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1 BEFORE THE BOARD OF COMMISSIONERS

2 FOR LINCOLN COUNTY, OREGON Lincoln County Legal Counsel

3 ORDINANCE # 252

4 AN ORDINANCE PROVIDING FOR COMPREHENSIVE PLAN CHANGE FROM FOREST
5 LAND TO DISPERSED RESIDENTIAL, A ZONING MAP CHANGE FROM TIMBER
6 CONSERVATION (TC) TO RURAL RESIDENTIAL (RR-5), THE TAKING OF AN
7 EXCEPTION TO STATE LAND USE GOAL #4 (FOREST LAND) ALL ON PROPERTY
8 IDENTIFIED AS TAX LOT 300, 7-11-1, AND DECLARING AN EMERGENCY

9 WHEREAS, on March 23, 1987, the Lincoln County Planning
10 Commission denied a request by Dorothea Williams for a comprehensive
11 plan change from forest land to dispersed residential, a zone
12 change from timber conservation (TC) to rural residential (RR-5)
13 and an exception to Goal 4 (forest land) of the statewide planning
14 goals, on property located on the eastern side of East Devils
15 Lake Road on the northeast portion of Devils Lake, and identified
16 on assessor's map 7-11-1 as tax lot 300; and

17 WHEREAS this denial was appealed to the board by applicant
18 on April 1, 1987; and

19 WHEREAS, after notice was required by law, a public
20 hearing was held at 10:30 a.m. on the 13th day of May, 1987 pursuant
21 to LCC 1.1275, and continued thereafter to May 20, 1987 wherein
22 the board heard arguments upon the record established before the
23 planning commission; and

24 WHEREAS the board rendered a decision on May 27, 1987
25 which is memorialized in this ordinance;

26 Now, therefore, the board hereby ORDAINS as follows:

1. That the planning commission decision is hereby
reversed and the comprehensive plan is hereby changed from forest
land to dispersed residential, the zoning is hereby changed from
timber conservation (TC) to rural residential (RR-5), and the
comprehensive plan is amended by the taking of an exception to
Goal 4 (forest lands) of the statewide planning goals, all on
property identified as tax lot 300, 7-11-1;

2. That the findings of fact and conclusions supporting
these changes, attached as exhibit A, are adopted, incorporated
herein, and made a part of this ordinance;

3. That copies of this ordinance with attachment be
forwarded to applicant, surveyor, assessor, and to the planning
department which shall amend the official maps in the county clerk's
office;

1 4. That the planning and development department forward
2 a copy of this ordinance to the DLCD as required by law;

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

5 DATED this 10th day of June, 1987.

6 LINCOLN COUNTY BOARD OF COMMISSIONERS

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8 Alberta Bryson
Chairman

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10 Frank Armstrong
Commissioner

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12 Norma McMillin
Commissioner

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BEFORE THE LINCOLN COUNTY BOARD OF COMMISSIONERS

STATE OF OREGON

IN THE MATTER OF THE PLAN) EXHIBIT A
and ZONE CHANGE REQUEST FOR) APPLICANT'S PROPOSED
DOROTHEA WILLIAMS) FINDINGS OF FACT

1. Tax lot 300 on Lincoln County Assessor's map 7-11-1 is owned by Dorothea Williams and has been owned by her since 1969.

2. Tax lot 300 is 14.56 acres in size.

3. Mrs. Williams also owns tax lot 2900 on Lincoln County Assessor's map 7-11-1-BD which is adjacent to tax lot 300 on the west. Tax lot 2900 has approximately 700 feet of frontage on East Devils Lake Road. East Devils Lake Road is a paved county road and is the main arterial serving the residential development along the east side of Devils Lake.

4. Tax lot 2900 is 3.11 acres in size. This 3 acre parcel is included in the Lincoln City urban growth boundary.

5. Mrs. Williams purchased tax lot 300 and tax lot 2900 as a unit. The only reason for separate tax lot designations is due to a quarter section line causing the property to be divided for tax lot purposes. There is no geographical reason for the separation.

6. A residence is located on tax lot 300. The driveway to access the house runs from East Devils Lake Road through tax lot 2900 to the residence. The property is presently serviced by natural gas, electricity, telephone

and TV cable which runs to and partially through the property.

7. The property slopes up from East Devils Lake Road on a westward facing slope.

8. Before the adoption of the 1982 Lincoln County Comprehensive plan and zone ordinances the property was zoned R-1.

9. The property is located within the North Lincoln Hospital District, the Devils Lake Fire District and the Devils Lake Water Improvement District.

10. City of Lincoln City water lines are located along East Devils Lake Road.

11. The City of Lincoln City is undertaking a study to obtain state money to run a sewer line along East Devils Lake Road.

12. The City of Lincoln City is seeking to extend services along East Devils Lake Road.

13. There are numerous houses along East Devils Road which are both primary residences and second homes or vacation homes.

14. Just across East Devils Lake Road from the William's property is a five lot urban density subdivision known as Freidman Subdivision. The other two lots across from the property on East Devils Lake Road are less than one acre in size.

15. Several hundred feet to the north of the property is the 14 lot Horseshoe Bay Subdivision which recently obtained final approval from Lincoln County. This subdivision is developed to urban level density.

16. Just beyond the Horseshoe Bay Subdivision is Lakeview, a very large urban density subdivision.

17. A short distance to the south of the property is Park Road, county road #102. The property along the north side of the road is zoned RR-5. Of the 13 lots shown on the Assessor's map 7-11-1 and 7-11-1-C which abut the road, all are under 10 acres in size and 11 lots are under 5 acres in size.

18. Tax lot 2900 which adjoins tax lot 300 to the west is zoned R-1 and may be developed to urban level density.

19. As far back as 1976 tax lot 300 was included within the Lincoln City urban growth boundary.

20. Lincoln City desires to have tax lot 300 included in the Lincoln City urban growth boundary. Lincoln City constantly requested that this property be included in the urban growth boundary in all but its final submittal to the Department of Land Conservation and Development. The decision to drop the property from the urban growth boundary was a result of pressure from DLCD and not as a result of a detailed review of the specific parcel.

21. Other home sites have already been developed on the east side of Devils Lake Road. Development has occurred to take advantage of lake views.

22. Tax lot 300 is less than 160 feet from East Devils Lake Road.

23. In making the determination of the final urban growth boundary the City of Lincoln City considered which property was in timber tax deferral. According to the Assessor's records the Mrs. Williams has never requested that the property be placed in timber tax deferral but apparently the City was advised that a timber tax designation was on the property at the time the City was making the determination on which property should be in the urban growth boundary in the negotiations with DLCD. If the property was in a timber designation, it was not placed in that designation as a result of the request of the owners.

WHEREFORE, based on the foregoing Findings of Fact, the Lincoln County Board of Commissioners hereby concludes that an error was made in planning tax lot 300 by forest land and zoning it timber conservation. The County Commission hereby concludes that the plan designation on the property should be changed to dispersed residential and the zone designation on the property should be RR-5.

Dated this 10th day of June, 1987.

Alberta Bryan
Chairperson

Frank Ambstrong
Commissioner

Norma McMillin
Commissioner