

1 In order to qualify as a substitute or replacement property for the FLWCA
2 restrictions, the property must be residentially zoned and not used for parks and
3 recreation purposes; and

4 The City desires to clarify with this Resolution that most of the Villages of
5 Cascade PUD property is not available for interim recreational use by the public.
6 Much of the property, including high elevation lands adjacent to the Knoll has been
7 officially designated on approved plans for residential development or "Future
8 Development."

9 While the City Council has given explicit direction to staff to initiate changes to
10 the residential development approvals and zoning to move high elevation lands to
11 park and open space uses, that direction is on hold as it is, in part, contingent on the
12 State of Oregon's willingness to transfer FLWCA restrictions which burden the D River
13 State Park to such City-owned residential lands (before they are zoned for Parks and
14 Recreation).

15 Accordingly, in order to fulfill the commitments in the executed ENAs, and in
16 order to facilitate the possible exchange / movement of the FLWCA restrictions on the
17 D River to residentially zoned city property, the City Council hereby specifically
18 delineates those city-owned portions of the Villages properties which may be used
19 for interim public recreation use; all other areas not designated for interim recreation
20 use are **not open to the public**; and.

21 The interim recreation use designation herein is not a zoning designation and
22 does not authorize any physical alteration or development that would be inconsistent
23 with the existing valid residential preliminary development plan, zoning approval and
24 approval conditions; and

25 **NOW THEREFORE, BE IT RESOLVED**, by the City Council of the City of Lincoln
26 City, that pursuant to Lincoln City Municipal Code Chapter 12.16, the City Council
27 designates **only** the specifically delineated areas of city property shown on Exhibit B
28 for Interim Park and Recreation Use. All other areas in the Villages are not open to
29 the public.

30 1. The recitals set forth above are true and correct and are incorporated
31 herein by this reference; and
32

- 1 2. The subject city property is **not** open to the public, with the following
2 exceptions:
- 3
- 4 a. The public may use the Knoll and associated 60 acre Open Space to
5 the northeast, which is zoned for Open Space use and expressly
6 covered by Chapter 12.16; and
- 7 b. The public may use existing trails which are **officially signed** by the
8 City Parks and Recreation Department; however the public must stay
9 within five feet of the center line of the trail. Other areas outside the
10 trail exception are not open to the public, and are designated "No
11 Trespassing".
- 12 c. The public may use the existing platted **public** streets for passive
13 recreation.
- 14 d. Park Use Regulations contained in Chapter 12.16 of the Lincoln City
15 Municipal Code, as it may be amended, apply fully to the excepted
16 areas above.
- 17 e. Criminal Trespass and exclusion provisions of Chapter 12.18 apply to
18 the entire city-owned portion of the Villages at Cascade Head.
- 19
- 20 3. The excepted areas shall be open to public only during daylight hours, or
21 between the hours of 7:00 a.m. and 9:00 p.m., whichever is more restrictive.
- 22
- 23 4. All dogs on the excepted areas of the subject city property shall be on a
24 leash. All dog waste shall be removed from the property by the keeper of
25 the dog.
- 26
- 27 5. Access to the excepted areas of the subject city property is without charge;
28 all persons enter the property at their own risk.
- 29
- 30 6. Signage, Barricades, Gates, Locks or other temporary measures, as deemed
31 necessary or advisable by the City Parks and Recreation Director and
32 Economic Development Director, shall be erected to implement this
33 Resolution.
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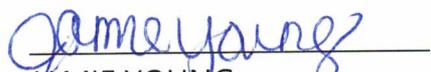
- 7. Violation of the provisions of this Order can be enforced by civil penalties as provided in Chapter 12.16. and 12.18 of the Lincoln City Municipal Code.
- 8. Nothing in this Resolution authorizes public use of privately owned real property within the Villages Planned Development.
- 9. This resolution shall be effective on February 14, 2022.
- 10. This resolution permitting limited interim recreation use will automatically terminate upon the next development approval for the Villages, unless Council elects to extend or terminate the resolution earlier.
- 11. Resolution 2013-20 is hereby repealed.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LINCOLN CITY, THIS 14th DAY OF FEBRUARY 2022.



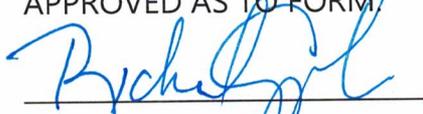
 SUSAN WAHLKE
 MAYOR

ATTEST:



 JAMIE YOUNG
 CITY RECORDER

APPROVED AS TO FORM:



 RICHARD APPICELLO
 CITY ATTORNEY