

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 ORDINANCE # 378

4  
5  
6 **Amending the Comprehensive Plan and Zoning Map on Property Identified as Tax Lot**  
7 **1301, Lincoln County Assessor's Map 14-9-12; and declaring an emergency.**  
8

9 WHEREAS the Lincoln County Planning Commission, after legal notice, held a public  
10 hearing on February 9, 1998, to consider a request to approve a Comprehensive Plan Map  
11 amendment from Agricultural Land to Forest Land and a zone change from AC (Agricultural  
12 Conservation) to TC (Timber Conservation) for property owned by Walt Hockema (Frank  
13 Walker, Agent), generally identified as Tax Lot 1301, Lincoln County Assessor's Map 14-9-  
14 12; Case File Nos. 3-ZC-PC-97 and 4-LUPC-PC-97, and

15 WHEREAS the Planning Commission voted 9-1 to recommend approval of the request  
16 to the Board of Commissioners; and

17 WHEREAS the Board of Commissioners, after legal notice, held a public hearing on  
18 May 13, 1998, and voted unanimously to approve the decision and recommendations of the  
19 Planning Commission;

20 The Lincoln County Board of Commissioners ordains as follows:

21 **SECTION 1.**

22 The Comprehensive Plan designation is hereby changed from Agricultural Land to  
23 Forest Land and the zoning is hereby changed from AC (Agricultural Conservation) to TC

1 (Timber Conservation) on property described as Tax Lot 1301, Lincoln County Assessor's  
2 Map 14-9-12, and further identified on the map attached hereto as Exhibit "A."

3 **SECTION 2.**

4 The findings and conclusions supporting these actions are adopted as set forth in  
5 Exhibit "B" attached hereto and incorporated herein.

6 **SECTION 3.**

7 Copies of this ordinance be forwarded to the applicants; County Surveyor; County  
8 Assessor; County Counsel; and Department of Planning and Development.

9 **SECTION 4.**

10 The Department of Planning and Development shall amend the official maps in the  
11 Lincoln County Clerk's Office and shall forward a copy of this ordinance to the Department of  
12 Land Conservation and Development.

13 **SECTION 5.**

14 This Ordinance being necessary for the immediate preservation of the public peace,  
15 health and safety, an emergency is declared to exist and this Ordinance shall take effect upon  
16 its passage.

DATED this 20th day of May, 1998.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

 JEAN COWAN Chair	 NANCY E. LEONARD Commissioner	 DON LINDLY Commissioner
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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

ATTESTED TO:

  
Susan Kays, Recorder

APPROVED AS TO FORM:

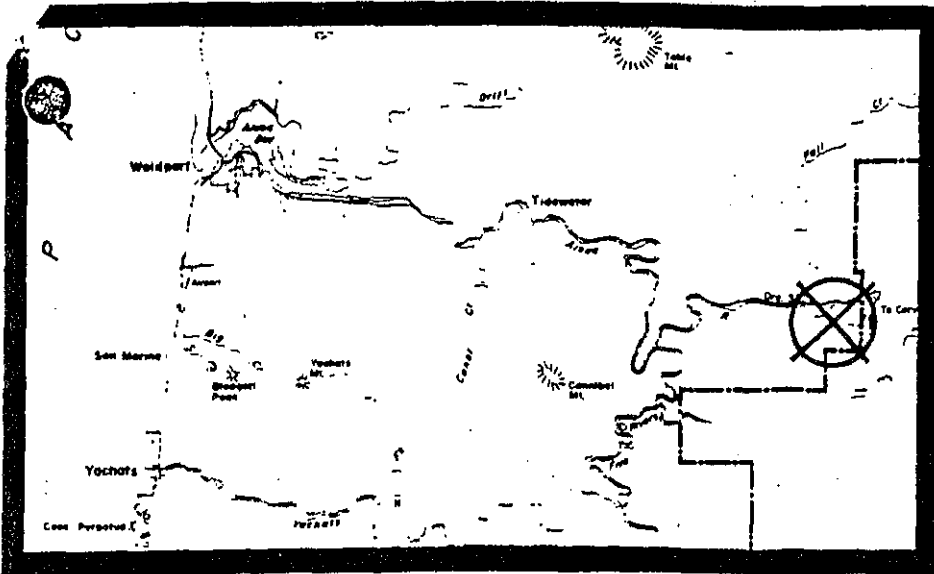
  
Wayne Belmont, County Counsel

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

Office of Lincoln County Legal Counsel  
225 West Olive Street, Room 110  
Newport, Oregon 97365  
(541) 265-4108

# LOCATION MAP



#3-ZC-PC-97

#4-LUPC-PC-97

FRANK WALKER & ASSOC

# SITE MAP

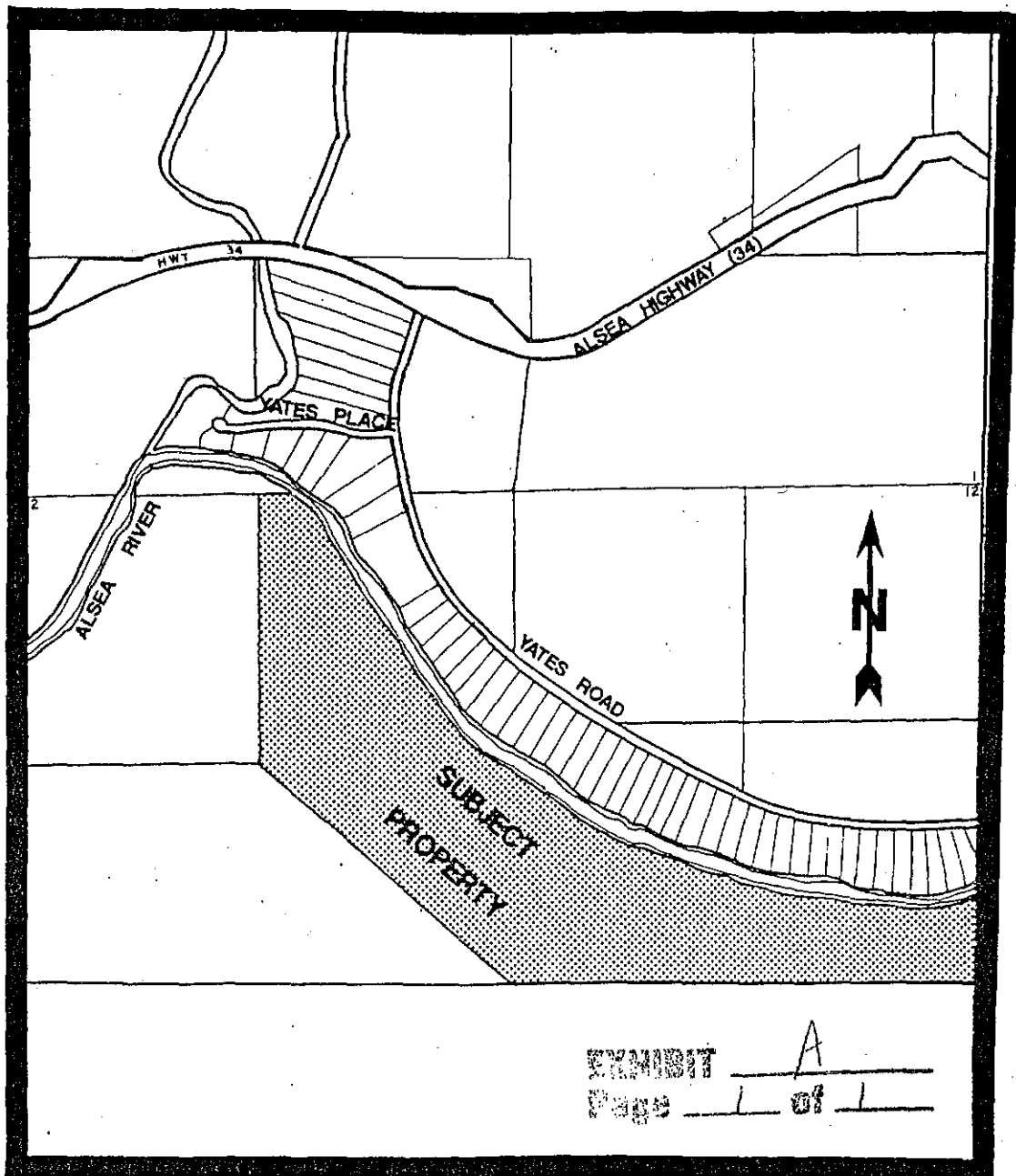


EXHIBIT     A      
Page     1     of     1

BEFORE THE PLANNING COMMISSION  
OF  
LINCOLN COUNTY, OREGON

Comprehensive Plan Map ) Case File #4-LUPC-PC-97  
Amendment and Zone Change; ) #3-ZC-PC-97  
Applicant:Walt Hockema; Frank ) Findings, Conclusions, and Final Order  
Walker (Agent)

**Nature of the Application**

The applicant is requesting a comprehensive plan map amendment from Agricultural Land to Forest Land and a zone change from AC (Agricultural Conservation) to TC (Timber Conservation).

**Relevant Facts**

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

1. The subject property is approximately 60.05 acres.
2. The subject property is located east on Highway 34, approximately one mile west of the Benton County line and is identified on Lincoln County Assessor's Map #14-9-12 as tax lot 301.
3. The subject property is zoned AC (Agricultural Conservation).
4. The subject property carries a plan designation of Agricultural Land.
5. North, across the Alsea River, is Fall Creek Subdivision, a residential subdivision in an R-1 zone. East and south are commercial forest lands, and west is a mix of farm uses and commercial forest lands.
6. The applicant describes the property as consisting of two very distinct physiographic regions. The first is the narrow floodplain terrace of the Alsea River and the other is the mountainous upland area. The property

is vegetated in native trees, shrubs, and grasses.

7. Out-buildings are located on the property.
8. The following utilities are proposed to serve the subject property:
  - a. Water: On-site well.
  - b. Sewer: On-site sewage disposal system.
  - c. Electricity: Central Lincoln P.U.D.
9. Portions of the property lie within the 100-year regulatory floodplain. Any development within the Flood Hazard Overlay Zone requires compliance with floodplain development set forth in L.C.C. Section 1.1395.
10. According to mapping prepared by the U.S. Soil Conservation Service (Soil Survey of Alsea Area, Oregon), the subject property is comprised of the following soils units:
  - a. Nehalem Silt Loam: The Nehalem series consists of well-drained, nearly level soils that lie on floodplains and are subject to periodic overflow in winter and spring. These soils formed under coniferous forest but are now mostly cleared and seeded to pasture grasses. Capability unit IIw-2, not placed in a forest management group.
  - b. Alsea Loam (3-8% slopes): The Alsea series consists of moderately well drained, nearly level to gently sloping soils that developed in alluvium terraces. These soils formed under Douglas Fir, hemlock, western redcedar, bigleaf maple, alder, vine maple, and other native trees and shrubs. This soils unit is gently sloping or undulating. Capability unit is IIIw-1, not placed in a forest management group.
  - c. Preacher Clay Loam (0-25% slopes): The Preacher series consist of well-drained, nearly level to steep soils that formed in alluvial and colluvial materials derived from sandstone on ridges and smooth side slopes in the mountains. These soils formed under Douglas fir and hemlock with a salal-swordfern plant community understory. Capability unity VIe-1, forest management group 5 (under forest management group 5, the timber site class for Douglas fir is 2 (*timber site class ratings range from 1-5 with 1 having the highest productivity and 5 having the lowest*)).
  - d. Bohannon Gravelly Loam (37-50% slopes): The Bohannon series consists of well-drained, gently sloping to extreme steep soils that developed in alluvial and colluvial materials derived from arkostic

sandstone. The tree canopy is dominantly Douglas fir with a vine maple-salal-swordfern plant community understory. Capability unit Vle-5, forest management group 9, the timber site class is similar to 3.

e. Bohannon Gravelly Loam (50-90% slopes): This soils has very steep to extremely steep, dissected slopes and is in the mountains. Capability unit Vlle-2, forest management group 10, the timber site class is similar to 3.

f. Slickrock Gravelly Loam (10-35% slopes): The Slickrock series consists of well-drained, nearly level to very steep soils that formed in alluvial and colluvial materials derived from sandstone. These soils formed under Douglas fir, hemlock, and western red cedar having an understory of a vine maple-swordfern-salmonberry plant community. Capability unit Vle-1, forest management group 2, the timber site class is 2.

g. Nestucca Silt Loam (0-3% slopes): The Nestucca series consists of somewhat poorly drained, nearly level to gently sloping soils on floodplains that have shall swales and concave depressions. These soils formed under western hemlock, red alder, and Sitka Spruce having an understory of shrubs, grasses and skunk cabbage. Capability unit Illw-2, not placed in a forest management group.

11. The Department of Revenue Site Class Rating System (for forest productivity) ranks the property similarly. According to the Department of Revenue System, the property consists of Site Classes 1 and 2. This means that the property is capable of producing between 165-224 cubic feet of wood fiber per acre per year. In a scale from Site Class 1-5, 1 produces the highest cubic feet of wood fiber per acre per year and 5 produces the lowest.
12. No comments were received from the Department of Land Conservation and Development.
13. A public hearing was held on February 9, 1998 before the Lincoln County Planning Commission. All interested parties were given an opportunity to testify.
14. The applicants representative presented testimony on behalf of the request. The basis for the applicant's request is that the subject property is predominantly forest land and was originally zoned AC in error. The goal 3 definition for agricultural land specifies that agricultural land be of predominantly Class I-IV soils as defined in the soils rating system used

by the US Natural Resource Conservation Service (formerly the Soil Conservation Service). Evidence submitted by the applicant indicates that less than 20% of the property is comprised of Class I-IV soils. Conversely, the property predominantly consists of forest class soils (Classes VI and VII) and is managed for forest uses.

15. The applicant evaluated the proposal in terms of the applicable code criteria. Their conclusion was that the forest land designation of the County Comprehensive Plan is more appropriate for the subject property than the agricultural designation. Further, the applicant stated that, given the predominant soils classifications and other factors, the property does not meet the statutory definition under Statewide Planning Goal 3 (Agricultural Lands), but does meet provisions for designation under Statewide Planning Goal 4, Forest Lands.
16. The applicant further contends that the property was zoned in error. If the property should be redesignated as Forest Land under Goal 4, then it follows that the property was zoned in error. In evaluating factors such as soil classifications, historical and present farm vs. forest productivity of the property, and other circumstances, the applicant concluded that the property should be re-zoned to TC. The applicant also argued that there is a public need for highly productive forest lands, such as the subject property.
17. No opposition testimony was entered into the record.
18. All application materials and staff's report are by reference incorporated into the record herein.

**Relevant Criteria**

- a. Lincoln County Development Code, Section 1.1235, Quasi-Judicial Amendments: A quasi-judicial amendment to the Comprehensive Plan and Zoning Maps may be authorized provided that the proposal satisfies all applicable requirements of this Chapter and also provided that the applicant, in a quasi-judicial hearing, demonstrates that:
  - 1) The change is in accord with the Comprehensive Plan goals and policies or the Statewide Planning Goals; and
  - 2) There has been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone;or

- 3) The zoning previously adopted for the area was in error; or
  - 4) There is a public need for the change being sought.
- b. Oregon Statewide Planning Goal 3, Agricultural Lands: The definition of agricultural land in Goal 3 reads as follows:..."in western Oregon is land of predominantly Class I, II, III, and IV soils as defined in the Soil Capability Classification System of the United States Soil Conservation Service and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event".
- c. Oregon Statewide Planning Goal 4, Forest Lands: Goal 4 (Forest Lands) provides for the following:..." Where a [plan is not acknowledged or ) a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources."..."Uses which may be allowed subject to standards set forth in this goal and administrative rule are: (1) uses related to and in support of forest operations; (2) uses to conserve soil, water and air quality, and to provide for fish and wildlife resources, agriculture and recreational opportunities appropriate in a forest environment; (3) locationally dependent uses; (4) dwellings authorized by law.
- d. Lincoln County Comprehensive Plan:
- (1) Forest Lands (Section 1.0005(4): see Appendix "A".
  - (2) Agricultural Lands (Section 1.0005(5): see Appendix "B". Under this plan provision, please note that the minimum lot size for agricultural lands has changed to 80 acres.
- e. Lincoln County Comprehensive Plan Designations:
- (1) Forest Lands (Section 1.0190(1): Forest lands represent nearly

90 percent of Lincoln County, and are its major resource. These are mainly held in large ownership patterns and covered by commercial stands of Douglas Fir, true fir, hemlock, cedar, and spruce. Uses such as raising and harvesting of the forest crop and existing recreation facilities are primary. Secondary uses such as new recreation facilities, public and private utilities, and dwellings may be included by county review.

- (2) Agricultural Lands (Section 1.0190(2)): Agricultural lands represent nearly 2 percent of the lands in Lincoln County. These ownerships lie along the river and creek valleys and are mainly used for grazing and small gardens with some commercial agriculture. The primary use of these properties is intended to be agriculture to maintain their current resource value. Uses such as agriculture, forestry, dwellings necessary for farm use and existing public recreation facilities are primary. Secondary uses such as farm help residences, quarrying, new recreation facilities, and similar uses may be included by county review.

### Findings

The Commission finds:

- 1) The Goal 3 definition for agricultural land specifies that agricultural land be of predominantly Class I-IV soils as defined in the soils rating system used by the US Natural Resource Conservation Service (formerly the Soil Conservation Service). Evidence submitted by the applicant indicates that less than 20% of the property is comprised of Class I-IV soils. Conversely, the property predominantly consists of forest class soils (Classes VI and VII) and is managed predominantly for forest uses.
- 2) Given the predominant soils classification, historical and on-going forest management use of the property, timber site class ratings and productivity, limited area and use of the property for agricultural purposes, topography and other factors of record, the subject property does not meet the Statewide Planning Goal definition of agricultural land.
- 3) The subject property has been and is predominantly managed for forest uses. Based on evidence of record, the subject property is highly productive forest land. Given the size of the subject property and its' past and current management practices for forest uses, the predominant character of the subject property is consistent with the forest land designation of the comprehensive plan.

- 4) Based on soils information, past and current management practices, topography, and other factors of record, the subject property was designated agricultural land and zoned A-C in error.

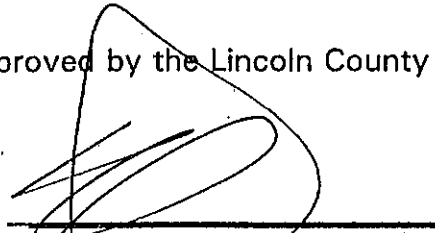
**Conclusions:**

- 1) Substantial evidence in the record demonstrates that the proposed comprehensive plan map amendment and zone change are in accordance with the Comprehensive Goals and Policies and Statewide Planning Goals.
- 2) Substantial evidence in the record demonstrates that the subject property was zoned in error and therefore meets the requirements for a zone change from AC to TC.

**Order**

It is ORDERED by the Lincoln County Planning Commission that Case File #4-LUPC-PC-97 and #3-ZC-PC-97 be APPROVED. This approval will serve as a recommendation to the Lincoln County Board of Commissioners.

This ORDER was presented to and approved by the Lincoln County Planning Commission on March 9, 1998.



Steve Morrill, Chair

Lincoln County Planning Commission

**(4) Forest Lands:**

Approximately 87 percent of the total land area of Lincoln County is forest land. Of this 550,000 acres, roughly 80 percent is in either industrial or public ownership. The primary use of the majority of these forest lands is commercial wood fiber production. Secondary uses include wildlife production, outdoor recreation, domestic watersheds and livestock grazing. Existing ownership patterns, historical use trends, and past and current management practices for private non-industrial forest lands indicates that parcels of 40 to 50 acres comprise the large majority of ownerships and that parcels in this size range are compatible with the conservation of forest lands for forest uses.

**(5) Agricultural Lands:**

The analysis considers available sources of data on farms in Lincoln County including the 1979 Census of Agriculture, the S.C.S. Farm Plans, and the Farm Deferral Information. Comparisons are made of all these sources and they are found to be representative samples of agriculture and commercial agriculture in the County. These sources indicate that different size parcels may be appropriate for different types of activities. Average acreages of commercial farm uses were as follows: crops, 28 acres; pasture, 55 acres; wooded pastures, 34 acres; farm wood lots, 41 acres; overall average, 81 acres. The diversity of these averages preclude a county-wide minimum lot size. The two step approach is suggested using the above information as a guideline and more detailed information applied to the guideline area which is mapped and determined in the study. Use of a Commercial Viability Rating System is proposed as a system to provide for the continuation of the commercial agriculture if the person is able to have similar types and averages of activities as 75 percent of the surrounding farms on Farm Deferral within the guideline area. This result is obtained when a minimum rating of 36 points is achieved.

**EXCEPTION TO STATEWIDE PLANNING GOAL 4 AUTHORIZING THE  
DEVELOPMENT OF THAT PORTION OF NE HARNEY STREET BETWEEN  
NE 32<sup>nd</sup> STREET AND NE 36<sup>th</sup> STREET OUTSIDE THE CITY OF NEWPORT  
CORPORATE LIMITS AND URBAN GROWTH BOUNDARY AND WITHIN  
LINCOLN COUNTY, OREGON.**

**Findings Recommended by the  
Lincoln County Planning Commission  
May 11, 1998**

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**EXHIBIT**   B    
**Page**   1   of   9

## **I. General Description**

This element of the Lincoln County comprehensive Plan consists of findings of fact, conclusions and supporting documentation for an exception to Statewide Planning Goal 4 (Forest Lands). This exception authorizes the development of NE Harney Street between NE 32<sup>nd</sup> Street and NE 36<sup>th</sup> Street that lays outside the City of Newport corporate limits and the Urban Growth Boundary.

The road improvements authorized herein will result in the development of a street in such a manner as to create new land parcels contrary to the provisions of ORS 215.213(2)(r) and OAR 660-06-025(2)(c). For this reason, an exception to the applicable Statewide Planning Goals is required under the provisions of Goal 2 and OAR 660, Division 4.

It should be noted that this comprehensive plan element authorizes the basic development of the street in accordance with the acknowledged Comprehensive Plan for the City of Newport. This does not authorize parcel specific land use approvals (e.g. conditional uses or variances) which may be required as part of the specific design and right-of-way acquisition phases of the project.

## **II. Applicable Criteria**

The primary standards applicable to this exception are contained in Statewide Planning Goal 2 and in the Exceptions Rule, OAR 660, Division 4, requirements for "reasons" exceptions. In addition, the Transportation Planning Rule, OAR 660, Division 12 provides direction on the requirements for taking exceptions with regard to improvements on rural land.

## **III. Relevant Facts and Background**

Extensive research, documentation and analysis of the need, alternatives and impacts of the project have been provided in the draft Transportation System Plan for the City of Newport and the currently acknowledged Transportation Element of the City's Comprehensive Plan. It is the purpose of this element of the Comprehensive Plan to provide a compilation of relevant factual material from these documents which form the basis for the findings and conclusions of Lincoln County with regard to this project.

The findings and conclusions of Lincoln County contained herein are based on the information contained in the following documents:

1. Acknowledged Transportation Element of the City of Newport Comprehensive Plan.
2. Draft Transportation System Plan for the City of Newport.

The above referenced documents are hereby adopted as the factual base for this exception and are incorporated herein as a part of this plan element.

#### IV. Findings

##### Reasons (OAR 660-04-020(2)(a))

1. The area of Lincoln County in the general vicinity of the Harney Street alignment is all planned and zoned pursuant to Goal 4 and the Forest Lands element of the Lincoln County Comprehensive Plan. Any development of the street in this area will necessarily be located on lands subject to the requirements of Goal 4.
2. The application of the requirements of Goal 4 precludes the development of Harney Street in the project area.
3. Harney Street in this area is designated as an arterial in the acknowledged City of Newport Comprehensive Plan and as an arterial in the draft Transportation System Plan for the City of Newport. The goal of the arterial is to provide an alternative route to Highway 101 for residents of Newport. The street, because of topography and grades, will not be a by-pass to the City of Newport.
4. Harney Street is also designated as a bicycle and pedestrian route in the draft Transportation System Plan for the City of Newport.

##### Alternatives (OAR 660-040-020(2)(b))

1. There are no alternative transportation modes within the area to be served by Harney Street.
2. The engineering firm of Fuller and Morris have explored alternative routes for the proposed street. Because of topography and other environmental constraints, the attached alignment, Exhibit "A," is not only the best but the only feasible route that is still within distances of the City to serve as the alternative route.
3. Improving the street is needed to meet the goals and policies of the City of Newport acknowledged Transportation Element of the Comprehensive Plan and the draft Transportation System Plan scheduled for adoption and acknowledgment in the Summer or early Fall of 1998.
4. Because of the topographic and environmental constraints in the proposed alignment of Harney Street, it is not possible to construct the entire street through lands which are not zoned Timber Conservation and does not require an exception.

Consequences (OAR 660-04-020(2)(c))

1. The Harney Street alternative route extends from Highway 20 on the south to NE 36<sup>th</sup> St. and Highway 101 on the north.

2. Objectives of the proposed project are to provide an alternative route to Highway 101 for people traveling from the north to the central portion of Newport and to extend the life and designated function of Highway 101 by providing that alternative route.

3. Alternatives to the proposed route that would not necessitate going through county lands were explored but none were available because of the topography.

4. The economic, social, environmental and energy (ESEE) consequences of the selected alternative can be summarized as follows:

- (a) Construction cost is estimated at \$750,000 dollars.
- (b) Approximately 2 acres of right-of-way will be acquired through T-C zoned land.
- (c) No residences or businesses will be displaced.
- (d) There will be two land parcels affected because of the selected alignment.
- (e) Topographic alterations include placement of fill and excavation.
- (f) There will be no stream crossings required. All applicable laws will be followed.
- (g) There is no riparian habitat.
- (h) Direct or indirect environmental effects to wildlife habitats, aquatic habitats, and wetlands may occur due to construction. All applicable laws and permits will be followed and obtained prior to construction.
- (i) Wildlife may be subject to higher rates of road-kill due to the increased proximity of the road, but traffic speeds and good site distances may limit accidents involving wildlife.
- (j) No historic or archaeological resources are known in the corridor.
- (k) The proposed road will not be a dominant feature of most visual environments except in limited areas where cut-slopes would alter the topography.
- (l) Traffic reductions on Highway 101 and Highway 20 will increase safety and travel times for persons on those highways and on the alternative route.

(m) A portion of the existing 32<sup>nd</sup> Street between NE Harney Drive and Highway 101 is currently slipping away due to flooding and poor road construction at the time of development some 30 years ago. The only access for approximately 100 residences other than that section of 32<sup>nd</sup> Street, is a narrow, one-lane, one-way gravel road. The City has applied for and received federal money to build a portion of the alternative route between NE 32<sup>nd</sup> Street and NE 36<sup>th</sup> Street on the condition that the street be built and the money spent by December 31, 1998. That street will provide a much needed alternative route. It is imperative that the street be built as soon as possible to accommodate the construction period and further erosion of NE 32<sup>nd</sup> Street.

(n) No substantial noise level increase is expected from traffic because the street will be separated from existing development by distance or topography.

6. Expected ESEE consequences of any other alignment within the existing Urban Growth Boundary can be summarized as follows:

(a) Construction costs would increase substantially because of topographic constraints.

(b) Approximately the same amount of additional right-of-way would be required.

(c) Due to the developed nature of alternative routes within the City UGB, some residences would likely be displaced.

(d) Topographic alterations would include placement of fill, excavation, stream channel changes and stream crossing structure, probably to a greater extent.

(e) Numerous channel relocations would be required due to the location of many drainage basins running east-west across the north-south route.

(f) All other wildlife, wetland, habitat and other effects on wildlife would be equivalent to the preferred route.

(g) Visual and noise impacts of an alignment within the present UGB would be greater because the road would have to pass nearer to existing development.

(h) Traffic safety would be worsened because the road would have to pass through existing neighborhoods and there would be more intersections, the most likely place for crashes.

(i) The alternative route will be much more difficult to construct because of the added cost and the proximity to existing development. Since one of the goals is to extend the life of the state highways, that goal will be much harder to attain.

7. The net adverse ESEE consequences of alignments within the existing UGB are expected to be greater than the preferred route.

Compatibility (OAR 660-04-020 (2)(d))

1. Rural lands and lands uses in the surrounding area of the selected alternative can be summarized as follows:

(a) Most of the land in the project area is in the City limits and the Urban Growth Boundary with only a small portion in timber production although the owner of the property, Boise Cascade Corporation, has stated that because of the areas closeness to the ocean, timber productivity is marginal. Much of the area in the street alignment area has been logged within the past 20 years. Timber land in the project area typically contains second or third growth stands of timber where recent logging has not occurred.

(b) Where the street alignment is outside the City's UGB, there is no development. Within the City's corporate limits, the area is mostly low density residential to the east and high density residential to the

(c) The major utility in the area outside the UGB is a high voltage transmission line for electricity. The road alignment will roughly follow that line between NE 32<sup>nd</sup> Street and NE 36<sup>th</sup> Street.

2. Adverse effects that the proposed transportation improvement is likely to have on surrounding rural lands and land uses, including increased traffic and pressure for non-timber related development made more accessible by the project can be summarized as follows:

(a) The selected alternative will facilitate the full development of properties within the UGB to their planned densities. Because lands outside the UGB will not be rezoned, no development other than T-C types of uses will be allowed.

(b) No existing residences or businesses will be displaced because of the preferred alignment. Other alignments within the UGB will necessitate displacement of some residences.

(c) Loss of some forest land base will occur because of the right-of-way acquisition to construct the road.

(d) Although the road will bisect some parcels, no additional parcels will be created because the construction of a road does not automatically segregate property into separate parcels. There will therefore be no pressure for conversion to non-resource uses.

(e) The Transportation Planning Rule (660-012-0060(4)) states that the presence of a transportation facility or improvement shall not be a basis for an exception to allow residential, commercial, institutional or industrial development on rural lands under the TPR or OAR 660-004-0022 and 660-004-0028. Consistent with that provision, no exception is being requested nor is any anticipated during the planning horizon.

(f) Access to the street will be limited to those properties that are within the City limits and designated for urban development. Access to lands outside of the Urban Growth Boundary will be limited to temporary access for forest management purposes.

3. Facility design and land use measures which will minimize compatibility impacts of the project include:

(a) Existing resource land zoning (T-C) in the area outside the UGB will be maintained. The requirements and limitations of this zoning preclude any significant changes in the land use pattern of the area.

(b) New dwelling applications outside the UGB would be required to comply with county code provisions which require the conservation of resource lands and ensure the minimization of conflicts posed by any proposed non-resource uses.

(c) Aside from non-resource dwellings, other conversions of resource lands to non-resource use will require plan amendments and goal exceptions, which establish a high threshold of justification. The justification for any such change would necessarily be based on factors which are presently unforeseen, and which would be unrelated to the project.

(d) Although some additional land parcels will be made more accessible by the project, it is anticipated that the historically low demand for development outside the UGB in the area will not be significantly affected by the project.

## V. Conclusions

1. There is a public need at the local, regional and state levels for an alternative route to Highway 101 and Highway 20 between Highway 20 and NE 36<sup>th</sup> Street.

2. This need can only be fulfilled through the development of an alternative route through lands that are currently zone Timber Conservation contrary to Goal 4 of the Statewide Planning Goals. It is the conclusion of Lincoln County that the overriding importance of the needed improvements justifies not applying the state policy embodied in Goal 4 in order to permit the construction of the Harney Street alternative route between NE 32<sup>nd</sup> St. and NE 36<sup>th</sup> St.

3. There are no-feasible alternatives to the alignment that would meet the identified transportation needs of the City of Newport, Lincoln County and the State of Oregon without

going outside the UGB.

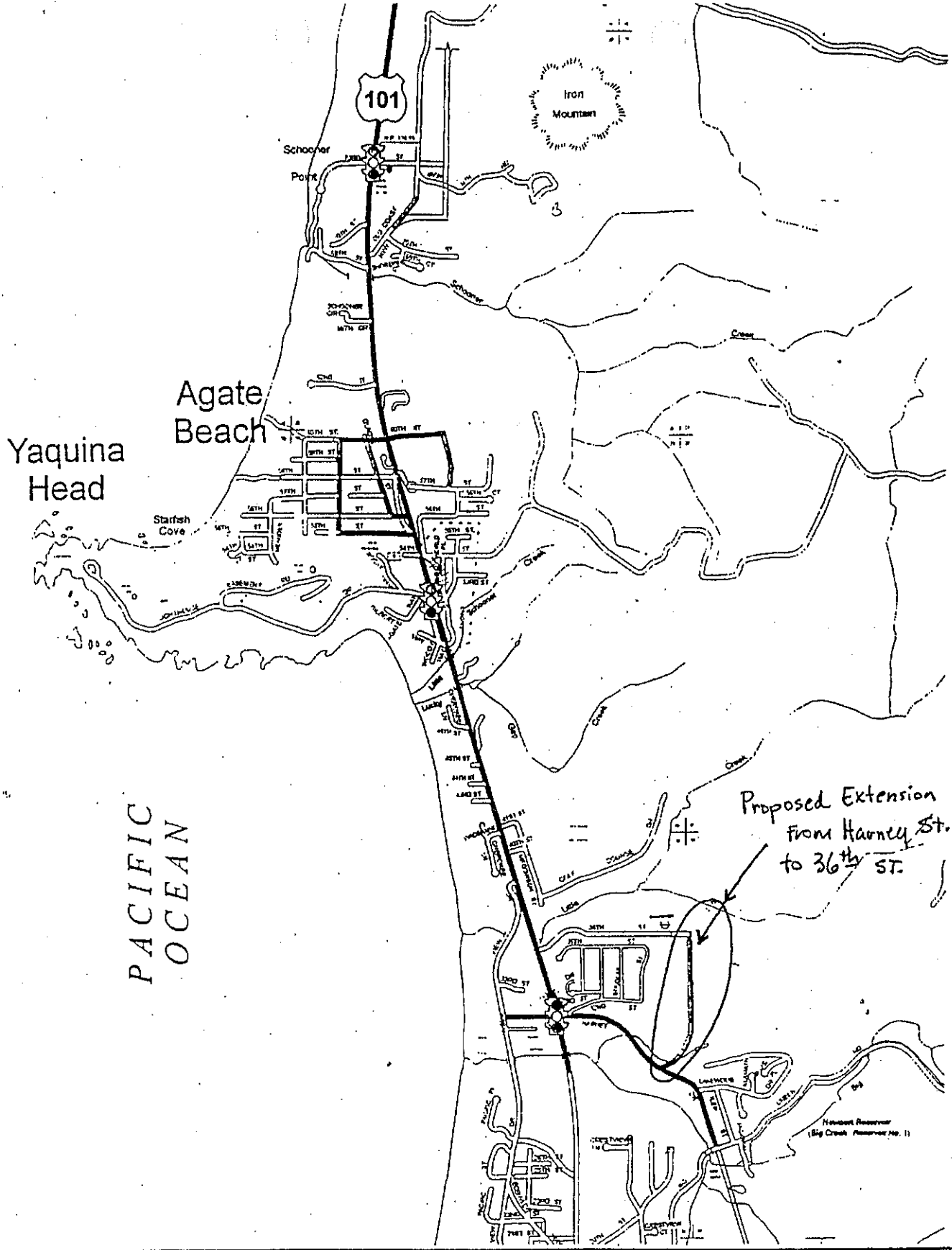
4. The long term environmental, economic, social and energy consequences of the selected street improvement alternative would not be significantly more adverse than other alignment alternatives.

5. The alignment of the road will be compatible with present and projected uses on adjacent lands.

## VI. Decision

Based on the preceding findings of fact and conclusions, Lincoln County hereby approves and authorizes as part of this comprehensive plan adopted pursuant to ORS Chapter 197, the alignment of NE Harney Drive in accordance with the attached map.

As previously noted, this decision provides for the general authorization of the alignment of NE Harney Drive between NE 32<sup>nd</sup> St. and NE 36<sup>th</sup> St. In accordance with OAR 660-12-070 (3)(c), the precise design and location of the alignment facility shall conform to the applicable requirements of the Lincoln County Code. The reduction of resource land parcel sizes and/or improvement setbacks resulting from right-of-way acquisition shall conform to the standards and procedures for variances and/or special exceptions, as applicable. Likewise, any proposed stream crossings and channel relocations shall be governed by the requirements and procedures for development permits and applicable provisions of the Lincoln County Code addressing riparian vegetation and fish and wildlife habitats.



<b>Legend:</b>	New Roads		TSM Projects	
	Improvements to existing roads		New Traffic Signals	