

# Comprehensive Plan Map Amendment Zone Change Staff Report for Planning Commission Public Hearing Case File CPA ZC 2022-02 Nesika

**Date:** April 11, 2022

**Case File:** CPA ZC 2022-02 Nesika

**Property Owner:** City of Lincoln City  
PO Box 50  
Lincoln City, OR 97367

**Situs Address:** Unaddressed

**Location:** East side of SE Keel Ave, approximately 430 feet south of SE 3<sup>rd</sup> St

**Tax Map and Lot:** 07-11-15-DA-00200-00

**Comprehensive  
Plan Designation:** High-Density Residential District (R-M)

**Zoning District:** Multiple-Unit Residential (R-M) Zone

**Site Size:** Approximately 13,953 square feet

**Proposal:** Comprehensive Plan Map Amendment from High-Density Residential District to Park Zone and Zone Change from Multiple-Unit Residential (R-M) Zone to Park (P) Zone

**Surrounding  
Land Uses  
and Zones:** North: Undeveloped, apartment complex; R-M  
South: Undeveloped; R-M  
East: Nesika Park; PC  
West: SE Keel Ave, then houses; Right-of-way, 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 March 30, 2022. The *News Guard* published the public hearing notice on April 5, 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 unaddressed and is developed as part of Nesika Park. Immediately adjacent to the north of the site is an undeveloped tax lot. To the northwest is a developed apartment complex. The tax lots to the south of the site are all undeveloped. The west boundary of the site is SE Keel Ave, and to the west of SE Keel Ave is a mix of houses and undeveloped lots. To the east of the site is Nesika Park. To the southeast is Lincoln City’s police department facility.

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. The site does contain a designated natural trail, which has been developed as part of Nesika Park. The site itself does not contain any aesthetic resources, but the larger tax lot of Nesika Park is designated as an aesthetic resource in its entirety. The site is served by SE Keel Ave, which is a public street.

The use of the site is Nesika Park, with the developed natural trail, and this zone change will align the use and the zone.

**COMMENTS**

No comments were received.

**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 site from the Multiple-Unit Residential zone to the P zone. The site is developed and in use as a park, and the large area adjacent to the site is in use as the same park. The proposal will align the zone with the existing development and use. 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 SE Keel Ave, which is a 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."*

While the rezone will remove the site from a residential zone and change it to a park zone, the public park will provide recreational opportunity for residents of nearby residential uses within walking distance. While not provide housing per se, the park does provide opportunity for housing's accessory use of recreation that is not otherwise provided on housing sites. The site is developed and in use as a public park and is adjacent to an aesthetic resource, which makes redevelopment of the site into residential use problematic. Staff finds the proposal to be 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 residential to park zone supports the site's developed use as a public park, which is available for use by tourists. Staff finds this goal is either not applicable to the request 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 is developed as Nesika Park and immediately adjacent to the larger area of Nesika Park, which larger area is a designated aesthetic resource. The development of the park has retained the natural setting, including the mature trees and vegetation, thus preserving the aesthetic resource. Even though the site itself is not designated with aesthetic resources, designating the site with the park zone to be consistent with its use as a park will help ensure the preservation of the adjacent aesthetic resource and act as a buffer between the aesthetic resource and SE Keel Ave. 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 SE Keel Ave, which is a local public street. This goal is satisfied.

## **10. Energy Goal**

*"To conserve energy."*

The site is developed and in use as a natural park. No new construction is proposed. Should new construction ever occur, such new construction must meet all energy and building codes. The site is within walking distance of nearby residential dwellings, as well as hotels and motels, which decreases the use of automobiles to access the park and thereby conserves energy. 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. However, the site is immediately adjacent to a large area of aesthetic resources. Preservation of the site for use as a park will assist in the preservation of the adjacent aesthetic resource and will provide a buffer between SE Keel Ave and the designated aesthetic resource. 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 a mile 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 mixed-use neighborhood (Nesika Park, undeveloped land, and residential uses) 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 proposed rezoning will change the site to the Park zone to be consistent with its use and to assist in the preservation of the adjacent aesthetic resource. 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 site is developed and in use as Nesika Park. The zone change will align the use and the zone. Nesika Park is a public park available for residents of and visitors to Lincoln City. 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 in use as a public park. 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.”

While the rezone will remove the site from a residential zone and change it to a park zone, the public park will provide recreational opportunity for residents of nearby residential uses within walking distance. The site is developed and in use as a public park and is adjacent to an aesthetic resource, which makes redevelopment of the site into residential use problematic. Staff finds the request is 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 SE Keel Ave, which is a local public street. The request is consistent with Goal 12.

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

The site is developed and in use as a natural park. No new construction is proposed. Should new construction ever occur, such new construction must meet all energy and building codes. The site is within walking distance of nearby residential dwellings, as well as hotels and motels, which decreases the use of automobiles to access the park and thereby conserves energy. The goal, therefore, is satisfied.

**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 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.

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.