



MEMORANDUM

To: Anne Marie Skinner

Date: 20 October 2022

From: Lamoine Eiler

Subject: CPA ZC 2022-07 – Applicant’s Responses to Neighbor’s Concerns

The Applicant, Dwight Schwab, is proposing to amend the Comprehensive Plan Map to convert two parcels from Medium-Density Residential District (R-7.5) to High-Density Residential District (R-M) and to rezone the parcels from Single-Unit Residential (R-1-7.5) to Multi-Unit Residential (R-M) zoning. The intent is to provide development options that could support workforce housing.

Both parcels are within the urban growth boundary and the City limits and are zoned for residential uses. Tax Lot 6100, which is 10.3 acres in size, lies directly east of the current terminus of SE 31st Street. Tax Lot 200, which is 20.0 acres in size, lies directly east of Lot 6100. No development has occurred on either of these parcels.

Prior to the Planning Commission hearing, neighbors living near the parcels submitted a letter to the Lincoln City Planning and Community Development office requesting the amendment and rezoning be denied. Within the letter the neighbors outlined their concerns and reasons for denial. The neighbors have recently submitted two new letters to the City make the same request for denial. In some cases the neighbors have reiterated previous concerns and in other cases have added new concerns. Below are the neighbors’ comments (in italics), as they relate to specific issues, and the Applicant’s responses to the issues raised. Note the headings and some of the italicized references are taken from the Nelscott Gap Neighborhood Plan. Also, the local street bisecting the site north to south is referred to as SE Fleet Avenue in the Transportation Systems Plan and SE Foothills Boulevard in the Nelscott Gap Neighborhood Plan.

LIVABILITY AND HOUSING (LH)

Lincoln City’s goal: “To provide for the housing needs of all citizens” is not dependent on the proposed zoning changes. It is not necessary to rezone the two parcels to either High-Density Residential District or Multiple-Unit Residential in order to meet the housing needs of the citizens of Lincoln City. Other areas are more suitable High-Density Residential development.

Response: The Nelscott Gap Neighborhood Plan has designated all of Tax Lot 6100 and at least 25% of Tax Lot 200 as Village Community which supports a variety of housing types, including small apartment buildings. In other words, the Nelscott Gap Neighborhood Plan did assume it was necessary to rezone this site in order to meet the housing needs of Lincoln City. In addition, goals under Livability and Housing include the following:

- LH4: Prioritize and incentivize construction of workforce housing for individuals and families.

Based on the Staff Report, the site could support a similar number of units under the current and proposed zoning; 1,052 units under the existing R-1-7.5 zoning and 1,066 units under the proposed R-M zoning.

Although the potential development density remains generally the same under both zones, the R-M zone allows multi-unit dwellings as a permitted use, unlike the R-1-7.5 zone. This unit type is typically associated with lower construction costs per unit which supports the potential of creating more affordable housing for the Lincoln City workforce. It is the Applicant’s intent to address these housing needs by building a variety of housing types, including multi-unit dwellings tailored for the workforce and people with more modest means.

*In addition, the proposed changes are in conflict with **LH goal 5**: “East of US 101, prohibit vacation rentals or limit them to owner-occupied or to units near where the owner lives, and limit to accessory use.” High density zoning would allow and encourages building of multiple-unit structures more likely used as short term rentals and discourages building of single family homes which are more likely to be available as affordable housing and maintain livability of the neighborhood.*

Response: The Applicant is proposing to rezone the parcels from Single-Unit Residential (R-1-7.5) to Multi-Unit Residential (R-M) zoning. The R-M zone precludes renting a dwelling for more than 30 nights in any calendar year, which makes it economically unfeasible to build apartments solely for use as short-term rentals. The Applicant has no intent of renting any of the apartment units as short-term rentals, instead favoring longer term leases that allow renters to create personal connections with their neighbors and develop a strong sense of community. These apartments will become an integral component within the evolving Nelscott Gap neighborhood, adding diversity to the housing stock and affordable options for the residents of Lincoln City.

Although single family homes are used on occasion to address affordable housing needs, high land and development costs usually preclude their use without significant subsidies of some kind. The current zoning requires a minimum lot size of 7,500 square feet for each home, greatly limiting the number of single-family homes that could be built on this land, which in turn drives the cost per home up. Also, the development cost for roads and other infrastructure are shared by fewer homes, again driving the cost per home up. Very quickly, purchasing a modest home built on one of these lots becomes unaffordable for many people in the workforce, especially given the size of the down payment and mortgage payments that will be required. If the intent is to provide housing for the Lincoln City workforce and those with more modest means, building single family homes is not a viable solution.

RECREATION AND HEALTH (RH)

RH1: To create and maintain open spaces, parks and paths throughout the plan area for residents and visitors.

The Neighborhood Plan includes pathways between the Agnes Creek and Spyglass open spaces. The pathway within The Plan is primarily within the boundaries of Lot #6100. By increasing the density of that parcel the potential to negatively impact the development of that pathway is increased. Rather than adding density, the city should look at increasing the footprint of those connector pathways and consider expanding the Spyglass Ridge open space.

The Recreational Needs Goal listed in the Comprehensive Plan Map Amendment and Zone Change Narrative does not provide any specific analysis how this goal will be meet and is therefore not satisfied.

Response: Based on information contained in the Staff Report, the Parks Master Plan does not designate any areas for necessary recreational facilities on this site. The Report goes on to make the following statements: “Development standards in the R-M zone for multi-unit dwellings require usable open space for either passive or active recreation. The R-1-7.5 zone does not have these requirements. The zone change, then, provides the requirement for development of usable open space that is not required in the current zone.” Although the site could be developed to the same density under the existing or proposed zoning, only the development of multi-unit dwellings permitted under the proposed zoning actual requires the creation of open space.

The Nelscott Gap Neighborhood Plan envisioned placing a variety of uses, including multi-unit dwellings, in close proximity to Baldy Creek, the wetlands, and path. This path runs generally in a north/south direction through Tax Lot 6100, abutting Baldy Creek and wetland areas. Prior to preparing a Master Plan for the phased development of the site, the stream and wetlands will be delineated by qualified professionals. This delineation will define the edges of these features and any required setbacks and additional protections that must be put in place prior to construction of paths, streets, and other types of development in close proximity to these features. Proposed development, whether for a single-family subdivision or a project with multi-family dwellings, will be reviewed by all the appropriate agencies to ensure the natural features are protected and the placement and construction of the path meets the City’s standards. Any potential impacts associated with the increased density will be factored into the review and required mitigations will be included as conditions of approval in the development approval.

The Applicant considers the stream, path, and other open space areas on the site to be valuable amenities that enhance the overall character of the site and help to create a sense of place and connection to the natural environment. When developing the Master Plan for this site the design team will focus on protecting these features, as well as creating smaller open space areas and pocket parks within the site and providing additional connections to both the on-site and off-site open space areas.

Two other goals within this section are also worth discussing. RH2 states the following: “Develop and implement standards for streets that accommodate automobile traffic and parking, as well as safe routes to schools, parks and other amenities for pedestrians and bicyclists of all ages and abilities.” RH3 states the following: “Through shared use paths, sidewalks, bicycle lanes, and north-south routes off US 101, connect Nelscott Gap neighborhoods with safe transportation routes to Taft Elementary and High School and the Oregon Coast Community College campus.” All of the streets within the site will be built to the current City standards which provide for safe routes for automobile traffic, bicyclists, and pedestrians and include parking. The construction of SE Foothills Boulevard (SE Fleet Avenue) within the site, which would include a connection to SE 32nd Street to the south, would provide a direct connection to the schools to the south of the site for automobile traffic, bicyclists, and pedestrians as well as providing access to the signaled intersection at SE 32 Street and US 101.

TRANSPORTATION CHOICE (TC)

The Nelscott Gap Neighborhood Plan addresses the need to create better connections, slow traffic and add parking in neighborhoods.

Increasing housing density beyond what is currently planned will increase the numbers of cars within the area beyond what is currently forecast thereby increasing the negative impacts to the neighborhood.

As noted in the application “primary access to the two parcels would be provided by the extension of SE 31st Street.” SE 31st St. is a local or quieting street and does not have the capability to function as the primary access to the two parcels. The street has poor access exiting onto Hwy 101 S and is already experiencing negative traffic effects from the extant single residential properties. With a higher density zoning, one would expect a greater number of cars and an incremental increase in traffic making things worse. Increased traffic on SE 31st St. will negatively affect safety and livability of the neighborhood.

SE 31st St does not provide adequate access and connectivity to the two parcels. Development east of SE 31st St. is only viable if the proposed SE Foothills Boulevard (connecting SE 32nd Street to SE 23rd Drive) is constructed. Construction of SE Foothills Boulevard and other road connections to the north and south of the parcels are critical to any development of east of Hwy 101 S. Until SE Foothills Boulevard and other connections become a reality, i.e., they are actually constructed and in use, any proposals to change the zoning for Lot 6100 and Lot 200 are premature and should be denied. The Transportation Goal listed in the Comprehensive Plan Map Amendment and Zone Change Narrative is not satisfied.

Response: Current zoning (R-1-7.5) supports the development of 1,052 units on the site and the proposed zoning (R-M) supports the development of 1,066 units on the site. The Nelscott Gap Neighborhood Plan envisions placing a variety of housing types, including cottages, attached single-unit dwelling developments, and multi-unit dwellings, within this site. Both the current zoning, the Nelscott Gap Neighborhood Plan, and the proposed zoning support development on the two parcels that would far exceed what could be achieved by developing the site with 7,500 square foot single family lots. SE Foothill Boulevard is one of the mitigation measures proposed to address traffic impacts associated with development on the site and the Applicant supports the timely construction of the boulevard.

Until such time as the SE Foothill Boulevard connection is made to SE 32nd Street, SE 31st Street will be the primary access to the site. The Traffic Impact Analysis stipulates the between 131 and 277 units could be built on the site before a connection to SE 32nd Street would be required, based on City and ODOT transportation standards. Following the completion of a connection to SE 32nd Street, up to 880 units could be built on the site and still meet City and ODOT levels of service. The timing of the construction of the portion of SE Foothill Boulevard that extends through the site and connects to SE 32nd will be based, in part, on the number of units and mix of housing types that are ultimately proposed for the site, the associated traffic this development will create, and the phasing of development.

Any proposed development on the site will be required to update the traffic analysis to reflect the actual number of units and mix of housing types that are ultimately proposed for the site. Using the traffic impacts associated with the development program, a threshold will be established that will trigger need for additional street connections. This threshold for development would likely be included within the conditions of approval for the proposed development.

Ecology and Natural Resources

(ENR 1 -4) regarding protection of and restoration of natural creeks and drainageways, viewsheds, steep slopes, and wetlands.

*The Baldy Creek basin specifically named in the Nelscott Gap Neighborhood Plan includes multiple small creeks within the parcels in the zoning change application. The plan notes the need to establish a solution for Baldy Creek and the other drainage systems in the area. While the Nelscott Gap Neighborhood Plan has designated a portion of the tax lots in question to be zoned R-M to accommodate future development, converting the entirety of both parcels to high density zoning will add significant negative impacts to these creeks and surrounding areas that are outside the stated policies of The Plan. **ENR4** specifically calls out the desire to: “Improve the ecological condition of Baldy Creek and associated wetlands during development and redevelopment.” High density development of the two parcels will degrade feeder drainages and wetlands and is in direct conflict with this goal.*

Response: The assumption that is being proposed above is that higher density development results in greater environmental degradation. Keep in mind the current zoning would support 1,052 units and the proposed zoning would support 1,066 units. The difference between the two zones is not the potential density, but the type of residential units allowed, with the proposed zoning allowing multi-unit dwellings as a permitted use. In point of fact, any development can result in environmental degradation if a thoughtful approach is not taken in the design and construction of the project and appropriate mitigation measures are not put in place.

In many cases multi-unit dwelling developments reduces environmental impacts. Less land is needed to accommodate the same number of units, thus reducing the need to convert farms and forests to residential uses. Less infrastructure is needed to serve multi-unit dwelling developments, given the smaller site size required to serve the same number of units. This reduction in infrastructure reduces installation costs, both the cost to purchase the materials and put them in place and the embodied environmental costs associated with accessing and processing the raw materials, manufacturing the products, and delivering the products to the site. Reduced infrastructure also results in a reduction in the longer-term maintenance costs of that infrastructure and the embodied environmental costs associated with that maintenance. Multi-unit dwelling developments place a greater number of people in closer proximity to their jobs, service providers, retail, schools, entertainment, and in this case, open space and trails. This proximity increases the possibility of reducing the length of some automobile trips and eliminating some of these trips altogether with bicycling and walking becoming a viable mode of transportation, which also has positive health benefits. Multi-unit dwelling developments also improve the viability of transit, concentrating potential riders in a single location.

The proposed SE Foothills Boulevard, which as noted above is critical to development of the two parcels, also presents problems. The boulevard would pass through extant wetlands and feeder drainages. Construction of the boulevard would increase the number of artificially excavated channels and ditches, which have already dramatically altered and degraded Baldy Creek. The reduction in wetlands and the increase in non-permeable surfaces associated with the boulevard will exacerbate the problem.

To “protect and restore ecological assets” of this area we need a better and more specific understanding of the effects of local development and more broadly the potential effects of climate change. Additional

consideration needs to be given to ways to minimize environmental degradation and protect the wetlands of this area. Higher housing densities translate directly and indirectly to greater environmental degradation.

The Overall Environmental Goal listed in the Comprehensive Plan Map Amendment and Zone Change Narrative fails to adequately address how natural resources, including wetlands will be protected. Stating that “steps will be taken” is not an analysis. This goal is not satisfied.

Response: Both the Nelscott Gap Neighborhood Plan and the Transportation System Plan designate a north/south street east of US 101. This street is referred to as SE Foothills Boulevard in the Nelscott Gap Neighborhood Plan and SE Fleet Street in the Transportation System Plan. Within these documents there are no specific measures or requirements “to adequately address how natural resources, including wetlands will be protected”, even though the street crosses wetlands and will have an impact on natural resources. The Comprehensive Plan, Transportation System Plan, and the Nelscott Gap Neighborhood Plan are broad frameworks for the development of Lincoln City and are not expected to address the high level of detail and analysis associated with a development review for a Master Plan and subsequent construction documents.

There is a process in place that will review all proposed development plans for this site, assess the potential impacts, determine the validity of the proposal, and ascribe mitigations to address potential impacts. With the Applicant, City agencies and the residents of Lincoln City working together, a responsive and resilient Master Plan can be achieved.

A separate letter was submitted by Mr. Jenkins highlighting a number of issues and concerns regarding the degradation of the Baldy Creek watershed. The response is below.

Response: Mr. Jenkins has expressed concerns with the lack of analysis contained in the Comprehensive Plan and the Nelscott Gap Neighborhood Plan with regards to environmental issues and the protection of natural resources. Given these concerns address the content within these documents, not relevant review criteria for a Comprehensive Plan Map amendment and rezoning, these concerns can best be addressed by City staff and elected officials.