

1 BEFORE THE BOARD OF COMMISSIONERS

2 FOR LINCOLN COUNTY, OREGON

3 ORDINANCE NO. 304

4
5 AN ORDINANCE AMENDING THE LINCOLN COUNTY ZONING MAP ON PROPERTY
6 LOCATED NEAR THE NORTHWEST CORNER OF WHITE STREET AND
7 RHODODENDRON AVENUE IN GLENEDEN BEACH, LINCOLN COUNTY, OREGON,
8 FURTHER DESCRIBED AS LINCOLN COUNTY ASSESSOR'S MAP 8-11-16-AD,
9 TAX LOTS 5600, 5700, 5800, 5900, AND 6000 OWNED BY DOROTHEA
10 WILLIAMS, CASE FILE NO. 2-ZC-PC-91 AND DECLARING AN EMERGENCY

11 WHEREAS the Lincoln County Planning Commission, after a
12 public hearing in accordance with law, voted to recommend
13 approval of a Zone Change for an approximately 0.57-acre parcel
14 of property from R-1 (Single Family Residential) to C-1 (Retail
15 Commercial) upon the application of Dorothea Williams; and

16 WHEREAS the subject property is identified as: property
17 located near the northwest corner of White Street and
18 Rhododendron Avenue in Gleneden Beach, Lincoln County, Oregon,
19 further described as Lincoln County Assessor's Map 8-11-16-AD,
20 Tax Lots 5600, 5700, 5800, 5900, and 6000; and

21 WHEREAS the decision and recommendation of the Planning
22 Commission was not appealed and, therefore, no further public
23 hearings will be held;

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

25 1. That the Planning Commission's recommendations be
26 adopted, and the zoning is hereby changed from R-1 to C-1 on the
27 property identified as: property located near the northwest
28 corner of White Street and Rhododendron Avenue in Gleneden Beach,
29 Lincoln County, Oregon, further described as Lincoln County
30 Assessor's Map 8-11-16-AD, Tax Lots 5600, 5700, 5800, 5900, and
31 6000.

32 2. That the Planning Commission's Findings, Conclusions and
33 Order are adopted as set forth in Exhibit "A," attached hereto
34 and by this reference incorporated herein, in support of this
35 zone change.

36 3. That copies of this ordinance be forwarded to the
37 applicant, Dorothea Williams, P. O. Box 36, Gleneden Beach, OR
38 97388; County Surveyor; County Assessor; and Department of
39 Planning and Development.

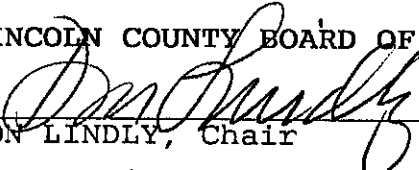
1 4. That the Department of Planning and Development amend
2 the official maps in the Lincoln County Clerk's Office to reflect
this change.


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

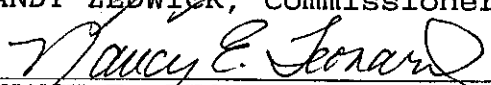
5 6. That this ordinance, being necessary for the immediate
6 preservation of the public peace, health, and safety, an
emergency is declared to exist and this ordinance takes effect
7 upon its adoption.

8 DATED this 15th day of April, 1992.

9 LINCOLN COUNTY BOARD OF COMMISSIONERS

10 
DON LINDLY, Chair

11 
ANDY ZEDWICK, Commissioner

12 
13 NANCY E. LEONARD, Commissioner

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Lincoln County Legal Counsel
Lincoln County Courthouse
225 W. Olive Street
Newport, Oregon 97365
Phone: 265-6611, Ext. 308

EXHIBIT "A"

BEFORE THE PLANNING COMMISSION

OF

LINCOLN COUNTY, OREGON

Request for Zone Change)	#2-ZC-PC-91
)	
)	FINDINGS, CONCLUSIONS
)	AND FINAL ORDER
)	

Nature of the Application

The application is for a zone change from R-1 (Single Family Residential) to C-1 (Retail Commercial).

Relevant Facts

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

A. The Comprehensive Plan designates the subject property as R-C (Rural Community Center).

B. The site is zoned R-1, Single-Family Residential.

C. The subject property is near the northwest corner of White Street and Rhododendron Avenue in Gleneden Beach, and is identified on Lincoln County Assessor's Map #8-11-16AD as tax lots 5600, 5700, 5800, 5900, and 6000.

D. Gleneden Brick and Tile Works takes up the majority of the block where the subject property is located.

Single-family residences are located across the street on White Street and Rhododendron Avenue.

1 E. The subject property is relatively level with
2 assorted shrubs and several large trees. The southern
3 portion is
4 used as part of the storage yard for Gleneden Brick and
5 Tile Works.

6 F. The adjacent property to the south and east which
7 includes the Gleneden Brick and Tile business is zoned
8 C-1.

9 G. According to the applicant, the subject property
10 has been used as part of the outdoor storage yard for
11 the brick and tile works for many years and was zoned
12 R-1 in error. She contended that the property should
13 have been zoned C-1 along with the rest of her
14 adjacent property.

15 H. There was no testimony in opposition to the
16 request.

17 I. The subject property has direct street frontage,
18 and is located close to the Gleneden Beach Loop
19 frontage road.

20 Relevant Criteria

21 A. Lincoln County Land Use Code.

- 22 1. Requirements for a Zone Change: As per Section
23 1.1235, a quasi-judicial amendment to the zoning
24 map may be authorized provided that the proposal
25 satisfies all applicable requirements of this
26 chapter and also provided that the applicant, in

1 a quasi-judicial hearing demonstrates the
2 following:

3 a. That the change is in accordance with the
4 Comprehensive Plan goals and policies and
5 the Statewide Planning Goals; and

6 b. That there has been a substantial change in
7 the character of the area since zoning was
8 adopted and which warrants changing the
9 zone; or

10 c. That zoning previously adopted for the area
11 was in error; or

12 d. That there is a public need for the change
13 being sought.

14 B. Lincoln County Comprehensive Plan Designation,
15 Rural Community Center:

16 Section 1.0190 of the Lincoln County Code describes
17 the Rural Community Center as existing service
18 communities where small lots have been platted,
19 commercial services have developed and community
20 facilities are located. These are areas where
21 utility systems may be present or would be
22 appropriate in the future to solve identified
23 problems. These factors indicate a need for a
24 certain level of residential growth to accomplish
25 and pay for needed improvements. Uses such as
26 residential, existing public recreation facilities,

1 commercial and industrial activities limited to
2 those which are existing or compatible to the
3 surrounding activities are primary. Multi-family
4 areas may be permitted where access is directly
5 onto a collector road, and where community sewerage
6 is available. Commercial areas may be permitted
7 where arterial access is available and a frontage
8 road or potential for access to residential areas
9 is available without crossing a highway. Secondary
10 uses such as new public recreation facilities,
11 public utilities, government uses, and similar uses
12 may be included by County review. (ORD 183)

13 **Findings:**

14 A. The Commission finds:

- 15 1. Because of its history of commercial use, the
16 subject property was incorrectly zoned R-1, and
17 should have been zoned commercial along with the
18 remainder of the block.
- 19 2. Uses which are permitted outright in the C-1 zone
20 would have no greater adverse impacts to the
21 neighborhood than the existing use on the property.
- 22 3. The Comprehensive Plan allows the C-1 zone within
23 areas that are designated as Rural Community
24 Center, specifying that commercial areas may be
25 permitted where arterial access is available and a
26 frontage road or potential for access to

1 residential areas is available without crossing a
2 highway. The subject property meets these
3 requirements.

4 Conclusion

5 The record and the findings support the conclusion
6 that:

- 7 1. The zone change will be in accordance with the
8 Comprehensive Plan goals and policies and the
9 Statewide Planning Goals.
10 2. The subject property was zoned R-1 in error, and
11 thereby meets the requirements for a zone change.

12 ORDER:

13 It is hereby ORDERED by the Planning Commission of
14 Lincoln County that case file #2-ZC-PC-91 be and is hereby
15 APPROVED.

16 This ORDER was presented to and approved by the Planning
17 Commission on February 10, 1992.

18
19 
20 George Miller, Chairman
Lincoln County Planning

21 Commission

22 ATTEST:

23 Ayes:
24 Noes:
Absent:
Abstain: