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BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON *Lincoln County Legal Counsel*

ORDINANCE # 257

AN ORDINANCE AMENDING THE LINCOLN COUNTY ZONING MAPS ON PROPERTY IN THE THIEL CREEK AREA FROM R-1 to P-F ON ASSESSOR'S MAP 12-11-6, and from R-1 to R-1A, 11-11-32CC, 11-11-31DD, 11-11-32, 11-11-31DA, THIEL CREEK AREA, ENCOMPASSING APPROXIMATELY 66 ACRES, AND DECLARING AN EMERGENCY

WHEREAS, the board initiated a zone map amendment on behalf of a group of property owners in the Thiel Creek area from R-1 to R-1A; and from R-1 to P-F on one tax lot owned by the city of Newport; and

WHEREAS the area involved in the requested amendment from R-1 to R-1A encompasses approximately 66 acres in the Thiel Creek area south of the Newport Airport and east of Highway 101; and

WHEREAS the city of Newport requested that the city's property be redesignated P-F to bring it into conformity with the remainder of the airport property; and

WHEREAS, the planning commission authorized a quasi-judicial amendment and after said hearing reached the conclusion that said amendments be made;

Now, therefore, the board hereby ORDAINS as follows:

1. That the planning commission decision is hereby upheld and the zoning map is amended from R-1 to P-F on tax lot 100, assessor's map 12-11-6; the zoning map is also amended from R-1 to R-1A for an area south of the Newport Airport east of highway 101 in the Thiel Creek neighborhood, more particularly described on Exhibit "A";

2. That the findings and conclusions supporting these changes contained in the public testimony before the planning commission and in the staff's report to the planning commission are adopted in support of this ordinance.

3. That copies of this ordinance be forwarded to the applicant, surveyor, assessor, and to the Lincoln County Planning and Development Department which shall amend the official maps in the county clerk's office;

4. That the planning and development department forward a copy of this ordinance to the Department of Land Conservation and Development;

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225 W. Olive Street
Newport, OR 97365
Phone: 253-6611 ext 308

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

DATED this 26th day of August, 1987.

LINCOLN COUNTY BOARD OF COMMISSIONERS

5 Alberta Bryant
6 Chairman

7 Frank Amstrong
8 Commissioner

9 Norma McMillin
10 Commissioner

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Lincoln County Legal Counsel
Lincoln County Courthouse
225 W. Olive Street
Newport, OR 97165
Phone: 265-6611 ext 308

EXHIBIT "A"

Assessor's Map #11-11-32CC:

100	600	1001	1300	1600
200	700	1100	1301	1601
300	800	1101	1400	1700
400	900	1200	1401	1800
500	901	1201	1500	

Assessor's Map #11-11-31DD:

100	107	504	509	702
102	200	505	510	800
103	201	506	516	900
104	501	507	700	1000
105	502	508	701	1100
106	503			

Assessor's Map #11-11-32:

1400	1401	1402	1403
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Assessor's Map #11-11-31DA:

1406

Assessor's Map #12-11-6:

200	300	301
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Initiated By Board of Commissioners:
Hearing Date:

Case File: #1-ZC-87
4-1-87
6-22-87

LINCOLN COUNTY PLANNING DIVISION

- I. APPLICANT: Lincoln County Board of Commissioners; for Thiel Creek Neighborhood Group.
- II. REQUEST: The Board of County Commissioners has initiated a zone map amendment on behalf of a group of property owners in the Thiel Creek area. The request is for a zone map amendment from R-1 to R-1A, and also a zone map amendment from R-1 to P-F on one tax lot owned by the City of Newport.
- III. LOCATION: The request for a zone map amendment from R-1 to P-F involves one tax lot owned by the City of Newport, which is identified on Lincoln County Assessor Map #12-11-6 as tax lot 100.

The area involved in the requested zone map amendment from R-1 to R-1A encompasses approximately 66 acres in the Thiel Creek area, south of the Newport airport, and east of Highway 101 and is identified below:

Assessor's Map #11-11-32CC:

100	600	1001	1300	1600
200	700	1100	1301	1601
300	800	1101	1400	1700
400	900	1200	1401	1800
500	901	1201	1500	

Assessor's Map #11-11-31DD:

100	107	504	509	702
102	200	505	510	800
103	201	506	516	900
104	501	507	700	1000
105	502	508	701	1100
106	503			

Assessor's Map #11-11-32:

1400	1401	1402	1403
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Assessor's Map #11-11-31DA:

1406

Assessor's Map #12-11-6:

200	300	301
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- VI. Total Area: A total of 60 tax lots are included in the rezone request, comprising an area of approximately 66 acres.

It seems to me you should include Exhibit A

V. STAFF REPORT:

A. Report of Facts:

1. Plan Designation: Suburban Residential.
2. Zone Designation: R-1.
3. Surrounding Land Use: The subject area consists of single-family residences on individual lots. To the north is the Newport Municipal Airport. Lands to the east are primarily in forest use, with some scattered residences. Properties to the south are undeveloped forested lands, currently being proposed for incorporation into the Newport Urban Growth Boundary for the purpose of developing a mixed use destination resort.
4. Existing Development: Of the 60 tax lots being considered in the rezone request, one is owned by the City of Newport, and a zone change to P-F is requested. This lot is currently vacant. Of the remaining 59 lots involved in the rezone request from R-1 to R-1A, 43 (approx. 73%) are developed with single family residences and accessory structures, such as garages. Eleven lots, (approximately 19%) are currently vacant; 3 lots, (approximately 5%) are road easements.
5. Utilities:
 - a. Water: Seal Rock Water District.
 - b. Sewage Disposal: On-site septic systems:
 - c. Electricity: Central Lincoln P.U.D.
6. Development Constraints: Airport transition zone. No additional restrictions for structures under 50 feet in height.

B. Evaluation of Request:

1. Agency Comments:

- a. Department of Land Conservation and Development: No comment received.
- b. City of Newport: "The Newport City Council received a letter from Shirley Loeffel concerning a rezoning petition that she and some of her neighbors in the area of Cedar Street are proposing to the Lincoln County Planning Commission. The Council considered their request for the City to change the City property from R-1 zone to an R-1A zone.

The City Council does not wish to take a position on the rezoning of the properties along Cedar Street from R-1 to R-1A, but would request that the City's property, (Map #12-11-6, t.l. 100) be redesignated Public Facilities (P-F) to bring it into conformity with the remainder of the airport properties, which this small lot is a part of." Donald Davis, City Manager, City of Newport.

2. **Criteria for Quasi-Judicial Amendments (Section 1.1235):** A quasi-judicial amendment to the Comprehensive Plan and Zoning Maps may be authorized provided that the proposal satisfies all applicable requirements of this chapter and also provided that the applicant, in a quasi-judicial hearing, demonstrates the following:

- a. That the change is in accord with the Comprehensive Plan goals and policies or the Statewide Planning Goals; and

The Comprehensive Plan designation for the entire area is Suburban Residential. This plan designation permits both R-1 and R-1A zones, as well as allowing for P-F (Public Facilities) zones. No plan map amendment is therefore required for the requested zone change.

The property involved in the zone change request from R-1 to R-1A is in accord with the Comprehensive Plan designation of Suburban Residential. The primary land use in the designation is residential, and thus, both R-1 and R-1A zones are permitted. The two zones are the same in regard to the densities and uses permitted except that the R-1A zone does not permit mobile homes, duplexes and bed and breakfast inns. The R-1 zone allows multi-wide mobile homes and duplexes on corner lots as outright uses; single-wide mobile homes and bed and breakfast inns as conditional uses.

The property identified on Lincoln County Assessor's Map #12-11-6, t.l. #100 is considered a part of property associated with the existing Newport Airport. Amending the zone on this piece of property from R-1 to P-F would be in accord with the Comprehensive plan designation of Suburban Residential, which allows secondary uses such as community facilities, government uses and similar uses, included by County review.

Neither zoning map amendment conflicts with any Comprehensive Plan policy. The Comprehensive Plan is an acknowledged plan, and no Statewide Planning Goals are involved in the request.

- b. That there has been a substantial change in the character of the area since zoning was adopted which warrants changing the zone; or

There has been no substantial change in the character of the area, although development of property with single family residences has continued to the extent that the majority of tax lots, (approximately 73%) are presently developed. Change is anticipated

although not present at this time. A proposal for expansion of the Newport U.G.B. to include adjoining property to the south is currently under review. Property owners in the Thiel Creek neighborhood perceive this planned development in the area will result in increased development pressure in their neighborhood and they wish to limit housing types and certain land uses through implementation of the R-1A zone.

- c. That zoning previously adopted for the area was in error; or

Zoning for the area was not adopted in error. At the time the Comprehensive Plan was adopted, the Thiel Creek neighborhood was a residential area, with many single-family dwellings on lots served with a public water supply. The area was appropriately designated Suburban Residential, and zoned R-1. Prior to enactment of the present zoning in 1980, this area was likewise zoned R-1.

It is staff's opinion that the one parcel within the subject area owned by the City of Newport was zoned in error. This property is contiguous to and a part of the Newport Airport and should properly be zoned P-F to coincide with the rest of the airport property.

- d. That there is a public need for the change being sought.

There is a public need for the change being sought, in that a majority, (64.6%) of property owners in the area requested and support the zone change. When the County created the R-1A zone in 1976, the Lincoln County Planning Commission decided not to apply it legislatively; property owners were required to initiate its assignment. Recognizing that residents in some areas desire to restrict housing types and land uses in specific neighborhoods, the County has assigned the R-1A zone when requested by area residents and where it is determined to be consistent with the established character of the neighborhood. Presently, there are 9 developments in the County with R-1A zoning:

- 1) Bayshore
- 2) Coronado Shores
- 3) Evergreen Ridge
- 4) Miroco
- 5) Road's End
- 6) Sandpiper Village
- 7) Seafarer
- 8) Surfland 1
- 9) Makai Divisions 1 and 2, Thunder Bay Estates and 7 adjoining parcels.

The subject area is, for all intents and purposes, similarly situated and similar in character to the above listed areas of R-1A zoning. In addition, concerns over development pressures and the potential for neighborhood disruption as a result of the proposed resort development in the Thiel Creek basin further highlight the need for additional zoning restrictions to protect the character of the subject area.

C. Conclusions: Based upon the preceding analysis of applicable ordinance criteria, staff reaches the following conclusions:

1. The proposed zoning map amendment is consistent with the acknowledged Lincoln County Comprehensive Plan and, thereby, the Statewide Planning Goals.
2. There has been no substantial change in the character of the area since the present zoning was adopted in 1980.
3. The R-1 zoning for property described as tax lot 100 on Lincoln County Assessor's Map #12-11-6 and owned by the City of Newport as part of the Newport Airport, was adopted in error.
4. There is a public need to protect and maintain the existing single-family character of the subject area, and this public need can be met through application of the R-1A zoning designation.

A motion to approve the requested zoning map amendments may reference the requests as set forth in the staff report (which includes both the subject residential area as well as the request for P-F zoning for the City of Newport property) and may incorporate findings and conclusions as set forth in the staff report.

Submitted by,



Matt Spangler
Director

MS:sk