

Comprehensive Plan Map Amendment Zone Change Staff Report for Planning Commission Public Hearing Case File CPA ZC 2022-04 Taft Open Space

Date: April 11, 2022

Case File: CPA ZC 2022-04 Taft Open Space

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

Situs Address: Unaddressed

Location: Northeast corner of SE 52nd St/SE 51st St intersection;

Tax Map and Lot: 07-11-27-DD-04900-00

**Comprehensive
Plan Designation:** General-Commercial District (G-C)

Zoning District: General Commercial (GC) Zone

Site Size: Approximately 31,135 square feet

Proposal: Comprehensive Plan Map Amendment from General-Commercial District to Open Space Zone and Zone Change from General Commercial (GC) Zone to Open Space (OS) Zone

**Surrounding
Land Uses
and Zones:** North: Undeveloped and residential; GC
South: Residential; GC
East: Schooner Creek
West: SE 51st St, undeveloped park; R-1-7.5

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 identified as Tax Map 07-11-27-DD-04900-00. The site is bordered by Schooner Creek to the east and SE 51st St to the west. To the south is unimproved public right-of-way for SE 52nd St followed by residential use. Residential use is to the north.

Most of the site is in the floodway. The entire site is in the AE flood hazard zone. The site does not contain any designated aesthetic resources or significant natural resources. The site contains portions of both distant and local tsunami evacuation zones. As part of the purchase agreement, the city is bound to use the site solely as an open space zone. Below are excerpts from the AGREEMENT FOR SALE OF REAL PROPERTY:

WHEREAS, Seller desires to create an open space adjacent to Schooner Creek in order to foster educational opportunities and continued access to open space on said creek; and

WHEREAS, Purchaser agrees to use property solely as an open space zone, as described in the City of Lincoln City Open Space Zone Ordinance for the benefit of Seller and the Lincoln City Community.

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 General Commercial zone to the Open Space zone to align with the edict in the purchase agreement. The proposal will align the zone with use and zone outlined in the purchase agreement. 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.”

No development will occur in the Open Space zone. Public facility and services will not be necessary for the site to remain in use as open space. This goal is not applicable.

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 the site is largely in the AE flood hazard zone and wholly in either the local or distant tsunami evacuation zone. The proposal will eliminate development of structures on the site, which will encourage development of those sites that are outside of the AE flood hazard zone and the local or distant tsunami evacuation zone. The proposal is consistent with Goal 5.

6. Housing Goal

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

The site is not zoned for residential use in its current General Commercial zone. Additionally, the site is largely in the AE flood hazard zone and wholly in either the local or distant tsunami evacuation zone. Staff finds the proposal to be consistent with Goal 6 or Goal 6 is not applicable.

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. Rezoning the site from a commercial zone to open space precludes development of the site for commercial use. However, a preserved open space that is open to the public is a feature utilized by residents and an added amenity for tourists to increase visitors to the south area of town. 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 does not contain any aesthetic resources, but it is adjacent to Schooner Creek and will be preserved as open space. This preservation will help to protect Schooner Creek and provide a pleasing viewing area of the creek to residents and visitors. 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 51st St, which is a local public street. This goal is satisfied.

10. Energy Goal

“To conserve energy.”

The site will remain undeveloped as open space. No energy will be expended in development or use. The site is within walking distance of businesses, residential uses, and hotels and motels, which decreases the use of automobiles to utilize the open space and thereby conserves energy. The goal, therefore, is satisfied or 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 entire site will be preserved as open space to be able to view the Schooner Creek. 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.

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 proposal will preserve the site as an open space. 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.”

The proposal will preserve the site as an open space, thus preventing development that would harm the air, water, or land resources quality. 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 is largely in the AE flood hazard zone and wholly in either the local or distant tsunami evacuation zone. The proposal will preserve the site as open site, thus encouraging development elsewhere that is outside of the flood hazard and tsunami evacuation zones. 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 will be preserved as open space for the viewing pleasure of residents and visitors as passive recreation. 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 proposed for use as open space. 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. Rezoning the site from a commercial zone to open space precludes development of the site for commercial use. However, a preserved open space that is open to the public is a feature utilized by residents and an added amenity for tourists to increase visitors to the south area of town. Staff finds this goal is either not applicable to the request or is met. The proposed rezoning is consistent with Goal 9.

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

The site is not zoned for residential use in its current General Commercial zone. Additionally, the site is largely in the AE flood hazard zone and wholly in either the local or distant tsunami evacuation zone. Staff finds the request is consistent with Goal 10, or Goal 10 is not applicable.

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 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 51st St, which is a public local street. The request is consistent with Goal 12.

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

The site will remain undeveloped as open space. No energy will be expended in development or use. The site is within walking distance of businesses, residential uses, and hotels and motels, which decreases the use of automobiles to utilize the open space and thereby conserves energy. The goal, therefore, is satisfied or not applicable.

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.