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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF LINCOLN

ORDINANCE # 231

Lincoln County Legal Counsel

AN ORDINANCE AMENDING LINCOLN COUNTY CODE, CHAPTER ONE, and
DECLARING AN EMERGENCY

The Lincoln County Board of Commissioners hereby
ORDAINS as follows:

SECTION I: DUPLEXES

Section 1.1315(1)(a) is hereby amended to read as
follows:

"(a) A use permitted outright in the R-1 zone, but ex-
cluding mobile homes and duplexes on corner lots."

BED AND BREAKFAST

Section 1.1115 is amended to add sub-subsection (a)
to subsection (8) and read as follows:

"(8) Base flood. A flood having a 1% chance of be-
ing equalled or exceeded in any given year.

"(a) Bed and Breakfast Inn. A structure de-
signed for and occupied as a single-family
residence in which no more than two sleeping
rooms are provided on a daily or weekly
basis for the use of no more than a total of
six travelers or transients at any one time
for a charge or fee paid, or to be paid, for
the rental or use of these facilities."

Section 1.1310(2) is amended to add provision (w) as
follows:

"(w) bed and breakfast inns"

Section 1.1315(2)(a) is amended to read as follows:

"(a) A use permitted as a conditional use in the
R-1 zone, excluding single-wide mobile homes
and bed and breakfast inns"

Section 1.1345(2) is amended to add provision (u) as
follows:

"(u) bed and breakfast inns"

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1 Section 1.1355(2) is amended to add provision (u) as
2 follows:

3 "(u) bed and breakfast inns"

4 Section 1.1630 is hereby amended to add provision (22)
5 as follows:

6 "(22) Standards for bed and breakfast inns:

7 "(a) bed and breakfast inns shall be restricted to
8 single family residences.

9 "(b) No more than two sleeping rooms shall be
10 available for the accommodation of inn
11 visitors.

12 "(c) No more than six guests shall be accommodated
13 at any one time.

14 "(d) Occupancies shall be limited to no more than
15 seven consecutive days and no more than 15
16 days in any 30-day period per guest.

17 "(e) Breakfast shall be the only meal provided to
18 inn guests.

19 "(f) The exterior of the building shall maintain
20 a residential appearance.

21 "(g) No materials or commodities shall be delivered
22 to or from the residence that are of such a
23 bulk or quantity as to create congestion.

24 "(h) The bed and breakfast inn shall be operated
25 in such a manner so as not to cause unreason-
26 able disturbance to area residents."

27 SECTION II: FINDINGS AND CONCLUSIONS

28 That the Lincoln County Board of Commissioners adopt
29 the findings and conclusions, attached as Exhibit "A", attached
30 hereto and by this reference incorporated herein.

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1 SECTION III: EMERGENCY CLAUSE

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

6 DATED this 7th day of August, 1985.

7 LINCOLN COUNTY BOARD OF COMMISSIONERS

8 Bob Teskins
9 Chairman

10 R. D. Jantzi
11 Commissioner

12 Alberta Bryant
13 Commissioner

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In the Matter of)
)
REVIEW OF USES PERMITTED IN)
THE R ZONES)

EXHIBIT "A"
FINDINGS AND CONCLUSIONS

WHEREAS the Lincoln County Board of Commissioners directed through Resolution #85-6-3B, a review by the planning commission of uses permitted in all R zones, specifically requesting a review in R-1-A zone and uses permitted in that zone; and

WHEREAS the planning commission conducted a public hearing on the 22nd day of April, 1985 to consider the R zone review, pursuant to Section 1.1230 of the Lincoln County Code; and

WHEREAS the hearing was conducted in a legislative manner pursuant to Section 1.1225(1) of the Lincoln County Code following legal notice; and

WHEREAS this board conducted legislative hearings following legal notice on July 17, 1985 to consider planning commission recommendations and following consideration of the record, testimony, and exhibits, this board finds as follows:

FINDINGS OF FACT

1. The Lincoln County Code, Section 1.1230 provides the following requirements for legislative amendments:
 - a. Establish that the amendment will be consistent with the Comprehensive Plan Goals and Policies.
 - b. Establish that there is a public need for the change and that the public need will be met by the change.
 - c. Establish that the amendment will be consistent with all other provisions of this chapter and in conformance with the State-wide Planning Goals and all other applicable statutes and regulations.
2. The Economic Goals of the Comprehensive Plan provide for Lincoln County to "support and encourage the creation of new commercial activities in appropriate locations."
3. The Housing Goals of the Comprehensive Plan direct the county to "provide opportunities for a variety of housing choices . . . to meet the needs, desires, and financial capabilities of Lincoln County residents."

4. The recreation goals of the Comprehensive Plan express the county's intent to "maintain the region as a tourist destination."
5. The Lincoln County Code currently provides for the location of two-family residences on corner lots in all R zones.
6. The Lincoln County Code does not provide any exclusively single-family zones.
7. The public testimony reflected a desire to maintain certain county neighborhoods zoned R-1-A for strictly single-family housing.
8. An interest has been expressed by residents and visitors in Lincoln County in the development of bed and breakfast-type lodging facilities.
9. Bed and breakfast operations are typically located within a single-family residence.
10. The Lincoln County Code currently makes no provision for the location of bed and breakfast operations in residential zones.
11. The Lincoln County Comprehensive Plan goals and policies have been acknowledged by the Land Conservation and Development Commission as being in compliance with the Statewide Planning Goals.

Now, therefore, this board makes the following

CONCLUSIONS

1. The elimination of duplexes on corner lots from the permitted uses in the R-1-A zone and the addition of bed and breakfast as a conditional use in the other R zones will be consistent with the comprehensive plan goals and policies.
2. There is a public need to provide for an exclusively single-family residential zone in Lincoln County.
3. There is a public need to provide for bed and breakfast operations as an alternative form of transient lodging in Lincoln County.
4. The public needs, identified above, will be met by eliminating duplexes from the R-1-A zone and adding bed and breakfast facilities to the other R zones.

5. As the amendment is consistent with the acknowledged Lincoln County Comprehensive Plan, it will likewise be consistent with the Statewide Planning Goals.

DATED this 7th day of August, 1985.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Bob Deskins
Chairman

R. D. Jantzi
Commissioner

Alberta Bryant
Commissioner