

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR THE COUNTY OF LINCOLN

ORDINANCE # 152

RECEIVED  
MAY 7 1981

Lincoln County Legal Counsel

AN ORDINANCE REPEALING THE COMPREHENSIVE LAND USE PLAN MAPS AND ZONING MAPS ADOPTED UNDER ORDINANCE #138 AND #139, CORRECTING ERRORS AND ADOPTING NEW MAPS AND DECLARING AN EMERGENCY.

WHEREAS, this Board directed by Order dated July 22, 1980, that the Planning Commission acting in a legislative manner, consider errors made in the comprehensive planning process, and

WHEREAS, the Lincoln County Comprehensive Plan Ordinance #138 requires citizen involvement and that all revisions be reviewed by the appropriate Citizens Advisory Committees, and

WHEREAS, the appropriate Citizen Advisory Committees were given notice of the proposed plan revisions and given information reviewed by the Planning Commission on each request and given the opportunity to submit committee reports, containing findings, recommendations, and possible alternatives and were invited to attend public hearings, and

WHEREAS, the Planning Commission did hear individual requests for legislative review at advertised public hearings held November 10 and 24, 1980, and recommended changes to the Board after six subsequent public meetings, and

WHEREAS, this Board advertised and held a public hearing on

April 2, 1981, to consider the Planning Commission recommendations.

NOW THEREFORE, the Lincoln County Board of Commissioners ordains as follows:

SECTION I: That documentation exists that errors were made in the comprehensive planning process.

SECTION II: Land Use Plan Maps. The land use plan maps and zoning maps attached and appropriately titled "Lincoln County Comprehensive Planning and Zone Maps" are hereby enacted.

SECTION III: That the plan maps as adopted by Ordinance #138 and zone maps adopted by Ordinance #139 are hereby repealed.

SECTION IV: That the findings and documentation of the Planning Commission are adopted as the findings of this Board for each one of the changes in Exhibit "A."

SECTION V: That additional findings attached with Exhibit "B" are adopted for each of the changes in Exhibit "B."

SECTION VI: That the findings establish that the amendments are consistent with the Lincoln County Comprehensive Plan Policies and the Statewide Planning Goals.

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

DATED this 6 day of May, 1981.

LINCOLN COUNTY BOARD OF COMMISSIONERS

W. S. Ouder Kirk Chairman  
W. S. Ouder Kirk

Albert R. Strand Commissioner  
Albert R. Strand

G. E. Stuart Commissioner  
G. E. Stuart

Grant Bradshaw Secretary

EXHIBIT "A"

<u>No.</u>	<u>NAME</u>	<u>MAP NO.</u>	<u>PLAN</u>	<u>ZONE</u>
123	Staff Amendment	7-11-27, lot 700	Planned Ind. to Forest	I-P to T-C
123	Staff Amendment	7-11-25, lot 900	Forest to Planned Ind.	T-C to I-P
123	Staff Amendment	7-11-25, (SE corner of Tax Lot 700, approx. 175' x 205')	Planned Ind.	I-P
8	Staff Amendment	6-11-35BB 6-11-35BC 6-11-35CB 6-11-35CC	UGB	R-1 to R1-A
		6-11-27DA 6-11-27DD	UGB	R-1 to R1-A
		6-11-34AA 6-11-34AD 6-11-34DA 6-11-34DD	UGB	R-1 to R1-A
		13-11-18BC 13-11-18CB	UGB	R-1 to R1-A
11 and 11B	Staff Amendment	See attached list for areas to be planned and zoned Public Facilities, marked Exhibit "A-1".		To P-F
121	Staff Amendment	9-11-29, lots 400, 402	Dispersed Residential	R-1 to RR1-2
120	Staff Amendment	See Exhibit "A-1" 8-11-32, lots 200, 300	Residential to Public Facility	R-1 to P-F
118	Staff Amendment	8-11-2CC, lot 500	Residential to Planned Marine	R-1 to M-P

EXHIBIT "A"

<u>NO.</u>	<u>NAME</u>	<u>MAP NO.</u>	<u>PLAN</u>	<u>ZONE</u>
17	Staff Amendment	8-11-32, lots 900, 101	None to Forest	No zone to T-C
119	Staff Amendment	8-11-32, lot 100	Include in Rural Comm. Boundary	R-1
18	Staff Amendment	9-11-20, lot 200	Forest to Disp. Residential	R-1
114A	Staff Amendment	11-9-10, lots 202, 204, 900, 211, 500, 700,	Forest and Ag to Rural Community Boundary	AC-40 and T-C to R-1
79	Staff Amendment	9-9-32, lot 901	Rural Ser. Center	C-1
114	Staff Amendment	11-9-10, 212, 800	Rural Comm. Boundary	
125A	Staff Amendment	11-10-20, lots 1700, 1702	Planned Marine	M-P
125B	Staff Amendment	11-10-20, lots 1300, 1400, 1500, 1701, 1704, 1801, 1802, 1800	Toledo UGB	R-1
124	Staff Amendment	11-11-17BD, lot 100  11-11-17BD, all lots with exception of tax lot 100	Tourist- Commercial  Suburban Residential	C-T  R-1
116	Staff Amendment	11-11-17DC, lots 401, 403, 400	Planned Ind.	I-P
71	Staff Amendment	13-12-25AA, lots 800, 900, 1130, 1129,	Commercial- Tourist to Gen. Commercial	C-T to C-2
65	Staff Amendment	13-11-8, lot 18	Forest to Ag	T-C to AC-20
126	Staff Amendment	13-10-27, lot 911	Dis. Res.	RR-5 to RR1-2

EXHIBIT "A"

<u>NO.</u>	<u>NAME</u>	<u>MAP NO.</u>	<u>PLAN</u>	<u>ZONE</u>
64	Staff Amendment	13-10-27CC, lots 200, 400, 500, 600, 700, 800	Suburban Res.	R-1
70A	Staff Amendment	13-11-30AB, lots 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 600, 700, 800	From City Plan R01 to Sub. Res.	
70B	Staff Amendment	13-11-30, lots 900, 1200, 1300	Forest	T-C
125C	Staff Amendment	11-10-7, lot 1100	UGB	C1 to AC40
125D	Staff Amendment	11-10-7A, lot 401, 500, 600, 700, 701, 702, 703, 800, 801, 90041, 90042, 1002, 1101, 1300, 2800  11-10-6, lots 2300 (part), 2401, 2601, 2702 (part),	UGB	R-1 to AC40

EXHIBIT "A"

<u>#</u>	<u>NAME</u>	<u>LEGAL DESCRIPTION</u>	<u>PLAN</u>	<u>ZONE</u>
2	Affolter	6-9-29, 400, 500, 502,	DR to DR	RR-5 to RR1-2
3	Lutterman	504		
4	Lutterman	6-9-30, 103, 104, 105,		
5	Durette	106, 109, 200,		
69	Ronald Knott	303, 304, 307,		
103	Walter Hall	308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318		
		6-10-25, 200, 201, 202, 203, 205, 206, 204 (portion South of center section line)		
		6-10-25CA, 100, 101, 102		
		6-10-25CB, 100, 200, 201, 300, 400, 600, 700, 800, 900		
38	Lincoln Development	11-11-22D, 4000 11-11-27, 200	DR to WR	RR1-2 to MP
40	Makai Property	12-11-18, 300 12-11-18AC, 100 12-11-18CA, 101 12-11-18DB, 16100, 16200, 16300, 16400	F to DR	TC to RR1-2
48	Byron Powell	13-10-28, 700 (part)	F to WR	TC to MP
49	Louis Kittle	13-10-30DF, 100	DR to WD	RR-5 to MP
58	HD Partnership, Erickson	13-12-36D, 700	SR to DR	R-1 to RR1-2
75	Wayne Niehaus	14-9-6BC, 102, 104 14-9-6BB, 105, 111	AG to F	AC40 to TC
77	Bocci	13-11-18CB, 7800, 7900,	UGB	R1-A to R-2
78	O'Connell	8900, 9100,		
92	Lindsey	9200, 10100,		
94	Christman	10200, 10300,		
95	Hubbard	10400		
96	Vandehey	13-11-18BC, 13800		
111	Silk			
81	Higgins	7-11-23, 1200, 1201,	F to I	TC to IP
82	DA-CEL	1202, 1203		
83	Kettering			

#	NAME	LEGAL DESCRIPTION	PLAN	ZONE
86	Howard	11-10-16, 1500, 1502,	F to DR	TC to RR-5
108	Marthaller	1504, 1600,		
112	Bogard	1700, 1701, 1703, 1800, 1801, 1802, 1900, 1901		
89	Bequette	8-11-28BC, 8300, 8400,	RC to RC	R-1 to C1
15	Michael Wilcox	9100, 9200, 9300, 9700		
91	Toledo Sand & Gravel	9-9-33, 902	Text Amendment	
98	Warren Ferris	11-11-32, 1700, 1701,	F to DR	TC to RR-5
99	Doyle Stevenson	1702, 1703, 1601, 1800, 1801 12-11-5, 600, 800, 801		
100	Transpacific Group	11-11-31DD, 1300, 1301,	SR to RSC	R-1 to R-4
102	Timothy Cables	1400, 1500, 1501, 1503, 1504, 1505, 1506, 1600,		
101	Corliss	13-11-18CB, 7200	UGB	R1-A to R-2
105	Betty Fowler	11-11-36, 400	F to DR	TC to RR-5
106	Alsea Properties, Inc	13-10-32DB, 1000 - 1700 2200 - 3900	DR to SR	RR-5 to R-1
115A	Bob Zyback	11-9-10, 201	SR to I	R-1 to IP
122	Roy Sawyer	11-11-22A, 701, 800, 801, 802	SR to C	R-1 to C2
115B	Ernest Hill	7-11-23, 100	F to AC	TC to AC10

EXHIBIT "A-1"

STATE PARK	LOCATION	PRESENT ZONE
Agate Beach State Way	10-11-32, lot 1500	Newport
Alsea Bay & Bridge	Waldport	R-1 DR
Beachside State Park	14-12-2D County Map does not show property	RR1-2 DR
Beverly Beach State Park	10-11-5, lot 400 East of Entrance Road West of Entrance Road	RR1-2 DR RR1-2 DR T-C Forest
Boiler Bay	8-11-32, Lot 1000	P-F UGB
D River Wayside	7-11-15, Lot 101	Lincoln City
Depoe Bay	9-11-8BA, Lot 6900	Depoe Bay
Devils Lake South	7-11-14B, Lot 600 7-11-14C, Lot 100 7-11-14A, Lot 401	R-1 UGB
Devils Lake North	7-11-14BB, Lot 5600 7-11-15AA, Lot 1100	Lincoln City
Devils Punch Bowl	9-11-32DB, Lot 9700 9201 8200 8300 9000 9100 7300 8103 6900 10500	R-1 RCGB C-1
Driftwood Beach	13-12-1D, Lot 1500	RR1-2 DR
Elmaker State Park	11-8-14, Lot 600	T-C Forest
Fogarty Creek	8-11-28CC, 500 600 700 2700 8-11-32 200 300 8-11-33 100 500 8-11-32AD 200 300	T-C Forest R-1 DR R-1 DR R-1 DR T-C Forest R-1 DR

STATE PARK	LOCATION		PRESENT ZONE
South Fogarty Beach	8-11-32, lot 802 8-11-32DB, lot 200		P-F
Gleneden Beach Wayside	8-11-16DB, lots	200 209 300 400 500 600	R-1 RC
Governor Patterson Memorial	13-12-25	100 200	R-1 UGB
Lincoln Beach Wayside (portion sold in State land auction)	8-11-28BC 8-11-28CB	4700 701 400 500 702 4001 4400 4300 4200 4100	R-1 RC R-1 RC
Lost Creek	12-11-6 12-11-6CA	1300 1700 300 400 1000 1100	R-1 SR R-1 SR
	12-11-7B	200	R-1 SR
Otter Crest Way	9-11-29	600	R-1 DR
Rocky Creek State	9-11-18 9-11-19AD	300 100 120 130	P-F R-1 UGB
	9-11-20		R-1 UGB
San Marine	14-12-14C 14-12-14BD	1400 1401	RR1-2 DR
Seal Rock	12-12-25DA 12-12-25AD	4000 3900 7700	R-1 RC C-T
Smelt Sands Wayside	14-12-22DD	401 500	City of Yachats

South Beach	11-11-17	800	P-F
		9000	
	11-11-17CD	2200	P-F
	11-11-17	101	Right of way
	11-11-19	3401	P-F
		3300	P-F
	11-11-20	800	P-F
	11-11-20CB	100	P-F
	11-11-20BC	100	P-F
	11-11-20BB	100	P-F
W.B. Nelson	13-11-29A	1100	R-1 UGB
Wm. P. Keady Wayside	13-11-19	1700	M-W
Yaquina Bay	11-11-17	1000 100-21	City of Newport
Yachats	14-12-23	1500	City of Yachats
	14-12-27DA	7500	City of Yachats
Yachats Ocean Road	14-12-27DD	1300	City of Yachats
	14-12-26	1700	City of Yachats

FACILITY/PARK	LOCATION	PRESENT ZONE
Van Duzier Corridor	6-9-20	T-C
Collins Park	12-12-36A, lot 8500	R-1
Siletz Bay Airport	8-11-5B	R-1
Olalla Valley Golf	10-10-32, lot 1408	RR-5
Devils Lake Golf	6-10-35	R-1
	6-11-36CC, lot 100	R-1
	7-11-2A, lot 100	R-1
Rose Lodge School	6-10-35BC, lot 800	R-1
	6-10-35BC, lot 1000	C-1
Wakanda Beach Airport	14-12-2AA, lot 4500	RR1-2
	14-12-2AD, lot 200	
	14-12-2, lot 501, 600,	
	801 and 901	

EXHIBIT B

<u>Request Number</u>	<u>Name</u>	<u>Legal Description</u>	<u>Plan</u>	<u>Zone</u>
30	Joe Johnson	10-10-33 800	F - DR	TC - RR-5
31	Dyer Land Develop- ment	10-10-32	F - DR	TC - RR-5
32	" " "	10-10-33 101, 105, 106	F - DR	TC - RR-5
33	McClain Estate	10-10-33 200, 301	F - DR	TC - RR-5
41	Robert Cristler	12-11-31BB, 100, 200, 301	DR -RC	RR1-2 - R-1
68	Parker Henschman	10-10-28	F - DR	TC - RR-5
52	Oakland	13-11-27A 1900, 1905, 1906, 1801, 1800	F - DR	TC - RR-5
44	Stryker	13-11-7, 1401, 1400	DR - SR	RR1-2 - R-1
43	Roof	13-11-7, 1300	DR - SR	RR1-2 - R-1

BEFORE THE BOARD OF COUNTY COMMISSIONERS

Additional Findings re: #30 Joe Johnson

The property is bordered on the west by the Olalla Valley area and on the east by Highway 20. Both of these areas currently support rural residential development of moderate intensity. In addition, a golf course and some attendant high density residential development are immediately adjacent in the Olalla Valley area.

None of these properties in this immediate vicinity are being actively managed as commercial forest land. Numerous small parcels exist in this area, and all are in private, non-industrial ownership. This area is primarily a transition area between lands in commercial forest use to the north and rural residential areas to the west and east.

As a result of these factors, the Board finds that these lands are not part of a cohesive forest use area, but rather are within an area with an historic settlement pattern of rural residences and are therefore committed to rural residential use. These properties were designated in error as Forest Land and should correctly be designated Dispersed Residential with the appropriate implementing zone.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

Additional Findings re: #31 Dyer Land Development

The property is bordered on the west by the Olalla Valley area and on the east by Highway 20. Both of these areas currently support rural residential development of moderate intensity. In addition, a golf course and some attendant high density residential development are immediately adjacent in the Olalla Valley area.

None of these properties in this immediate vicinity are being actively managed as commercial forest land. Numerous small parcels exist in this area, and all are in private, non-industrial ownership. This area is primarily a transition area between lands in commercial forest use to the north and rural residential areas to the west and east.

As a result of these factors, the Board finds that these lands are not part of a cohesive forest use area, but rather are within an area with an historic settlement pattern of rural residences and are therefore committed to rural residential use. These properties were designated in error as Forest Land and should correctly be designated Dispersed Residential with the appropriate implementing zone.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

Additional Findings re: #32 Dyer Land Development

The property is bordered on the west by the Olalla Valley area and on the east by Highway 20. Both of these areas currently support rural residential development of moderate intensity. In addition, a golf course and some attendant high density residential development are immediately adjacent in the Olalla Valley area.

None of these properties in this immediate vicinity are being actively managed as commercial forest land. Numerous small parcels exist in this area, and all are in private, non-industrial ownership. This area is primarily a transition area between lands in commercial forest use to the north and rural residential areas to the west and east.

As a result of these factors, the Board finds that these lands are not part of a cohesive forest use area, but rather are within an area with an historic settlement pattern of rural residences and are therefore committed to rural residential use. These properties were designated in error as Forest Land and should correctly be designated Dispersed Residential with the appropriate implementing zone.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

Additional Findings re: #33 McClain Estate

The property is bordered on the west by the Olalla Valley area and on the east by Highway 20. Both of these areas currently support rural residential development of moderate intensity. In addition, a golf course and some attendant high density residential development are immediately adjacent in the Olalla Valley area.

None of these properties in this immediate vicinity are being actively managed as commercial forest land. Numerous small parcels exist in this area, and all are in private, non-industrial ownership. This area is primarily a transition area between lands in commercial forest use to the north and rural residential areas to the west and east.

As a result of these factors, the Board finds that these lands are not part of a cohesive forest use area, but rather are within an area with an historic settlement pattern of rural residences and are therefore committed to rural residential use. These properties were designated in error as Forest Land and should correctly be designated Dispersed Residential with the appropriate implementing zone.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

Additional Findings re: #68 Parker Henchman

The property is bordered on the west by the Olalla Valley area and on the east by Highway 20. Both of these areas currently support rural residential development of moderate intensity. In addition, a golf course and some attendant high density residential development are immediately adjacent in the Olalla Valley area.

None of these properties in this immediate vicinity are being actively managed as commercial forest land. Numerous small parcels exist in this area, and all are in private, non-industrial ownership. This area is primarily a transition area between lands in commercial forest use to the north and rural residential areas to the west and east.

As a result of these factors, the Board finds that these lands are not part of a cohesive forest use area, but rather are within an area with an historic settlement pattern of rural residences and are therefore committed to rural residential use. These properties were designated in error as Forest Land and should correctly be designated Dispersed Residential with the appropriate implementing zone.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

Additional Findings re: #43 Dave Roof  
#44 Bertha Stryker

This property is located along Highway 101, has an improved road to County standards serving a water tank providing water to the Newport to Waldport area for the Seal Rock Water District. There are buildings located on the properties. Building is also evident on nearby lots to the north, south and west across 101. Forest activities occur on the east (USFS) and northeast (GP).

An exception was taken for the property as part of the Built and Committed Coastal Areas page 74 Exceptions Paper Ordinance #138 which states, "Areas along Highway 101 where historic land development has been residential in large lots forming a transition zone between forest activities such as clear cuts and tourist use of Highway."

The Lincoln County Plan indicates, "Building and Facilities must be in place at the time of adoption of this plan or be inside of an established Urban Growth Boundary to acquire this designation." "If a small lot lies along an improved road between two lots with buildings it is also considered committed."

As a result of these factors, the Board finds that these lands have met the minimum criteria for inclusion in the Suburban Residential Plan Designation. These properties are designated in error as Dispersed Residential and should be designated Suburban Residential and zoned R-1.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

Additional Findings re: #52 John Oakland

This property is bordered north by a rural lotting pattern and the development of numerous residences along Highway 34. Similar development is present to the west and east of this area.

This property has been partitioned in the past, leaving the largest tract in this area at approximately 10 acres. Several rural residences are currently developed immediately adjacent to the subject property. This property is not currently being managed as commercial forest land.

As a result of these factors, the Board finds that this property is not part of a cohesive forest use area of predominantly large parcels. It therefore has been incorrectly designated as Forest Land and should be correctly designated as Dispersed Residential with the appropriate implementing zone.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

Additional Findings:

RE: 41, Robert Chrisler, 12-11-31BB, 100, 200 & 301

Testimony before this Board indicated the existing plan designation splits the tax lots in two and also the existing plan designation splits the residence of property owners.

Lincoln County Ordinance #34 states that zone boundaries unless otherwise specified are section lines, subdivision lines, lot lines, center lines of streets or railroad rights-of-way, or such other lines extended or similar lines.

No rationale was stated at the hearings or in the record for the placement of the line through the existing residences.

The existing dwellings indicate a commitment to residential use.

An exception was taken under the statewide goals as part of the Lincoln County Comprehensive Plan Ordinance #138, for these properties.

A portion of the area was part of the Rural Community Center for the Seal Rock Rural Community Center as adopted under the Lincoln Comprehensive Plan Ordinance #138 and zoned R-1 under Ordinance #139.

This is an area where utility systems would be appropriate and could be provided in the future to solve identical problems as

