

1 BEFORE THE BOARD OF COMMISSIONERS

2 FOR LINCOLN COUNTY, OREGON

3 Ordinance # 267

4 AN ORDINANCE REPEALING ORDINANCE NO. 252 AND REDESIGNATING
5 PROPERTY IDENTIFIED AS TAX LOT 300, ASSESSOR'S MAP 7-11-1, AS
6 FOREST LAND ON THE COMPREHENSIVE LAND MAP AND TIMBER
CONSERVATION ON THE ZONING MAP, AND DECLARING AN EMERGENCY

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

16 WHEREAS, the denial was appealed to the Lincoln County
17 Board of Commissioners on April 1, 1987, and after legal notice
18 a public hearing was held on May 13, 1987, and continued there-
19 after to May 20, 1987, wherein the Board heard arguments upon
20 the record established before the Planning Commission; and

21 WHEREAS, on May 27, 1987, the Board reversed the recommen-
22 dation of the Planning Commission and granted a comprehensive
23 plan change from forest land to dispersed residential, a
24 zone change from timber conservation (TC) to rural residential
25 (RR-5), and an exception to Goal 4 (forest land) of the state-
26 wide planning goals on the subject property by adoption of

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1 Ordinance No. 252 on June 10, 1987; and

2 WHEREAS, the Department of Land Conservation and Develop-
3 ment, as Petitioner, appealed the Board's decision to the Land
4 Use Board of Appeals (LUBA). LUBA heard the arguments of
5 Petitioner DLCD and applicant Dorothea Williams' representative
6 and thereafter rendered a decision; and

7 WHEREAS, LUBA's final opinion and order (LUBA No. 87-049)
8 adopted September 29, 1987, remanded the County's decision back
9 to the County because there was nothing found in the record
10 which "clearly supports the decision or part of the decision"
11 made by the county in this proceeding; and

12 WHEREAS, the effect of the remand is to invalidate the
13 county's decision in this case unless additional evidence can
14 be produced to meet legal requirements. Applicant's representa-
15 tive, Dennis Bartoldus, attorney at law, has indicated on
16 applicant's behalf that no additional evidence would be
17 produced to meet those requirements:

18 NOW, THEREFORE, THE BOARD ORDAINS AS FOLLOWS:

19 1. That Ordinance No. 252 granting a comprehensive plan
20 change from forest land to dispersed residential, a zoning
21 change from timber conservation (TC) to rural residential (RR-5),
22 and the taking of an exception to Goal 4 (forest lands) of
23 the statewide planning goals, all on property identified as
24 Tax Lot 300, Assessor's Map 7-11-1, is hereby repealed;

25 2. That the property identified as Tax Lot 300, Assessor's
26 Map 7-11-1, is hereby redesignated forest land on the Lincoln

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1 County Comprehensive Plan Map, and timber conservation (TC) on
2 the Lincoln County Zoning Map;

3 3. That copies of this ordinance be forwarded to the
4 applicant, her representative, the County Surveyor, the County
5 Assessor, and to the Department of Planning and Development
6 which shall amend the official maps in the County Clerk's
7 Office;

8 4. That the Department of Planning and Development forward
9 a copy of this ordinance to the Department of Land Conservation
10 and Development as required by law;

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

15 DATED this 25th day of May, 1988.

16 LINCOLN COUNTY BOARD OF COMMISSIONERS

17 Norma McMILLIN
18 NORMA McMILLIN, Chairman

19 absent
20 FRANK ARMSTRONG, Commissioner

21 Alberta Bryant
22 ALBERTA BRYANT, Commissioner