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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR LINCOLN COUNTY, OREGON Lincoln County Legal Counsel

Ordinance # 248

AN ORDINANCE AMENDING THE LINCOLN COUNTY ZONING MAPS ON PROPERTY IDENTIFIED ON LINCOLN COUNTY ASSESSOR'S MAP 11-11-20; Tax Lot 3200, (portion west of highway 101), AND Tax Lot 1400 (portion west of highway 101), AND ALL OF tax lot 1500 ON MAP 11-11-29, AND DECLARING AN EMERGENCY

WHEREAS the Lincoln County Planning Commission voted unanimously to recommend approval of a zone map amendment from single family residential (R-1) to high density residential (R-4) on approximately 77 acres owned by A.D. Dority; and

WHEREAS the subject property is within the urban growth boundary of the city of Newport with a planned designation of high density residential and the city of Newport has recommended approval of this zone change; and

WHEREAS the Lincoln County Planning Commission concluded after proper notice that the request is in conformance with the county comprehensive plan and that there is a public need for the amendment; and

WHEREAS no appeal has been filed with the board after legal notice;

Now, therefore, the board hereby ORDAINS as follows:

1. That the Lincoln County Comprehensive Plan zone maps for property identified as tax lot 3200 (portion west of highway 101) on assessor's map 11-11-20, and tax lots 1400 (portion west of highway 101) and all of tax lot 1500 on assessor's map 11-11-29 be modified to reflect a change in zone from single family residential (R-1) to high density residential (R-4);

2. That findings adopted by the planning commission, attached hereto as Exhibit A, be adopted and made a part of this ordinance;

3. That the Lincoln County Planning Department make appropriate notation on the official Lincoln County zoning maps reflecting the zone change

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4. That a copy of this ordinance be forwarded to the Lincoln County Assessor, Surveyor, Planning Department, city of Newport, LCDC, and to the applicant;

5. That the Lincoln County Planning and Development Department ensure that legal notice is provided to LCDC of this adopted zone change.

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

DATED this 24th day of September, 1986.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Bob Deskins
Chairman

R. D. Jantzi
Commissioner

Alberta Bryant
Commissioner

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Lincoln County Legal Counsel PROPOSED FINDINGS OF FACT

LINCOLN COUNTY PLANNING DEPT.
COURT HOUSE

1. The property ("Property") that is the subject of this Zoning Action Application is currently zoned R-1 by Lincoln County and is located one and one-half miles south of Newport Bridge on the westside of US 101 just south and adjacent to South Beach State Park. The Property is currently undeveloped.

2. Applicant has requested a zone change from R-1 to R-4. The only additional uses permitted outright in an R-4 zone that are not allowed in an R-1 zone are two family dwellings and multi-family dwellings. Any other use under the R-4 zone designation would require applicant or his successor to apply for a conditional use permit at a subsequent separate proceeding.

3. The current designation of the Property under Lincoln County's Comprehensive Plan is "suburban residential." Section 1.0190(6) of the Lincoln County Comprehensive Plan defines "suburban residential" as:

"Building and facilities must be in place at the time of adoption of this plan or be inside of an established Urban Growth Boundary to acquire this designation. If a small residential lot lies along an improved road between two lots with buildings it is also considered committed. Water must be available either by individual or community system. These represent the minimum; if more facilities are present then the area is further justified as built and committed. Primary uses are single-family residential, multi-family residential where urban facilities and services are available, and existing public recreation facilities. Secondary uses such as community facilities, new public recreation facilities, government uses and similar uses may be included by County review." [Emphasis added]

4. Section 1.0030(5) of Lincoln County's Comprehensive Plan provides:

"Land use decisions affecting urban growth areas outside city limits shall be made after the affected city is given the opportunity to make a recommendation. The city and county plans shall be coordinated for these areas."

5. Section 1.0030(6) of Lincoln County's Comprehensive Plan provides:

"Within city urban growth boundaries, subdivisions and partitions shall be the city's urban densities as set out in the city's plan designation for the affected property or be at interim densities of 5 acres or greater so long as lots do not interfere with efficient urbanization. [Emphasis added]"

6. This Property, although not currently part of the City of Newport, is entirely within the Urban Growth Boundary of the City of Newport.

7. The City of Newport's Comprehensive Plan designates this property for high density residential development. Under the City of Newport's Comprehensive Plan, "high density residential" is defined as follows:

"To provide areas suitable and desirable for all types of high density residential development including apartments, mobile home parks, and tourist overnight accommodations such as resorts and motels. This classification is applied primarily to locations where public water and sewer systems are available, where intensive commercial are or public use areas are located nearby, and in locations with recreation potential."

8. Section 1-2-4.430 of the City of Newport's Comprehensive Plan provides:

"Land use decisions affecting urban growth areas outside city limits shall be made after the affected city is given the opportunity to make a recommendation. The city and county plans [shall be] coordinated for these areas."

9. Section 1-2-4.455 of the City of Newport's Comprehensive Plan provides:

"The land area within the Newport urban growth area, but outside the city limits, is within the jurisdiction of Lincoln County. Lincoln County shall retain responsibility for land use decisions in this area. However, the city and county agree to designate this area a joint management area, and to cooperate in reaching decisions on the nature of development for this area. It shall be the responsibility of the agency or jurisdiction initiating the action to notify and involve the other in the decision."

10. Section 1-2-4.480 of the City of Newport's Comprehensive Plan provides:

"The county shall not change the zoning designation in these areas lying within the urban growth area boundary, but outside the city limits, except with city concurrence."

11. Applicant's zone change request is consistent with the long range plans of the City of Newport for the Property, as acknowledged by the City of Newport's Planning Commission. Lincoln County has consulted with the City of Newport in evaluating this zone change application and the City of Newport supports the requested zone change. There is a public need that the zoning for the Property be consistent with that Property's land use designation under both the City of Newport's and Lincoln County's Comprehensive Plans.