

FILED

AUG 29 1984

GLORIA A. McEWEN, CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS BY.....DEPUTY

FOR THE COUNTY OF LINCOLN

ORDINANCE # 220

AN ORDINANCE AMENDING LINCOLN COUNTY COMPREHENSIVE PLAN AND ZONING MAP and DECLARING AN EMERGENCY

WHEREAS the Lincoln County Board of Commissioners, by Resolution #84-1-8A initiated the consideration of a comprehensive plan map change from rural community center to forest land and a zone map change from R-1 Single Family Residential to T-C Timber Conservation for property located on the south shore of the Alsea River at Tidewater, approximately 10 miles east of Waldport, identified on Lincoln County Assessor's Map 13-10-28 as tax lots 900, 1200, and 1201; and

WHEREAS following a quasi-judicial land use hearing on August 22, 1984 wherein the board received testimony and public input; and

WHEREAS the board adopted findings and conclusions attached hereto and made a part of this ordinance, the board hereby ORDAINS as follows:

1. That the property located on the south shore of the Alsea River at Tidewater approximately 10 miles east of Waldport, identified on the Lincoln County Assessor's map 13-10-28 as tax lots 900, 1200, and 1201, the comprehensive plan map designation be changed from rural community center to forest land; and that the zone map be amended from R-1 single family residential to T-C timber conservation;

2. That a copy of this ordinance be forwarded to the Lincoln County Planning Department which is instructed to amend the official maps filed in the county clerk's office in accordance with this ordinance;

3. That copies of this ordinance be forwarded to the Lincoln County Assessor, Surveyor, Dennis Bartoldus as property owner representative.

4. That the planning department notify the Land Conservation and Development Commission of this ordinance and see that the necessary steps are taken by the commission to review the matter.

.....
.....

Lincoln County Legal Counsel
Lincoln County Courthouse
225 W. Olive Street
Newport, OR 97365
Phone: 265-6611 ext 308

1 5. That this ordinance being necessary for the immediate
2 preservation of the public peace, health, and safety, an emergency
3 is declared to exist and this ordinance takes effect upon its
4 adoption.

DATED this 29 day of August, 1984

LINCOLN COUNTY BOARD OF COMMISSIONERS

R. D. Jentzi Chairman

Bob Deskin Commissioner

absent Commissioner

Lincoln County Legal Counsel
Lincoln County Courthouse
225 W. Olive Street
Newport, OR 97365
Phone: 265-6611 ext 308

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINCOLN COUNTY

IN THE MATTER OF A QUASI-JUDICIAL)
LAND USE ZONE AND COMPREHENSIVE)
PLAN CHANGE FOR PROPERTY)
FOUR ON THE RIVER)

FINDINGS OF FACT
AND
CONCLUSIONS

FINDINGS OF FACT:

1) The Lincoln County Comprehensive Plan, zoning maps and comprehensive plan inventory were adopted in June of 1980 and subsequently revised in September , 1982.

2) A primary objective in adopting the comprehensive plan, comprehensive plan and zoning maps, and comprehensive plan inventory was to achieve compliance with statewide planning goals and accrue to the citizens of Lincoln County the benefits of statewide acknowledgement. These benefits include:

- absence of LCDC enforcement orders;
- eligibility for LCDC planning grants and other state monies associated with an acknowledged comprehensive plan;
- eligibility for Federal coastal planning monies administered through LCDC

3) The subject property in the absence of an LCDC acknowledged exception described as tax lots 900,1200 and 1201 on Lincoln County Assessor's map #13-10-28 has now been identified as forest land as defined by LCDC in the Lincoln County Plan Inventory.

4) The subject property has been designated Rural Community Center and zoned R-I (single-family residential) on the comprehensive plan and zoning maps.

5) Lincoln County adopted as a part of the comprehensive plan, a Goal 2 exception as justification for assigning a non-forest plan designation and zoning to the subject property.

6) On January 18,1983, the Land Conservation and Development Commission issued order 8-CONT-11 finding said exception for the subject property inadequate to comply with Goal 2.

7) Order 8-CONT-11 of the Land Conservation and Development Commission further found that because Lincoln County had failed to comply with Goal 2 in designating the subject property, it had also failed to comply with Goals 3, 4 and 5.

- 8) The Forest Land plan designation and T-C implementing zone adopted by Lincoln County as a part of the Lincoln County Comprehensive Plan have been found to be in compliance with the requirements of Goals 3 and 4 by LCDC.
- 9) A definitive process for planning for and designating land for destination resorts had not yet been established by LCDC. The original exception approved by Lincoln County approving a destination resort on the subject property was found to be in non-compliance by LCDC with statewide planning goals. In the absence of an approved exception, and a procedure for planning for destination resorts the current plan designation and zoning on the subject property (Rural Community and R-1) causes that portion segmented from Lincoln County's Comprehensive Plan to be in non-compliance with the statewide planning goals.
- 10) Without complete acknowledgement of the Lincoln County Plan, the county will be ineligible for LCDC planning grants and other state monies, or federal coastal planning monies administered by LCDC.

Now, therefore, the board CONCLUDES:

- 1) Because the current plan designation of rural Community Center and the zoning designation of R-1 assigned to the property have, as supported by the county adopted exceptions statement, been found by LCDC to not comply with statewide planning Goals 3, 4, and 5, the subsequent consequences of non-compliance and non-acknowledgement of the subject property will pose hardships for Lincoln County and its citizens. Therefore, there is a public need for the property to be rezoned at this time, pending adoption of definitive planning standards for destination resorts by LCDC.
- 2) As the Lincoln County Comprehensive Plan designation for forest land and the timber conservation (T-C) implementing zone have been found by LCDC to comply with the applicable requirements of Goals 3, 4, and 5, a comprehensive plan change to forest land and a zone change to timber conservation (T-C) for subject property will assure the benefits to Lincoln County of a completely acknowledged plan. This will assure public need will be met at this time.
- 3) The Lincoln County Comprehensive Plan designation for the forest land and the timber conservation (T-C) implementing zone have been found to comply with the applicable requirements of Goals 3, 4, and 5 by LCDC, therefore a comprehensive plan change to forest land and a zone change to timber conservation (T-C) for the subject property will be in compliance with the statewide planning goals at this time.

DATED this 29th day of Aug, 1984.

L. D. Jantz

LINCOLN COUNTY BOARD OF COMMISSIONERS

Chairman

Bob Washburn

Commissioner

absent

Commissioner