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ORDINANCE NO. 2017-17

**AN ORDINANCE AMENDING THE LINCOLN CITY MUNICIPAL CODE,
TITLE 17, (ZONING); ADDING CHAPTER 17.17 (SINGLE-FAMILY RESIDENTIAL,
ROADS END (R-1-RE) ZONE; AMENDING CHAPTER 17.12 (ZONING DISTRICTS
ESTABLISHED), SECTION 17.12.010 (CLASSIFICATION OF ZONES); AMENDING
CHAPTER 17.80 (PROVISIONS APPLYING TO SPECIAL USES), SECTION 17.80.050
(VACATION RENTAL DWELLING USE CRITERIA); AMENDING THE COMPREHENSIVE
PLAN LIST OF DEVELOPMENT CATEGORIES**

*Annotated to show deletions and additions to the code sections being modified. Deletions are **~~lined through~~** and additions are **bold underlined**.*

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The City Council finds:

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- A. The amendments to the Lincoln City Municipal Code are in conformance with the Statewide Planning Goals and Lincoln City Comprehensive Plan goals as addressed in attached Exhibit "A".
 - B. The amendments are in conformance with the Zoning Ordinance, including, but not limited to, required initiation, processing and noticing requirements.
 - C. On June 12, 2017, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s); on June 23, 2017 notice of the proposed amendments was included in an ORS 227.186(4) notice to all affected property owners.
 - D. The Planning Commission, on July 18, 2017, held a public hearing and considered the amendments contained within this ordinance. The record was held open until July 25, 2017 for written comments. On August 1, 2017 the Planning Commission deliberated and voted to transmit the amendments to the City Council with a recommendation that the ordinance be adopted, subject to certain changes.
 - E. The City Council held a public hearing on August 14, 2017, closed the record, and continued deliberations to August 28, 2017. After deliberation, Council requested staff prepare an ordinance for adoption.
 - F. All persons were given an opportunity to provide written and/or oral testimony on the proposed ordinance amendments.

1 **THE CITY OF LINCOLN CITY ORDAINS AS FOLLOWS:**

2
3 **SECTION 1.** Lincoln City Municipal Code, Title 17 (Zoning) is hereby amended to add
4 the following new Chapter 17.17:

5
6 **Chapter 17.17**
7 **SINGLE-FAMILY RESIDENTIAL, ROADS END (R-1-RE) ZONE**
8

9 **Sections:**

10	<u>17.17.010</u>	<u>Purpose</u>
11	<u>17.17.020</u>	<u>Permitted uses</u>
12	<u>17.17.030</u>	<u>Accessory uses</u>
13	<u>17.17.040</u>	<u>Conditional uses</u>
14	<u>17.17.050</u>	<u>Restrictions</u>
15	<u>17.17.060</u>	<u>Maximum building height</u>
16	<u>17.17.070</u>	<u>Lot requirements</u>
17	<u>17.17.080</u>	<u>Signs</u>
18	<u>17.17.090</u>	<u>Off-street parking and loading</u>
19	<u>17.17.100</u>	<u>Other required conditions</u>

20
21 **17.17.010 Purpose.**

22
23 **To retain and maintain the historic and traditional nature of the Roads End**
24 **neighborhood, to promote and encourage a suitable environment for family living**
25 **and to protect and stabilize the residential characteristics of the area. The R-1-RE**
26 **zone is intended to provide primarily for single-family dwellings. Nonconforming**
27 **uses are permitted to continue in accordance with LCMC Chapter 17.64.**
28

29 **17.17.020 Permitted uses.**

30
31 **The following uses are permitted:**

32
33 **A. Residential**

- 34 **1. Single-family dwellings;**
35 **2. Manufactured homes built to meet the standards in LCMC 17.52.250;**
36 **3. Duplexes on corner lots when each unit fronts on a separate street;**
37 **duplex lots must be a minimum 8000 square feet and VRDs are**
38 **prohibited ;**
39 **4. A recreational vehicle used during construction of a permitted use for**
40 **which a building permit has been issued, but not exceeding one year;**

1 **5. Residential homes as defined in LCMC Chapter 17.08.**

2
3 **B. Commercial**

4 **1. Vacation rental dwellings, subject to the provisions of LCMC 17.80.050**
5 **and LCMC Chapter 5.14.**

6
7 **17.17.030 Accessory uses.**

8
9 **The following accessory uses are permitted:**

10
11 **A. Guest houses with no cooking facilities, not rented separately from the**
12 **principal dwelling or otherwise used as a business, excepting home**
13 **occupations;**

14 **B. Vacation rental dwellings not rented for more than 30 nights in any**
15 **calendar year, subject to the provisions of LCMC 17.80.050 and LCMC**
16 **Chapter 5.14;**

17 **C. Home occupations, subject to the provisions of LCMC 17.52.010.E;**

18 **D. Gardens and animals, subject to the provisions of LCMC 17.80.080;**

19 **E. Accessory dwelling units in association with single-family dwellings, subject**
20 **to the provisions of LCMC 17.80.110;**

21 **E. Other accessory uses and accessory buildings and structures customarily**
22 **appurtenant to a permitted use.**

23 **17.17.040 Conditional uses.**

24 **The following conditional uses may be permitted subject to a receipt of a**
25 **conditional use permit, and subject to the provisions of Chapter 17.60 LCMC:**

26
27 **A. Utility substations, but not wireless communications facilities;**

28 **B. Government buildings;**

29 **C. Essential emergency communications and warning facilities;**

30 **D. Public and private pocket parks as defined in the City's Parks and Recreation**
31 **System Plan, and playgrounds for neighborhood use;**

32 **E. Places of Worship.**

33 **17.17.050 Restrictions.**

34
35 **A. No development shall occur unless all city services are available, except as**
36 **provided in LCMC 17.52.120(A);**

37 **B. Lighting shall be as required by LCMC 17.52.150;**

- 1 **C. Fencing may not exceed 3.5 feet in height in a required front yard or**
2 **required street side yard, or more than six feet in any other yard;**
3 **D. Planned Unit Developments that include housing incompatible with single-**
4 **family R-1 zone are prohibited.**

5 **17.17.060 Maximum building height.**

6
7 **The maximum building height shall be 30 feet except as provided in LCMC**
8 **17.52.190 and 17.52.200.**

9 **17.17.070 Lot requirements.**

10
11 **Lot requirements shall be as follows:**

- 12
13 **A. The minimum lot area shall be 5,000 square feet and 8000 square feet for a**
14 **duplex.**
15 **B. The minimum lot width shall be 50 feet.**
16 **C. The minimum lot depth shall be 70 feet.**
17 **D. The minimum front yard shall be 20 feet. Except that the minimum setbacks**
18 **from Logan Road need not exceed the average setback of buildings on all**
19 **lots within 100 feet of the lot on which the proposed building is to be**
20 **located and that abut Logan Road.**
21 **E. The minimum interior side yard shall be 7.5 feet for single-story buildings**
22 **and 10 feet for buildings with more than one story.**
23 **F. The minimum street side yard shall be 20 feet, except that it may be one**
24 **foot less for each two feet of front yard setback over the minimum, but not**
25 **to less than 10 feet.**
26 **G. On corner lots, the clear-vision area requirement of LCMC 17.52.060 and**
27 **17.52.070 shall apply.**
28 **H. The minimum rear yard shall be 7.5 feet for single-story buildings and 10**
29 **feet for buildings with more than one story. In no case shall the distance**
30 **between residential structures on the same lot or on adjacent lots be less**
31 **than 10 feet.**
32 **I. The maximum building coverage shall be 35 percent.**

33 **17.17.080 Signs.**

34
35 **The regulations of LCMC 17.72 apply to the permitting, use, and characteristics of**
36 **signs.**

1 **17.17.090 Off-street parking and loading.**

2
3 **The regulations of LCMC Chapter 17.56 apply to off-street parking and loading.**
4 **Driveways shall not have an impervious width of more than 20 feet. Driveways**
5 **may be gravel.**

6 **17.17.100 Other required conditions.**

7
8 **All single-family dwellings (site-built, modular and manufactured homes) to be**
9 **constructed or located in residential zones shall use at least two of the following**
10 **design features on the front of the dwelling:**

11
12 **A. Dormers;**

13 **B. Gables;**

14 **C. Recessed entries;**

15 **D. Covered porch entries;**

16 **E. Cupolas;**

17 **F. Pillars or posts;**

18 **G. Bay or bow windows;**

19 **H. Eaves (minimum six-inch projection);**

20 **I. Off-sets on building face or roof (minimum 16 inches).**

21
22 **SECTION 2.** Lincoln City Municipal Code, Title 17 (Zoning), Chapter 17.12 (Zoning
23 Districts Established), Section 17.12.010 (Classification of zones) is hereby amended to
24 read as follows:

25 **17.12.010 Classification of zones.**

26 For the purpose of this title, the following zones are hereby established in the
27 city.

Zone Description	Abbreviated Description
Residential, Single-family	R-1
<u>Residential, Roads End</u>	<u>R-1-RE</u>
Vacation Rental	VR
Recreation Residential	R-R
Residential, Multifamily	R-M
Professional Campus	PC
Recreation Commercial	RC
General Commercial	GC
Nelscott Plan District	NP

1	Oceanlake Plan District	OP
2	Taft Village Core	TVC
3	Planned Industrial	PI
4	Marine Waterway	M-W
5	Natural Resource Overlay	NR
6	Park	P
7	Open Space	OS

8
9 **SECTION 3.** Lincoln City Municipal Code, Title 17 (Zoning), Chapter 17.80 (Provisions
10 Applying to Special Uses), Section 17.80.050 (Vacation rental dwelling use criteria),
11 subparagraph 17.80.050. B. 2 is hereby amended to read as follows:

12
13 2. Accessory or Permitted Use.

14
15 a. Except as otherwise provided in this title, a VRD is allowed as an
16 accessory use in the R-1-5, R-1-7.5, R-1-10, **R-1-RE**, R-M, and R-R zones,
17 and as a permitted use in the R-1-5, **R-1-RE**, NBD, NBMU, TVC, OP-OF,
18 OP-IM, OP-MSH, VR, RC, and GC zones, provided the VRD meets the
19 applicable standards of this chapter and obtains a license under Chapter
20 5.14 LCMC.

21
22 b. Incidental and subordinate accessory vacation rental dwelling use is not
23 a commercial use. Commercial vacation rental dwelling use is use of a
24 dwelling for vacation rental dwelling purposes for more than 30 nights per
25 calendar year. **~~Commercial vacation rental dwelling use does not~~**
26 **~~include vacation rental dwelling use that has been authorized by~~**
27 **~~conditional use permit, that is a lawful nonconforming use, or that~~**
28 **~~has obtained a vested right land use approval;~~**

29
30 c. The total number of vacation rental dwellings operating without limits
31 on the number of nights for which they may be rented in the R-1-5 zone
32 shall not exceed 10% of the total number of lots in that zone.

33
34 **d. In the R-1-RE zone, all existing licensed vacation rentals and those**
35 **with complete applications per ORS 227.178(3) on the effective date**
36 **of this ordinance [November 23, 2017], shall be allowed to continue**
37 **to operate as legal nonconforming uses without limits on the number**
38 **of nights for which they may be rented. Nonconforming uses are**
39 **subject to loss of such status per Chapter 17.64 and this**
40 **section. Specifically, discontinuance or abandonment of VRD**

1 operations, including but not limited to failure to maintain a VRD
2 license pursuant to Chapter 5.14 for a period of six months or more,
3 shall constitute termination of the nonconforming unlimited VRD use.
4 The Director is prohibited from granting extensions to the six month
5 discontinuance time period. When the total number of
6 nonconforming unlimited VRDs in the R-1-RE zone is reduced to 10%
7 of the total number of lots in that zone, a cap of 10% shall be
8 triggered on such unlimited VRDs and all existing nonconforming
9 unlimited VRDs under the cap will be rendered permitted uses. In the
10 R-1-RE zone, a VRD sale or transfer as defined in LCMC 17.80.050.B.1,
11 will terminate the nonconforming unlimited VRD use, provided the
12 sale or transfer occurs at least seven (7) years after the effective date
13 of this ordinance.
14

15 **SECTION 4.** Lincoln City Municipal Code, Title 17 (Zoning), Chapter 17.80 (Provisions
16 applying to special uses), Section 17.80.050 (Vacation rental dwellings), Subsection
17 17.80.050.C., paragraph 17.80.050.C.2, subparagraph 17.80.050.C.2.e is hereby amended
18 to read as follows:
19

20 e. The authorization for VRD land use **approval or VRD nonconforming**
21 **use** shall remain valid provided the use is conducted lawfully, under a valid
22 revocable vacation rental dwelling license issued under Chapter 5.14
23 LCMC, and in compliance with Chapter 3.04 LCMC, Transient Room Tax. If
24 a property owner who has received a VRD land use authorization fails to
25 apply for and receive a VRD license under Chapter 5.14 LCMC within one
26 year of having received the VRD land use authorization, or having received
27 a VRD license under Chapter 5.14 LCMC, fails to renew it within the license
28 grace period, the city will consider the VRD authorization abandoned and
29 the planning and community development director will declare the
30 authorization void. **For a legal nonconforming use in the R-1-RE zone,**
31 **discontinuance, abandonment, sale or transfer as specified in LCMC**
32 **17.80.050. B. 2.d., triggers termination of the nonconforming use.**

33 The planning and community development director will mail a written
34 notice of the decision to declare the VRD land use authorization null and
35 void **or declare the VRD nonconforming use terminated** to the property
36 owner. The property owner may appeal the planning and community
37 development director's decision as provided in LCMC Section 17.76.040.

38 **SECTION 5.** The Lincoln City Comprehensive Plan is amended by adding the following
39 to the list of Development Categories:

1
2 Single-family Residential, Roads End District (R-1-RE) designates an area in
3 the northwest quadrant of the city that is intended to provide a
4 neighborhood comprised predominantly of single-family dwellings that
5 reflects a traditional character of a mix of full-time residences, second
6 homes, and short-term rentals. Full time vacation rental dwellings are
7 permitted at the same density as the City's R-1-5 zone (10% of the lots).
8 However, owing to establishment of VRDs under Lincoln County zoning, an
9 allowance for continuation of all legal non-conforming VRDs has been made
10 in the ordinance. The relatively high density of VRDs should reduce over
11 time to be consistent with the R-1-5 zone as nonconformities are
12 abandoned or otherwise eliminated. Recreational opportunities are a
13 hallmark of the district, which is focused on the ocean and the beach to the
14 west and the forested slopes to the east and north.
15

16 **SECTION 6. Findings Adopted.** The findings contained in the Whereas Clauses of this
17 ordinance, together with the Findings set forth in Exhibit A, as well as the competent
18 substantial evidence in the whole record of this legislative proceeding are incorporated
19 into this section by reference as if fully set forth herein, and are adopted in support of
20 this legislative action.

21
22 **SECTION 7. Severability.** The sections, subsections, paragraphs and clauses of this
23 ordinance are severable. The invalidity of one section, subsection, paragraph, or clause
24 shall not affect the validity of the remaining sections, subsections, paragraphs and
25 clauses.

26
27 **SECTION 8. Savings.** Notwithstanding the amendment to this Title, the existing Title
28 remains valid and in full force and effect for purposes of all criminal, civil or
29 administrative code enforcement cases or land use actions or applications filed or
30 commenced during the time said ordinances were operative. Nothing in this Ordinance
31 affects the validity of prosecutions commenced and continued under the laws in effect
32 at the time the matters were originally filed.

33
34 **SECTION 9. Ordinance Effective Date.** Pursuant to Chapter IX, Section 9.3, this
35 ordinance takes effect 30 days after the date of its adoption.

36
37 **SECTION 10. Codification.** Provisions of this Ordinance shall be incorporated in the City
38 of Lincoln City Municipal Code and the word "ordinance" may be changed to "code",
39 "article", "section", "chapter" or another word, and the sections of this Ordinance may be
40 renumbered, or re-lettered, provided that any Whereas clauses and boilerplate

1 provisions (i.e. Sections 6-10) need not be codified and the City Recorder is authorized
2 to correct any cross-references, punctuation, capitalization and any other typographical
3 errors.

4
5 The foregoing ordinance was distinctly read by title only in accordance with Chapter IX,
6 Section 9.2 of the City of Lincoln City Charter on the 9th day of October, 2017 (First
7 Reading) and on the 23rd day of October, 2017 (Second Reading).

8
9 PASSED AND ADOPTED by the City Council of the City of Lincoln City this 23rd day
10 of October, 2017.

11
12
13
14 
15 _____
16 DON WILLIAMS, MAYOR

17 ATTEST:

18 
19 _____
20 CATHY STEERE, CITY RECORDER

21 APPROVED AS TO FORM:

22 
23 _____
24 RICHARD APPICELLI, CITY ATTORNEY
25

Exhibit A

**BEFORE THE CITY COUNCIL FOR THE
CITY OF LINCOLN CITY, LINCOLN COUNTY, OREGON**

[OCTOBER 23, 2017]

In the matter of the adoption of two land use)	
Ordinances 2017-17 and 2017-18, concerning (1))	
the creation of a new residential zone for Roads End)	
(R-1- RE), including an amendment to vacation rental)	FINDINGS
special provisions in LCMC 17.80.050 and the Lincoln)	
City Comprehensive Plan; and 2) rezoning approximately)	
900 parcels annexed to the City in Ordinance 2012-10)	
from County zoning to the new City R-1-RE zone and)	
Rezoning city owned parcels to the City Parks District.)	
Files: CPA/ZOA 2017-03 & ZOA 2017-07.		

Based upon the evidence in the whole record, the City Council for the City of Lincoln City makes the following findings of fact and conclusions of law:

I. FINDING REQUIREMENT FOR LEGISLATIVE ACTIONS

Lincoln City Municipal Code, Title 17 (Zoning) Section 17.88.050, Paragraph D. provides:

In order for the city council to adopt an ordinance for an amendment to this title, comprehensive plan document and/or map, findings must be made, and adopted as a part of said ordinance, that are adequate to support the amendment proposal. The findings must be factual and must be supported by substantial evidence submitted into the record. It must be found that the amendment complies with and conforms to the comprehensive plan goals, policies and land use map. It may be further necessary to provide evidence that the proposed amendment is in conformance with statewide land use planning goals and policies when a more specific direction is provided by the goals than the comprehensive plan.

Findings concerning conformance of the proposed ordinances with comprehensive plan goals, policies and with applicable provisions of state law are for Council to adopt following the close of the record. Participants do not have the right to review or rebut findings. *Arlington Heights Homeowners v. City of Portland*, 41 Or LUBA 560, 565 (2001) *Sorte v. City of Newport*, 26 Or LUBA 236, 244-45 (1993); *Adler v. City of*

Portland, 24 Or LUBA 1, 12 (1992). Council finds and determines that the record contains an adequate factual base for the proposed ordinance provisions.

II. SUMMARY OF FINAL ORDINANCES

Two ordinances are proposed for adoption. The first ordinance [2017-17] creates a new residential district, the R-1-RE zone. This District originated as a proposal from the Roads End Improvement Association, a recognized neighborhood association located in Roads End. During the course of the public hearings and deliberations the ordinances were modified; Council considered public input, both for and against the proposals, as well as the recommendations of the Planning Commission. These findings concern the two ordinances which resulted from the public hearing and deliberation process.

Ordinance 2017-17 establishes the Comprehensive Planning framework for a new zone and creates a new zone. Section 5 of the ordinance adds text to the comprehensive plan creating a new development category for the Roads End District. The Comp Plan text recognizes the need to protect legal nonconforming uses, specifically as it relates to existing vacation rental operations. The Plan sets a ten percent cap for commercial VRDs in this residential zone to be reached by attrition of legal nonconforming uses.

The implementing zoning code amendment is set forth in Sections 1 through 4. Section 1 creates the new zone. The new zone is unremarkable in that R-1-RE is very close to the now obsolete Lincoln County R-1-A zone. The intention was to create a City zone similar to the residential R-1 zones, which recognized existing development and made modest changes to bring an area developed and built-out under County jurisdiction, into greater consistency with the City Comprehensive Plan. Accordingly, where changes were made to bring development into compliance with the City Comprehensive Plan, there was recognition of protections afforded existing legally established nonconforming uses and structures.

Probably the most controversial aspect of the new zone is the treatment of vacation rental homes. Like the remainder of the City, accessory use vacation rental dwellings (VRDs) are authorized in this residential zone. Accessory is defined uniformly for the City as 30 nights of rental for the year. Roads End contains a high percentage of vacation rentals which have operated without limits on the number of nights. To balance the need for such facilities (economy goal) and the need to protect existing residential areas from incompatible uses, (housing goal) the city placed a ten percent cap on the R-1-5 zone for such commercial (unlimited) vacation rentals. The same cap is imposed on the Roads End District. However, the cap is currently exceeded. The ordinance (Sections 3 and 4) clarify that these existing unlimited vacation rentals may continue as legal nonconforming uses. Like all other nonconformities in the City, such nonconformities may be discontinued or abandoned as provided in LCMC 17.64 (discontinuance for six months or more). In addition, the sale or transfer of such nonconformities will operate to terminate the use, but such regulation will not

immediately apply to sales or transfers in the Roads End. A reasonable delay in the application of this regulation is established in recognition of the nonconforming uses.

The second ordinance [2017-18] applies the new R-1-RE zone to approximately 900 lots in Roads End. In addition, City owned lots are rezoned to Parks (P) zone. The amendment concerns both the comprehensive plan map and zone map, as the City has a unified map. The rezoning is essentially residential to residential with protection afforded to existing commercial level VRD operations, subject to discontinuance and abandonment.

III. NATURE OF PROCEEDING

On June 12, 2017, the City duly notified the Oregon Department of Land Conservation and Development pursuant to ORS 197.610, of its consideration of the proposed amendment(s). On June 23, 2017; notice of the proposed amendments was included in an ORS 227.186(4) notice to all affected property owners. The Planning Commission, on July 18, 2017, held a public hearing and considered the amendments contained within Ordinance 2017-17 and Ordinance 2017-18.. The Planning Commission record was held open until July 25, 2017 for written comments. On August 1, 2017 the Planning Commission deliberated and voted to transmit the amendments to the City Council with a recommendation that the ordinance be adopted, subject to certain changes. The City Council held a public hearing on August 14, 2017, closed the record, and continued deliberations to August 28, 2017. After deliberation, Council requested staff prepare an ordinance for adoption. On October 9, 2017 Council conducted First Reading; on October 23, 2017 Council conducted Second Reading and adopted the Ordinance.

IV. CONFLICT OF INTEREST

As a preliminary matter at the commencement of the public hearing before Council, Councilor Hinton announced a potential conflict of interest. Councilor Hinton disclosed that she owns property in the area of the proposed rezoning and that she contacted the Oregon Government Ethics Commission to discuss her circumstances. Councilor Hinton disclosed that according to staff at the Ethics Commission she does not have an actual conflict concerning the rezoning because there is no certain financial impact of the creation of the new zone or the rezoning from residential to residential as relates to her property. While the rezoning could impact her property value positively or negatively, there was no certainty. In addition, she does not own a vacation rental which might be impacted by the nonconformity provisions or the proposed cap. Councilor Ward similarly disclosed a potential conflict because he owns a hotel and rezoning Roads End and capping commercial VRDs could impact his business. These facts present only potential conflicts of interest because the effect of the proposed ordinances could be to the private pecuniary benefit or detriment of the Council member or a business with which they are associated; any financial impact is by no means certain. ORS 244.020(1) & (13). Accordingly, the conflicts would only be potential and do not require abstention from participation or voting. There were no

objections to the participation of the Councilors raised at the meeting or in the record and no objections to the jurisdiction of the Council.

V. FINDINGS OF CONSISTENCY WITH LINCOLN CITY COMPREHENSIVE PLAN AND ZONING CODE

This Section reviews compliance with applicable Comprehensive Plan Policies. The proposed amendments principally concern Land Use Planning, Housing, and Economy policies as well as the Citizen Involvement Program. Comprehensive Plan Elements include the following:

Land Use
Citizen Involvement
Public Services and Utilities
Urbanization
Natural Hazard
Housing
Economy
Aesthetics
Transportation
Energy
Overall Environmental
Shoreland, Beaches, Dunes, Estuary & Ocean Resources
Development Categories

The Lincoln City Council finds and determines that the ordinances satisfy the Lincoln City Comprehensive Plan Goals and Policies as more fully set forth herein and as set forth in the Lincoln City Planning Department staff reports and supporting documents entered into the record and incorporated herein by this reference.

1) 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 established a land use policy framework and implementing ordinance through adoption of a comprehensive plan and zoning ordinance, respectively. The City of Lincoln City's Comprehensive Plan and implementing land development regulations (including Zoning Title 17) have been acknowledged by the Land Conservation and Development Commission as complying with the Statewide Planning Goals.

The Comprehensive Plan and regulations were adopted after public hearing and the Plan was reviewed on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during comprehensive plan and regulation

preparation, review, and revision. Similarly, review of the proposed amendments was in accordance with the Lincoln City Comprehensive Plan and the applicable zoning ordinance provisions and, therefore, the city council finds them in conformance with this goal and the citizen involvement goal. The findings for this comprehensive plan goal also incorporate by reference the findings concerning Statewide Planning Goal 2, Land Use Planning.

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.

Therefore, zoning asks if there is enough land devoted to a specific use and is it in the correct location. The proposed amendment is a modest amendment (nearly identical to the R-1 zone) in that it only creates a new residential zone with adjustments to address existing Roads End development. The zone is also applied at this time to the area for which it was drafted, An effort was made to conform to City residential areas with minor adjustments. The existing County Zoning Code does not address vacation rentals as permitted, accessory or conditional uses. Accordingly, the legality of full time commercial level VRDs in this County residential zone has never been made clear. In the process of hearings and deliberation, the City elected to treat such existing commercial VRD use as a legal nonconforming use. The City also imposed a cap on such use at a level consistent with other City residential zones. Because the cap is currently exceeded, the cap must be attained through attrition. The amendment places the limitation on full time VRDs to facilitate reduction of incompatible uses, consistent with the purpose of zoning. Nonconformities are permitted to continue, subject to abandonment, discontinuance, and eventually, consistent with the City's licensing regulation, loss through transfer or sale.

The Land Use Planning Element of the Comprehensive Plan includes language and processes concerning reviewing, updating and amending various components of the comprehensive plan as well as zoning ordinance text and map amendments. As regards plan text and zoning text amendments, the Plan includes the following:

(g) Proposed amendments should be considered based upon a finding that one or more of the following standards are met:

- (1) Updated data manifests significantly different trends than indicated by previous data;*
- (2) New data reflects a new or previously disclosed public need; and*
- (3) New community attitudes representing a significant departure from previous attitudes is found to exist by the planning commission or city council; and*
- (4) Changes in statutory or case law occur which affects the applicability or appropriateness of applicable portions of the plan text; and*
- (5) A demonstrable error or inconsistency is found to exist;*

The Council decided that a new zone should be created and applied to facilitate the completion of the process to bring Roads End within the City. The current zoning being County zoning is legally inconsistent with the Comprehensive Plan and must be made consistent [(g)(2) & 5) above]. A recognized association in conjunction with City staff brought forward a proposed zone based on community attitudes in Roads End, which included balancing the needs of property owners operating commercial level VRDs and the needs of existing residents. The Plan amendatory language is non-mandatory (i.e. "should be considered"). The Council finds and determines that the City has met the non-mandatory procedures outlined in the Plan for review of amendments to the plan and code. The Council initiated the amendments, the Planning Commission and Council conducted public hearings (as more specifically detailed in the Nature of Proceedings and citizen involvement sections of these findings) and Council adopted findings supporting the decision. Again there are two ordinances. One ordinance creates a new zone, but does not apply it. The other ordinance applies the zone. Both ordinances meet at least one of the standards identified in the plan. The need for the ordinances should however, be obvious. Council initiated the amendments at the request of a neighborhood association, and the ordinance strikes a balance between the demands of the Plan's economy goal (and the interests of Roads End Investors) and the City's housing goal (and the interests of long term residents). The Land Use Planning Goal is satisfied.

(2) Citizen Involvement Goal

"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 City consistently follows applicable statutes (ORS 197.610 and Measure 56 notice requirements), the Comprehensive Plan, Code and Resolution. The public hearing process for the proposed ordinances, plan text and map changes included mailed, published, and internet posted notice to the public and property owners, and review of proposals by the Planning Commission and the City Council, consistent with the Plan, Goal and Resolution. The findings set forth under the Nature of Proceedings and Land Use Planning above including the notice and hearing process are incorporated herein by this reference. The Council finds and determines that the Comprehensive Plan and Goal 1 policies concerning citizen involvement are fully met by the proposals.

Among the policies under the City's Citizen Involvement Program goal is one that says "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, and published in The News Guard weekly newspaper and on the City's website. The City holds public hearings in the evening in order to encourage public attendance. Moreover, for those unable to attend in person, the meetings are televised live and rebroadcast on cable television and are streamed live over the internet. Video of meetings and packet

materials is also available on the City's website for review, free of charge. This constitutes a more than reasonable effort to encourage citizens to attend public meetings.

The Plan further provides that "Lincoln City shall encourage a variety of citizen programs such as neighborhood associations and other committees to serve in the interests of the community." During the hearings, the Council heard from the officially recognized Roads End Improvement Association, the Belhaven Homeowners Association and other interest groups.

One principal of citizen involvement is reflected in Measure 56, adopted in 1996. Measure 56 is implemented in ORS 227.186 and requires individual notices be sent to property owners when an ordinance proposes to rezone property, including amendments which limit or prohibit land uses previously allowed in the affected zone. The Council finds and determines that the public hearing process, with notice to the public and measure 56 notice to property owners and review of the amendments at public hearings before the Planning Commission and the city council, establishes conformance with this goal. The city council finds the amendments are consistent with this goal. The findings for this comprehensive plan goal also incorporate by reference the findings concerning Statewide Planning Goal 1, Citizen Involvement.

(3) Public Services and Utilities Goal

"To plan and develop a timely, orderly, and efficient arrangement of public facility and services which complement the area and serve as a framework for urban and rural development."

The proposed amendments create a residential zone and change zoning from one single-family residential zone to another residential zone of similar density and standards. The creation of the residential zone and rezoning should not have any significant impact on public services and utilities. Public services and utilities are generally already in place in the areas affected by the amendments. The nonconforming treatment of existing commercial VRDs, combined with the eventual attrition and reduction of such intense uses (to the 10% cap), should reduce demand on public facilities and services, including congestion on overcrowded transportation facilities. The proposed ordinances will not adversely affect the availability or arrangement of public services and utilities. The city council finds the amendments are consistent with this goal. The findings for this comprehensive plan goal also incorporate by reference the findings concerning Statewide Planning Goal 11.

(4) Urbanization Goal

"To promote an orderly and efficient transition of land uses from rural to urban."

The city council finds and determines that the amendments are consistent with this goal, because the creation and application of the new zone will not significantly impact development density and the amendments reflect the character of the existing residential neighborhood. The amendments support legalizing slightly more compact development by reducing the minimum lot size (removing existing nonconformities) and by allowing for more affordable types of housing. This goal is satisfied or does not apply to the proposed amendments. The findings for this comprehensive plan goal also incorporate by reference the findings concerning Statewide Planning Goal 12.

(5) Natural Hazard Goal

“The City shall control development in hazardous areas to protect life and property from natural disasters and hazards.”

The amendments, by themselves, do not allow development in hazardous areas. The city’s comprehensive plan and zoning ordinance standards, including flood and natural hazards damage prevention standards, will fully apply after the rezoning. The city enforces those as well as building code requirements to protect life and property. The city council finds these amendments are consistent with this goal. The findings for this comprehensive plan goal also incorporate by reference the findings concerning Statewide Planning Goal 7.

(6) Housing Goal

“To provide for the housing needs of all citizens.”

The amendments directly support the city’s housing goal and policies by providing a city zoning ordinance for the single-family neighborhood of Roads End. By capping the percent of commercial VRDs allowed, the amendments in the ordinance will make more housing available for full time residents and reinforce livability in Lincoln City’s Roads End neighborhood. The amendments also add duplexes, manufactured homes, and accessory dwelling units as permitted uses, which increase affordable options for renters and owners. Specifically, the amendments support Housing policy A.2, to “Promote a variety of residential densities and housing types in all price ranges to meet a range of housing needs;” A.8, to “Control the number and location of vacation rentals to preserve adequate housing for residents and protect the quality of life in the city’s residential neighborhoods;” G.1, to “Maintain an appropriate balance in residential zones between housing for residents and short-term vacation rental properties for visitors; and G.2, to “Fine tune vacation rental policies as needed to protect residential neighborhoods.”

The city council finds these amendments are consistent with this goal. The findings for this comprehensive plan goal also incorporate by reference the findings concerning Statewide Planning Goal 10.

(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 amendments create a new residential zone similar to the R-1-5 and application of the zone permits conforming residential use and the continuation of all existing non-accessory VRDs (operating without limits on number of days) as legal nonconforming uses. Allowing for the continuation of existing VRDs and their eventual reduction promotes tourism. To enhance tourism and balance tourism with housing and infrastructure needs, the Council created a 10% cap on commercial VRDs consistent with the R-1-5 zone and expressly listed VRDs as permitted uses. The ordinance treats VRD use in a sequential fashion. All existing VRDs in Roads End will begin as legal nonconforming uses. As such unlimited VRDs are discontinued or abandoned or otherwise terminated, the number of such commercial VRDs will reduce over time. Eventually, when the 10% threshold is reached, all existing VRDs remaining (under the cap) will be converted to permitted uses. In this way, the amendments will eventually allow commercial vacation rental dwellings (VRDs) as a permitted use in Roads End, but restrict their number to the 10% cap. This action is consistent with the treatment of unlimited VRDs in the residential R-1-5 zone in Ordinance 2016-20, except in that zone the number of existing VRDs was slightly below the 10% cap.

The unregulated nature of VRDs in the County has left Roads End with an abnormally large percentage of homes renting on a nightly basis (over 21.5% of all lots in Roads End including in process applications). Because county zoning did not address vacation rentals - leaving them in a legally ambiguous position, (they are neither listed as permitted, conditional or accessory in the County Code), the proposed ordinance addressed the use directly by deeming the uses legally nonconforming, but with the intention to reduce such uses over time to reduce land use incompatibility and enhance the quality of tourism.

The council finds and determines that the large number of VRDs in Roads End with unlimited nightly rentals has a detrimental effect on the residential quality of life in Roads End, making it less attractive for full time residents and second home owners, who support year round sectors of the local economy and unavailable to area employees. The amendments cap the number of commercial VRDs at 10%, and specify that the city will achieve the reduction through attrition as owners discontinue or abandon VRD commercial use consistent with the City nonconformities article. In addition, consistent with the City's license ordinance and current City VRDs, the sale or transfer of property will cause the loss of nonconforming use status. However, this regulation will not be immediately applicable to Roads End nonconforming uses. Council has established a reasonable period of time for application of the sale or transfer provisions which terminate nonconforming use status.

Because the ordinance clarifies that commercial VRDs may continue as legal nonconforming uses, subject only to voluntary discontinuance or abandonment, and eventually to loss of status due to sale or transfer, the amendments do not immediately impact the investment of VRD owners, but may affect their re-sale value eventually. Council received conflicting testimony on this point and sought to gradually transition the area using principally the nonconformities article. Tourism is the city's economic base, and VRDs contribute to it by accommodating visitors, who

spend money locally, generating transient room tax that supports city services and infrastructure. The Council sought to balance tourism with housing and the reality of public facility limitations. Specifically, members of the city council expressed concern based on testimony and evidence that VRDs add to traffic congestion, which is a significant problem in Roads End and left unchecked could discourage both tourism and residential livability of the neighborhood. Testimony also raised concern about other negative impacts of having so many VRDs in a residential neighborhood (see Housing findings). Steps taken to protect the quality of life in Roads End support Policy C.2 of the Comprehensive Plan's Economics goal, which is to "Support efforts to create a quality of life (including attractive neighborhoods) that draws telecommuters and encourages residents to start and grow businesses."

The city council also heard concerns that capping VRDs would reduce resale values and tax revenue. The Council finds that that orderly and gradual attrition of VRDs will attract different types of buyers, who will re-purpose the VRDs and the transition will support the economy in other ways. As commercial VRDs drop out of the pool, area employees and retirees will acquire some of these homes. Economic policy G.3 encourages the development of housing attainable to Lincoln City's workforce. Area employees with higher earnings may purchase and occupy entire houses that were previously VRDs, and may use a portion of them for home occupations and telecommuting. Lower-wage employees may be able to rent affordable accessory units that the amendments allow to develop within former VRDs or on their lots. Retirees (a growing sector of the economy) likely will purchase some of the former VRDs for their year-round homes.

The council finds and determines that the amendments are consistent with the Goal 9, because: 1) The amendments, although they limit commercial VRD use, do still allow them and also allow accessory nightly rental of any home that meets the VRD licensing requirements for up to 30 nights a year. Further, these opportunities support Economic Development Policy E.1 "Participate in the development of tourism-related businesses to attract visitors;" 2) the amendments support Economic Development Policy C.2, which is to create a quality of life that draws telecommuters and encourages residents to start and grow businesses by protecting their investment in their properties through maintaining the appeal and function of their residential neighborhood; and 3) as the number of VRDs decrease, the houses will become available for employees of area businesses and home occupations, supporting Economic Development Policy G.3, and for retirees, whom Economic Development Policy F recognizes as a growing population (and consumer group).

The city council finds these amendments are consistent with this goal. The findings for this comprehensive plan goal also incorporate by reference the findings concerning Statewide Planning Goal 9, Economic Development.

(8) Aesthetic Goal

"To develop a livable and pleasing city that enhances man's activities while protecting the exceptional aesthetic quality of the area."

The city council finds and determines that the amendments are consistent with this goal. To maintain and enhance the aesthetic quality of Roads End, the new RE zone sets standards for lot dimensions, maximum building and fence height, duplexes and manufactured homes, lot coverage, and references standards in other parts of the city's code for accessory dwelling units, lighting, landscaping, and tree preservation also meant to protect the aesthetic quality. In addition, the RE zone caps commercial VRDs at 10% of the total number of lots to reduce the impact on the residential quality of the neighborhood.

(9) Transportation Goal

"To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people."

The city council finds and determines that the amendments are consistent with the city's transportation goal as the amendments maintain the residential character of the neighborhood and limit the growth of additional traffic generators in the neighborhood. For over a mile, Logan Road is the only way in and out of Roads End. Tourist traffic in the summer and on peak weekends causes congestion on the Logan Road and parking problems throughout the neighborhood. The ordinance allows continued residential use, and continuation of existing VRD use, but calls for a decrease in the number of commercial VRDs over time. Amendments will not significantly impact density to such a degree that it will affect traffic volume. The findings for this comprehensive plan goal also incorporate by reference the findings concerning Statewide Planning Goal 12.

(10) Energy Goal

"To conserve energy."

The city council finds and determines that the amendments are consistent with the city's energy goal. The council finds no indication that the amendments will adversely affect the amount of energy consumed, and therefore finds the proposed ordinance is consistent with this Goal and Goal 13.

(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 city council finds and determines that the amendments are consistent with the city's overall environmental goal. The amendments, by themselves, do not allow development in sensitive natural resource areas. The existing city ordinances and plan requirements relating to protecting the natural environment will now apply fully to all properties in Roads End. The findings for this comprehensive plan goal also incorporate by reference the findings concerning Statewide Planning Goals 6 and 7 and 11.

(12) Shore land, Beaches, Dunes, Estuary and Ocean Resources Goal

"To conserve, to protect, to enhance the coastal resources of the city."

The city council finds and determines these amendments are consistent with this Goal. Roads End is a mile away from the nearest estuary (i.e., the Salmon River estuary). Furthermore, the amendments by themselves do not allow development in areas adjacent to the city's designated estuarine resource, which is Siletz Bay (five miles to the south), in the city's coastal shore lands, beach and dune areas, or in ocean resource areas. The existing city ordinances and plan requirements relating to protecting shore lands, beaches, dunes, estuary and ocean resources will now apply fully to all properties in Roads End. The findings for this comprehensive plan goal also incorporate by reference the findings concerning Statewide Planning Goals 16, 17, and 18.

(13) Development Categories

The R-1-RE Zone is added to the Comprehensive Plan as a new development category. The new category recognizes the realities of Roads End and the need to strike a balance between the competing economy and housing goals of the Comprehensive Plan. The new zone with the cap to be triggered in the future works together with other recent plan and code amendments to facilitate compliance with other goals and policies concerning reduction of incompatible development in residential zones. The proposed amendments are internally consistent with this section of the plan.

VI. FINDINGS OF CONSISTENCY WITH STATEWIDE PLANNING GOALS

The Lincoln City Council finds and determines that the ordinances satisfy the State of Oregon Planning Goals and Policies as more fully set forth herein and as set forth in the Lincoln City Planning Department staff reports and supporting documents entered into the record and incorporated herein by this reference.

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.*

The process the City of Lincoln City used to develop and adopt these amendments to the Plan text, zoning code and map, provided the opportunity for citizens to be involved in all phases of the planning process. The request for the city to initiate rezoning came from the Roads End Improvement Association (REIA), a city-recognized neighborhood association, and city staff met with the REIA several times during the preparation of the ordinance. The proposed ordinances and supporting materials were available for public review on the internet and at the planning department in advance of the public hearings. In addition to providing notice to the Department of Land Conservation and Development and the required Measure 56 notices, staff held an open house prior to the hearings, inviting all Roads End property owners to discuss the proposed ordinances. All had an opportunity to provide written and oral testimony for the planning commission and council hearings. The city council, therefore, finds and determines the ordinances have met 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 Land Conservation and Development Commission (LCDC) acknowledged the City's Comprehensive Plan as complying with state planning goals. These proposed amendments followed the decision making process and framework established by the city's Comprehensive Plan. Planning staff mailed notice to the Department of Land Conservation and Development on June 12, 2017 of the proposed amendments to establish a new land use designation in the comprehensive plan and a new residential zone for the Roads End neighborhood in the zoning ordinance, and of the rezoning of all property within Roads End from county to city zoning.

These findings provide an adequate factual basis for action. The city council, therefore, finds and determines the ordinances conform to the established land use planning process and framework consistent with Goal 2.

Goal 3 - "Agricultural Lands" *To preserve and maintain agricultural lands.*

Roads End is completely within the city limits and the city's urban growth boundary (UGB). It does not include agricultural lands. The city council finds and determines the ordinances are consistent with Goal 3 or Goal 3 is inapplicable.

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.*

Roads End is completely within the city limits and the city's urban growth boundary (UGB). It does not include forest lands. The amendments pertain only to the area with the UGB; consequently, the city council finds and determines the ordinances are consistent with Goal 4 or Goal 4 is inapplicable.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: *To conserve open space and protect natural and scenic resources.*

The Roads End neighborhood does not include open spaces or designated historic areas. Natural resources in Roads End include a large significant wetland along Sal-la-Sea Road owned by the City of Lincoln City, a small area of about 7,000 square feet south of NE 73, and a strip of 20 feet that crosses several properties at the far north end. Lincoln City Municipal Code and the Oregon Department of State Lands protect wetlands and the new city zoning in Roads End allows staff to enforce its natural resource protection standards (Chapter 17.46) there. The council finds and determines the ordinances are 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.*

Because both are single-family residential zones, the proposed R-1-RE zone is not significantly different from the County's R-1-A zoning or different from current land use as far as impact on air, water and land resources. Following rezoning of Roads End to a city zone, all city zoning regulations will apply, including (among others) those pertaining to tree protection and landscaping, which will serve this goal. City code also requires pretreatment and detention of storm water and release at the pre-development rate, and erosion control during grading and construction, which will serve to protect the quality of these resources. The city council finds and determines CPA/ZOA 2017-07 and ZOA 2017-03 are consistent with Goal 6.

Goal 7 - Areas Subject to Natural Disasters and Hazards: *To protect people and property from natural hazards.*

All of Roads End's ocean front lots are vulnerable to coastal erosion and some are vulnerable to ocean flooding. Following rezoning of Roads End to a city zone, all city zoning regulations will apply, including flood and natural hazards damage prevention standards. The city council finds and determines the ordinances are 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 amendments are consistent with this goal in that they designate the Roads End State Park and beach access and the NE 72nd beach access as P, Park. The new Roads End (R-RE) zone allows as conditional use other parks and playgrounds. The city council finds and determines the ordinance is consistent with Goal 8.

Goal 9 - Economic Development: *Requires the provision of adequate opportunities for a variety of economic activities vital to public health, welfare and prosperity.*

The Council finds and determines the Ordinances are consistent with Goal 9. The amendments allow commercial vacation rental dwellings (VRDs) as legal nonconforming uses and eventually as permitted uses in Roads End. The cap of 10% of the number of lots will become effective when the number of commercial VRDs is reduced by attrition - through nonconformities Article discontinuance or abandonment or eventually through other means. Tourism is the city's economic base and VRDs contribute to it by accommodating visitors, who spend money locally, and generate a one percent transient room tax that goes to the city. The Council did not wish to do violence to the VRD economic engine but did wish to conform the level of commercial use in residential neighborhoods City wide to a reasonable level in terms of land use compatibility. The public infrastructure limitations in Roads End add an additional incentive to reduce commercial level VRD use over time.

Because county zoning has not regulated VRDs in the past, the current portion of homes renting on a nightly basis plus applications for VRD licenses has grown to over

21.5% of all lots. The council finds and determines that this many VRDs with unlimited number of nightly rentals has detrimental effects on the residential quality of Roads End, making it less attractive for full time residents and second home owners, who are important to the year round economy. The amendments cap the number of commercial VRDs at 10%, and specify that the city will achieve the reduction through attrition as owners discontinue use per the nonconformities article. In addition, eventually, the sale or transfer will terminate the nonconforming use, but not immediately. A reasonable period of time is established before this regulation (consistent with the VRD license ordinance and other VRDs in the City) will impact Roads End. The intention was to allow owners to elect to discontinue use via the nonconformities article and eventually reduce the intensity of VRD use in the Roads End neighborhood by other means. The amendments, consequently, do not immediately impact the investment of owners in VRDs, but may affect the re-sale value eventually. As noted earlier, Council received conflicting testimony on this point. Members of the city council expressed concern that the VRDs add to traffic congestion, which is a problem in Roads End and left unchecked could discourage tourism and further degrade livability of the neighborhood. The ordinance amendments do allow accessory nightly rental of any home for up to 30 nights a year.

The city council expects that as commercial VRDs drop out of the pool, some of these homes will be available for year-round housing for retirees (a growing sector of the economy) and area employees. The city council finds and determines that the amendments, although they limit commercial VRD use, are consistent with Goal 9, because they protect the investment of permanent residents and their property values and preserve the viability of the neighborhood and preserve VRD nonconforming use rights.

Goal 10- Housing: *To provide for the housing needs of citizens of the state.*

The city council finds and determines these ordinances are consistent with Goal 10, the creation of a new R-1-RE zone with smaller lot sizes creates more opportunities for housing. In addition, by capping the percent of commercial VRDs, more lots will be made available for full time residents and land use compatibility goals and livability in Lincoln City's Roads End neighborhood will be furthered. The council finds the growing number of VRDs in recent years has reduced housing options for permanent residents (owners and long-term renters), and that competition from commercial VRDs has inflated housing prices. The city council finds that the current number of VRDs detracts from the livability of the neighborhood for permanent residents by generating more traffic, noise, strangers, and garbage, and by depriving them of year-round neighbors they can rely on for security and support. The ordinance amendments recognize the rights of property owners who developed under County jurisdiction and recognizes existing commercial VRDs as legal nonconforming uses. Accordingly, the cap will not be achieved in the near future but there will be no growth of such uses. The Nonconformities Article will function to reduce VRDs over time and the implementation of the sale or transfer regulation after some reasonable delay will further reduce commercial VRDs and create other opportunities for housing. The ordinance also allows accessory nightly rentals of up to 30 nights per year, which can offset the expense of owning a home in Roads End. The amendments also add duplexes, manufactured homes, and accessory dwelling units to permitted uses, which increase affordable options.

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 city council finds and determines this ordinance which creates a new residential zone and halts the growth of commercial VRDs is consistent with Goal 11. Similarly the ordinance rezoning the area supports Goal 11. VRDs generate maximum use of water during the peak tourist season. Long-term rentals and owner-occupied homes spread use of utilities more evenly throughout the year, which is an advantage to the city as the provider of the services in terms of meeting demand and budgeting.

Goal 12 - Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

The city council finds and determines the amendments support Goal 12. The creation of a residential zone and application of the zone to Roads End will clarify the residential character of the area. The rezoning will halt the increase of commercial level vacation rentals which have greater impacts on constrained transportation facilities, especially in the tourist season. Logan Road is the only way in and out of Roads End for 1.4 miles north of Port Avenue, the first alternative route. Tourist traffic in the peak (summer) season causes congestion on Logan Road and parking problems throughout the neighborhood.

Goal 13 - Energy: *To conserve energy.*

The Council finds and determines ordinances are consistent with Goal 13. The amendments will not dramatically impact energy consumption however with the cessation of new commercial VRDs, energy usage should be more consistent throughout the year.

Goal 14 - Urbanization: *To provide for an orderly and efficient transition from rural to urban land use.*

The Council finds and determines the amendments are consistent with Goal 14, because they support compact development in the neighborhood within the city limits. They reduce the minimum lot size for a single-family zone from 6,000 to 5,000 square feet and increase building coverage from 30 to 35 percent. The amendments also allow for increased density by adding duplexes and accessory dwelling units to the list of permitted uses. Other provisions in the amendments are consistent with urbanization.

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."*

These amendments do not impact any areas within the Willamette River Greenway; therefore, the city council finds Goal 15 does not apply.

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.*

Roads End is over a mile from the nearest estuary, which is the Salmon River estuary. The city council finds the ordinance is consistent with Goal 16 or Goal 16 does not apply.

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 Roads End neighborhood abuts the Pacific Ocean and has over a mile and a half of shore land. Changing from the county’s R-1-A single-family residential zoning to the city’s RE single-family residential zoning will have minimal impact on the shore lands. The rezoning will allow the city to apply the Lincoln City Municipal Code requirements for a review of environmental impacts for projects that impact Goal 17 resource sites; therefore, the city council finds and determines the ordinances creating and applying the new zone are consistent with the goal.

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 city council finds and determines the amendments are consistent with this goal, as the creation of the new zone and application to the City will also require compliance with the City’s other land development and protective regulations, including protections for beaches and dunes.

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 city council finds the amendments are consistent with Goal 19, or Goal 19 does not apply since the changes in zoning requirements would not impact the ocean resources.