

1 BEFORE THE BOARD OF COMMISSIONERS

2 FOR LINCOLN COUNTY, OREGON

3 ORDINANCE NO. 302

4
5 AN ORDINANCE AMENDING THE LINCOLN COUNTY ZONING MAP ON PROPERTY
6 IDENTIFIED AS PROPERTY LOCATED ON THE SOUTHEAST CORNER OF THE
7 INTERSECTION OF COUNTY ROAD 562 (OLD U.S. HIGHWAY 20) AND NEWPORT
8 HEIGHTS COUNTY ROAD 576, LINCOLN COUNTY ASSESSOR'S MAP 11-11-4D,
9 TAX LOT 1800; APPLICANT: CITY OF NEWPORT; AND DECLARING AN
10 EMERGENCY

11 WHEREAS the Lincoln County Planning Commission, after a
12 public hearing in accordance with law, voted to recommend
13 approval of a Zone Change for an approximately 0.7-acre parcel of
14 property from RR1-2 (Rural Residential) to P-F (Public
15 Facilities) upon the application of the City of Newport; and

16 WHEREAS the subject property is identified as: property
17 located on the southeast corner of the intersection of County
18 Road 562 (old U.S. Highway 20) and Newport Heights County Road
19 576, Lincoln County Assessor's Map 11-11-4D; and

20 WHEREAS the decision and recommendation of the Planning
21 Commission was not appealed and, therefore, no further public
22 hearings will be held;

23 NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

24 1. That the Planning Commission's recommendations be
25 adopted, and the zoning is hereby changed from RR1-2 to P-F on
26 the property identified as: property located on the southeast
corner of the intersection of County Road 562 (old U.S. Highway
20) and Newport Heights County Road 576, Lincoln County
Assessor's Map 11-11-4D, Tax Lot 1800.

2. That the Planning Commission's Findings, Conclusions and
Order are adopted as set forth in Exhibit "A," attached hereto
and by this reference incorporated herein, in support of this
zone change.

3. That copies of this ordinance be forwarded to the
applicant, City of Newport, c/o Mike Shoberg, 810 SW Alder,
Newport, OR 97365; County Surveyor; County Assessor; and
Department of Planning and Development.

4. That the Department of Planning and Development amend
the official maps in the Lincoln County Clerk's Office to reflect
this change.

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

3 6. 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
5 upon its adoption.

6 DATED this 17th day of July, 1991.

7 LINCOLN COUNTY BOARD OF COMMISSIONERS

8 Nancy E. Leonard
NANCY E. LEONARD, Chair

9 Excused
DON LINDLY, Commissioner

10 Andy Zelwick
11 ANDY ZELWICK, Commissioner

12
13 ATTESTED TO:

14
15 Jennie Kampf
16 JENNIE KAMPF
Recording Secretary

17 APPROVED AS TO FORM:

18 Wayne Belmont
19 WAYNE BELMONT
20 Legal Counsel

Lincoln County Legal Counsel
Lincoln County Courthouse
225 W. Olive Street
Newport, Oregon 97365
Phone: 265-6611, Ext. 308

EXHIBIT A-1

BEFORE THE PLANNING COMMISSION
COUNTY OF LINCOLN
STATE OF OREGON

In the Matter of the Change of Zone)
for Tax Assessor's Map 11-11-4D,) APPLICANT'S PROPOSED
Tax Lot 1800 from RR1-2 to PF) FINDINGS OF FACT
_____)

1.) The subject property is generally identified as Tax Assessor's Map 11-11-4D, Tax Lot 1800, and is owned by the City of Newport.

2.) The property is located on the southeast corner of the intersection of County Road 562 (Old U.S. Highway 20) and Newport Heights County Road 576.

3.) The County's Comprehensive Plan has designated the property Dispersed Residential. The current zoning is RR1-2, Rural Residential. The subject property is not within the City of Newport's Urban Growth Boundary (UGB) but is immediately adjacent to the west and south.

4.) The property is gently sloping. The area surrounding the subject property breaks off sharply into various drainage basins.

5.) The City of Newport is proposing to construct a water storage facility on the subject property to serve properties to the east, west, and south that are or will be within the City limits. Actual construction is anticipated for Spring of 1992, depending on the passage of a bond issue this summer.

6.) The use would be conditional under the existing zoning, but it was felt that a rezone to PF/"Public Facility," would be a more appropriate zone for the proposed public use.

7.) There is an access road across the property to the single-family residence to the east. That access will be terminated once the water storage facility is built. This was an agreement made by the City and the property owner.

8.) The City of Newport is requesting a change of zone from RR1-2 to PF for the subject parcel. The following criteria and findings are pertinent to the granting of the requested zone change:

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

The goals and policies below are applicable to this request.

Urbanization Policies, (2) Public facilities and services extended to lands outside urban growth boundaries shall be appropriate for, and limited to, rural types and levels.

The proposed water storage facility is for water service within the City not for residences outside the City. The City has a policy that furthers that statement:

"Policy 3: Except for those areas that are currently within the Newport water district, water service will not be extended beyond the city limits."

There is no existing water district in the area of the subject property, so this policy applies. In order to receive water service, therefore, properties not within the UGB will have to petition to come into the UGB and will have to annex to the City.

Conclusion: Because water service will not be available to properties outside the UGB, the zone change and ultimate construction of the water storage tank will not violate the above policy.

Urbanization Policies (9) Lincoln County shall coordinate with cities and special districts on plans, public facility extensions and urban services delivery. Where necessary, this will be done through inter-governmental agreement.

Much of the property to the south of the subject site is within the City's UGB and is consequently scheduled for urban development. The proposed storage facility is required to adequately serve that area with water for domestic use, fire protection and emergency use. This will be discussed in greater detail below.

Conclusion: The proposed zone change furthers the policy of City and County public services coordination.

Housing Goal (1) To assist in providing housing.

In order for the City to service with adequate water supply the area between Yaquina Heights Road and the Bay (an area that is within the City's UGB), the construction of a 1 million gallon per day storage tank is necessary. The location of that tank is limited by distance from the serviced area and elevation. The subject site and one other site to the east are the only options available to the City.

EXHIBIT A-3

The subject site is already owned by the City, so it is preferable to the other site. The alternative site is also in the County and outside the City's UGB, so the same process applies for construction of the tank.

Without the storage facility, the City cannot provide water, so development of a large portion of the City's UGB would not be possible. The UGB was jointly established by the State, County, and City to provide for lands needed for future growth. Housing is a need for the anticipated 13,500 people that will live in Newport by the year 2010. If the City cannot expand into the acknowledged area to meet the housing demand, a housing shortage and/or high housing costs will result. This will adversely affect the ability of the City to provide needed housing.

Conclusion: The water storage facility is needed to provide adequate water to newly developing areas within the City's UGB. Without the tank, adequate housing for anticipated new residents will be curtailed. The zone change will assure the City's ability to construct the tank and provide needed water for housing and therefore complies with the goal.

Public Facilities Goal (4) To encourage the public, quasi-public and private county services and related facilities which maintain and insure the safety, health, and welfare.

According to the Water Master Plan prepared by CH2M Hill, the storage facility is sized and needed to satisfy the following three major functions:

- (1) Equalizing storage--the water needed to make up the difference between the supply rate and the water used.
- (2) Fire reserve--the water needed to satisfy the specified fire flows for the durations needed to provide adequate fire protection.
- (3) Emergency storage--the water required to supply system needs during emergency conditions such as electrical outage, broken mains, or equipment breakdown.

All three components are needed in order to promote the public safety, health, and welfare as the area to the south of the tank and within the UGB develops.

Conclusion: The storage tank is needed to promote the safety, health, and welfare of the area within the UGB that will be served by the tank as that area urbanizes. The zone change will assure the construction of that tank by the City, so the change will further the above goal.

Public Facilities Policies (2) Lincoln County shall encourage a quality system of public, semi-public and private facilities services that includes:

- (a) Adequate fire and police protection services and facilities.
- (b) Convenient locations for facilities used frequently by citizens.

As stated earlier, the storage tank is necessary to adequately supply the urbanizable area to the south with service and fire protection. Also, the tank will be placed on a site that will meet the engineering requirements.

Conclusion: The zone change will promote the construction of the tank and further the policy of providing adequate fire protection and placing those facilities in convenient locations.

Public Facilities (18) Lincoln County shall work with public water systems (OAR 333-42-200 to 250) to identify improvements necessary to provide an adequate water supply in accordance with Oregon Drinking Water Quality act.

The City hired CH2M Hill do prepare a Water Master Plan that will provide the water needs within the City's UGB. The report summarizes the findings and recommendations for the water system study update and includes discussion on the following major elements:

- (1) Present water demand and future water requirements
- (2) Water supply
- (3) Computer modeling of the distribution system
- (4) Distribution storage requirements
- (5) Cost estimates
- (6) Recommendations

Recommendation 10 states that development of the third level (land above elevation 175) will require the construction of two 1.0 million gallon storage reservoirs in phased construction, one at Yaquina Heights, and one at Upper Agate Beach. The plan also indicates that the subject site is the one needed for the construction of the Yaquina Heights tank.

Conclusion: The construction of the water tank at the proposed site is necessary to provide adequate water supply.

EXHIBIT A-5

The tank is therefore an identified improvement necessary to provide an adequate water supply. The zone change will assure the construction of that tank. The request complies with the policy.

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

Previous statements have verified that there is a public need to construct a water tank on the subject site. An alternative would have been to ask for a conditional use permit to build the tank at the site and ask for a height variance to allow for a structure over 30 feet. That would have involved the issuance of a discretionary permit that may or may not be granted. An important investment for the general welfare of current and future residences of the City requires a more predictable outcome. The zone change would assure the City that the tank will be built.

Conclusion: There is a public need for the construction of the water tank. The zone change will assure that the tank will be built. The zone change, therefore, complies with the public need test.

OVERALL CONCLUSION: The requested change from RR1-2 to PF for Tax Assessor's Map 11-11-4D, Tax Lot 1800, is in conformance with the Comprehensive Plan for Lincoln County and furthers the public need.

