

Comprehensive Plan Map Amendment Zone Change Staff Report for Planning Commission Public Hearing Case File CPA ZC 2022-01 Purvine

- Date:** February 22, 2022
- Case File:** CPA ZC 2022-01 Purvine
- Property Owner:** John K. Broomall, Trustee, and Karla J. Broomall, Trustee
PO Box 125
Corbett, OR 97019
- Property Owner:** Gary H. Purvine
PO Box 125
Corbett, OR 97019
- Situs Address:** 3508 NE 40th Ct
- Location:** South side of NE 40th Ct, approximately 120 feet west of NE 40th Ct/NE Johns Ave intersection
- Tax Map and Lot:** 07-11-02-AC-00800-00
- Comprehensive Plan Designation:** High-Density Residential District (R-M)
- Zoning District:** Multiple-Unit Residential (R-M) Zone
- Site Size:** 11,131 square feet
- Proposal:** Comprehensive Plan Map Amendment from High-Density Residential District to Medium-Density Residential District and Zone Change from R-M to R-1-7.5
- Surrounding Land Uses and Zones:** North: Dwellings; R-M
South: Dwellings; Lincoln County’s R-1 (Residential)
East: Dwellings; R-M, Lincoln County’s R-1 (Residential)
West: House and then Devils Lake; R-M
- Authority:** Lincoln City Municipal Code (LCMC) 17.76.050.G states that Table 17.76.020-1 identifies the decision authority for each Type III application. Table 17.76.020-1 of LCMC Chapter 17.76 identifies a comprehensive plan amendment and a zone change as a Type III application with the decision authority given to the City Council after a recommendation from the Planning Commission.
- Procedure:** The Planning and Community Development Department mailed notice to the owners of all properties within 250 feet of the site on February 8, 2022. The *News Guard* published the public hearing notice on February 15, 2022, and February 22, 2022.



**Applicable
Substantive
Criteria:** Oregon Statewide Planning Goals
Lincoln City Comprehensive Plan
LCMC 17.77.050 and 17.77.150

BACKGROUND

The subject property (site) is addressed as 6604 NE Logan Rd and is undeveloped. The site is Lot 2 of Lakeside Heights. Lakeside Heights is an 8-lot subdivision that was recorded on November 15, 1994. Staff's review of the project file for the Lakeside Heights project shows that the lots were developed for the future construction of detached single-family dwellings. Excepting the site and one other lot, the entire subdivision is developed with dwellings. Lots 3, 6, 7, and 8 contain detached single-family dwellings. Lots 1 and 5 each contain a triplex. The area north of Lakeside Heights is undeveloped and is owned by the Confederated Tribe of Siletz Indians of Oregon. To the west of Lakeside Heights is Devils Lake. The area south of Lakeside Heights is in unincorporated Lincoln County and is developed with detached single-family dwellings in Lincoln County's R-1 zone. The area east of Lakeside Heights is also in unincorporated Lincoln County and is developed with detached single-family dwellings in Lincoln County's R-1 zone.

The site does not contain any natural resources overlays, nor is it in the flood hazard area. The site does not contain any bluff erosion hazards, designated trails, or aesthetic resources. The site is served by NE 40th Ct, which is an improved public street.

The property owners wish to have the flexibility of housing options provided by the R-1-7.5 zone (specifically a detached single-family dwelling with an accessory dwelling unit or a four-flat dwelling) rather than the site's current R-M zone (which does not allow the same types of housing as the R-1-7.5 zone), and thus the request for the comprehensive plan map amendment and zone change.

COMMENTS

On February 16, 2022, Christine and Harold Washington provided a letter via email stating that they would welcome a zone change and feel that "a multi-family dwelling would negatively affect the mostly single family dwellings in the neighborhood."

On February 12, 2022, Norman and Barbara LaFaunce provided the following emailed comment: "We have no objection to the rezoning of the property at 3805 NE Court. We are building a house at 3572 NE 38th st. Our daughter, Alexa LaFaunce, lives on the parcel adjoining the lot to be rezoned (to the south) at 3565 NE 38th street [sic]. She also is in favor of the rezoning."

On January 31, 2022, Urban Renewal emailed that they have no comments.

On January 28, 2022, North Lincoln Fire & Rescue emailed that they have no comments.

On January 28, 2022, Oregon Department of State Lands emailed that the site has no mapped statewide wetlands inventory features, to check the Lincoln City local wetlands inventory, and if none then no comment.

On January 28, 2022, Public Works emailed that they have no comments and that city utility service is adequate for either zoning.

On January 27, 2022, North Lincoln Sanitary emailed that they have no comment.

ANALYSIS

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 Land Conservation and Development Commission acknowledged the City of Lincoln City’s Comprehensive Plan and implementing land development regulations, including LCMC Title 17 Zoning, as complying with the Oregon Statewide Planning Goals. Review of the proposed amendment in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions, including the provisions of LCMC Chapter 17.77, establishes conformance with this goal.

The Comprehensive Plan Land Use Planning element identifies zoning as the most common method of land use regulation and control. The plan states:

“Essentially, zoning is a means of ensuring that the land uses of an area are properly situated in relation to one another. It provides adequate amounts of space for each type of development.”

The proposed map amendment and zone change would convert the platted 11,131-square-foot lot from the Multiple-Unit Residential zone to the Single-Family Residential zone. The proposed map amendment and zone change does not introduce a new zone to the area, as the areas to the south and east of the site are all in Lincoln County’s single-family residential zone. Both zones allow housing. Staff finds the proposal is consistent with Goal 1.

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.” The 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, and review of the proposal by the Planning Commission and the City Council, consistent with the Plan, Goal, and Resolution.

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 widely 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. 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 Goal 2.

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 already in place in the area of the proposed map amendment and zone change. Available public services and utilities are as follows:

- a. Pacific Power provides electric power;
- b. The City of Lincoln City provides water service;
- c. The City of Lincoln City provides sanitary sewer service;
- d. Various providers provide land line and cellular telephone service;
- e. Access is from NE 40th Ct, which is an improved public street.

Existing services and utilities generally satisfy Goal 3.

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 the City limits and is already developed as urban. The proposed amendment and zone change will not change the already-existing urban development or prevent more urban development, so is consistent with this goal.

5. Natural Hazard Goal

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

The City’s maps show no identified natural hazards on the site. The proposal is consistent with Goal 5.

6. Housing Goal

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

The request would convert the 11,131-square-foot platted lot from one residential zone (Multiple-Unit Residential R-M) to another residential zone (Single-Family Residential R-1-7.5). In both zones, housing is an outright permitted use. The housing options are different in the two zones with the R-1-7.5 zone allowing single-family dwellings, attached single-family dwellings, duplex dwellings, cottage housing developments, manufactured homes, residential homes, four-flat dwellings, and accessory dwelling units. The R-M zone allows attached single-family dwellings, cottage housing developments, duplex dwellings, 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, the property could support one single-family detached dwelling, an accessory dwelling unit accompanying the single-family detached dwelling, a duplex dwelling, a cottage housing development, a manufactured home, a residential home, or a four-flat dwelling. Based on the requirements of the R-M zone, the property could support two attached dwellings, one duplex dwelling, a cottage housing development, a residential home, a tiny house development consisting of nine tiny houses, a manufactured home, or a four-unit apartment building. Accessory dwelling units are not allowed in the R-M zone because detached single-family dwellings are not allowed, and accessory dwelling units are only permitted as accessory to detached single-family dwellings. Both zones allow a four-unit dwelling, but the R-M zone doesn’t allow a detached single-family dwelling and the R-1-7.5 zone doesn’t allow a tiny house development. Essentially, then, both zones provide for the housing needs of the citizens of Lincoln City with the same number of unit options excepting the inability of constructing a detached single-family dwelling in

the R-1-7.5 zone or a tiny house development in the R-M zone. Staff finds the proposal is consistent with Goal 6.

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 Comprehensive Plan states that the City’s primary industry is tourism and concludes that tourism will continue to function as the City’s basic industry. The request to change from one residential zone to another residential zone has no bearing on the tourist industry. Staff finds this goal is not applicable to the request.

8. Aesthetic Goal

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

Landscaping standards and design standards apply to both the R-M zone and the R-1 zone. The fulfillment of the landscaping and design standards, when the site is developed, will satisfy LCMC Title 17, which also satisfies this goal. The request is consistent with the Aesthetic Goal.

9. Transportation Goal

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

The site is accessed by NE 40th Ct, which is a local public street. NE Johns Ave is to the east of the site, and is also a local public street. Both are improved. NE Johns Ave accesses from NE Neotsu Dr, a paved public street, that directly connects with Hwy 101, which is a principal arterial. This goal is satisfied.

10. Energy Goal

“To conserve energy.”

This lot is close to other destinations and services. New construction must meet all energy and building codes. The goal, therefore, is satisfied.

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 city’s inventory of natural resources, including wetlands, riparian areas, fish and wildlife habitat, and aesthetic and scenic areas show none are on this lot. New construction on this lot will not impact the natural environment of the city. This goal is satisfied.

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 2 miles from the Pacific Ocean. Rezoning of the site 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 counter. Staff was available to explain the proposal and technical information. The City published hearing notices in the local newspaper in accordance with notice requirements and mailed notices to impacted property owners. The findings concerning the Comprehensive Plan Citizen Involvement are incorporated herein by this reference. Staff made its report on the land use proposals available on the City's website in advance of the meeting. The request is 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. Review of this proposed rezoning in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions establishes conformance with this goal.

The proposed rezoning is integrated and consistent with the planning process and policy framework; specifically, the request furthers compliance with existing policies to stabilize and protect the existing (almost completely detached single-family dwellings) residential neighborhood from incompatible uses. Findings concerning the Planning goal for the Lincoln City Comprehensive Plan are incorporated herein by this reference. The request is consistent with Goal 2.

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

The area affected by the proposed rezoning is within the City's Urban Growth Boundary. The area is currently designated and zoned for urban development and will remain as such, any rezoning notwithstanding. The rezoning will not affect agricultural lands; therefore, 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 rezoning is within the City's Urban Growth Boundary and currently zoned and developed for urban development. The affected area does not contain any designated forest lands; therefore, 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 area affected by the proposed rezoning does not include any areas zoned Open Space or Park. The site does not contain any structures, nor is the site listed on the National Register of Historic Places. The findings concerning the Lincoln City Comprehensive Plan’s Overall Environmental goal, as well as the Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal, are incorporated herein by this reference. The proposal 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.”

Current building and public works standards for new development require protection of these resources. Accordingly, when a building permit application is submitted for new construction on the site, the plans will be reviewed for compliance with requirements for maintaining the quality of the air, water, and land resources of the state. City standards for discharges regulate solid waste, thermal, noise, atmospheric or water pollutants, contaminants or products therefrom. The findings concerning the Lincoln City Comprehensive Plan’s 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.”

City maps show no identified hazards on the site. The findings concerning the Lincoln City 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.”

The area affected by the proposed rezoning does not contain any open space or park areas, nor does it contain any areas designated for open space or parks in the City’s master plans. 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 zoned and developed for housing development. The affected area does not contain any economic development lands. The proposed rezoning is consistent with Goal 9.

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

The request would convert the 11,131-square-foot platted lot from one residential zone (Multiple-Unit Residential R-M) to another residential zone (Single-Family Residential R-1-7.5). In both zones, housing is an outright permitted use. The housing options are different in the two zones with the R-1-7.5 zone allowing single-family dwellings, attached single-family dwellings, duplex dwellings, cottage housing developments, manufactured homes, residential homes, four-flat dwellings, and accessory dwelling units. The R-M zone allows attached single-family dwellings, cottage housing developments, duplex dwellings, 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, the property could support one single-family detached dwelling, an accessory dwelling unit accompanying the single-family detached dwelling, a duplex dwelling, a cottage housing development, a manufactured home, a residential home, or a four-flat dwelling. Based on the requirements of the R-M zone, the property could support two attached dwellings, one duplex dwelling, a cottage housing development, a residential home, a tiny house development consisting of nine tiny houses, a manufactured home, or a four-unit apartment building. Accessory dwelling units are not allowed in the R-M zone because detached single-family dwellings are not allowed, and accessory dwelling units are only permitted as accessory to detached single-family dwellings. Both zones allow a four-unit dwelling, but the R-M zone doesn't allow a detached single-family dwelling and the R-1-7.5 zone doesn't allow a tiny house development. Essentially, then, both zones provide for the housing needs of the citizens of Lincoln City with the same number of unit options excepting the inability of constructing a detached single-family dwelling in the R-1-7.5 zone or a tiny house development in the R-M zone. The findings that address the City's Housing goal are incorporated herein by this reference. Staff considers the proposal consistent with Goal 10.

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.”

Utilities and services are available at the site. The findings concerning the City's Public Services and Utilities goal are incorporated herein by this reference. The request is consistent with Goal 11.

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

The site is accessed by NE 40th Ct, which is a local public street. NE Johns Ave is to the east of the site, and is also a local public street. Both are improved. NE Johns Ave accesses from NE Neotsu Dr, a paved public street, that directly connects with Hwy 101, which is a principal arterial. The findings concerning the City's Transportation goal are incorporated herein by this reference. The request is consistent with Goal 12.

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

Any construction on the site must meet the current building and energy codes. The proposed rezoning will not impact the requirements to meet current building and energy codes. The findings concerning the City'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 rezoning is within the City's Urban Growth Boundary and currently zoned for urban housing development. The proposal does not the City's Urban Growth Boundary, nor does it change that the site will be zoned for urban housing development. The findings concerning the City's Land Use goal, Housing goal, and Urbanization goal are incorporated herein by this reference. 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 amendment and zone change will have no impact to the Willamette Greenway. Accordingly, 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 City’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 rezoning does not affect any areas located within a beach or active dune area. The findings concerning the City’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 amendment and zone change 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 City’s Shoreland, Beaches, Dunes, Estuary and Ocean Resources goal are incorporated herein by this reference. Goal 19 is met or not applicable.

Single-Family Residential (R-1-7.5) zone criteria

LCMC Section 17.16.020 lists the type of uses permitted within the zone, including:

- Single-family dwellings
- Attached single-family dwelling, if attached to no more than one other single-family dwelling
- Two-family and duplex dwellings
- Cottage housing developments
- Manufactured homes
- Residential homes
- Four-flat dwellings

LCMC 17.16.030 provides accessory uses of guest houses, home occupations, and accessory dwelling units.

Any new development or construction must meet the requirements of the R-1 zone and other regulations referenced by the zone, including among others, those pertaining to landscaping and off-street parking.

The R-1-7.5 zone has a minimum lot size requirement of 7,500 square feet. The site contains 11,131 square feet. The R-1-7.5 zone has a minimum lot width requirement of 70 feet and a minimum lot depth requirement of 80 feet. The site is 127 feet wide and 101 feet deep. The R-1-7.5 zone has a minimum front, side, street side, and rear setback requirement of 5 feet for single-story structures and 7.5 feet for multi-story structures. Building height may be up to 35 feet. Maximum building coverage is 35% of the site. The site meets the lot size and dimension requirements. Compliance with setback, height, and building coverage requirements is reviewed during the building permitting process.

RECOMMENDATION

Based upon the findings in this report, staff recommends approval of the request.