

# Comprehensive Plan Map Amendment Zone Change Staff Report for Planning Commission Public Hearing Case File CPA ZC 2022-05 Palisades Open Space

**Date:** April 11, 2022

**Case File:** CPA ZC 2022-05 Palisades Open Space

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

**Situs Address:** Unaddressed

**Location:** Between The Villages at Cascade Head to east and Lincoln Palisades to west

**Tax Map and Lot:** 06-11-35-CA-00100-00 and 06-11-35-CD-00100-00

**Comprehensive  
Plan Designation:** Medium-Density Residential District (R-7.5)

**Zoning District:** Single-Family Residential (R-1-7.5) Zone

**Site Size:** Approximately 18.64 acres

**Proposal:** Comprehensive Plan Map Amendment from Medium-Density Residential to Open Space Zone and Zone Change from R-1-7.5 to OS

**Surrounding  
Land Uses  
and Zones:** North: Undeveloped and residential; R-1-7.5  
South: Residential; R-1-7.5  
East: The Villages at Cascade Head; R-1-7.5  
West: Lincoln Palisades; 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 06-11-35-CA-00100-00 and 06-11-35-CD-00100-00. The site is bordered by The Villages at Cascade Heads to the east, Lincoln Palisades to the west, undeveloped residential to the north, and Pacific Rim Estates to the south. The site contains significant wetlands running throughout from north to south.

The site was deeded to the city as part of the open space/landscaping requirement for the Lincoln Palisades planned development. Lincoln City Municipal Code requires at least 15% of the gross area of a planned development be dedicated to landscaping. For purposes of computing the area dedicated to landscaping, dedicated open space and protected resource areas are treated as area dedicated to landscaping. Lincoln Palisades deeded the approximately 18-acre site to the city to meet the 15% requirement for all phases of Lincoln Palisades. Accordingly, the site cannot be developed and must be preserved as open space and protected resource area.

**COMMENTS**

No comments

**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 R-1-7.5 zone to the Open Space zone to align with the landscaping requirement for the Lincoln Palisades project. 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 does not contain any natural hazards. Goal 5 is not applicable.

### **6. Housing Goal**

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

The housing needs of the citizens has largely been satisfied through the development of Lincoln Palisades. To develop Lincoln Palisades and meet all of the requirements, including the landscaping requirement, at least 15% of that site had to be dedicated for open space. The site meets that requirement. Changing the zone from residential to open space will align the zone and the code requirement for open space and continue to keep Lincoln Palisades in compliance with its development requirements while still providing housing to the citizens. 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 residential zone to open space precludes development of the site for residential 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 north 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 does contain significant wetlands and will be preserved as open space. This preservation will help to protect the significant wetlands and provide a pleasing viewing area of the significant wetlands 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 open space and will remain undeveloped. Residents and visitors can access the site via NE 51<sup>st</sup> Lp and NE 55<sup>th</sup> Pl, both of which are public local streets. 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 meet code requirements for the Lincoln Palisades residential development. 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 does not contain any natural disaster and hazards areas. 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 residential zone to open space precludes development of the site for residential 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 north 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 housing needs of the citizens has largely been satisfied through the development of Lincoln Palisades. To develop Lincoln Palisades and meet all of the requirements, including the landscaping requirement, at least 15% of that site had to be dedicated for open space. The site meets that requirement. Changing the zone from residential to open space will align the zone and the code requirement for open space and continue to keep Lincoln Palisades in compliance with its development requirements while still providing housing to the citizens. 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.”

The site is open space and will remain undeveloped. Utilities and services are available at the site. The request is consistent with Goal 11, or Goal 11 is not applicable.

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

The site is open space and will remain undeveloped. Residents and visitors can access the site via NE 51<sup>st</sup> Lp and NE 55<sup>th</sup> Pl, both of which are public local streets. 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.