

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

ORDINANCE NO. 291

AN ORDINANCE AMENDING THE LINCOLN COUNTY ZONING MAP ON PROPERTY IDENTIFIED ON LINCOLN COUNTY ASSESSOR'S MAP #8-11-28-BD, TAX LOT 500, OWNED BY FRED AND MARLENE VAN NOY, FROM R-4 (HIGH DENSITY RESIDENTIAL) TO C-1 (RETAIL COMMERCIAL); AND DECLARING AN EMERGENCY.

WHEREAS the Lincoln County Planning Commission voted unanimously to recommend approval of a zone change from R-4 (High Density Residential) to C-1 (Retail Commercial) for property owned by Fred and Marlene Van Noy; and

WHEREAS the subject property is located north of Willard Park Subdivision on the east side of Highway 101 and is identified on Lincoln County Assessor's Map 8-11-28-BD, Tax Lot 500; and

WHEREAS the decision and recommendation of the Planning Commission was not appealed and, therefore, the Board need not hold another public hearing;

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS;

1. That the Planning Commission's decision is upheld and the zoning is hereby changed from R-4 (High Density Residential) to C-1 (Retail Commercial) on the property identified as Assessor's Map 8-11-28-BD, Tax Lot 500.

2. That the findings and conclusions supporting these changes contained in the public testimony before the Planning Commission and in the staff report are adopted as set forth in Exhibit "A" attached hereto and incorporated herein.

3. That copies of this ordinance be forwarded to the applicants, Fred and Marlene Van Noy, Star Route North Box 28, Depoe Bay, OR 97341; County Surveyor; County Assessor; and Department of Planning and Development which shall amend the official maps in the Lincoln County Clerk's Office.

4. That the Lincoln County Department of Planning and Development forward a copy of this ordinance to the Department of Land Conservation and Development.

5. That this ordinance, being necessary for the immediate preservation of the public peace, health, and safety, an

1 of 2--ORDINANCE NO. 291

1 emergency is declared to exist and this ordinance takes effect  
upon its adoption.

2 DATED this 9th day of May, 1990.

3 LINCOLN COUNTY BOARD OF COMMISSIONERS

4  
5 *Andy Zedwick*  
ANDY ZEDWICK, Chair

6 *Norma McMillin*  
NORMA McMILLIN, Commissioner

7  
8 *Frank Armstrong*  
FRANK ARMSTRONG, Commissioner

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
Lincoln County Legal Counsel  
Lincoln County Courthouse  
225 W. Olive Street  
Newport, Oregon 97365  
Phone: 263-6611, Ext. 308

- b) Access to southbound travelers will be limited to specified turnaround locations.
- c) The existing loop driveway which serves the applicant's home will be eliminated to a single access point.
- d) The present vegetative buffer strip fronting the highway will be removed as a result of the project.
- e) Land area purchased by the highway division of 5 feet with an additional 10 foot of easement brings the highway to 30 feet from the existing residence.

The applicant's contend that these factors considered together, impairs the use of the property for commercial purposes and would be better suited for residential development.

C. Findings:

1. The applicants are requesting a zone change from C-1 (Retail Commercial) to R-4, (Residential).
2. The comprehensive plan designation for the subject property is R-C (Rural Community Center).
3. The rural community plan designation may be implemented by both the C-1 and the R-4 zones, thus the change is in accord with the comprehensive plan goals and policies.
4. The applicants contend that the Lincoln Beach-Fogarty Creek parkway project constitutes substantial change of the area which justifies approval of the requested zone change.
5. The applicants have provided a statement in support of their proposal. That statement is hereby incorporated into the record.
6. The subject property is located north of Willark Park Subdivision, on the east side of Highway 101 and is identified on Lincoln County Assessor's Map #8-11-28BD, as tax lot 500.
7. The subject property consists of 34,200 square feet.
8. The subject property is relatively flat, vegetated in coastal pine, hemlock, salal, and native shrubs and grasses. A heavily vegetated buffer strip fronts Highway 101.
9. One single-family dwelling with an office and garage are presently located on the lot.
10. Property immediately north is zoned C-1 and consists of a residence.
11. Property immediately east and south is zoned R-1 and consists of residences.

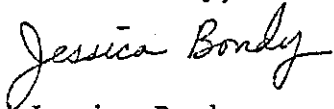
12. The subject parcel fronts Highway 101.

- C. Conclusions: If the planning commission determines that the proposed zone change meets the ordinance standards (Section 1.1235) it can make a motion to approve the request, articulating findings and conclusions relied upon in the decision. Planning Commission approval will serve as a recommendation to the Lincoln County Board of Commissioners to approve the request via adoption of an ordinance.

If the planning commission finds that the request does not satisfy the ordinance criteria, it should make a motion to deny the request, again identifying findings and conclusions relied upon in that decision.

Staff recommends that, in either event, the motion direct staff to prepare findings, conclusions, and a final order for the chairman's signature. This order would be presented at the next meeting of the planning commission.

Submitted by,



Jessica Bondy  
Associate Planner

JB:sk