

*Legal
Counsel*

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BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON
ORDINANCE NO. 306

AN ORDINANCE AMENDING THE LINCOLN COUNTY COMPREHENSIVE PLAN MAP AND ZONING MAP ON PROPERTY IDENTIFIED ON LINCOLN COUNTY ASSESSOR'S MAP 11-11-9-D AS THE WESTERLY PORTION OF TAX LOT 200, OWNED BY WILBURN HALL, DBA RONDY'S & ASSOCIATES, INC., AND DECLARING AN EMERGENCY

WHEREAS the Lincoln County Planning Commission, after a public hearing in accordance with law, voted to recommend approval of an amendment to the Lincoln County Comprehensive Plan Map from Suburban Residential to Industrial and Zone Change from R-1, Single Family Residential, to I-P, Planned Industrial, for an approximately two-thirds acre parcel of property, upon the application of Wilburn Hall, dba Rondy's & Associates, Inc.; and

WHEREAS the subject property is identified as: the westerly portion of Tax Lot 200, Lincoln County Assessor's Map 11-11-9-D; and

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

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

1. That the Planning Commission's recommendations be adopted, and the Comprehensive Plan Map is amended from Suburban Residential to Industrial and the zoning is changed from R-1 to I-P on the property identified as: the westerly portion of Tax Lot 200, Lincoln County Assessor's Map 11-11-9-D.

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 Comprehensive Plan Map amendment and zone change.

3. That copies of this ordinance be forwarded to the applicant's agent, Tom Luther, 1803 North Beaver Creek Road, Seal Rock, OR 97376; to applicant Rondy's & Associates, Inc., 626 SW Abbey, 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.

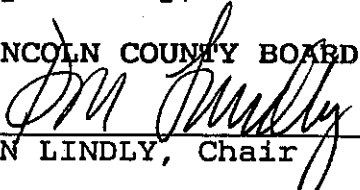
Lincoln County Legal Counsel
Lincoln County Courthouse
225 W. Olive Street
Newport, Oregon 97365
Phone: 265-6611, Ext. 308


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 29th day of July, 1992.

7 LINCOLN COUNTY BOARD OF COMMISSIONERS

8 
DON LINDLY, Chair

9 
ANDY ZEDWICK, Commissioner

10 
11 NANCY E. LEONARD, Commissioner

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13 ATTESTED TO:

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15 SUSAN KAYS, Recorder

16 APPROVED AS TO FORM:

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18 WAYNE BELMONT, Legal Counsel

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

BEFORE THE PLANNING COMMISSION

OF

LINCOLN COUNTY, OREGON

In the matter of a Land Use)	#2-LUPC-ZC-92
Plan Change and Zone Change)	
for Rondy's, Inc.)	FINDINGS, CONCLUSIONS
)	AND FINAL ORDER
)	

Nature of the Application

The applicant, Rondy's, Inc., requested a Comprehensive Plan Map Amendment from Suburban Residential to Industrial and a Zone Change from R-1 (single-family residential) to I-P (Planned Industrial).

Relevant Facts

The following is a summary of the facts and testimony found to be relevant to this decision.

1. The subject property is identified on Lincoln County Assessor's Map #11-11-9D as the westerly portion of tax lot 200. The subject property consists of approximately 2/3 acre.
2. The parcel is currently planned Suburban Residential and zoned R-1 (single-family residential).
3. The applicant has requested a Comprehensive Plan change from Suburban Residential to Industrial and a zone change from R-1 (single-family residential) to I-P (Planned Industrial).
4. A public hearing was held before the Lincoln County Planning Commission on May 26, 1992. All interested parties were given an opportunity to testify and present evidence.
5. The subject property is located near the northeast corner of Vista Drive and North Yaquina Bay Road (County Road #515), within the City of Newport's Urban Growth Boundary.
6. The subject property is situated adjacent to Curry Marine, an existing Commercial Marine use on property zoned I-P.

EXHIBIT A-2

- 1 7. The City of Newport's Comprehensive Plan designates a
2 portion of the subject property as light industrial. It
3 is this portion of the property for which the applicant
4 is requesting the Land Use Plan Change and Zone Change.
- 5 8. Adjacent land uses within 250 feet of the subject
6 property include residential, marine related commercial,
7 and light industrial.
- 8 9. The subject property is presently vacant except for a
9 small shed near the west property line, and is proposed
10 to be served by City of Newport water, Central Lincoln
11 P.U.D., and an on-site sewage disposal system.
- 12 10. The parcel contains steeply sloping topography on the
13 northern portion of the property and is otherwise
14 relatively level with Yaquina Bay Road. Access into the
15 parcel is directly via Yaquina Bay Road.
- 16 11. The subject property is separated topographically from
17 residential uses and residentially zoned property to the
18 north in the Harbor Heights and Harbor Crest
19 Subdivisions.
- 20 12. Since 1980, other properties in the vicinity have been
21 developed into commercial or industrial uses. These
22 uses include Troyer's Marine, Curry Marine, and the Port
23 of Newport Deep Water Terminal.
- 24 13. The Lincoln County Road Department requires that a road
25 approach permit be obtained for access via Yaquina Bay
26 Road.
14. The Lincoln County Subsurface Division requires that all
 appropriate approvals and permits be obtained for
 installation of an on-site sewage disposal system.
15. Three letters of opposition were received from nearby
 property owners, who stated that an industrial use would
 result in added traffic congestion, noise and odors.
16. The land use plan and zone change is ultimately
 contingent upon the Board of County Commissioner's
 approval and subsequent adoption of an ordinance
 implementing the decision.

1 Relevant Criteria

2 1. Lincoln County Comprehensive Plan Policies:

3 A. Land Use Planning Policies (Section 1.0015):

- 4 1. Lincoln County shall maintain a planning process
5 to coordinate federal agency, state agency,
6 county, city and special district plans which are
7 to be consistent with this comprehensive plan.
- 8 2. If revisions are required as a part of the
9 overall review and update process, the
10 comprehensive plan text and/or map shall be
11 amended by ordinance using the following
12 procedure:
- 13 a. Proposed plan revisions shall then be
14 presented to the Planning Commission for a
15 public hearing, after which a recommendation
16 shall be made to the Board of County
17 Commissioners.
- 18 b. The Board of County Commissioners may affirm,
19 deny or table matters or refer matters back to
20 the Planning Commission for further action.

21 B. Economic Policies (Section 1.0135):

- 22 1. Lincoln County shall designate suitable lands for
23 the creation and expansion of industrial and
24 commercial activities.
- 25 2. Lincoln County shall encourage, through the
26 possible use of incentives, the location of
preferred industrial activities in areas suited
to and capable of supporting those activities and
land uses.
3. Lincoln County shall encourage labor intensive
commercial and industry.
4. Lincoln County shall work with cities, port
districts and the Administrative District 4
Council of Governments in the maintenance and
support of the overall economic development plan
to establish clear and concise long range
economic goals.

1 5. Lincoln County shall work with the cities, port,
2 and special districts to promote commerce and
3 industry.

4 **C. Urbanization Policies (Section 1.0030):**

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

10 4. Ordinance Standards (Section 1.1235): A quasi-judicial
11 amendment to the Comprehensive Plan and Zoning Maps may
12 be authorized provided that the proposal satisfies all
13 applicable requirements of this Chapter and also
14 provided that the applicant, in a quasi-judicial
15 hearing, demonstrates the following:

- 16 1. That the change is in accord with the Comprehensive
17 Plan goals and policies or the Statewide Planning
18 Goals; and
- 19 2. That there has been a substantial change in the
20 character of the area since zoning was adopted and
21 which warrants changing the zone; or
- 22 3. That zoning previously adopted for the area was in
23 error; or
- 24 4. That there is a public need for the change being
25 sought.

26 Findings:

 A. The Commission finds:

1. Adjacent lands consist of a mix of land uses ranging
 from residential, commercial, marine related, and
 light industrial.
2. The City of Newport's plan designation was originally
 based on a determination that there is a need for
 buildable industrial land, and that the property in
 question is suitable for light industrial
 development.

