industrial lands. Goal 9 is not applicable.

Goal 10 – “Housing” *“To provide for the housing needs of citizens of the state.”*

The request is to change the plan map from one residential district to another and the zone from one residential zone to another residential zone. Both zones allow housing as permitted uses, with each zone allowing different types of housing. The request would convert the 30.3-acre site from Single-Unit Residential R-1-7.5 to Multiple-Unit Residential R-M. As stated previously, housing is an outright permitted use in both zones. The housing options are different in the two zones with the R-1-7.5 zone allowing detached single-unit dwellings, attached single-unit dwellings, duplexes, cottage housing developments, manufactured homes, residential homes, four-flat dwellings, and accessory dwelling units. The R-M zone allows attached single-unit dwellings, cottage housing developments, duplexes, multi-unit dwellings, residential homes, and tiny house developments. Both zones, then, provide for the housing needs of the citizens of Lincoln City, just with different options.

Based on the requirements of the R-1-7.5 zone and deducting 30% from the gross acreage for significant wetland preservation and infrastructure, the property could support the following: (these are approximate numbers)

123 detached single-unit dwellings	(246 units – house plus accessory dwelling unit)
369 attached single-unit dwellings	(369 units)
123 duplexes	(246 units)
557 cottage houses	(557 units)
123 manufactured homes	(123 units)
123 residential homes	(123 units)
263 four-flat dwellings	(1,052 units)

Based on the requirements of the R-M zone and deducting 30% from the gross acreage for significant wetland preservation and infrastructure development, the property could support the following: (these are approximate numbers)

369 attached single-unit dwellings	(369 units)
557 cottage houses	(557 units)
367 duplexes	(734 units)
1,066 multi-unit dwellings	(1,066 units)
123 residential homes	(123 units)
600 tiny houses	(600 units)

At maximum capacity, the R-M zone will provide 14 more units than the R-1-7.5 zone. Additionally, multi-unit dwellings and tiny houses (which are allowed in the R-M zone but not in the R-1-7.5 zone) can be less expensive to construct, which allows for more affordable housing for the citizens of Lincoln City. Accordingly, the request is consistent with the housing goal.

Goal 11 – “Public Facilities and Services” *“To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”*

Public services and utilities are available in the area of the map amendment and zone change. The available public services and utilities are as follows:

- Power – Pacific Power provides electric power to adjacent development. When the site develops, underground power lines will be installed to service the future use.
- Water – Lincoln City provide water to adjacent development. There is a pressurized water main line in SE 31st St. When the site develops, the main line will be extended and service lines will be installed to service the future use.
- Sewer – Lincoln City provides sanitary sewer service to adjacent development. There is a gravity main line in SE 31st St. When the site develops, the main line will be extended and service lines will be installed to service the future use. If necessary, a pump station will be installed as part of future development.

- Various providers provide land line and cellular telephone service. When the site develops, service lines will be installed to service the future use.

The proposed changes will have no impact to the existing public facilities and services and will have no direct impact to the extension of existing public facilities and services to the site. At the time of development, the extensions of services takes place whether the site is zoned R-1-7.5 or R-M. Both zones are residential and the same public facilities and services are needed for either R-1-7.5 or R-M. Goal 11 is met.

Goal 12 – “Transportation” “To provide and encourage a safe, convenient and economic transportation system.”

The site has access from the terminus of SE 31st St. Development will require adherence to the 2015 Lincoln City Transportation System Plan and Lincoln City Municipal Code (LCMC). LCMC 16.16.010 states: “The following improvements shall be installed at the expense of the subdivider or partitioner in accordance with the city requirements: streets, including drainage adequate to serve the property and streets; sanitary sewers and services; water distribution lines and services; sidewalks in any pedestrian ways; street name signs and street light poles; sot, street and perimeter monumentation; underground power lines; underground telephone lines; bicycle, equestrian or special “ways”; underground cable TV lines.” “All improvements shall be constructed to the subdivision or partition boundary.” “Where dedicated or undedicated open space is proposed or provided, it shall be the subdivider’s or partitioner’s responsibility to provide, if required, standard public improvements to and through the open space.”

LCMC 16.16.020 states: “The developer shall be responsible for improving all streets, including alleys, within the subdivision or partition, and streets adjacent, but only partially within the subdivision or partition, and streets adjacent to a subdivision or partition, whether included or excluded from the subdivision or partition.” “Construction of all streets and alleys shall be to city section standards for permanent street and alley construction, pursuant to requirements set forth in the city transportation system plan and public works/engineering standards.”

The surrounding area of the site has requirements from the 2015 Lincoln City Transportation System Plan, which are listed below. The site may or may not contain any of these; however, nexus and proportionality shall be applied at the time of development to ensure that the development constructs or contributes street improvements in proportion to the development where such improvements are on the site.

- SE Lee Extension – Extend SE Lee Ave to SE 23rd Dr; install sidewalks along the west side and a shared use path along the site side (work done by developer/city)
- SE Fleet Extension – Extend SE Fleet Ave to SE 23rd Dr while also connecting to stub streets east of Hwy 101; install sidewalks along the west side and a shared use path along the east side (work done by developer/city)
- SE 27th St Extension – Extend SE 27th St east to the proposed SE Lee/Fleet Ave extension, and upgrade existing facility; improvement includes sidewalks (work to be done by developer)
- SE 28th St Realignment – Realign SE 28th St to the intersection of Hwy 101 and SW 29th St, extend SE 28th ST east to the proposed SE Lee/Fleet Ave extension, and upgrade existing facility; install sidewalks along the north side and a shared use path along the south side (work to be done by developer)

- SW 30th Extension – Extend SW 30th St from SW Coast Ave to Hwy 101 at SE 31st St; improvement includes sidewalks (work to be done by developer)

Streets built within the future development must extend to the edges of the site for future connection as determined by city requirements. Future development must also meet all access requirements for emergency services. The request is immaterial to the requirements, since the site is undeveloped and any development is going to require the same whether the development takes place in the R-1-7.5 zone or the R-M zone. The maximum capacity in the R-M zone is only 14 more units than that in the R-1-7.5 zone, and the addition of 14 units will have little to no impact on transportation. The transportation goal is met.

Goal 13 – “Energy Conservation” “To conserve energy.”

Future development of the site must meet all current codes, including building and energy codes. The proposed changes will not impact the requirements to meet current building and energy codes, nor are any changes to the building and energy codes being requested as part of the proposed. The findings concerning the Comprehensive Plan’s Energy goal are incorporated herein by this reference. The request is consistent with Goal 13.

Goal 14 – “Urbanization” “To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

The area affected by the proposed map amendment and zone change is within the urban growth boundary and the city limits and is already designated for urban housing development. The proposal does not alter the urban growth boundary or city limits. The proposal does not alter that the site will be zoned for urban housing development. Rather, the request enhances urbanization by providing proposed amendment and zone change will not change the already-existing urban development or prevent more urban development, so is consistent with this goal. The proposed amendment and zone change are consistent with Goal 14.

Goal 15 – “Willamette Greenway” “*To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*”

The site is not located within the Willamette River Greenway, nor in proximity to the Willamette River Greenway and thus the proposed map amendment and zone change will have no impact to the Willamette Greenway. Goal 15 is not applicable.

Goal 16 – “Estuarine Resources” “*To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon’s estuaries.*”

The proposal does not affect any areas adjacent to the Siletz Bay estuary; therefore, Goal 16 is not applicable.

Goal 17 – “Coastal Shorelands” “*To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and*

property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."

The city's coastal shorelands are not impacted by the proposed request since the site does not contain any coastal shorelands, nor is the site in proximity to any coastal shorelands. The findings concerning the Comprehensive Plan's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 17 is met or not applicable.

Goal 18 – "Beaches and Dunes" *"To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas."*

The proposed changes do not affect any areas located within a beach or active dune area. The findings concerning the Comprehensive Plan's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 18 is met or not applicable.

Goal 19 – "Ocean Resources" *"To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations."*

Since the area of the proposed changes is on the dry land area of the city, the proposal will not affect the near shore, ocean, and continental shelf. The findings concerning the Comprehensive Plan's Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 19 is met or not applicable.

**LINCOLN CITY
PLANNING COMMISSION**

IN THE MATTER OF

CPA ZC 2022-07 Amendment to) Final Recommendation
Comprehensive Plan Map from R-7.5 to R-) No. 2022-16
M and Zone Change from R-1-7.5 to R-M)

NATURE OF THE APPLICATION

CPA ZC 2022-07 amends the Lincoln City Comprehensive Plan Map and the Lincoln City Zoning Map by changing map designation and zoning classification of the site identified as Assessor’s Map 07-11-22-DC-06100-00 and 07-11-22-DD-00200-00. The map designation will change from Medium Density Residential District to High Density Residential District. The zoning classification will change from Single-Unit Residential (R-1-7.5) Zone to Multiple-Unit Residential (R-M) Zone.

TESTIMONY

Planning Commission Chair Kim Blackerby opened the public hearing at 6:02 PM, introduced the application, read the required statements, and explained the order of proceedings for the hearing. No one was excused for conflicts of interest and no challenges were offered. Chair Blackerby and Commissioner Robert Vincent stated that they had each individually visited the neighborhood, but had not talked to anyone. Director Anne Marie Skinner cited the applicable substantive criteria. She noted that the Nelscott Gap Neighborhood Plan was adopted by City Council but is not part of the adopted Comprehensive Plan, and thus is not applicable criteria. Responding to a question from Commissioner Griffiths, Director Skinner stated that the standing of the Nelscott Neighborhood Plan is as a potential source for goals and policies in the Comp Plan update process currently underway.

Director Skinner presented a summary of the staff report. The applicants are Knott Holdings LLC, Schwab Holdings LLC, Andrea and Mark Bowman, and Doris J. Eades Trustee. They are requesting a Comprehensive Plan Map Amendment from R-7.5 to RM and a Zone Change from R-1-7.5 to R-M for two parcels totaling 30.3 acres in the vicinity of SE 31st Street.

Director Skinner stated that comments were received from members of the public via an emailed letter signed by Matt and Val Sakraida, Paul Jenkins, Deb Soper, and Stacy and Wayne Borum. Comments were also received from the Department of Land Conservation and Development, the Oregon Division of State Lands, Oregon Department of Transportation, North Lincoln Fire & Rescue District #1, and Lincoln City Departments of Economic Development and Human Resources. The entirety of these comments was included in the agenda packet.

Director Skinner provided an overview of the findings for each of the applicable goals. In relation to the Housing Goal, Director Skinner identified the housing types allowed in the existing and the proposed zones, and the amount of each housing type the property could support. Responding to a question from Chair Blackerby, Director Skinner clarified that the housing totals were maximums and were not to be added together. Responding to a question from Commissioner Griffiths, Director Skinner provided the definition of a residential home as being a home for five or fewer individuals in a residential treatment or training setting and registered with the state. Director Skinner provided a detailed review of the transportation findings, including the relationship of the development to the recommendations of the 2015 Transportation System Plan, which include the SE Lee Extension, the SE Fleet Extension, the SE 27th St Extension, the SE 28th St Realignment, and the SW 30th Extension.

Responding to a question from Chair Blackerby, Director Skinner clarified that the future developer would be responsible for improving streets within the property, and the improvement of half-streets on those adjacent to property lines. Responding to a question from Commissioner Griffiths, Director Skinner cited that the adopted 2015 Lincoln City Transportation System Plan is the basis of this requirement.

Responding to a question from Commissioner Baker, Director Skinner stated that both the goals and the underlying policies of the Comprehensive Plan were relevant criteria applied to the review. In response to Commissioner Vincent, Director Skinner stated that the Planning Commission could not further restrict the types of housing allowed with the zone change, that types of allowed housing would require a code amendment. Prohibiting VRDs cannot be a condition of approval for a zone change. To Chair Blackerby, Director Skinner clarified the comments provided by Fire Chief Dahlman regarding the eligibility of the site for future fire protection.

Commissioner Griffiths requested clarification regarding the comments from Alison Robertson, Economic Development Director, who was present and able to comment. Director Robertson provided the context of her comments and their relation to the Nelscott Neighborhood Plan. Director Skinner shared details regarding the timeline and the process for agency comments, including the fact that the requests for agency comment were sent immediately after the application was received and deemed complete and prior to the initiation of the staff report. Commissioner Griffiths pointed out the memo from the applicant rebutting the written comments provided by the neighbors, and asked if they had had a chance to respond. Director Skinner responded that they had not.

Lamoine Eiler, an architect representing the applicants, provided an overview of the zone change application, the property, and the general intent of the future development. Applicant Dwight Schwab was also present, and transportation engineer Scott Ferguson participated via phone. Mr. Eiler described site features, such as wetlands and steep slopes, that will significantly reduce the number of units possible. He also shared the preliminary traffic impact study findings.

Commissioner Affuso asked about the mix of housing types the applicants intend to provide, and the size and number of bedrooms being considered. Mr. Eiler responded that the exact mix had not been determined, but that they were considering a range of sizes to reflect the diverse family types of workforce housing. To a question from Commissioner Vincent, Mr. Eiler responded that the development would likely be stick-built structures rather than manufactured. Responding to a question from Commissioner Griffiths, Mr. Eiler stated that the physical constraints that occur throughout the site would pose a challenge to a partial re-zoning as opposed to a zone change for the entire 30 acres. Chair Blackerby asked about the plans to get construction equipment onto the site. Mr. Eiler stated that the applicant would likely be required to contribute towards improvements of SE 33rd St (sic?), and evaluated further under the development review process. Responding to a question from Chair Blackerby, Director Skinner stated that the setbacks in the R-M zone are currently under review and will be proposed for changes in an upcoming code change. Chair Blackerby stated that he is in favor of housing that considers the financial means of the Lincoln City workforce, and asked if there were any local examples of similar housing. He also asked about the potential for VRDs in this area, and the applicant stated that there was no intent to encourage their use as short-term rentals. Commissioner Affuso asked if all of the units would be rental, or if an opportunity might be provided for home ownership. Mr. Eiler stated that would be a consideration in the more detailed site planning phases that follow a zone change. Commissioner Griffiths asked if the applicants had any experience in developing rental workforce housing. Mr. Eiler stated that they would look to add expertise in this area.

In response to a question from Chair Blackerby, Mr. Eiler stated that additional transportation analysis will be conducted during the development review process. This work will determine the actual level of development and the needed transportation improvements required to meet the Lincoln City Transportation System Plan. Responding to a question from Commissioner Griffiths, Mr. Eiler described the possibilities for open space protection and/or enhancement.

Judith Sanders, an adjacent property owner provided a response in opposition. She stated that there is a greater community need for single-family units, as opposed to apartments. She pointed out that there is a need and intention of the Comprehensive Plan to preserve neighborhood character, which is primarily single-family development. She also disagreed that the notification process was effective as she did not receive a notification, likely due to the fact that she is a recent second-home buyer. Regarding transportation, she does not feel that existing roads can accommodate additional traffic, and Highway 101 presents a significant barrier to efficient traffic movement in this neighborhood.

Roger Swanton, a resident of SE 31st Street, provided a packet of information, including photographs of the neighborhood and 31st St. His primary opposition is that the road is not capable of additional traffic, even with improvements. The available right-of-way near his home averages 32 feet, which is considerably less than the right-of-way required for Lincoln City standards.

Commissioner Affuso asked Mr. Swanton if there is a possibility that the road improvements required by the future development could help alleviate the current traffic problems. Commissioner Blackerby asked if the majority of future traffic used SE 32nd instead of SE 31st, would Mr. Swanton be more supportive of the project. Mr. Swanton replied that additional cars would continue to impact SE 31st in either case.

Commissioner Griffiths asked if roadways could be developed within wetlands, or if there were required wetland buffers. Director Skinner stated that some exceptions apply for the construction of public infrastructure. Commissioners Affuso and Baker both pointed out that such details would be addressed within the development review stage of the project, but that the criteria for approval of the zone change were limited to broader issues.

Jennifer Anderson Vickers, a neighborhood resident, supports additional housing but expressed concern about safety, and she wanted the issue of SE 31st Street traffic documented in the planning process.

James Vickers, echoed previous comments about the severe existing traffic issues in their neighborhood, and the lack of adequate street infrastructure to support additional densities.

Sue Pfohl, a resident of this neighborhood since 1977, stated that she has consistently requested that the city provide a secondary outlet to improve traffic and increase safety. She encouraged the city to fix this issue prior to allowing any additional development and increasing traffic.

Lisa Lobello and Kim Hamby, also residents, supported the statements of prior speakers.

Director Skinner shared a comment from Stephanie Reid, Lincoln City Public Works Director, that the City was in the design phase of improvements to the SE 31st St and Highway intersection.

There was no rebuttal from the applicants. There were no requests to leave the record open or continue the public hearing. Commissioner Vincent moved to close the record and the public hearing, seconded by Commissioner Sumner, and approved unanimously by the Planning Commission. The public hearing was closed at 8:05 pm.

Chair Blackerby returned the item to the Planning Commission for deliberation and recommendations.

Commissioner Vincent stated that he felt that the issues identified in the public hearing would be able to be addressed in subsequent planning phases, but that they did not represent adequate basis for denial of the zone change request.

Commissioner Affuso agreed with the residents that the traffic issues were problematic, but that they were not unique to this neighborhood. She did not feel that the traffic issue should preclude the zone change.

Commissioner Baker also agreed that the concerns brought up by the neighbors were valid and that real traffic issues were evident. However, she stated that the applicable criteria for approval of a zone change have been met.

Commissioner Griffiths supported waiting to evaluate the zone change until after the Comprehensive Plan is updated to implement the recommendations of the Nelscott Neighborhood Plan. Commissioner Baker agreed that would have been ideal, but that it simply is not the condition under which this application must be evaluated.

Commissioner Sumner stated that she lives in a similar neighborhood, and that she believes that existing development codes will ensure that the subsequent design phases meet the wider community needs for housing, safety, and connectivity.

Commissioner Schlesinger stated that the traffic issues should be addressed before any additional development is allowed on the east side of Highway 101. Chair Blackerby asked if it was understood that this particular development could be a potential catalyst for the development of strategic transportation improvements needed in southeast Lincoln City, such as the Foothill Parkway. Commissioner Schlesinger disagreed, and restated his initial concerns.

Chair Blackerby urged the developers to consider the resident comments, and to be responsive as they move forward in the planning process.

Commissioner Griffiths commented that it was his opinion that the traffic issues identified were in conflict with the Comprehensive Plan transportation goal "to provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people", and as such he was not in favor of approving the zone change.

Commissioner Baker moved to recommend to the City Council that the Spyglass Ridge zone change be approved, seconded by Commissioner Vincent. The motion passed 5 in favor, 2 opposed (Griffiths and Schlesinger).

FINAL RECOMMENDATION

Based on the evidence presented at the public hearing on August 16, 2022, including the staff report and the findings (attached hereto as Exhibit A), the Planning Commission recommends that the City Council approve the comprehensive plan map amendment and zone change of Assessor's Map 07-11-22-DC-06100-00 and 07-11-22-DD-00200-00 from the Medium Density Residential District and R-1-7.5 zone to the High Density Residential District and the R-M zone.

APPROVED THIS 4th DAY OF OCTOBER, 2022.

Kim Blackerby
Planning Commission Chair

ATTEST:

Anne Marie Skinner
Planning & Community Development Director

Planning Commission Communication

FR 2022-17

Meeting Date: October 4, 2022 Primary Staff Contact: AnneMarie Skinner
Department: Planning Commission E-Mail: ASkinner@lincolncity.org
Secondary Dept: Secondary Contacts:
Approval: Estimated Time:

Question:

Should the Planning Commission adopt FR 2022-17?

Staff Recommendation:

Staff recommends the Planning Commission adopt FR 2022-17.

Potential Motions:

I move to adopt FR 2022-17 for ZOA 2022-09.

Attachments:

FR 2022-17 for ZOA 2022-09 (DOC)

**LINCOLN CITY
PLANNING COMMISSION**

IN THE MATTER OF

Amendments to Title 17, Zoning,) Final Recommendation
revising the definition of tiny house and) 2022-17
changing the review procedure for a time)
extension from Type II and Type III to
Type I

NATURE OF THE APPLICATION

ZOA 2022-09 AMENDS THE LINCOLN CITY MUNICIPAL CODE, TITLE 17 (ZONING), CHAPTERS 17.08.010 (DEFINITIONS), tiny house, chapter 17.18 (VACATION RENTAL ZONE), SECTION 17.18.020 (PERMITTED USES), CHAPTER 17.28 (RECREATION-COMMERCIAL ZONE), SECTION 17.28.020 (PERMITTED USES), CHAPTER 17.32 (GENERAL COMMERCIAL ZONE), SECTION 17.32.020 (PERMITTED USES), AND CHAPTER 17.76 (PROCEDURES), SECTION 17.76.020 (SUMMARY OF PROCEDURE TYPES), SECTION 17.76.140 (EXPIRATION OF DECISION) AND SECTION 17.76.150 (EXTENSION OF DECISION)

FINAL RECOMMENDATION

Based on the evidence presented at the public hearing on August 16, 2022, including the staff report, the Planning Commission recommends on a 7-0 vote that the City Council approve the draft language (Exhibit A Findings follow), with the change to not delete the portion of the current definition of a tiny house that states: “Tiny house” does not mean a trailer, residential trailer, or a recreational vehicle.

No written comments were received. No oral testimony was given.

APPROVED THIS 4th day of October, 2022.

Kim Blackerby
Planning Commission Chair

ATTEST:

Anne Marie Skinner
Planning & Community Development Director

EXHIBIT A – FINDINGS

Findings for Ordinance 2022-??

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. No zoning changes are being made, and no land uses are being removed, so a city-wide notice was not required. No written or oral comments were received.

- A. Statewide Planning Goals
 (1) Goal 1: Citizen Involvement

"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

All documents relating to the proposal (amendment) were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The local newspaper published hearing notices in accordance with notice requirements. The planning commission and city council each held a public hearing at which citizens were invited to participate. Therefore, the amendment is consistent with Goal 1.

- (2) Goal 2: Land Use Planning

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed them on a periodic cycle to take into account changing public policies and circumstances. Citizens and affected governmental units had opportunities for review and comment during preparation, review, and revisions of the plan and implementing ordinances. The City Council considered the proposed amendments to the Lincoln City Zoning Ordinance in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

- (3) Goal 3: Agricultural Lands

"To preserve and maintain agricultural lands."

The area affected by the proposed zoning ordinance amendment is located within the city's urban growth boundary. The city is currently designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendment does not affect agricultural lands. Goal 3 is not applicable.

(4) Goal 4: Forest Lands

"To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."

The area affected by the proposed zoning ordinance amendment is within the city's urban growth boundary. The affected area does not include any designated forest lands; therefore, Goal 4 is not applicable.

(5) Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

"To protect natural resources and conserve scenic and historic areas and open spaces."

The amendment only affects areas intended for urban development. The amendment by itself does not permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. The amendment is consistent with Goal 5.

(6) Goal 6: Air, Water and Land Resources Quality

"To maintain and improve the quality of the air, water and land resources of the state."

The amendment will not adversely affect the quality of the air or water. The amendment by itself does not permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendment is consistent with Goal 6.

(7) Goal 7: Areas Subject to Natural Disasters and Hazards

"To protect people and property from natural hazards."

The amendment by itself does not allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, the amendment is consistent with Goal 7.

(8) Goal 8: Recreational Needs

"To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts."

The proposed ordinance amendment does not relate to recreation as that term is used in this goal and does not adversely affect the provision of or ability to site recreational areas in the city. The amendment is consistent with Goal 8.

(9) Goal 9: Economic Development

"To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."

The proposed ordinance amendment does not directly relate to economic development and does not adversely affect opportunities for a variety of economic activities. The amendment is consistent with Goal 9.

(10) Goal 10: Housing

"To provide for the housing needs of citizens of the state."

The amendment provides additional flexibility to the definition of tiny house to encourage the development of tiny houses, and thus provide housing for Lincoln City residents. The amendment is consistent with Goal 10.

(11) Goal 11: Public Facilities and Services

"To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

The amendment does not relate directly to public facilities and services. Goal 11 is not applicable.

(12) Goal 12: Transportation

"To provide and encourage a safe, convenient and economic transportation system."

The amendment does not relate directly to the development of the city's transportation system. Goal 12 is not applicable.

(13) Goal 13: Energy Conservation

"To conserve energy."

The amendment does not relate directly to energy conservation. Goal 13 is not applicable.

(14) Goal 14: Urbanization

"To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities."

The amendment does not directly relate or pertain to the urbanization of Lincoln City. Accordingly, Goal 14 is met or is not applicable.

(15) Goal 15: Willamette River Greenway

"To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway."

The affected area is not located within the Willamette River Greenway; therefore, Goal 15 is not applicable.

(16) Goal 16: Estuarine Resources

"To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries."

The amendment on its own does not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas is already controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 16.

(17) Goal 17: Coastal Shorelands

"To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands."

The city's coastal shorelands include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 17.

(18) Goal 18: Beaches and Dunes

"To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas."

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendment does not, by itself, allow any development in or near beach and dune areas. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment is consistent with Goal 18.

(19) Goal 19: Ocean Resources

"To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations."

The amendment does not, on its own, affect an ocean resources. Therefore, the amendment is consistent with Goal 19.

B. Comprehensive Plan Goals

(1) Planning Goal

"To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions. Accordingly, the amendment is in conformance with this goal.

(2) Citizen Involvement Goal

"Develop a Citizen Involvement Program which ensures the continued participation of citizens in the land use planning process."

The City has developed a citizen involvement program. In addition, the public hearing process, with notice to the public through publication in the local newspaper and review of the amendment by the Planning Commission (a citizen board) and the City Council (elected citizen representatives) establishes conformance with this goal.

(3) Public Services and Utilities Goal

"To Plan and develop a timely, orderly, and efficient arrangement of public facilities and services, which complement the area and serve as a framework for urban and rural development."

The proposed amendment does not directly relate to public services and utilities. Accordingly, this goal is not applicable.

(4) Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

The amendment does not relate directly to urbanization, so this goal is not applicable.

(5) Natural Hazard Goal

"The City shall control development in hazardous areas to protect life and property from natural disasters and hazards."

The amendment on its own does not allow development in hazardous areas. Development in such areas is controlled by existing comprehensive plan and zoning ordinance standards, as well as building code requirements. The amendment is consistent with this goal.

(6) Housing Goal

"To provide for the housing needs of all citizens."

The amendment provides additional flexibility to the definition of tiny house to encourage the development of tiny houses, and thus provide housing for Lincoln City residents. The amendment is consistent with this goal.

(7) Economy Goal

"To support the tourist industry and achieve a degree of diversity in the community, which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area."

The proposed ordinance amendment does not directly relate to economic development and does not adversely affect opportunities for a variety of economic activities. The amendment does remove impediments and obstructions to redevelopment by reducing design standard requirements, parking requirements, landscaping requirements, and requirements for increasing conformity in certain nonconforming elements for redevelopment. The objective of reducing these requirements is to encourage redevelopment of vacant and/or blighted buildings for active, new businesses. The amendment is consistent with this goal.

(8) Aesthetic Goal

"To develop a livable and pleasing city which enhances man's activities while protecting the exceptional aesthetic quality of the area."

The amendment does not specifically relate to aesthetics. However, by reducing some of the requirements for redevelopment, the goal is to encourage the rehabilitation of vacant and/or blighted buildings and sites that would have otherwise continued to sit vacant. This goal is met or is not applicable.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

The amendment does not directly relate to transportation. This goal is not applicable.

(10) Energy Goal

"To conserve energy."

The amendment does not pertain to energy conservation, so this goal is not applicable.

(11) Overall Environmental Goal

"To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environment of the city."

By itself, the amendment does not allow development in sensitive natural resource areas. The existing ordinances and plan requirements relating to protection the natural environment will continue to apply to all properties with natural resource areas. This amendment will contribute to this goal.

(12) Shoreland, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, to protect, to enhance the coastal resources of the city."

The amendment on its own does not allow development in areas adjacent to the city's designated estuarine resource (i.e. Siletz Bay), in the city's coastal shorelands, beach and dune areas, or in ocean resource areas. The existing ordinances and comprehensive plan standards apply to any areas impacted by this amendment, thereby protecting these resources. The amendment is consistent with this goal.

Planning Commission Communication

ZOA 2022-10 Special Event Accessory

Meeting Date: October 4, 2022 Primary Staff Contact: AnneMarie Skinner
Department: Planning Commission E-Mail: ASkinner@lincolncity.org
Secondary Dept: Secondary Contacts:
Approval: Estimated Time:

Attachments:

ZOA 2022-10 Draft (DOCX)

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ORDINANCE NO. 2022- __
For ZOA 2022-10

**AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE, TITLE 17, (ZONING),
AMENDING**

*Annotated to show deletions and additions to the code sections being modified. Deletions are **bold lined through** and additions are **bold underlined**.*

The City Council finds:

- A. The amendments to the Lincoln City Municipal Code are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A"; and
- B. The amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing, and noticing requirements; and
- C. The City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s) on August 26, 2022; City staff determined the the amendment does not remove uses from any zone and accordingly did not require a city-wide mailing under ORS 227.186(4); and
- D. The Planning Commission, on October 4, 2022, held a public hearing and considered the amendments contained within this ordinance. On October 4, 2022, the Planning Commission voted to transmit the amendments to the City Council with a recommendation that the ordinance be adopted; and
- E. The City Council conducted the public hearing on October 24, 2022, closed the hearing, closed the record, and deliberated on the proposed amendments on October 24, 2022, and provided direction to staff to return with an Ordinance for adoption; and
- F. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendments.

THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:

1
2
3 **SECTION 1.** Chapter 17.08 (*General Provisions*), Section 17.08.010 (*Definitions*) is hereby
4 amended, with the following revised definitions to be deleted, added, inserted into, or
5 amending, the existing alphabetical list of definitions, as follows:
6

7 **“Boutique inn” means a facility that contains 15 or fewer rooms, none with**
8 **individual cooking facilities, which are intended or designed to be used, rented, or**
9 **hired out to temporary occupants where each room contains at least one bed, one**
10 **bathroom, and unique amenities, design choices, distinctive character, or**
11 **intentional design and décor, and the facility includes an on-site management**
12 **office. A boutique inn is not a bed and breakfast accommodation, dwelling, hotel,**
13 **motel, resort, or short-term rental dwelling.**

14
15 **“Hotel” means an establishment that contains rooms or suites of rooms, none with**
16 **individual cooking facilities, which are intended or designed to be used, rented, or**
17 **hired out to temporary occupants and where all lobbies, offices, and internal**
18 **circulation to guest rooms and suites is within and integral to the same enclosed**
19 **building or buildings as the guest rooms or suites. A hotel is not a bed and**
20 **breakfast accommodation, boutique inn, dwelling, motel, resort, or short-term**
21 **rental dwelling.**

22
23 ~~**“Hotel” means a facility offering transient lodging accommodations for**~~
24 ~~**compensation and which may or may not include additional facilities and services,**~~
25 ~~**such as restaurants, meeting rooms, entertainment, personal services, and**~~
26 ~~**recreational facilities, and where no cooking facilities are provided in day lodging**~~
27 ~~**rooms or suites.**~~

28
29 **“Motel” means an establishment that includes an auto court, motor lodge, tourist**
30 **court, or other facility similarly identified, that contains rooms, none with**
31 **individual cooking facilities, which are offered for compensation for**
32 **accommodation of temporary occupants primarily traveling by automobile, and**
33 **where each sleeping room is independently accessible from the outside. A motel is**
34 **not a bed and breakfast accommodation, boutique inn, dwelling, hotel, resort, or**
35 **short-term rental dwelling.**

36
37 ~~**“Motel” means one or more buildings designed or used by temporary occupants.**~~

38
39 **“Resort” means a self-contained establishment, providing for most of a temporary**
40 **occupant’s needs while remaining on the premises (lodging, food, drink, sports,**
41 **entertainment, shopping, etc.) A resort is not a bed and breakfast accommodation,**
42 **boutique inn, dwelling, hotel, motel, or short-term rental dwelling.**

43
44 ~~**“Resort” means a place providing lodging and recreation to vacationers for a fee.**~~

1
2 **“Special event” means any nonexempted event or activity whether conducted on**
3 **public or private property, which places an additional demand on city resources or**
4 **emergency services, including public health and safety. Nonexempted events or**
5 **activities require a special event permit as outlined in Chapter 5.16 LCMC, and are**
6 **defined as follows: (1) an event on public or private property which requires the**
7 **closing of a street or other traffic control; (2) an event which involves the**
8 **authorized sale or consumption of alcohol on public property in the city; (3) an**
9 **event which involves sound amplification on public property in the city; (4)**
10 **commercial activity or use of city property (other than standard concession**
11 **agreements). An event, regardless of the location, conducted by the city of Lincoln**
12 **City, its authorized employees, or contactors, is not a special event.**

13
14 **SECTION 2.** Chapter 17.12 , Section 17.12.030 (*Boundaries of zones*), is hereby amended, as
15 follows:

16
17 **If a zone boundary as shown on the zoning map divides a lot between more than one**
18 **zone, the property owner shall utilize one of the two following options in the**
19 **development of the lot and shall so specify the chosen option on land use and/or permit**
20 **applications:**

- 21 1. **The entire lot shall be deemed to be in the zone in which the greater area of the lot**
22 **lies; or**
23 2. **Each portion of the lot shall be used and developed in accordance with the**
24 **designated zone of that portion of the lot.**

25 ~~**If a zone boundary as shown on the map divides a lot between two zones, the entire lot**~~
26 ~~**shall be deemed to be in the zone in which the greater area of the lot lies.**~~

27
28 **SECTION 3.** Chapter 17.16 (*Single-Unit Residential (R-1) Zone*), Section 17.76.030 (*Accessory*
29 *Uses*), is hereby amended to add a new paragraph H., as follows:

30
31 **H. Special event that is accessory to a conditional use allowed in the zone, provided the**
32 **allowed conditional use has conditional use approval.**

33
34 **SECTION 3.** Chapter 17.17 (*Single-Unit Residential, Roads End (R-1-RE) Zone*), Section 17.17.040
35 *Accessory Uses*), is hereby amended to add a new paragraph H., as follows:

36
37 **H. Special event that is accessory to a conditional use allowed in the zone, provided the**
38 **allowed conditional use has conditional use approval.**

39
40 **SECTION 4.** Chapter 17.18 (*Vacation Rental (VR) Zone*), Section 17.18.030 *Accessory Uses*), is
41 hereby amended to add a new paragraph F., as follows:

1 **F. Special event as accessory to a conditional use allowed in the zone, provided the**
 2 **allowed conditional use has conditional use approval.**

3
 4 **SECTION 5.** Chapter 17.20 (*Multiple-Unit Residential (R-M) Zone*), Section 17.20.030 (*Accessory*
 5 *Uses*), is hereby amended to add a new paragraph I, as follows:
 6

7 **I. Special event as accessory to a conditional use allowed in the zone, provided**
 8 **the allowed conditional use has conditional use approval.**

9
 10 **SECTION 6.** Chapter 17.20 (*Multiple-Unit Residential (R-M) Zone*), Section 17.20.040 (*Conditional*
 11 *Uses*), is hereby amended to add a new paragraph J, as follows:
 12

13 **J. Docks, subject to the provisions of LCMC 17.44.040**

14
 15 **SECTION 7.** Chapter 17.20 (*Multiple-Unit Residential (R-M) Zone*), Section 17.20.050
 16 (*Development Standards*), is hereby amended, as follows:
 17

		Attached single-unit dwellings, residential facilities, and residential homes	Attached single-unit dwellings developments ⁵	Duplexes	Multi-unit dwellings	Conditional uses
5.	Min. building setbacks (except garage/carport entrances) ⁴					
a.	Front porch	5 feet	5 feet	5 feet	0 <u>5</u> feet	5 feet
b.	Front wall	10 <u>5</u> feet	10 <u>5</u> feet	10 <u>5</u> feet	0 <u>5</u> feet	10 feet
c.	Side interior	5 feet, but 0 feet for attached walls	5 feet, except 0 feet for attached walls	5 feet	5 feet	10 feet
d.	Side street	10 <u>0</u> feet	10 <u>0</u> feet	10 <u>0</u> feet	0 feet	10 feet
e.	Rear	10 <u>5</u> feet	10 <u>5</u> feet	10 <u>5</u> feet	15 <u>5</u> feet	15 feet

18
 19 **SECTION 6.** Chapter 17.24 (*Professional Campus (PC) Zone*), Section 17.24.030 (*Accessory uses*),
 20 is hereby amended to add a new paragraph D., as follows:

21 **D. Special event**

22 **SECTION 7.** Chapter 17.28 (*Recreation-Commercial (RC) Zone*), Section 17.28.030 (*Accessory*
 23 *uses*), is hereby amended to add a new paragraph D., as follows:

1 **D. Special event**

2 **SECTION 8.** Chapter 17.32 (*General Commercial (GC) Zone*), Section 17.32.030 (*Accessory uses*),
 3 is hereby amended to add a new paragraph E., as follows:

4 **E. Special event**

5 **SECTION 9.** Chapter 17.34 (*Nelscott Plan (NP) District*), Section 17.34.030 (*Permitted Uses*), is
 6 hereby amended, as follows:

Table 17.34.030-1 – Land Uses Allowed in Nelscott

Uses	Subdistrict		
	Business District	Cottage Residential	Beachside Mixed Use
Accessory structures/ <u>uses</u> (with a permitted use or approved conditional use)	P	P	P
<u>Special event as an accessory use</u>	<u>P</u>	<u>N</u>	<u>P</u>

7

8 **SECTION 10.** Chapter 17.40 (*Recreation-Residential (R-R) Zone*), Section 17.40.030 (*Accessory*
 9 *Uses*), is hereby amended to add a new paragraph F., as follows:

10 **F. Special event as accessory to a conditional use allowed in the zone, provided the**
 11 **allowed conditional use has conditional use approval.**

12 **SECTION 11.** Chapter 17.42 (*Park (P) Zone*), Section 17.40.020 (*Permitted Uses*), is hereby
 13 amended to add a new paragraph O., as follows:

14 **O. Community meeting buildings, fraternal, or social organizations.**

15

16 **SECTION 12.** Chapter 17.45 (*Taft Village Core (TVC) Zone*), Section 17.45.020 (*Permitted Uses*), is
 17 hereby amended, as follows:

18 Table 17.45.020-1 identifies the land uses allowed in TVC. Uses permitted are identified with "P";
 19 those that are allowed subject to conditional use permit approval are identified with "C";
 20 prohibited uses are identified with "N."

Table 17.45.020-1 – Land Uses Allowed in TVC

Uses	Status of Use
L. Other Uses	
<u>17. Accessory uses/structures/special events customarily appurtenant to a permitted or conditional use in the zone</u>	<u>P</u>

- 1
2 **SECTION xx.** Chapter 17.50 (*Oceanlake Plan (OP) District*), Section 17.45.030 (*Permitted Uses*),
3 Table 17.50.030-1 – Land Uses Allowed in Oceanlake, is hereby amended, as follows:

Table 17.50.030-1 – Land Uses Allowed in Oceanlake

Uses Use Categories	Status of Use		
	Main Street Area	Interior Area	Oceanfront Area
Residential Categories			
Household Living			
All residential uses allowed, if:			
Lawfully existing as of July 25, 2007	P	P	P
New dwelling(s) – ground floor	N	P	P
Dwelling(s) above a ground floor commercial use	P	P	P
Four-flat dwellings, subject to the provisions of LCMC 17.80.140	P	P	P
Manufactured homes, subject to the provisions of LCMC 17.52.250			P
Commercial Categories			
Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar uses/facilities)			
Lawfully existing as of July 25, 2007	P	N	N
New or expanded use	N	N	N
Bed and breakfast accommodations, subject to the provisions of LCMC 17.80.060	P	P	P
<u>Eating and drinking establishments</u>	<u>P</u>	<u>P</u>	<u>P</u>
Educational services, not a school (e.g., tutoring or similar services)	P	P	P
Entertainment, major event	C	C	C
Overnight accommodations, except bed and breakfast inns	C	C	P
Offices	P	P	P
Outdoor recreation, commercial	C	C	C
Surface parking lot except for public facilities and parking as an accessory use	N	C	N
Vehicle servicing or vehicle repair	N	N	N
Retail sales and service, excluding drive-up	P	P	P
Retail marijuana facility, subject to the provisions of LCMC 17.80.130	P	N	N
Self-service storage	N	N	N
Vacation rental dwelling, subject to the provisions of LCMC 17.80.050 and to the license requirements of Chapter 5.14 LCMC	P	P	P

Table 17.50.030-1 – Land Uses Allowed in Oceanlake

Uses	Status of Use		
	Main Street Area	Interior Area	Oceanfront Area
Mobile food units and mobile food unit pods, subject to the provisions of LCMC 17.80.170	P	P	P
Industrial Categories			
Industrial service, excluding drive-up			
Fully enclosed (e.g., office)	C	C	N
Not enclosed	N	N	N
Manufacturing and production in conjunction with an allowed commercial use			
Fully enclosed	C	C	C
Not enclosed	N	N	N
Warehouse and freight movement	N	N	N
Waste-related, except as accessory to a primary permitted use	N	N	N
Wholesale sales			
Fully enclosed	C	C	N
Not enclosed	N	N	N
Institutional Categories			
Basic utilities	P	P	P
Colleges	C	N	N
Community service, including government use (public or nonprofit)	P	C	C
Day care, adult or child day care; does not include family day care (16 or fewer children) under ORS 657A.440	C	P	C
Parks and open space			
Pedestrian amenities	P	P	P
Parks and recreation facilities	P	P	P
Other open space	P	P	P
Places of worship ¹			
Lawfully existing as of July 25, 2007	P	P	P
New	C	C	C
Schools	C	C	C
Other Categories			
Accessory structures <u>or uses</u> (with a permitted use <u>or approved conditional use</u>);	P	P	P
Radio and television transmitter or tower	C	C	C

Table 17.50.030-1 – Land Uses Allowed in Oceanlake

Uses Use Categories	Status of Use		
	Main Street Area	Interior Area	Oceanfront Area
<u>Special event as accessory to a permitted use or approved conditional use in the zone</u>	<u>P</u>	<u>P</u>	<u>P</u>
Wireless communications facilities	N	N	N
Essential emergency communications, early warning and associated emergency facilities	P	P	P
Community gardens and market gardens not larger than 12,500 square feet, subject to the provisions of LCMC 17.80.080	P	P	P
Animals and gardens, subject to the provisions of LCMC 17.80.080	P	P	P
Accessory dwelling units, subject to the provisions of LCMC 17.80.110	P	P	P
Transportation uses	P	P	P

1
2 **SECTION XX.** Chapter 17.56 (*Off-street parking and loading*), Section 17.56.070 (*Development*
3 *and maintenance standards for off-street parking for detached single-unit dwellings, attached*
4 *single-unit dwellings, and duplexes*)), is hereby amended, as follows:

5
6 A. Location.

7 1. **Required off-street parking areas** shall be located on the same lot or parcel as the
8 detached single-unit dwelling, attached single-unit dwelling, or duplex.

9 2. Boats, trailers, recreational vehicles, campers, and house trailers shall not be allowed within
10 the required **minimum** front setback area.

11 B. **Off-street** Parking Space Sizes and Driveway Approaches.

12 1. Standard **off-street parking** spaces are sized at nine feet wide by 20 feet long. **At least one**
13 **of the required off-street parking spaces shall be sized as a standard off-street parking**
14 **space.**

15 2. Compact **off-street parking** spaces are sized at eight feet wide by 16 feet long. **Up to 50**
16 **percent of the required number of off-street parking spaces may be sized as compact**
17 **spaces.**

18 3. The number, placement, width, and spacing of driveway approaches shall be determined by
19 the city engineer.

20 C. Surfacing.

21 1. Materials. Driveways shall have permanent, dust-free surfaces and shall be constructed to
22 support use by solid waste collection vehicles and firefighting apparatus. Surfaces shall consist
23 of one or more of the following materials:

24 a. Concrete or asphalt;

25 b. Block pavers of concrete, stone, brick, or similar material. This surface is considered
26 impervious unless, through consultation with the city engineer, the spacing and installation are
27 determined to be sufficient to count as an allowable pervious surface;

- 1 c. Pervious concrete or asphalt; or
 2 d. Other materials, as approved by the city engineer.
- 3 ~~2. Maximum Impervious Surface for Driveways, Parking Spaces, and Parking Areas.~~
 4 a. ~~The maximum total combined impervious surface width for all driveways, parking spaces, and~~
 5 ~~parking areas on the site shall be one-half foot in width per one lineal foot of street frontage,~~
 6 ~~regardless of the number of individual driveways, parking spaces, or parking areas on the site.~~
 7 ~~Additionally, the following shall apply:~~
 8 i. ~~The minimum width of a driveway, parking space, or parking area shall be nine feet, regardless~~
 9 ~~of the type of surface.~~
 10 ii. ~~The maximum impervious surface width per individual driveway, parking space, or parking~~
 11 ~~area shall be 36 feet, regardless of the amount of street frontage.~~
 12 iii. ~~In instances where the lot or parcel has less than 50 lineal feet of street frontage, the~~
 13 ~~maximum width of impervious surface for a driveway, parking space, or parking area shall be 25~~
 14 ~~feet.~~
 15 iv. ~~Lots or parcels having more than one street frontage shall only count the lineal street~~
 16 ~~frontage of one frontage, using the longest street frontage for the calculation.~~

17 **D. Installation ~~and Maintenance.~~**

18 1. Materials shall be installed ~~and maintained~~ adequately for all-weather use, including proper
 19 drainage, so as to avoid flow of water across sidewalks and any property line. **Drainage shall be**
 20 **designed and installed in accordance with city standards and as approved by the city**
 21 **engineer.**

22 2. All pervious surfaces shall be designed ~~and installed, installed, and maintained~~ to ensure
 23 proper storm water infiltration, **in accordance with city standards and as approved by the**
 24 **city engineer.**

25 **E. Maintenance.**

26 **1. Off-street parking, driveways, and driveway approaches, and their accompanying**
 27 **drainage and storm water infiltration systems, shall be maintained for all-weather use so**
 28 **as to avoid flow of water across right-of-way, sidewalks, and any property line.**

32 **SECTION xx.** Chapter 17.56 (*Off-street parking and loading*), Section 17.56.080 (*Development*
 33 *and maintenance standards for off-street parking and loading areas for all uses other than*
 34 *detached single-unit dwellings, attached single-unit dwellings, and duplexes*), paragraph A is
 35 hereby amended, as follows:

36 A. Location.

- 37 1. Off-street parking and loading ~~spaces~~ **areas** shall be located on the same lot or parcel as
 38 the use or on a separate lot or parcel not farther than 1,000 feet from the building or use
 39 they are intended to serve, measured in a straight line from nearest property corner to
 40 nearest property corner.
 41 2. Area **or spaces** in a public right-of-way or an alley shall not be eligible as fulfilling any
 42 part of the off-street parking or loading **space** requirements.

1 3. Off-street parking and loading spaces shall be located above, beneath, to the rear, or to the
2 side of buildings.

3 ~~4. Parking and loading spaces must be outside of required building setback areas.~~

4 ~~5. 4. Off-street p~~Parking and loading spaces must be at least 4 feet from public right-of-way,
5 and the space between the public right-of-way and the parking and loading spaces must be
6 landscaped according to the standards in Chapter 17.55 LCMC.

7 ~~6. 5.~~In no case shall any parking area or parking or loading space be located between the front
8 of the building and the front property line.

9 ~~E. Maximum Impervious Surface. For development other than mixed-use or multi-unit~~
10 ~~residential, all parking spaces, parking areas, and loading spaces in excess of the minimum~~
11 ~~required amount shall be surfaced with pervious materials as approved by the city~~
12 ~~engineer.~~

13 ~~1. Except that, since commercial uses and commercial buildings in the business~~
14 ~~districts (pearls) do not have an off-street parking space requirement, if off-street parking~~
15 ~~is provided anyway as part of the development, the number of spaces provided in excess~~
16 ~~of what would have been required for the same use if it was not located in a business~~
17 ~~district (pearls) shall be surfaced with pervious materials as approved by the city engineer.~~

18 H. Landscaping.

19 ~~1. In all instances except the following when occurring on individual lots –~~
20 ~~detached single-unit dwellings, attached single-unit dwellings, manufactured homes, and~~
21 ~~duplexes – and except in the R-1-5, R-1-7.5, R-1-10, R-1-RE, and VR zones, parking areas~~
22 ~~shall include landscaping to cover not less than 10 percent of the area devoted to parking~~
23 ~~spaces and areas, which area is computed as a part of the required landscaping of the~~
24 ~~total gross area pursuant to Chapter 17.55 LCMC.~~

25

26 ~~2.1.~~ Surface parking lots must have perimeter buffer strip landscaping of not less than
27 four feet in depth (see Figure 17.56.080-1) landscaped in accordance with Chapter 17.55
28 LCMC.

29 **SECTION XX.** Chapter 17.74 (*Design Standards*), Section 17.74.080 (*Pedestrian spaces*)

30

31 **17.74.080 Pedestrian spaces.**

32 B. Standards.

33 7. Pedestrian Amenities Required. Required pedestrian spaces must contain **one or more**
34 pedestrian **amenity amenities** within the designated pedestrian space **as follows: in an**
35 **amount equal to or greater than one-half of one percent of the estimated project**
36 **construction cost. Cost estimates for pedestrian amenity improvements must be prepared**
37 **by a licensed architect, landscape architect, or other qualified professional, and shall be**

1 ~~subject to review and approval by the review authority. Features that count toward~~
 2 ~~fulfilling the one-half of one percent amenity requirement include:~~

3 a. Tables, chairs, benches;

4 b. Water features;

5 c. Planters;

6 d. Plaza space;

7 e. Extra-wide sidewalk by at least six inches over and above the minimum width requirement;

8 f. Public art;

9 g. Pedestrian-scale lighting at street corners, along pedestrian pathways, or throughout the
 10 pedestrian space;

11 h. Dog stations;

12 i. Drinking fountains; or

13 j. Similar.

14 ~~**8. Edge Treatment. Pedestrian space should have an articulated edge where feasible to**~~
 15 ~~**provide visual interest and additional seating along the edges of the pedestrian space**~~
 16 ~~**where people may linger out of the traffic flow. The articulated edge should be defined**~~
 17 ~~**without impeding traffic flow.**~~

18 17.74.100

19 I. Pedestrian Shelters and Weather Protection.

20 4. Pedestrian shelters must be made of glass, metal, wood, wood composite, or a
 21 combination of these or similar materials. Fabric awnings are not permitted.

22 **SECTION xx.** Chapter 17.77 (*Applications*), Section 17.77.010 (*Adjustment – Design Standard*)
 23

24 A. Procedure.

25 1. Requests for design standard adjustments are only applicable to adjustments from
 26 the standards of Chapter 17.74 LCMC and **must should** be concurrent with the
 27 development review application submittal, **but may be processed with the**
 28 **structure or site development permit application.** Adjustments may not be
 29 requested for any other portion of the code other than the items noted in Chapter
 30 17.74 LCMC as being eligible for adjustment.

31 2. Adjustment requests under this section are processed concurrently with the
 32 development review application using the same procedure type as the development
 33 review application. **Adjustment requests that are submitted as part of the**

1 structure or site development permitting process are processed as a Type II
 2 procedure.

3 **SECTION xx.** Chapter 17.77 (*Applications*), Section 17.77.080 (*Director's interpretation*)

4 F. Standards for Assignment of a Use. The assignment of a use to a particular zone, either as
 5 permitted or conditional, by the director shall be based on findings that the proposed use:
 6

- 7 1. Shares common characteristics with other permitted or conditional uses in the zone;
- 8 2. Has intensity, density and off-site impacts similar to other permitted or conditional uses
 9 in the zone; **and**
- 10 ~~3. Has impacts on public facilities, including streets; sewer, water and storm water~~
 11 ~~systems; schools; and police and fire services similar to other permitted or~~
 12 ~~conditional uses in the zone;~~
- 13 **3. Is not specifically prohibited in the zone; and**
- 14 4. **Is not similar to a use that is specifically prohibited in the zone.**

15
 16 **SECTION xx. Findings Adopted.** The findings contained in the Whereas Clauses of this
 17 ordinance, together with the Findings set forth in Exhibit A, as well as the competent substantial
 18 evidence in the whole record of this legislative proceeding are incorporated into this section by
 19 reference as if fully set forth herein, and are adopted in support of this legislative action.
 20

21 **SECTION xx. Severability.** The sections, subsections, paragraphs and clauses of this ordinance
 22 are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the
 23 validity of the remaining sections, subsections, paragraphs and clauses.
 24

25 **SECTION xx. Savings.** Notwithstanding the amendment to this Title, the existing Title remains
 26 valid and in full force and effect for purposes of all criminal, civil or administrative code
 27 enforcement cases or land use actions or applications filed or commenced during the time said
 28 ordinances were operative. Nothing in this Ordinance affects the validity of prosecutions
 29 commenced and continued under the laws in effect at the time the matters were originally filed.
 30

31 **SECTION xx. Ordinance Effective Date.** Pursuant to Chapter IX, Section 9.3, this ordinance
 32 takes effect 30 days after the date of its adoption.
 33

34 **SECTION xx. Codification.** Provisions of this Ordinance shall be incorporated in the City of
 35 Lincoln City Municipal Code and the word "ordinance" may be changed to "code", "article",
 36 "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or
 37 re-lettered, provided that any Whereas clauses and boilerplate provisions (i.e. Sections 2-6) need
 38 not be codified and the City Recorder is authorized to correct any cross-references and any
 39 typographical errors.
 40

1 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX, Section
2 9.2 of the City of Lincoln City Charter on the 24th day of October, 2022 (First and Second
3 Reading).

4
5 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 24th day of
6 October, 2022.

7
8
9

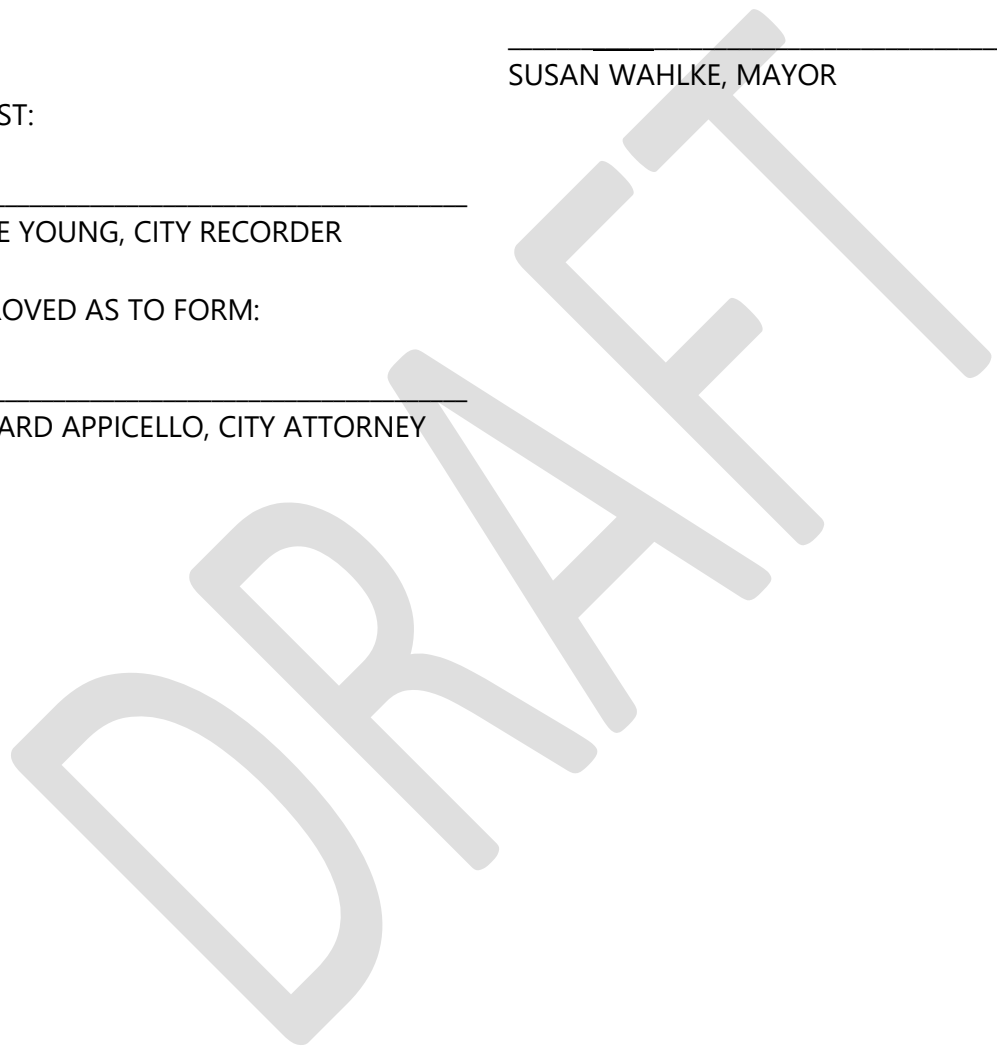
10 _____
11 SUSAN WAHLKE, MAYOR

12 ATTEST:

13
14 _____
15 JAMIE YOUNG, CITY RECORDER

16 APPROVED AS TO FORM:

17
18 _____
19 RICHARD APPICELLO, CITY ATTORNEY
20
21



Planning Commission Communication

Status Update 2043 Comprehensive Plan

Meeting Date: October 4, 2022 Primary Staff Contact: AnneMarie Skinner
Department: Planning Commission E-Mail: ASkinner@lincolncity.org
Secondary Dept: Secondary Contacts:
Approval: Estimated Time:

Additional Public Outreach:

1. Interactive meeting with Parks Board scheduled for the October 2022 meeting
2. Update on responses to questionnaire

Workshops:

1. Encapsulation of Work Session on October 3, 2022
2. Second workshop scheduled for October 17, 2022
3. The workshop scheduled for October 24, 2022 is CANCELED

Planning Commission Communication

DLCD Presentation

Meeting Date: October 4, 2022 Primary Staff Contact: AnneMarie Skinner
Department: Planning Commission E-Mail: ASkinner@lincolncity.org
Secondary Dept: Secondary Contacts:
Approval: Estimated Time:
