

Comprehensive Plan Map Amendment Zone Change Staff Report for City Council Public Hearing Case File CPA ZC 2023-05

Date: May 15, 2023

Case File: CPA ZC 2023-05

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

Situs Address: Unaddressed

Location: Easterly boundary of N Hwy 101, westerly boundary of N Clancy Rd; N Clancy Rd bisects and connects to N Hwy 101 on the easterly boundary

Tax Map and Lot: 06-11-36-BD-00500-00

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

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

Site Size: 11.74 acres

Proposal: Comprehensive Plan Map Amendment to Open Space and Zone Change to Open Space

Surrounding Land Uses and Zones:
North: Undeveloped, wetlands; unincorporated Lincoln County
South: Undeveloped, wetlands; unincorporated Lincoln County
East: Wetlands, N Hwy 101; unincorporated Lincoln County
West: Rural housing, undeveloped, wetlands; unincorporated Lincoln County; 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 500 feet of the site on February 28, 2023. The *News Guard* published the public hearing notice on March 7, 2023. The Oregon Department of Land Conservation and Development was notified on January 30, 2023.



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 06-11-36-BD-00500-00. The site is approximately 11.74 acres in the R-1-7.5 zone. North of the site is undeveloped wetland and riparian area in unincorporated Lincoln County. South of the site is undeveloped area and wetland in unincorporated Lincoln County. East of the site is undeveloped area, wetland, and N Hwy 101, all in unincorporated Lincoln County. The northernmost portion that is west of the site is undeveloped wetland area in the city's R-1-7.5 zone. The remaining area west of the site is developed as rural houses in unincorporated Lincoln County.

Almost the entire site is designated as significant wetland and significant riparian area. Along with the significant wetland and riparian area, the site contains trees, vegetation, and wildlife. N Clancy Rd runs through the significant wetland and significant riparian area.

The public hearing with Planning Commission was held on March 21, 2023. A citizen requested that the record be held open and the hearing continued. The record was held open until 5:00 PM on March 28, 2023. The hearing was continued to the next available hearing on April 18, 2023. Planning Commission verbally recommended approval of the comprehensive plan map amendment and zone change to Open Space on April 18, 2023, after the close of the public hearing and the record. The written recommendation was approved at the Planning Commission meeting on May 16, 2023.

COMMENTS

Comments were received from the Oregon Department of State Lands on January 30, 2023, via email, stating the following: "DSL supports these five proposals of zone change from residential to open space because all of these lots contain significant wetland resources. Retaining the natural surroundings of these wetlands to the extent possible will help to maintain the functions of these wetlands and the values that performing these functions provide to the community surrounding them."

Comments were received from Lincoln City's Parks & Recreation Director on January 30, 2023, via email, stating the following: "Thank you for all of these re-zones."

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 designate the site with the OS zone to align with its use as significant wetland and riparian area, and adjacent to other significant wetland and riparian area. 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 Comprehensive Plan.

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 available to attend remotely via Zoom, 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 is allowed in the open space zone, so public facilities are not necessary. 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, thereby already establishing the site as urban. The proposed amendment and zone change will not move the site out of the urban growth boundary or out of city limits back to rural. The proposal 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 site is largely significant wetland and significant riparian area. Both are precluded from development. 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. The site is open to the public and tourists for viewing the significant wetland, riparian area, and the vegetation and habitat contained therein. 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 significant wetland and significant riparian area. The proposal will align the zone with the use. This will preserve the area in its natural state with the native vegetation, wetland, and habitat, all of which serve to preserve the aesthetic quality of the area. 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 significant wetland and significant riparian area, so it will remain undeveloped. The site does contain N Clancy Rd, which provides access to the adjacent rural residential sites in unincorporated Lincoln County. This goal is satisfied or not applicable.

10. Energy Goal

“To conserve energy.”

The site will remain undeveloped as a significant natural resource. No energy will be expended in development or use. 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 a significant natural resource in its natural state. 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 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, which will also protect the natural resources on the site and conserve the scenic area on the site. 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 a significant natural resources, 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 an undeveloped 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. 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 this 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 significant wetland and significant riparian area, both of which are precluded from development. 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 significant wetland and will remain undeveloped in its natural setting. Utilities and services are not necessary for open space. 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 significant wetland and will remain undeveloped. Residents and visitors can access the site via unimproved N Clancy Rd. 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 thereby already establishing it as urban. The proposed amendment and zone change will not change the already-existing urban designation by removing it from city limits or the urban growth boundary, nor will it prevent more urban development of the surrounding area. 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.