

BEFORE THE PLANNING COMMISSION

OF

LINCOLN COUNTY, OREGON

Applicant: Cross Development, LLC
Agent: Maggie Appleby

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Case File: 01-TA-18
Findings, Conclusions, and
Final Order

Nature of the Application

The applicant is requesting a Goal Exception to gain authorization to construct a 9,100 square foot Dollar General retail store at Otis Junction. The proposed location of the store on the subject parcel is zoned C-1 (Retail Commercial). Otis Junction is located outside of an Urban Growth Boundary (UGB) and an acknowledged Goal 14 exception area. The subject parcel lies within a Rural Service Center. Statewide Planning Goal 14 limits non-residential uses outside UGBs or acknowledged Goal 14 areas to a building or buildings not exceeding 4,000 square feet of floor space.

Relevant Facts

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

1. The subject property is located at 1261 Salmon River Highway and is further identified as tax lot 800 on Assessor's Map 06-10-30. Otis Junction is at the intersection of N Old Scenic Highway 101 and OR Highway 18.
2. The Lincoln County Comprehensive Plan designates the portion of the subject property proposed for the construction of a 9,100 square foot building as zoned C-1 (Retail Commercial). The northwest portion of the property is zoned A-C (Agricultural Conservation). On the east side of N Old Scenic Highway 101, a portion of the subject parcel is zoned RR-5 (Rural Residential). Salmon River runs through the northern portion of the subject property. The Lincoln County Estuary Management Plan classifies the Salmon River at this location as Management Unit 1-Natural.
3. The Plan Designation for Otis Junction is Rural Service Center.
4. The subject property is located within four miles northeast of the City of Lincoln City.

5. The subject property is 36.75 acres.
6. The proposed development area is fairly flat and had been filled decades earlier to facilitate commercial development at Otis Junction.
7. Details of the applicant's proposal can be found in staff report and evidence submitted by the applicant, which is incorporated into the record herein.
8. Agency comments contained in the staff report are by reference incorporated into the record herein.
9. A public hearing was held before the Lincoln County Planning Commission on Monday, April 23, 2018. Interested parties were given an opportunity to testify.
10. Lincoln County Planning Commission Chairperson Richard Johnson opened the hearing.
11. Planning Director Onno Husing presented the staff report on behalf of Lincoln County.
12. The applicant's representative presented testimony on behalf of the request. The applicant testified that there is a public need in the form of shopping convenience for the nearby neighborhood for a 9,100 square foot Dollar General Store (a retail store) at Otis Junction.

Relevant Criteria

The primary standards applicable to this exception are contained in Statewide Planning Goal 2 (Land Use Planning) and in the Exceptions Rule (requirements for a "reasons" exception). The process for a goal exception is outlined in Oregon Administrative Rule (OAR) 660-004.

i. OAR 660-004-0020: Goal 2, Part II (c)(2), Exception Requirements: The four standards in Goal 2 Part II (c) required to be addressed when taking an exception to a Goal are:

(a) "Reasons justify why the state policy embodied in the applicable goals should not apply": The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations, including the amount of land for the use being planned and why the use requires a location on resource land;

(b) "Areas which do not require a new exception cannot reasonably accommodate the use":

(c) "The long-term environmental, economic, social and energy (ESEE) consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same

proposal being located in other areas requiring a goal exception other than the proposed site". The exception shall describe: the characteristics of each alternative area considered by the jurisdiction in which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to a description of: the facts used to determine which resource land is least productive, the ability to sustain resource uses near the proposed use, and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts to be addressed include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;

(d) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

ii. OAR 660-004-0022: Reasons Necessary to Justify an Exception Under Goal 2, Part II (c)

An exception under Goal 2, Part II(c) may be taken for any use not allowed by the applicable goal(s) or for a use authorized by a statewide planning goal that cannot comply with the approval standards for that type of use. The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule.

Findings

The Commission finds:

1. The Department of Land Conservation and Development (DLCD) entered into the record a letter of opposition incorporated by reference into the record herein. The DLCD letter stated, "Upon review of the submitted application materials, we find no proposed findings or evidence in the record that addresses these rule requirements" (OAR 660—

004-0020 and OAR 660-014-0040).

The Commission agrees with DLCD's statement on the proposed application.

2. The City of Lincoln City, an incorporated community, which is located within four miles of the subject property, has commercially-zoned property that can reasonably accommodate the proposed use without having to undertake a new goal exception.

Conclusions

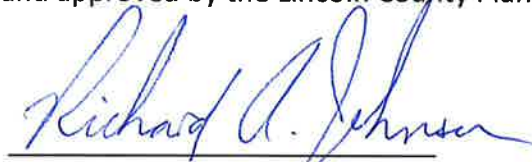
The record and findings support the conclusion that:

The applicant has not provided substantial evidence in the record to demonstrate it has addressed and met the relevant criteria for a Goal Exception to Goal 14 under OAR 660-004-0020 and OAR 660-014-0040.

Order

It is hereby ORDERED by the Lincoln County Planning Commission that Case File 01-TA-18 be DENIED.

This ORDER was presented to and approved by the Lincoln County Planning Commission on June 11, 2018

A handwritten signature in blue ink that reads "Richard A. Johnson". The signature is written in a cursive style and is positioned above a horizontal line.

Richard Johnson, Chair
Lincoln County Planning Commission