

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

3                                   ORDINANCE # 470

4 \_\_\_\_\_  
5  
6   **Relating to land use planning; Amending Chapter 1 of the Lincoln County Code**  
7   **(LCC) Land Use Planning, Comprehensive Plan to recognize the South Beach**  
8   **Transportation Overlay Zone by amending LCC 1.0005; 1.0138; and 1.0145; and**  
9   **declaring an emergency**  
10 \_\_\_\_\_

11  
12           WHEREAS on May 8, 2013 the Board of Commissioners adopted Resolution # 13-08-05E  
13 initiating amendments to the Lincoln County Code, Chapter 1, Land Use Planning to consider  
14 incorporating certain elements of the City of Newport Transportation Plan for South Beach,  
15 Newport Ordinance No. 2045 (Newport File No. 2-P-11, adopted September 2012) into the County  
16 Comprehensive Plan for unincorporated areas of South Beach within the ambit of the planning area;  
17 and  
18

19           WHEREAS these proposed changes were considered by the Lincoln County Planning  
20 Commission at two workshops held jointly with the Newport Planning Commission. The  
21 purpose of these code amendments would be to implement alternative mobility standards in  
22 South Beach as identified in the City of Newport Transportation Plan for South Beach. The  
23 Code changes synchronize activities that will be taking place within the incorporated limits of the  
24 City of Newport in South Beach with what Lincoln County will be allowing for properties within  
25 the county jurisdiction. The alternative mobility standards track the scale of development that  
26 happen in South Beach as it impacts traffic. The tracking of development provides triggers so  
27 that as certain levels of development thresholds are met, additional transportation infrastructure  
28 projects will occur to accommodate that future growth; this is a more flexible approach to  
29 meeting transportation needs for this area. Those transportation projects are spelled out in the  
30 City of Newport's Transportation Plan for South Beach; and  
31

32           WHEREAS after notice as required by the county code, the Lincoln County Planning  
33 Commission held a public hearing on July 22, 2013 (Planning Commission Case File #1-TA-13) to  
34 consider the amendments to the Transportation System Plan (TSP) component of the Lincoln  
35 County Comprehensive Plan for the unincorporated areas of South Beach including proposed  
36 changes to the Lincoln County Code; and  
37

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1 WHEREAS following the public hearing and deliberations the Planning Commission  
2 voted unanimously to recommend that the amendments, with minor changes as suggested by the  
3 Commission at the hearing, be forwarded to the Board of Commissioners for adoption; and  
4

5 WHEREAS after notice as required by the county code, the Board of Commissioners held a  
6 hearing on October 9, 2013 to consider adoption of this Ordinance implementing changes to the  
7 Lincoln County Code Chapter 1, Land Use Planning, Comprehensive Plan. At the conclusion of  
8 the hearing the Board unanimously agreed to move forward with adoption of the Ordinance.  
9

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

11 **SECTION 1.** Lincoln County Code (LCC) section 1.005 is amended to read:

12 **1.0005 Introduction**

13 The comprehensive plan is a statement of Lincoln County's overall policies regarding the  
14 nature of future growth and development in the County. This policy reflects a consideration of the  
15 County's problems and needs as well as its social, environmental and economic values. The purpose  
16 of comprehensive planning is to allow the public to make decisions in advance about the  
17 development of the County and the use and conservation of its resources. The resulting plan is a  
18 document upon which public agencies and private firms and individuals can rely so their decisions  
19 and investments can be made with confidence. People buying homes can do so, assured that their  
20 community will grow and develop in an orderly fashion. Businesses can invest in new sites,  
21 confident that they can be used for their intended purpose and that needed services will be provided.  
22 Public investments in water systems, sewer systems, schools, roads, etc., can be made in an orderly  
23 and cost effective manner. At the same time, the comprehensive plan is not intended to be a static  
24 document; rather it is intended to be dynamic in nature. Periodic review and revision is a necessary  
25 part of the planning process in order to respond to changing social and economic needs and  
26 circumstances. The Lincoln County Comprehensive Plan consists of four primary elements: The  
27 Comprehensive Plan Inventory; the Comprehensive Plan Policies; the Comprehensive Plan Maps;  
28 and the Lincoln County Transportation System Plan adopted pursuant to LCC 1.0138. The  
29 Comprehensive Plan Inventory provides the background information, data and other factual base  
30 material concerning the social, economic and environmental resources of the County. The  
31 Comprehensive Plan Policies are the formal binding policy statements which direct future growth  
32 and development and which are derived from the problems and needs identified in the  
33 Comprehensive Plan Inventory. The Comprehensive Plan Maps assign land use designations to all  
34 areas of the County in accordance with the requirements of the Comprehensive Plan Policies. It  
35 should be emphasized that these three elements of the County Comprehensive Plan must be  
36 considered together in analyzing a specific application of the plan. For example, the policy  
37 provisions for Forest Lands are in response to resources and conflicts identified in the inventory,  
38 and are in turn applicable to those resources defined in the inventory and delineated on the plan  
39 maps. In order to provide a better understanding of this linkage between the inventory and policy

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1 elements of the Comprehensive Plan, the relevant conclusions of the various inventory sections  
2 have been summarized below:

3  
4 [...]

5  
6 (20) Transportation:

7 Transportation in Lincoln County centers primarily on the use of the private automobile. It  
8 is anticipated that this reliance will continue, and the focus of transportation planning for the  
9 planning period will be on design, improvement and maintenance of public roads and highways.  
10 Mass transit opportunities in Lincoln County appear to be extremely limited during the planning  
11 period. The small number of potential users and their low concentration combine to make any such  
12 project economically unsound. It is likely that the importance of air travel will increase during the  
13 planning period, commensurate with projected population increases. The probability of commercial  
14 air service to the Newport area is anticipated and plans for significant improvements at the airport  
15 are being formulated. Rail service and commercial shipping activities are both confined to serving  
16 industrial wood products operations in the Newport-Toledo area.

17 **In 2011-12, Lincoln County participated in a planning process that addressed**  
18 **transportation and land use issues in South Beach, an area south of the Yaquina Bay Bridge**  
19 **that includes land both within the City of Newport and outside city limits, within Lincoln**  
20 **County. A significant amount of new development in the Newport area is expected in this**  
21 **area. Forecasted traffic volumes along US 101 are anticipated to result in greater congestion**  
22 **levels, particularly during the summertime peak. However, traffic growth is likely to be high**  
23 **enough that significant congestion also will be experienced at other times of the year. The**  
24 **limited state funding available for bridge improvement and replacement causes the Yaquina**  
25 **Bay Bridge to become the major constraint in the operation of the transportation system**  
26 **south of the bridge.**

27 **Newport and Oregon Department of Transportation (ODOT), in consultation with**  
28 **Lincoln County, have worked together to identify a transportation system and management**  
29 **strategy that will support future community development in South Beach. The strategy**  
30 **includes alternative mobility standards for US 101, strategic improvements to the state**  
31 **highway and to the local street system and a variety of improvements to the pedestrian and**  
32 **bicycle system. A South Beach Transportation Overlay Zone (SBTOZ) has been created that**  
33 **creates a Trip Budget Program to track vehicle trips generated by future development. The**  
34 **City has adopted the SBTOZ and Trip Budget Program to track the trips from future**  
35 **development so that the planned transportation system will be able to serve future land use**  
36 **needs. The County will rely upon the City's adopted Transportation System Plan (TSP) to**  
37 **identify the necessary and appropriate improvements to the transportation system. The**  
38 **County will participate in the SBTOZ and Trip Budget Program by notifying the City of**  
39 **land use approvals for all development proposed on lands within the SBTOZ. This process**  
40 **will provide the City of Newport with the means to ensure that trips are available in the**  
41 **City's Trip Budget Program to support developments in South Beach.**

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1  
2        **SECTION 2.** LCC section 1.0138 is amended to read:

3  
4            **1.0138 Adoption of Lincoln County Transportation System Plan**

5            (1) The Lincoln County Transportation System Plan, consisting of Volume 1 (Plan) and  
6 Volume 2 (Appendixes, Tables and Figures), is hereby adopted and made a part of the Lincoln  
7 County Comprehensive Plan. The Plan, Volumes 1 and 2, are incorporated herein as if fully set  
8 forth. Copies of the Plan, Volumes 1 and 2, shall be placed in the Lincoln County Clerk's Office  
9 and kept in the Department of Planning and Development's offices.

10           (2) To the extent that provisions in the Lincoln County Transportation System Plan diverge  
11 from this Chapter or subsequent amendments to the Comprehensive Plan, this Chapter or  
12 subsequent amendments to the Comprehensive Plan shall supersede those inconsistent provisions.

13           (3) **Lincoln County recognizes the South Beach Transportation Overlay Zone**  
14 **(SBOTZ) as adopted in the City of Newport Transportation System Plan as applying to**  
15 **county lands within the zone boundaries.**

16  
17        **SECTION 3.** LCC section 1.0145 is amended to read:

18            **1.0145 Transportation Policies**

19           (1) Lincoln County shall coordinate its transportation plans with state transportation plans,  
20 and the city comprehensive plans.

21           (2) The Lincoln County Road Committee shall recommend capital improvement plans for  
22 road construction, major road improvements and maintenance. Priorities shall be established on the  
23 basis of road condition, road capacity, traffic volume and effectiveness toward reducing accidents.

24           (3) Lincoln County shall review improvements to the state highway system within the  
25 county for consistency with this plan.

26           (4) Lincoln County shall classify roads as major and minor arterials, collectors and  
27 residential streets and designate county and public roads.

28           (5) Major arterials shall provide regional access between communities and areas of the  
29 county and state.

30           (6) Access to major arterials shall be via fully improved streets except where no alternative  
31 exists. Developments adjacent to arterials shall provide through access via collector or residential  
32 streets to adjacent developable lands.

33           (7) In response to applications for highway access permits for abutting properties from the  
34 State of Oregon, Lincoln County shall respond with the following condition: "This highway access  
35 permit shall be valid only as long as alternative access from a collector or local street is not  
36 available. Upon development or improvement of a collector or local street, this permit shall be  
37 terminated and the driveway shall be abandoned."

38           (8) Adequate setbacks from arterial and collector roads shall be required in order to provide  
39 for future purchase of additional right-of-way.

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1 (9) Existing rights-of-way shall be used where appropriate and future needed rights-of-way  
2 shall be designated to improve the safety of vehicular circulation within the county.

3 (10) Lincoln County shall work to preserve existing rights-of-way that have been identified  
4 as having future potential as transportation corridors.

5 (11) Lincoln County shall adopt minimum standards for road construction, improvements  
6 and maintenance for county and public roads.

7 (12) Lincoln County shall work with road districts through inter-governmental agreements  
8 to provide programs for improvement and continual maintenance.

9 (13) Lincoln County shall work with existing road districts to ensure improvement of public  
10 roads to minimum county standards.

11 (14) Lincoln County may share in public road maintenance and improvement with abutting  
12 property owners. The County share shall be based upon benefit, road use, classification and priority  
13 of the County road capital improvement plan.

14 (15) A condition of final development approval shall be that public roads providing access  
15 to proposed development be improved to minimum County standards.

16 (16) Lincoln County shall initiate vacation or closure of county or public roads which are no  
17 longer necessary for access or which cannot be maintained as determined by the County Engineer  
18 except where such roads abut the ocean.

19 (17) Lincoln County may reduce county roads to public road status.

20 (18) Set-backs for development shall provide for the planned right-of-way width.

21 (19) The establishment of private road rights-of-way to accommodate land partitioning shall  
22 be to minimum county road standards except when no further partitioning or subdividing is  
23 possible.

24 (20) Lincoln County shall encourage the improvement of existing airports.

25 (21) Lincoln County shall work with citizens, the Department of Transportation  
26 Aeronautics Division, and cities to develop zones which designate surrounding land uses  
27 compatible with airports.

28 (22) Development of heliports, except for emergency use, shall be restricted to commercial,  
29 industrial, forest, and agricultural areas and residential areas where the approach and departure  
30 occur over areas where there is no potential for residential use.

31 (23) The Lincoln County Airport Advisory Committee shall advise the County on all land  
32 use matters pertinent to airport and aircraft safety.

33 (24) Lincoln County shall encourage:

34 (a) Improved transportation choices including opportunities for those who are aged or  
35 incapable due to physical or mental disorder;

36 (b) Establishment of a commuter airline service;

37 (c) Improvement and maintenance of marine facilities, where appropriate, such as docks,  
38 jetties and channels; and

39 (d) Designation and improvement of pedestrian and bicycle routes.

40 (25) Lincoln County shall promote the expansion of the railway system capability.

1 (26) Lincoln County shall review proposals to locate high voltage electrical transmission  
2 lines and high volume natural gas or oil pipelines. The review shall take into consideration land  
3 uses along and adjacent to these transmission corridors, weighing public benefit, environmental  
4 safety and the economics of alternative proposals.

5 (27) Transmission lines and pipelines serving and linking residential, commercial, and  
6 industrial users shall be located along common corridors where feasible

7 (28) Lincoln County shall encourage the licensing of bicycles by State of Oregon to increase  
8 revenues for bike way facilities.

9 (29) Lincoln County shall encourage the Oregon Department of Transportation to widen  
10 and improve valley access highways.

11 (30) Lincoln County shall require designation of car pool parking areas as part of access  
12 management plan for intersections near major collectors.

13 (31) Permanent access to that portion of NE Harney Street between NE 32<sup>nd</sup> Street and NE  
14 36<sup>th</sup> Street shall be limited to lands within the City of Newport Urban Growth Boundary. Access to  
15 lands outside the Urban Growth Boundary shall be limited to temporary access for forest  
16 management purposes.

17 (32) Lincoln County shall support programs providing transportation choices and reduction of  
18 single-occupancy vehicle trips.

19 (33) Lincoln County shall work to improve mass transit and inter-city transit links.

20 (34) **Lincoln County supports optimizing the transportation system in Newport's**  
21 **South Beach area between the Yaquina Bay Bridge and SE 62nd Street through**  
22 **improvements to US 101 and the local transportation system as identified in the City of**  
23 **Newport's Transportation System Plan (TSP). The capacity of the Yaquina Bay Bridge is**  
24 **expected to continue to be the major constraint in the operation of the transportation system**  
25 **south of the bridge, and funding for a new or expanded facility is not likely in the foreseeable**  
26 **future.**

27 (35) **Lincoln County supports adoption of alternative mobility standards by the**  
28 **Oregon Transportation Commission on US 101 at the future signalized intersections of**  
29 **Southeast 35<sup>th</sup> Street, Southeast 40<sup>th</sup> Street and Southeast 50<sup>th</sup> Street/South Beach State Park**  
30 **to accommodate planned community development in Newport's South Beach area. These**  
31 **standards will allow a higher level of congestion than would be acceptable without the**  
32 **alternative standards. The alternative standards will support economic development and**  
33 **reduce the costs of total transportation system improvements associated with development in**  
34 **South Beach.**

35 (36) **Lincoln County shall participate in monitoring the transportation impacts of**  
36 **development in South Beach by noticing the City of development proposals outside City**  
37 **limits, within the City of Newport's adopted South Beach Transportation Overlay Zone**  
38 **(SBTOZ). The county shall coordinate with the City of Newport through the development**  
39 **approval process to ensure that County-approved trips are recorded in the City's SBTOZ**  
40 **Trip Budget Program. Documentation of compliance with the SBTOZ Trip Budget program,**

1 as adopted in the City of Newport TSP, will be required prior to County development  
2 approval.

3 (37) Lincoln County will use the City of Newport's adopted TSP to identify necessary  
4 and appropriate improvements to the transportation system in Newport's South Beach area.

5 (38) Lincoln County, in coordination with the City of Newport, shall continue to  
6 engage Oregon Department of Transportation (ODOT) in conversations regarding future  
7 project planning and funding that would lead to improvements to, and possibly replacement  
8 of, the Yaquina Bay Bridge. The County is supportive of finding long-term solutions  
9 sufficient to address existing capacity and structural limitations that affect the bridge's  
10 ability to carry vehicles and pedestrians.

11  
12 **SECTION 4.**

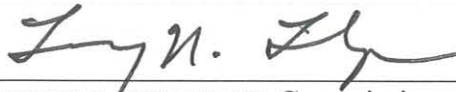
13 This Ordinance being necessary for the immediate preservation of the public peace, health  
14 and safety, an emergency is declared to exist, and this Ordinance shall take effect upon its passage.

DATED this 9<sup>th</sup> day of October, 2013.

LINCOLN COUNTY BOARD OF COMMISSIONERS



BILL HALL, Chair



TERRY N. THOMPSON, Commissioner



DOUG HUNT, Commissioner

ATTESTED TO:

  
Kim Herring, Recorder

APPROVED AS TO FORM:

  
Wayne Belmont, County Counsel

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