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1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR THE COUNTY OF LINCOLN

Lincoln County Legal Counsel

3 ORDINANCE # 221

4 AN ORDINANCE AMENDING LINCOLN COUNTY COMPREHENSIVE PLAN EXCEPTIONS  
5 PAPER AND DECLARING AN EMERGENCY

6 WHEREAS the Lincoln County Board of Commissioners by  
7 Resolution #84-1-8A initiated the consideration of a comprehensive  
8 plan map change from Rural Community Center to Forest Land and a  
9 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

10 WHEREAS a quasi-judicial land use hearing was held wherein  
11 the board received testimony and public input and the board adop-  
12 ted Ordinance #220 with appropriate findings and conclusions and  
13 by said ordinance amended the comprehensive plan designation from  
Rural Community Center to Forest Land and the comprehensive plan  
zone map from R-1 Single Family Residential to T-C Timber Conser-  
vation; and

14 WHEREAS the finding adopted as a part of Ordinance #220  
15 reflects that the original need exception approved by Lincoln  
16 County on the subject property was found by LCDC to be in non-  
17 compliance with state-wide planning goals, and in the absence of an  
18 approved exception, the plan designation and zoning on the subject  
property prior to the amendments effected by Ordinance #220  
caused that portion to be segmented from the Lincoln County Com-  
prehensive Plan during the acknowledgement process; and

19 WHEREAS in order for the county comprehensive plan and  
20 zoning maps to be consistent, the exceptions paper, Appendix G,  
21 labelled Riviera Shores Need Exception which provides justifica-  
22 tion for the R-1 Single Family Residential Zone and Comprehensive  
23 Plan Map designation of Rural Community Center and is in apparent  
24 conflict with the present timber conservation forest land plan and  
25 map designation and, therefore, needs to be deleted; and

26 WHEREAS, following a quasi-judicial land use hearing on  
October 24, 1984 wherein the board received testimony and public  
input following legal notice; and

WHEREAS the board adopted findings and conclusions attached  
hereto and made a part of this ordinance

The Board hereby ORDAINS as follows:

Page 1 Ordinance # 221

1           1. That that portion of the Lincoln County Comprehensive  
2 Plan Exceptions Paper is hereby amended by the deletion of Appen-  
3 dix G, labelled Riviera Shores Need Exception, from the Lincoln  
4 County Comprehensive Plan;

5           2. That the findings and conclusions adopted as a part  
6 of Ordinance #220 are hereby adopted and made a part of this  
7 ordinance;

8           3. That the Lincoln County Planning and Development  
9 Department is hereby instructed to amend the comprehensive plan  
10 in accordance with this ordinance;

11           4. That a copy of this ordinance be forwarded to the  
12 Lincoln County Assessor, Surveyor, Planning Department, and  
13 representatives of the property owners;

14           5. That the planning staff notify LCDC of this ordinance  
15 and see that necessary steps are taken by the commission to review  
16 the matter.

17           6. That this ordinance, being necessary for the imme-  
18 diate preservation of the public peace, health, and safety, an  
19 emergency is declared to exist and this ordinance takes effect  
20 upon its adoption.

21           DATED this 24 day of October, 1984.

22           LINCOLN COUNTY BOARD OF COMMISSIONERS

23           R. D. Gentry  
24           Chairman

25           Bo A. Weakin  
26           Commissioner

Absent  
          Commissioner

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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.

*R. D. Jantz*

LINCOLN COUNTY BOARD OF COMMISSIONERS  
Chairman Rob Washburn Commissione  
absent Commissioner