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BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

ORDINANCE NO. 311

AN ORDINANCE AMENDING THE URBAN GROWTH BOUNDARY AND CHANGING THE COMPREHENSIVE PLAN MAP FROM "DISPERSED RESIDENTIAL" TO THE CITY OF NEWPORT'S "LOW DENSITY RESIDENTIAL" ON PROPERTY IDENTIFIED AS TAX LOTS 1500 AND 1502, LINCOLN COUNTY ASSESSOR'S MAP 11-11-4D, AND DECLARING AN EMERGENCY

WHEREAS the Lincoln County Planning Commission voted to recommend approval of a request for an Urban Growth Boundary amendment to include 11.77 acres and changing the Comprehensive Plan Map from the County designation of "Dispersed Residential" to the City of Newport's "Low Density Residential" for property owned by Thomas R. and Denise Runions and William and Pamela Rogers; and

WHEREAS the subject property is identified as Tax Lots 1500 and 1502, Lincoln County Assessor's Map 11-11-4D; 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 Urban Growth Boundary is hereby amended to include 11.77 acres identified as Tax Lots 1500 and 1502, Lincoln County Assessor's Map 11-11-4D and further identified on the map attached hereto as Exhibit "A," and the Comprehensive Plan Map is hereby changed on this property from the County designation of "Dispersed Residential" to the City of Newport's "Low Density Residential."

2. That the findings and conclusions supporting these actions are adopted as set forth in Exhibit "B" attached hereto and incorporated herein.

3. That copies of this ordinance be forwarded to the applicants; County Surveyor; County Assessor; County Counsel; 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.

///

1--ORDINANCE NO. 311

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

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

8 DATED AND APPROVED this 24th day of March, 1993.

9 LINCOLN COUNTY BOARD OF COMMISSIONERS

10 By Nancy E Leonard
11 NANCY E. LEONARD, Chair

12 By Jean Cowan
13 JEAN COWAN, Commissioner

14 By Don Lindly
15 DON LINDLY, Commissioner

16 ATTESTED TO:

17 Susan Kays
18 SUSAN KAYS
19 Recording Secretary

20 APPROVED AS TO FORM:

21 Wayne Belmont
22 WAYNE BELMONT
23 County Counsel

Assessor's Map, T 11 S, R 11 W, WM, Section 4D, Lincoln County, Oregon

1" = 200'

SEE MAP II II 4 A

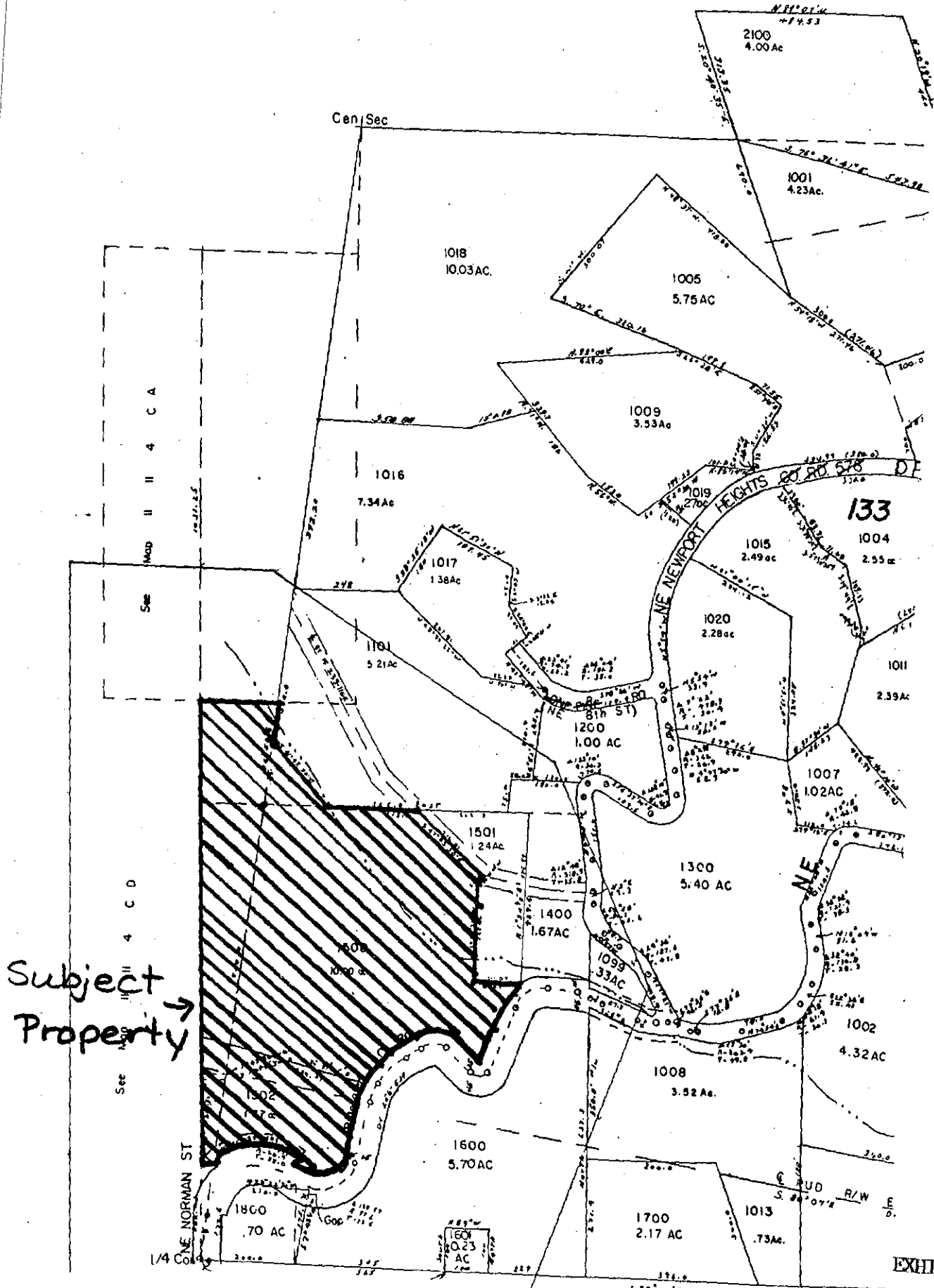


EXHIBIT "A"

1 BEFORE THE PLANNING COMMISSION

2 OF

3 LINCOLN COUNTY, OREGON

4 Request for Urban Growth)	#4-LUPC-92
)	
5 Boundary Amendment)	FINDINGS, CONCLUSIONS
)	AND FINAL ORDER
6)	

7 Nature of the Application

8 The application is a request for an urban growth
9 boundary amendment to include 11.77 acres. This amendment
10 will change the Comprehensive Plan Map from the County
11 designation of "Dispersed Residential" to the City's "Low
12 Density Residential".

13 Relevant Facts

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

16 A. The Comprehensive Plan designation: Dispersed
17 Residential.

18 B. Zoning Designation: RR1-2, Rural Residential.

19 C. The subject property is located near 891 N.E.
20 Newport Heights Drive, and is identified on Lincoln
21 County Assessor's Map #11-11-4D as tax lots 1500 and
22 1502.

23 D. The property slopes downward and breaks sharply
24 into a deep canyon to the east (towards Newport Heights
25 Drive). Most of the property is forested.

26 E. Each tax lot contains one single family dwelling.

1 F. Presently, both properties utilize wells and on-
site septic systems.

2 G. The City of Newport has recently installed a new
3 water storage tank in the vicinity of the subject
4 property. The city is in the process of acquiring an
5 easement through the subject property to extend the
6 water line from the new tank. The owners of the
7 subject properties, in return, are requesting to be
8 hooked up to city water.

9 H. The City of Newport's policy is to only provide
10 water to properties that are within the City's urban
11 growth boundary.

12 Relevant Criteria

13 A. Lincoln County Land Use Code, Quasi-Judicial
14 Amendments, Section 1.1235:

15 A quasi-judicial amendment to the Comprehensive
16 Plan and Zoning Maps may be authorized provided
17 that the proposal satisfies all applicable
18 requirements of this Chapter and also provided that
19 the applicant, in a quasi-judicial hearing,
20 demonstrates the following:

- 21 (1) That the change is in accord with the
22 Comprehensive Plan goals and policies of the
23 Statewide Planning Goals; and
24 (2) That there has been a substantial change in
25 the character of the area since zoning was
26

adopted and which warrants changing the zone;

or

(3) That zoning previously adopted for the area was in error; or

(4) That there is a public need for the change being sought.

B. Comprehensive Plan Policies:

(1) Urbanization Policies (Section 1.0030)

Lincoln County shall work with citizens and cities of Lincoln County in the establishment, maintenance and amendment of urban growth boundaries. Establishment and change of the boundaries shall be based upon consideration of the following factors:

- (a) Demonstrated need to accommodate long-range urban population growth requirements consistent with L.C.D.C. goals;
- (b) Need for housing, employment opportunities, and livability;
- (c) Orderly and economic provision for public facilities and services;
- (d) Maximum efficiency of land uses within and on the fringe of the existing urban area;
- (e) Environmental, energy, economic and social consequences;

1 (f) Retention of agricultural land as
2 defined, with Class VI the lowest
3 priority; and

4 (g) Compatibility of the proposed urban uses
5 with nearby agricultural activities.

6 (2) Oregon Statewide Planning Goals:

7 Goal 14, Urbanization: The standards required
8 for changes in urban growth boundaries under
9 this goal are identical to the County's
10 Urbanization policies listed above.

11 Goal 2, Land Use Planning: An established
12 urban growth boundary is one which has been
13 acknowledged by the L.C.D.C. under ORS
14 197.251. Revised findings and reasons in
15 support of an amendment to an established UGB
16 shall demonstrate compliance with the seven
17 factors of Goal 14 and demonstrate that the
18 following standards are met:

19 (1) The land subject to the exception is
20 physically developed to the extent that
21 it is no longer available for uses
22 allowed by the applicable goal;

23 (2) The land subject to the exception is
24 irrevocably committed to uses not allowed
25 by the applicable goal because existing
26 adjacent uses and other relevant factors
make uses allowed by the applicable goal

impracticable; or

1 (3) The following standards are met:

2 (a) Reasons justify why the state policy
3 embodied in the applicable goals
4 should not apply;

5 (b) Areas which do not require a new
6 exception cannot reasonably
7 accommodate the use;

8 (c) The long-term environmental,
9 economic, social and energy
10 consequences resulting from the use
11 at the proposed site with measures
12 designed to reduce adverse impacts
13 are not significantly more adverse
14 than would typically result from the
15 same proposal being located in areas
16 requiring a goal exception other
17 than the proposed site; and

18 (d) The proposed uses are compatible
19 with other adjacent uses or will be
20 so rendered through measures
21 designed to reduce adverse impacts.

22 Findings:

23 A. The Commission finds:

- 24 1. The proposed urban growth boundary amendment will
25 enable the City of Newport to acquire an easement
26 for a water line through the subject property.

This water line is a needed facility for the City's water system, and vital to the public at large.

2. The location of the water line easement and the need for the proposed urban growth boundary amendment is dependent on topography, as well as the location of existing city water facilities. For these reasons, the proposed use could not be accommodated on other lands not requiring an urban growth boundary amendment. These reasons justify the change in urbanizable land.
3. The proposed water line easement and extended urban growth boundary will have no adverse impacts on surrounding properties. No new uses or actual changes in density are being proposed with this request.

Conclusion

The record and the findings support the conclusion that:

1. There is a public need for the proposed urban growth boundary amendment.
2. All requirements of the applicable Statewide Planning Goals have been met.

ORDER:

It is hereby ORDERED by the Planning Commission of Lincoln County that case file #4-LUPC-92 be and is hereby APPROVED. This approval will serve as a recommendation to the Lincoln County Board of Commissioners.

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Richard Townsend, Chairperson
Lincoln County Planning Commission

ATTEST:

Ayes:

Noes:

Absent:

Abstain: