

1 **BEFORE THE BOARD OF COMMISSIONERS**
2 **FOR LINCOLN COUNTY, OREGON**

3 ORDINANCE # 489

4 _____
5
6 **Amendment to the Lincoln County Comprehensive Plan Map and Zoning Map for the**
7 **purpose of amending the City of Newport Urban Growth Boundary and enabling a**
8 **land exchange between two properties, one which owned by Terrance Lettenmaier and**
9 **Laurie Weitkamp and the other owned by Fox N Bush, LLC (Case File #01-LUPC-ZC-**
10 **16); and declaring an emergency.**
11 _____

12
13 WHEREAS applicants Terry Lettenmaier and Laurie A. Weitkamp requested the
14 following actions:

- 15 (1) An Urban Growth Boundary (UGB) amendment;
- 16 (2) A Comprehensive Plan Map Amendment;
- 17 (3) A Zoning Map Amendment; and
- 18 (4) A property line adjustment (administrative action)

19 all on two properties described as Assessor's Map 12-11-05 Tax Lot 801 (owned by
20 Lettenmaier/Weitkamp) and Tax Lot 100 (owned by Fox N Bush, LLC). The purpose of the
21 proposed actions is to facilitate the development of single family dwellings on both properties
22 as permitted under the Lincoln County Code. The Lettenmaier/Weitkamp parcel is currently
23 designated Suburban Residential on the Lincoln County Comprehensive Map and zoned Rural
24 Residential 10 (RR-10, 10 acre minimum lot size). It is 71.39 acres in size and is located
25 within the Newport Urban Growth Boundary. The Fox N Bush, LLC property is currently
26 designated Forest Land on the Lincoln County Comprehensive Plan Map and zoned Timber
27 Conservation (T-C). It is 70.62 acres in size and located outside the Newport Urban Growth
28 Boundary.

29 The property line adjustment involves 12 acres in an equal land exchange between the
30 two properties (transfer of 6 acres from Lettenmaier/Weitkamp to Fox N Bush, which will be
31 removed from the Newport UGB, and redesignated from Suburban Residential to Forest Land
32 on the Comprehensive Plan Map and rezoned from RR-10 to T-C on the zoning map; and the
33 transfer of 6 acres from Fox N Bush, LLC to Lettenmaier/Weitkamp, which will be added to

1 the Newport UGB, and redesignated from Forest Land to Suburban Residential on the
2 Comprehensive Plan Map and rezoned from T-C to RR-10 on the zoning map). The Newport
3 Urban Growth boundary amendments will align the reconfigured boundary between the two
4 properties. All the actions are needed to complete the proposed transaction.

5 WHEREAS the City of Newport has previously approved the Urban Growth Boundary
6 Amendment under Newport Ordinance # 2101 adopted on July 18, 2016; and

7 WHEREAS on August 8, 2016, after legal notice was given in accordance with law, the
8 Lincoln County Planning Commission held a public hearing on the subject requests. The
9 Planning Commission voted unanimously to recommend approval of the request. On August
10 12, 2016, the Planning Commission adopted Findings, Conclusions and Final Order
11 recommending that the request be approved. A copy of the Final Order is attached hereto and
12 incorporated herein as Exhibit 1. The recommendations of the Planning Commission were not
13 appealed. The planning record in this matter is found in Case File #01-LUPC-ZC-16 and by
14 this reference is incorporated herein as if fully set forth; and

15 WHEREAS after legal notice was given in accordance with law, a public hearing was
16 held by the Board of Commissioners on October 12, 2016, to consider whether or not to grant
17 the requests; and

18 WHEREAS at the close of the hearing and after deliberations, the Board unanimously
19 approved the recommendation of the Planning Commission to amend the Newport Urban
20 Growth Boundary, the Lincoln County Comprehensive Plan Map and Lincoln County Zoning
21 Map as requested by the applicants. This will allow the parties to finalize the property line
22 adjustment as requested.

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

24 **SECTION 1.**

25 1. The Planning Commission's recommendations are adopted, and the Newport Urban
26 Growth Boundary, the Lincoln County Comprehensive Plan Map and the Lincoln County
27 Zoning Map are amended as set forth above in the recitals to this Ordinance on properties
28 described as Lincoln County Assessor's Map #12-11-05 Tax Lots 801 and 100, (Case File #01-
29 LUPC-ZC-16).

30 2. The findings and conclusions supporting these actions are adopted as set forth in
31 Exhibit 1 (including a map generally identifying the areas subject to the changes noted above).

1 3. Copies of this Ordinance shall be forwarded to the County Surveyor; County
2 Assessor; County Counsel; and Lincoln County Department of Planning and Development.

3 4. The Department of Planning and Development shall amend the official maps in the
4 Lincoln County Clerk's Office and shall forward a copy of this Ordinance to the Department of
5 Land Conservation and Development.

6 **SECTION 2.**

7 In accordance with the Findings supporting this request, this Ordinance being necessary
8 for the immediate preservation of the public peace, health and safety, an emergency is declared
9 to exist and this Ordinance shall take effect upon its passage.

DATED this ____ Day October, 2016.

LINCOLN COUNTY BOARD OF COMMISSIONERS



Bill Hall, Chair



Terry Thompson, Commissioner



Doug Hunt, Commissioner

ATTESTED TO:



Casey Miller, Recorder

APPROVED AS TO FORM:



Wayne Belmont, County Counsel

EXHIBIT 1

BEFORE THE PLANNING COMMISSION OF LINCOLN COUNTY, OREGON

Urban Growth Boundary Amendment
Comprehensive Plan Amendment
Zone Change

) Case File: #1-LUPC-ZC-16
) Findings, Conclusions and
) Final Order

Applicant: Terrance Lettenmaier (Laurie Weitkamp and Fox N. Bush, LLC are also owners)

Agents: Christopher Minor, Attorney at Law; Dawn Pavitt

Nature of the Application

Applicant has requested a minor amendment to the City of Newport urban growth boundary (UGB) as well as necessary amendments to the Lincoln County Comprehensive Plan and Zoning Map, and a property line adjustment with an equal land exchange involving a total of 12 acres. The affected properties are owned by Lettenmaier and Weitkamp (12-11-05-00-00801-00) and Fox N. Bush, LLC (12-11-05-00-00100-00).

The purpose of these actions is to allow the development of a home site on the Lettenmaier/Weitkamp property that best suits the land and meets requirements for siting a dwelling. The requested actions will also allow Fox N. Bush, LLC to better manage their Timber Conservation-zoned property by providing access to an approved home site on the property and to conduct commercial timber activities away from both existing and approved dwellings to better avoid conflicts between these uses.

Under Oregon Administrative Rules, the City of Newport urban growth boundary was amended through a minor amendment process. The City approved the minor urban growth boundary (UGB) amendment with City of Newport Ordinance #2101.

Relevant Facts

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

1. **Lot Size:** The subject properties are identified on Lincoln County Assessor's map as (Lettenmaier and Weitkamp) 12-11-05 tax lot 801, and (Fox N. Bush, LLC) 12-11-05 tax lot 100. Tax lot 801 is 71.39 acres. Tax lot 100 is 70.62 acres.
2. **Property Location:** Tax lots 801 and 100 are primarily located east of Highway 101 and adjacent to the north side of SE 98th Street (small portions of tax lot 801 are to the south of SE 98th Street).
3. **Zoning Designation:** Tax lot 801 is zoned Rural Residential/RR-10. Tax lot 100 is zoned Timber Conservation/T-C.
4. **Property Line Adjustment:** Each parcel has 6 acres to be included in the land exchange. The property line adjustment is being processed administratively concurrent with the other actions.

5. **Plan Designation:** Tax lot 801 has a plan designation of Suburban Residential. Tax lot 100 has a plan designation of Forest Land.
6. **Surrounding Land Use:** The subject area lies to the north and east of SE 98th Street with timber uses further to the east. The properties within the UGB are primarily undeveloped. Those properties outside of the UGB include scattered, rural residences.
7. **Amended UGB Boundary Line:** The record includes a legal description for the amended UGB boundary line and adjusted property line (Applicant's Exhibit N).
8. **Existing Structures on Subject Properties:** None at this time. Tax lot 100 has obtained conditional use approval for one dwelling (Case File #06-C-ADM-09).
9. **Utilities:**
 - Water – On-site water
 - Sewer – On-site sewage disposal
 - Power – Central Lincoln PUD
10. **Development Constraints:** The properties are both steep with ridges. The southwest portion of the Lettenmaier property includes a section of Thiel Creek.
11. **Elevation, Topography, and Soils:** Both subject properties are steep with significant rise from Thiel Creek and SE 98th Street. The property line roughly parallels both Thiel Creek and SE 98th Street. The low lying areas adjacent to Thiel Creek are identified as subject to flooding on Federal Emergency Management Agency (FEMA) flood insurance rate maps. These areas are also listed on State and Federal wetland inventories. There is an additional unnamed stream crossing the 6 acres which will be given to Fox N Bush, LLC. Both properties have commercial timber soil classifications (Class IV-VI) and are capable of growing commercial quality timber.
12. **Agency Comments:** Department of Land Conservation and Development: No comment was received.
13. A public hearing to consider the applicant's request was held before the Lincoln County Planning Commission on Monday, August 8, 2016.
14. Applicant requests that the entire record of the proceedings including Lincoln County case file and application, City Ordinance #2101 including Exhibit B (July 13, 2016 supplemental analysis prepared by city staff), Lincoln County staff report, and Lincoln County planning commission hearing meeting minutes be included in the findings and conclusions for the final order.
15. The matters set forth in Applicants' Application and the addendum thereto are found to be true and correct, and the same are by this reference made a part of this order and these findings
16. The staff report was presented by Senior Planner Joshua Shaklee. Mr. Shaklee described the nature of the request, summarized the evidence in the record and stated that staff found sufficient evidence in the record and application materials to support the applicant's request. The written staff report also found that there was sufficient evidence provided to support the applicant's request.
17. Staff provided both the Department of Land Conservation and Development and surrounding neighbors within the required notice area opportunity to comment on the proposal, in compliance with Oregon Revised Statute 197.763. No comments were received by any agency or individual. There was also no testimony in opposition to the application at the hearing.

18. Mr. Terrance Lettenmaier and his attorney, Christopher Minor, explained the request and responded to questions from the planning commission about the application materials and the nature of the request.

Relevant Criteria

1. **Lincoln County Code Section 1.0190(1):** Forest Lands
2. **Lincoln County Code Section 1.0065:** Forest Land Policies
3. **Lincoln County Code Section 1.0190(6):** Suburban Residential
4. **Lincoln County Code Section 1.1357:** Rural Residential/RR-10
5. **Lincoln County Code Section 1.1375:** Timber Conservation/TC
6. **Lincoln County Code Section 1.1235:** Quasi-Judicial Amendments
7. **Oregon Statewide Planning Goal 4:** Forest Lands
8. **Oregon Statewide Planning Goal 14:** Urbanization
9. **Oregon Administrative Rules:** Urban Growth Boundary Amendments

Findings

1. Applicant testimony and application materials entered into the record provide substantial evidence that the requested Comprehensive Plan and Zoning Map changes and urban growth boundary amendment are in accord with the Statewide Planning Goals.
2. Applicant testimony and application materials entered into the record provide substantial evidence demonstrating that the requested Comprehensive Plan and Zoning Map changes and urban growth boundary amendment are in accord with the Lincoln County Comprehensive Plan goals and policies.
3. Applicant testimony and application materials entered into the record provide sufficient evidence demonstrating that there had been a substantial change in the character of the area since zoning was enacted and the map was adopted in 1974. The changes warrant changing the Lincoln County Zoning Map and Comprehensive Plan.

Conclusions

The record and findings support the conclusion that:


1. Substantial evidence in the record demonstrates that the Comprehensive Plan and Zoning Map changes and urban growth boundary amendment are in accord with Statewide Planning Goals.
2. Substantial evidence in the record demonstrates that the proposed Comprehensive Plan and Zoning Map changes and urban growth boundary amendment are in accord with the Lincoln County Comprehensive Plan goals and policies.
3. Substantial evidence in the record demonstrates that there has been a substantial change in the character of the area around the subject property since zoning was adopted and which warrants changing the Lincoln County Zoning Map and Comprehensive Plan.

Order

Based on the conclusion that the record as a whole demonstrates that the Application for a change to the Lincoln County Comprehensive Plan and Zoning Map, and the City of Newport Urban Growth Boundary, complies with the applicable criteria of the Lincoln County Code and Statewide Planning Goals, it is ORDERED by the Lincoln County Planning Commission that Case File # 01-LUPC-ZC-16 be

APPROVED. This approval will serve as a recommendation to the Lincoln County Board of Commissioners to amend the Lincoln County Comprehensive Plan and Zoning Map for the purpose of amending the City of Newport Urban Growth Boundary.

This ORDER was presented to and approved by the Lincoln County Planning Commission on Aug. 12, 2016.



Andra Bobbitt, Chair
Lincoln County Planning Commission

Exhibit A Development pattern map

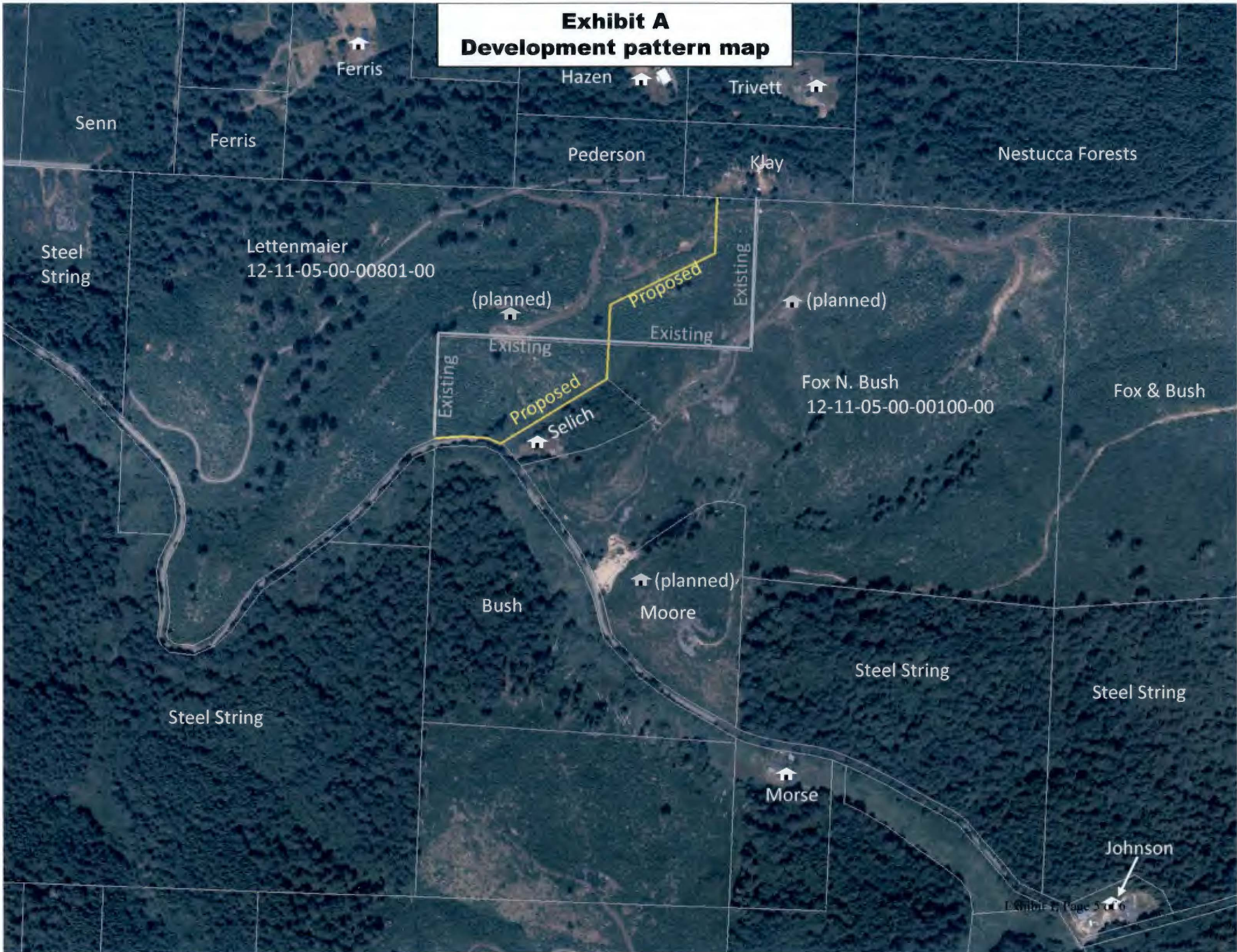


Exhibit B Plot plan

