



June 28, 2023

Lincoln County Planning Commission
 c/o Lincoln County Planning Department, Attn: John O’Leary
 210 SW 2nd St.
 Newport, OR 97365

Re: Case File #02-ZC-PC-22

Dear Commissioners,

This letter is in support of the zone change requested in the above-referenced case. The goal of this letter is to provide additional information and clarification for your consideration.

First, I want to address the differences in the Lincoln County Code (LCC) between the Public Facilities Zone (P-F) (LCC 1.1377) and the Rural Residential Zone (RR-5) (LCC 1.1355). Notably, there are several provisions that are identical to one another in each section of the code. The following is a table of uses allowed, either outright or as a conditional use, in the P-F zone and whether that same or a similar use is allowed in the RR-5 zone:

USE	P-F Outright	P-F Conditional	RR-5 Outright	RR-5 Conditional	Difference in use with zone change:
Public parks and playgrounds, swimming pools, golf courses or similar recreation facility intended for use by the public	x			x	This use would be available through the same or similar type of facility.
Public schools and associated facilities	x			x	This use would be a private school, not operated by the government.
Hospitals	x			x	This would be available as a nursing home, retirement facility, or other similar use.

Government use	x			x	This use would be conditional.
Beach front protective structures	x		x		This use remains the same.
Public park and playground, golf course, swimming pool or similar recreation facility		x		x	This use would be available through a community center, day care center, or other similar facility.
Public schools and associated facilities		x		x	This use would be a private school, not operated by the government.
Hospitals		x		x	This would be available as a nursing home, retirement facility, or other similar use.
Government use		x		x	This use would remain the same.
Solid waste disposal site		x			This use would be lost.
Conversion of one outright use to another outright use		x		x	This use would likely remain the same.

What this table shows us is that in reality, there is one use that is completely lost by the requested zone change: solid waste disposal site. The opposition you have received, did not include one concern with the loss of this use. It is arguable that some of the changes in the other uses, such as hospitals or public schools, result in uses that are not entirely similar. However, again, not one of the letters of opposition you have received is concerned with the change in or loss of these uses. There are however uses gained by the proposed zone change:

New outright uses that would be permitted:

- (a) One single-family dwelling unit.
- (b) Farm and forest use.
- (c) A recreational vehicle or other approved temporary housing to be used for dwelling purposes, during the construction of a single-family residential dwelling unit for which a building permit has been issued. The use shall not exceed a period of one year.

New conditional uses that may be permitted:

- (a) Cemetery.
- (b) Church, non-profit religious or philanthropic center.
- (c) Community center.
- (d) Day nursery, nursery school-kindergarten, day care center, or similar facility.
- (f) Home occupation.
- (g) Nursing home, retirement home or similar facility.
- (i) Private school.
- (j) Public or private utility facility.
- (k) Radio or television transmitter or tower.
- (L) Transfer station.
- (m) Excavating, filling, dredging or wetland drainage.
- (n) Recreational vehicle on an individual lot.
- (o) Aquaculture facilities.
- (p) Mining.
- (q) Boarding of horses for profit.
- (r) Pilings, piers, docks, and similar in-water structures.
- (s) Heliports.
- (t) Recreational vehicle park.
- (u) Bed and Breakfast Inns.

Many of the concerns that have been presented to you are not relevant to this application. There is not an application for any development before you. The land is, and always has been privately owned, past owners permitted certain activities that the current owners do not have to permit, regardless of the zone designation. Much of the opposition is concerned with “publicly accessible recreation,” however, this has never been a publicly owned property. One letter uses Central Park as an example, I query: if Central Park was privately owned would it be Central Park? I believe the answer is no.

Another letter claims that there has not been a substantial change in the area. This simply is not true. Not only has the golf course closed, but there has also been residential development in the area since the current zoning was put in place. Incidentally, all the land surrounding the subject property is zoned RR-5, the zone that is sought by this application. Ironically, some of that development required at least one easement that burdens the subject property for that residential development to occur. Lincoln County Deed Records Book 85, Page 959, recorded on March 22, 1978, easement for the benefit of Olalla Acres.

Finally, there is one concern regarding water and sewer in the area. While important, these are concerns that are addressed in future applications. Respectfully, these concerns are not relevant to what is before you – a zone change application. If the property owner chooses to divide the property in the future, as could be possible under the requested zone change, there would be many steps to be followed. Several of those steps involve insuring there is adequate and safe water supply and that the land can support sewer facilities.

The underlying comprehensive plan designation is dispersed residential, and the proposed zone change will synchronize the two designations. Contrary to what is stated in the application, an accidental error that we seek correct with this submission, the subject property does have wetlands and floodplains that will have to be addressed if any future development is to occur. Much like the water and sewer, the steps for addressing these obstacles come with a completely different land use application. Importantly, the existence of those features is not threatened or changed by the proposed zone change. Additionally, neither is any habitat that exists for salmon, elk, beaver, or other wildlife impacted or threatened by the proposed zone change.

The goals of the Public Facilities zone, as stated in the LCC, are to

- (1) maintain respect for human needs and individual freedom while exercising controls that are in the best interest of the total county population;
- (2) promote, equitably, the highest level of services the citizens are willing to support;
- (3) achieve intergovernmental harmony and improved public service through closer cooperation with other units of government . . . ;
- (4) to encourage the public, quasi-public and private county services . . . which maintain and insure the safety, health and welfare.

The goals of a public facilities zone are not related to or consistent with the Economic Goals as stated in the Comprehensive Plan. In fact, the public facilities zone is not meant for industrial or commercial use at all. Rather, the proposed zone change allows for greater flexibility and broader options for meeting the economic goals of the county by allowing for a greater use of the subject property as outlined above. This includes farm and forest use, community center, day nursery, nursery school-kindergarten, day care center, or similar facility, home occupation, nursing home, retirement home or similar facility, golf course and ancillary uses, or similar facility, private school, aquaculture facilities, mining, boarding of horses for profit, heliports, recreational vehicle park, and/or a bed and breakfast inn. While most of these commercial uses are a conditional use for a RR-5 zone, they are available uses, whereas they are not available in a P-F zone.

To the extent that the Housing Goal within the Comprehensive Plan applies to the proposed zone change, the change is consistent with the goal. The change will assist in providing housing as well as the opportunity for a variety of housing choices to help combat the housing crisis the county is experiencing. Even just adding one residential dwelling where it wasn't permitted before helps push back against the growing number of houseless persons in our community.

Notwithstanding the statements in the application, this change is also consistent with the Recreational Goals of the county. Not only does the change allow for other uses such as residential housing, but it also maintains the property owner's ability to allow for recreational facilities, this is evidenced in the LCC as outlined above.

In summary, not only does the proposed change allow for desperately needed residential use of the property in its current condition, it maintains the availability of recreational and other uses allowed under the current zone. Finally, the Commission should decline to give consideration to issues that are not presented by the zone change application before you. Thank you for your time and consideration.



Sincerely,

Traci P. McDowall

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Attorney for Applicant