

## **EXHIBIT A – FINDINGS FOR ORDINANCE 2024-01 (ZOA 2024-02)**

### **Procedural Posture:**

The above-referenced proposed ordinance was properly noticed pursuant to ORS 197.610. Notice to DLCD was properly made on February 13, 2024. Notice for the public hearings before the Planning Commission on March 19, 2024, and the City Council on April 8, 2024, was published in the local newspaper on March 6, 2024, and March 13, 2024.

### **Summary:**

**Ordinance 2024-01** proposes amending the Lincoln City Municipal Code, Title 17, Zoning, by amending Chapter 17.52 (Supplementary Regulations and Exceptions), amending Section 17.52.160 (Required Setbacks – Exceptions), and adding a new section 17.52.061 (Maximum Lot Coverage – Exceptions) to add to the types of disabled access facilities allowed to be located in required setbacks, and to exempt them from maximum lot coverage restrictions.

### **Applicable Criteria:**

**LCMC 17.77.130 provides, (emphasis added):**

#### **17.77.130 Text amendment.**

A. Purpose. The text amendment process shall be used for legislative amendments to LCMC Title 16, this title, or the comprehensive plan. Such amendments are necessary to reflect changing community conditions, needs, and desires, to fulfill regional obligations, and to address changes in state law.

B. Procedure. Text amendments are subject to the Type IV procedure, as described in LCMC 17.76.060. However, the director is authorized to make typographical, grammatical and cross-referencing corrections as needed without initiating the text amendment process.

C. Submittal Requirements. Type IV application submittal requirements are set forth in LCMC 17.76.060.

**D. Approval Criteria. In order to approve a text amendment, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:**

**1. The text amendment is consistent with relevant goals and policies of the comprehensive plan and any applicable adopted master plans; and**

**2. The text amendment is consistent with relevant provisions of the statewide planning goals, the Oregon Administrative Rules, and state statutes.**

E. Appeal of a Decision. Refer to LCMC 17.76.180.

F. Expiration of a Decision. Text amendments are not subject to expiration.

G. Extension of a Decision. Text amendments are not subject to extension.

**Staff analysis of Statewide Planning Goals and Comprehensive Plan provisions:**

A. Statewide Planning Goals

**Goal 1: Citizen Involvement**

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

All documents relating to the proposal (amendment) were made available for public review and/or purchase, and were posted on the city's website. Staff was available to interpret and explain the technical information. The local newspaper published hearing notices in accordance with notice requirements. The planning commission and city council each held a public hearing at which citizens were invited to participate.

Therefore, the amendment 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 of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance after public hearing 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 revisions of the plan and implementing ordinances. The City Council considered the proposed amendments Municipal Code in accordance with the process and based on the criteria provided in the Municipal Code. Therefore, the amendment is consistent with Goal 2.

### **Goal 3: Agricultural Lands**

*To preserve and maintain agricultural lands.*

The area affected by the proposed amendment is located within the city's urban growth boundary. The city is currently designated and zoned for urban development. There is no agricultural land in Lincoln City. The amendment does not affect agricultural lands. 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 amendment is within the city's urban growth boundary. The affected area does not include any designated forest lands; therefore, Goal 4 is not applicable.

### **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**

*To protect natural resources and conserve scenic and historic areas and open spaces.*

The amendment only affects areas intended for urban development. The amendment by itself does not permit development in any areas of protected natural resources, scenic or historic areas, or open spaces. The amendment 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 amendment will not adversely affect the quality of the air or water. The amendment by itself does not permit development that might affect water or air quality. The existing ordinances and plan requirements relating to water and air quality will continue to apply to all properties that might be affected. Therefore, the amendment is consistent with Goal 6.

**Goal 7: Areas Subject to Natural Disasters and Hazards**

*To protect people and property from natural hazards.*

The amendment by itself does not allow development within any natural hazard area. The existing ordinances and plan requirements relating to natural hazards will continue to apply to all properties that might be affected by natural hazards. Therefore, the amendment 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 proposed ordinance amendment does not relate to recreation as that term is used in this goal and does not adversely affect the provision of or ability to site recreational areas in the city. The amendment 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 proposed ordinance amendment does not directly relate to economic development as that term is used in this goal and does not adversely affect the provision of or ability to site businesses in the city. The amendment is consistent with Goal 9.

**Goal 10: Housing**

*To provide for the housing needs of citizens of the state.*

The amendment would allow disabled access facilities to be added to existing houses in circumstances where the existing ordinance requirements would prohibit them. This would have the effect of preserving existing housing stock and also allow people to remain in their homes through adding disabled access facilities. The amendment is consistent with Goal 10.

**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 amendment does not relate directly to public facilities and services. Goal 11 is not applicable.

**Goal 12: Transportation**

*To provide and encourage a safe, convenient and economic transportation system.*

The amendment does not relate directly to the development of the city's transportation system. The amendment is consistent with Goal 12.

**Goal 13: Energy Conservation**

*To conserve energy.*

The amendment does not relate directly to energy conservation. Goal 13 is 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 amendment does not directly relate or pertain to the urbanization of Lincoln City. Accordingly, Goal 14 is met or is not applicable.

**Goal 15: Willamette River 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 affected area is not located within the Willamette River Greenway; therefore, 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 amendment on its own does not allow development in areas adjacent to the city's designated estuarine resource (i.e., Siletz Bay). All development in such areas is already

controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 16.

### **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 include all land west of Highway 101, land within 500 feet of the ordinary high-water elevation of Devils Lake and Spring Lake, and land within 1,000 feet of the shoreline mean higher-high-water elevation of Schooner Creek, Drift Creek, and Siletz Bay estuaries. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment, therefore, is consistent with Goal 17.

### **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.*

Lincoln City has a large amount of coastal beach. Inventory maps show active dunes and deflation plains on the Salishan spit, but not within Lincoln City, with the possible exception of a few isolated spots in Cutler City. For Roads End, inventory maps show older, stabilized dunes. The amendment does not, by itself, allow any development in or near beach and dune areas. All development in such areas is controlled by existing ordinances and comprehensive plan standards. The amendment is consistent with Goal 18.

### **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.*

The amendment does not, on its own, affect an ocean resources. Therefore, the amendment is consistent with Goal 19.

## B. Comprehensive Plan Goals

### **Goal 1: Citizen Involvement.**

*Provide opportunities for all Lincoln City residents to learn about and be engaged in all phases of the land use planning process; ensure learning and engagement activities are accessible, equitable, and inclusive.*

The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by residents and affected governmental units during preparation, review, and revision. Review of the proposed amendment was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions. Accordingly, the amendment is in conformance with this goal.

### **Goal 2: Housing.**

*+Ensure Lincoln City residents have affordable housing through community partnerships and progressive planning.*

*+Create and maintain a community that cares about those in need and works together to provide housing and sheltering options for all income levels and ages—especially for our most vulnerable populations.*

*+Enable creative redevelopment and/or rehabilitation of existing residential neighborhoods to make them more sustainable.*

These amendments are directed specifically to address needs of residents to be able to install necessary access facilities at their homes to enable them to remain in their homes even after becoming disabled. This amendment addresses this goal directly and is consistent with it.

### **Goal 3: Transportation.**

*Provide a safe, convenient, efficient, sustainable, and accessible multi-modal transportation system in and throughout Lincoln City to facilitate the movement of goods and people.*

These amendments do not relate directly to the city's transportation system. This goal is not applicable.

### **Goal 4: 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 the city's urban development. Timely, orderly, and efficient refers to systems or plans that coordinate the type, locations, and delivery of*

*public facilities and services in a manner that best supports the existing and proposed land uses.*

These amendments do not relate directly to the city's public facilities and services. This goal is not applicable.

**Goal 5: Parks, Recreation, and Open Space.**

*Provide and maintain a comprehensive system of parks, trails, open space, and recreation amenities that is accessible to residents and visitors of all ages and abilities, enhances the environmental and visual quality of Lincoln City, is dispersed throughout the city, and supports health and wellness.*

These amendments do not relate directly to the city's system of parks, trails, open space, and recreation amenities. This goal is not applicable.

**Goal 6: Economic Development.**

*Support a balanced, diverse, and resilient local economy that reflects the social and environmental values of the Lincoln City community as the city grows to accommodate an urban population. Provide opportunities for a wide variety of economic activities vital to a high quality of life and the health, welfare, prosperity, and well-being of the citizens of Lincoln City.*

These amendments do not relate directly to economic development. This goal is not applicable.

**Goal 7: Natural, Scenic, and Historic Resources.**

*Proactively ensure that land use planning protects and preserves the community's significant natural, scenic, and historic resources in building for the future, addressing the elements of air, water, land, wildlife, and energy.*

These amendments do not relate directly to the city's significant natural, scenic, and historic resources and do not, by themselves, authorize any development in such areas. To the extent that disabled access facilities authorized by these amendments might be near such resources the existing controls found in the zoning ordinances and the building codes will protect and preserve them. This goal is not applicable.

**Goal 8: Coastal Resources.**

*Preserve, protect, and – where appropriate – restore or develop the coastal resources of our community. These resources include shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, and ocean resources. Their value is recognized for water quality,*



*fish and wildlife habitat, water-dependent uses, economic resources, recreation, and aesthetics.*

These amendments do not relate directly to shorelands, beaches, dunes, the Siletz Bay Estuary, rivers, forests, or ocean resources. They do not, by themselves, authorize any development in such areas. This goal is not applicable.

**Goal 9: Community Resiliency.**

*Ensure ongoing community resiliency by fostering a connected community that supports one another during crises and prioritizes access to essential resources. Protect human life, minimize damage to the natural and built environment, facilitate rapid recovery from natural disasters and hazards, and prepare for and mitigate the impacts of climate change.*

These amendments do not relate directly to community resiliency. This goal is not applicable.

**Goal 10: Land Use Planning.**

*Ensure that the rate, amount, type, location, and cost of development will enhance Lincoln City's quality of life by establishing a land use planning process and policy framework as a basis for all zoning and land use decision-making.*

These amendments do not relate directly to the city's land use planning process and policy framework except as demonstrated by the fact that they are going through the process including addressing the state's and city's land use planning policies as demonstrated in this document. The amendments are consistent with this goal.