


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

4 **SECTION 2.**


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

DATED this 24th day of March, 1999.

LINCOLN COUNTY BOARD OF COMMISSIONERS



DON LINDLY, Chair

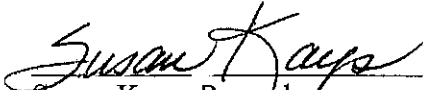


JEAN COWAN, Commissioner




KAREN GERTTULA, Commissioner

ATTESTED TO:



Susan Kays, Recorder

APPROVED AS TO FORM:



Wayne Belmont, County Counsel

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.

BEFORE THE PLANNING COMMISSION
OF
LINCOLN COUNTY, OREGON

Zone Change from R-1 to P-F
Applicant: Lincoln County School District
Kurt Carstens (Agent)

) Case File #1-ZC-PC-98
) Findings, Conclusions, and Final Order

Nature of the Request

The applicant is requesting authorization for a zone change from R-1 (Single Family Residential) zone to P-F (Public Facilities) for Toledo High School.

Relevant Criteria

Lincoln County Land Use Code

- a) Section 1.0190(6): Suburban Residential
- b) Section 1.1235: Quasi-judicial Amendments
- c) Section 1.1310: R-1 Single Family Residential Zone
- d) Section 1.1377: Public Facilities Zone

Relevant Facts

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

1. The Lincoln County Comprehensive Plan designates the subject property as Suburban Residential (SR).
2. The site is zoned R-1 (Single-Family Residential).
3. The property is located at Toledo High School, 1800 NE Sturdevant Road and former site of the St. Patrick's Catholic Church and Rectory, adjacent and contiguous with the High School. The subject property is further identified on Lincoln County's Assessor's Map #11-10-08 A as tax lots 2900 and 3300.

4. The subject property is bordered on the north by low-density residential development, on lands zoned RR-5 and T-C. Adjacent to the east is a 20-acre parcel owned by the Lincoln County School District (already zoned P-F) and commercial forest land. To the south and west are lands within Toledo's Urban Growth Boundary zoned R-1, which are developed with scattered residential uses.
5. The site consists of two areas:
 - a) The existing Toledo High School is a developed area including a sports and recreational complex which is bordered on the north, south, and east by trees and brush.
 - b) The former St. Patrick's Catholic Church property which has a conditional use permit (Case File # 29-ADM-C-98) for a new physical education field (west portion) and parking area (east portion). These areas have a gentle slope and are covered with native trees and brush.
6. Utilities which serve the subject property include City of Toledo water and sewer and Central Lincoln PUD.
7. Existing structures include Toledo High School main building and accessory structures, former church and dwelling. Tax lot 2900 holds Toledo High School. Toledo High School was originally constructed as the A.M. Cannon Elementary School in 1955. It became a high school in 1958. Additions were completed to the school in 1958, 1964, 1979, 1983, 1987, 1989, and 1997.

Tax lot 3300 was most recently used as St. Patrick's Catholic Church. The LCSD purchased the property for accessory uses for Toledo High School and for use by LCSD administration.
8. There were no development constraints identified.
9. The staff report is by reference incorporated into the record herein.
10. The application and exhibits are by reference incorporated into the record herein.
11. A public hearing was held before the Lincoln County Planning Commission on Monday, December 14, 1998. Ms. Jessica Bondy, Senior Planner, stated the applicable criteria for the request and gave an oral summary of the staff report.
12. The applicant's agent, Kurt Carstens, presented testimony on behalf of the request. A

review of the applicable zoning code criteria was presented. He explained the design and concept of the proposed zone change for the LCSD property.

13. There was no opposition to the request.
14. Upon conclusion of the proceedings, no party requested that the hearing be continued or that the record be held open. At this point, the hearing record was closed. Deliberations were conducted on the same evening.

Findings & Analysis

The Commission finds:

1. Each of the "Relevant Facts" are hereby incorporated as findings.
2. A public school is allowed outright in the Public Facilities (P-F) zone.
3. A public school is not allowed either outright or conditionally in the Single Family Residential (R-1) zone. The proposed public school use requires a zone change to the Public Facilities zone.
4. The Comprehensive Plan designation for the subject property is SR (Suburban Residential) within the City of Toledo UGB (Urban Growth Boundary). The Public Facilities zone designation is consistent with the existing plan designation, and thus the proposed zone change is in accord with the Comprehensive Plan.
5. The school has been in existence since 1955, becoming Toledo High School in 1958. This pre-dates zoning in Lincoln County. The applicant argues that the high school property was zoned in error and should have been zoned P-F originally.
6. The applicant also contends that there is a public need for a zone change on the church property to facilitate plans for enlarging the Toledo High School campus and for locating central school district administrative services.
7. Lincoln County Comprehensive Plan policies and goals support the Lincoln County School District in the provision of educational services, as noted in the application. The Public Facilities zone is the only zone in which public schools are permitted outright.

Conclusions

The record and findings support the conclusion that:

1. The zone change will be in accordance with the Comprehensive Plan Goals and Policies and the Statewide Planning Goals.
2. The Toledo High School use pre-dates zoning in Lincoln County. This property was zoned in error as R-1 and should more appropriately be zoned P-F.
3. There is a public need for additional school district property adjacent to the Toledo High School. The church property is suitable for the auxiliary school use and should also be zoned in the Public Facility zone.

Order

It is **ORDERED** by the Lincoln County Planning Commission that Case File #1-ZC-PC-98 be **APPROVED**. This approval will serve as a recommendation to the Lincoln County Board of Commissioners that the zone change be accomplished.

This **ORDER** was presented to and approved by the Lincoln County Planning Commission on ~~January 25, 1999.~~

FEBRUARY 22, 1999



Steve Morrill, Chair
Lincoln County Planning Commission

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