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BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR THE COUNTY OF LINCOLN

ORDINANCE # 223

Lincoln County Legal Counsel

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

WHEREAS the city of Depoe Bay recently amended its urban growth boundary and requested that the county consider those amendments; and

WHEREAS land use goal #14 requires cities and counties to mutually adopt an urban growth boundary and a coordinated plan and implementing measure for unincorporated territories within the urban growth boundary; and

WHEREAS the Lincoln County Planning Commission has reviewed the proposed amendments and, after public hearing, concurred with the amendments and adopted appropriate findings; and

WHEREAS any property which is, by this amendment to the urban growth boundary, included in the urban growth boundary requires a review and/or change to comprehensive plan and zoning designation; and

WHEREAS, following public notice, the Lincoln County Board of Commissioners conducted a hearing on this matter;

NOW, therefore, it is hereby ORDAINED as follows:

1. That the Depoe Bay Urban Growth Boundary, as delineated on the Lincoln County Comprehensive Plan and Zoning Map, is amended as set forth on exhibit "A", attached hereto and by this reference incorporated herein;
2. That the Lincoln County Comprehensive Plan and Zone designation for property included in the urban growth boundary are by this ordinance amended as set forth in exhibit "A";
3. That the Lincoln County Planning staff is hereby directed to amend the initial zoning maps of the county on file with the Lincoln County Clerk, and date and number said changes;
4. That the Lincoln County Board of Commissioners adopt the findings as attached exhibit "B", attached hereto and by this reference incorporated herein;

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

5 DATED this 28 day of Nov., 1984

6 LINCOLN COUNTY BOARD OF COMMISSIONERS

7 *R. D. Jantz*
8 Chairman

9 *Bob Deskins*
10 Commissioner

11 *[Signature]*
12 Commissioner

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In the Matter of)
AMENDMENT OF THE DEPOE BAY)
URBAN GROWTH BOUNDARY)

FINDINGS OF FACT
AND CONCLUSIONS

FINDINGS OF FACT

1. The area to be included within the Depoe Bay Urban Growth Boundary (hereinafter referred to as the "subject property") consists of approximately 25 acres, bounded by U.S. Highway 101 on the east, Whale Cove Inn on the south, Little Whale Cove subdivision on the north and the Pacific Ocean on the west.

2. The subject property is comprised of 41 tax lots in 17 ownerships. The largest single tax lot is 4.98 acres and the largest single ownership is 20 acres. Twenty-four lots are within a platted subdivision. Eight lots are presently developed with single family residences.

3. The subject property is effectively separated from adjacent lands to the south, east and west by Highway 101 and the Pacific Ocean. Lands to the north are currently developed with compatible residential uses.

4. The subject property has been identified as forest land in the Lincoln County Comprehensive Plan Inventory.

5. The subject property has been designated in the acknowledged Lincoln County Comprehensive Plan as either built upon or irrevocably committed to uses not permitted by Goal 4, pursuant to Goal 2 exception requirements. Inclusion of the subject property within the UGB will not result in the conversion of any resource lands to non-resource uses.

6. Urban services provided by the City of Depoe Bay are limited to sewer and water.

7. Sewer lines are currently installed to the boundary of the subject property. These lines have been sized to adequately serve development on the subject property. Adequate treatment capacity is presently available to serve all projected development within the Depoe Bay Urban Growth Boundary, including the subject property.

8. The subject property is currently served by the City of Depoe Bay water system, through the Miroco water district.

9. Expansion of urban services on to the subject property will utilize excess system capacity. This will assist the city in delivering these services in a more economically efficient manner by spreading the cost over a larger base of users.

10. The subject property is currently on the fringe of the Depoe Bay Urban Area. The property immediately adjacent to the subject property on the north is currently fully urbanized. The subject property has been designated by the City of Depoe Bay for urban density residential development.

11. According to the Lincoln County Comprehensive Plan Inventory, no Goal 5 resources are present on the subject property.

12. The Lincoln County Comprehensive Plan Inventory identifies a portion of the subject property as a significant shoreland habitat area, pursuant to Goal 17. As city and county designations for the area are similar, an equivalent level of protection will be provided to this area upon inclusion within the UGB.

13. The provision of sewer service to the subject property will eliminate potential negative environmental consequences resulting from the failure of subsurface sewage disposal systems.

14. A higher density of development on the subject property will result in a conservation of energy.

15. There are no agricultural soils present on the subject property.

16. There are no agricultural activities present within several miles of the subject property.

17. The findings of fact adopted by the Depoe Bay City Council (Ordinance No. 116 Exhibit "B") are hereby incorporated into these findings as if fully set forth herein.

The Board, therefore, makes the following

CONCLUSIONS

1. Inclusion of the subject property within the Depoe Bay Urban Growth Boundary will facilitate the orderly and economic provision of public facilities and services.

2. Inclusion of the subject property within the Depoe Bay Urban Growth Boundary will maximize the efficiency of land uses within and on the fringe of the existing urban area.

3. No adverse environmental, energy, economic or social consequences will result from the inclusion of the subject property within the Depoe Bay Urban Growth Boundary.

4. No agricultural lands or activities will be affected by the expansion of the Depoe Bay Urban Growth Boundary to include the subject property.

5. The long term environmental, economic, social and energy consequences resulting from inclusion of the subject property in the Depoe Bay Urban Growth Boundary will not be significantly more adverse than would result from inclusion of other areas within the boundary.

6. The proposed urban density residential uses on the subject property will be compatible with other adjacent uses.