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SEP 11 1977

ALBERTA M. BRYANT
County Clerk

By *Edna Harrington*
Deputy

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR LINCOLN COUNTY

Ordinance No. 60

AN ORDINANCE AMENDING LINCOLN COUNTY ZONING ORDINANCE #34, 1974, AND
DECLARING AN EMERGENCY.

The Board of County Commissioners for Lincoln County, Oregon does
ordain as follows:

That Sections 9.010, 9.020 and 9.030 of Article 9 of Lincoln County
Zoning Ordinance #34, 1974, as amended by Lincoln County Ordinance #48, 1976,
be repealed and the following be adopted in lieu thereof:

ARTICLE 9. AMENDMENTS

SECTION 9.005: CONFORMANCE WITH COMPREHENSIVE PLAN. Any request
for an amendment to a zoning map or text of the zoning ordinance shall be
in conformance with an adopted comprehensive land use plan for the area.

SECTION 9.015: INITIATION OF CHANGE.

(1) Initiation of change by governing body. A change may be
initiated by the governing body when the change is for some governmental,
educational, religious, or philanthropic purpose. Proceedings initiated
by the governing body shall be by resolution and shall be referred to the
Planning Commission for public hearing. The Planning Director shall then
set the date for hearing by the Planning Commission and give notice of such
hearing as required in Article 10 of this Ordinance. Upon completion of
the public hearing, the Planning Commission shall make a recommendation
to the governing body.

(2) Initiation of change by Planning Commission. A change may be initiated by the Planning Commission when the change is in the public interest and will be of general benefit to the citizens of the County. Proceedings initiated by the Planning Commission shall be by resolution directing the Planning Director to set the date for the hearing before the Planning Commission and to give notice of such hearing as required in Article 10 of this Ordinance. The Planning Commission shall make a recommendation to the governing body upon completion of the hearing.

(3) Initiation by Petition of Property Owner. Property owners, their legally authorized agents or representatives, or persons purchasing property under contract, may file a petition for a change of zoning. The petition shall be in writing on forms provided by the County Planning Department and shall be filed in the Planning Department office at least 20 days prior to a regularly scheduled meeting of the Planning Commission in order to be placed on the agenda. The petition shall be in three parts and include the following:

- (a) The property to be rezoned:
 - (A) The present zone;
 - (B) The proposed zone;
 - (C) The street address or location of the property;
 - (D) The legal description of the property sought to be rezoned as it appears on the deed for the property;
 - (E) The names, addresses and zip codes of the owner(s) of the property to be rezoned; and
 - (F) The signatures of the owner(s) of 51% of the area to be rezoned or authorization to act on behalf of the owner(s) of 51% of the area to be rezoned.

(b) Plot plan of the notification area: A plot plan of the notification area shall be filed with the petition and shall include the following:

- (A) The location of the property sought to be rezoned and the owners thereof; and
- (B) The location of all other property within the notification area as set forth in Section 10.050 and the owners thereof.

(c) Affidavits and Certificates:

(A) Certified list. The petition shall set forth the names of the owners of all property within the 250 foot notification area as set forth in Section 10.050, their mailing addresses, the zip code and the descriptions of their property, as the same appears on the most recent assessment and tax roll for Lincoln County or as the same may appear in the deed records of said county. In addition, the applicant shall submit a list of addresses including the zip code of all dwellings and businesses within the notification area.

(B) Affidavit. Attached to the petition shall be an affidavit of the person or persons preparing the certified list showing that the list of names of the owners and descriptions of the property in such lists are accurate and correct and that no name of any owner of property in the notification area is omitted from the list.

SECTION 9.025: HEARING BEFORE THE PLANNING COMMISSION. The

Planning Commission shall conduct a public hearing upon receipt of an application or resolution as set forth in Section 9.015. Notice of the public hearing shall be given as set forth in Section 10.050(1). After concluding its hearing, the Planning Commission shall prepare a report setting forth its

findings of fact and reasons for its decision and submit the same to the governing body, to the applicant, and make the decision available to all property owners and residents in the notification area.

SECTION 9.035: HEARING BEFORE THE GOVERNING BODY. The governing body, if it desires, may conduct a public hearing on an amendment to the text of the zoning ordinance or zoning maps on its own motion or on appeal from the person requesting the change or any affected person. If an appeal is filed, or the governing body moves to conduct a public hearing on its own motion, the hearing shall be held within 40 days of such appeal or motion. Notice of the public hearing shall be given as set forth in Section 10.050(2).

SECTION 9.045: INFORMATION AND FINDINGS REQUIRED.

(1) In considering an amendment to a zoning map, the Planning Commission and Board of Commissioners:

- (a) Shall act in a quasi-judicial or legislative role;
- (b) Shall presume that the zoning ordinance and the land use plan are valid to the extent that they do not conflict with the Statewide Planning Goals adopted pursuant to ORS Chapter 197; and
- (c) Shall make findings of fact as follows:

(A) Whether the change is in accord with the land use plan for the area;

(B) Whether there has either been a substantial change in the character of the area since zoning was adopted which warrants a change of zone or the zoning adopted for the area was in error;

(C) That there is a public need for the change being sought; after conducting its hearing, the Planning Commission shall prepare a report setting forth its findings and conclusions.

(D) That other available property with the general area is inadequate to satisfy the public need.

(2) The person requesting a change in a zoning map, whereby a quasi-judicial action is appropriate, shall be required to prove:

(a) That the change conforms to the local, adopted Comprehensive Plan for the area;

(b) That there is a public need for the change being sought;

(c) That other available property is inadequate to satisfy public need.

(3) Where a change is sought in the text of this Ordinance, the Planning Commission and Board of Commissioners:

(a) Shall act in a legislative role;

(b) Shall establish that the amendment conforms to a land use plan for the area;

(c) Shall establish that there is a public need for the requested change;

(d) Shall establish that the public need is best met by this specific change.

SECTION 9.055: APPEALS TO THE GOVERNING BODY. Any appeal of an action of the Planning Commission regarding an amendment to the text of this Ordinance or to a zoning map shall state wherein the Commission has failed to discharge its responsibility properly according to the findings required to be made by this Ordinance, Section 9.045. The appeal shall be subject to the provisions of Section 10.020(2).

SECTION 9.065: FINAL ACTION BY THE GOVERNING BODY. Any amendment to the zoning ordinance text or zoning maps of the County shall be by ordinance passed by the governing body. Any denial of such a request shall be by resolution sought.

tion. Whenever any premises are rezoned or a new zone established, boundary lines of a zone changed, or the text of the ordinance amended, the official zoning maps of the County shall be changed accordingly and text amendments shall be filed with the County Clerk.

SECTION 9.075: PURPOSE. It is the purpose and intent of this Section to provide additional procedures in rezoning so that the public interest of the citizens of the County are insured as certain developments occur.

(1) Resolution of Intent to Rezone. If, from the findings of fact of the Planning Commission, the governing body determines that the public interest will be best served by this rezoning or any portion thereof, the governing body may indicate its general approval in principle of the rezoning by the adoption of a "resolution of intent to rezone" said property. This resolution shall include any conditions, stipulations or limitations which the governing body feels necessary to insure the public interest.

(2) Site and Development Operation. Property developed under a resolution of intent shall:

- (a) Require storage of merchandise and supplies to be conducted entirely within a building, and
- (b) Continuously meet standards for air and water quality, and
- (c) Conduct operations in such a manner that any noise does not constitute a nuisance, and
- (d) Provide for adequate on-site drainage, meeting approved County standards, and
- (e) Include such other conditions as the governing body feels necessary to insure the public interest.

(3) Site Plan. The governing body may require under a resolution passed by the governing body.

of intent of rezone a site plan which shall be binding upon the property. Upon approval of the governing body property having an approved site plan under these provisions shall be plainly marked as "subject to approved site plan" on the official zoning map of Lincoln County. Any approved site plan may be amended or a variance therefrom obtained, or the property may be released from the restrictions of such site plan by resolution of the governing body on recommendation from the Planning Commission after a public hearing as set forth in Section 10.050. No other changes shall be made constituting a departure from the approved site plan except by amendment or variance as herein provided unless the same has been released from the site plan.

(4) Site Plan Composition. Where a site plan is required pursuant to Section 9.075(3) it shall include:

- (a) Location of existing and proposed building, structures, accesses, off-street parking and loading spaces and landscaping;
- (b) Topography, existing and proposed;
- (c) Mechanical roof facilities if subject property is so oriented as to become part of the view from adjacent properties;
- (d) Architectural perspective, layout and all elevations drawn without exaggeration, except where noted including locations, area and design of signs and all landscaping.

(5) Resolution of Intent Binding. The fulfillment of all conditions, stipulations and limitations contained in the resolution of intent to rezone, on the part of the applicant, shall make this resolution a binding commitment on the governing body.

(6) Site Plan. The governing body may require under a resolution

(6) Resolution of Intent Void upon Failure to Comply. Upon completion of compliance action by the applicant, the governing body shall by ordinance effect such rezoning. The failure of the applicant to substantially meet any or all conditions, stipulations or limitations contained in a resolution of intent to rezone, including the time limit placed in the resolution, shall render said resolution null and void, unless an extension is granted by the governing body, upon recommendation of the Planning Commission.

SECTION 9.085: LIMITATION. No application of a property owner for an amendment to the text of this ordinance or to the zoning map shall be considered by the Planning Commission within the one year period immediately following a previous denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

That this Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its adoption.

DATED this 14th day of September, 1977.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Andy Zedwick
Andy Zedwick, Chairman

Jack Postle
Jack Postle

Albert R. Strand (on vacation)
Albert Strand

BY THE DEPT. OF THE APPLICANT, SHALL MAKE AND REPRESENT A PERSONS COMPANY OF THE GOVERNMENT FOR