

1 **BEFORE THE BOARD OF COMMISSIONERS**2 **FOR LINCOLN COUNTY, OREGON**3 ORDINANCE # 434

4 _____
5
6 **Establishing Lincoln County Comprehensive Plan Designation of General Commercial**
7 **and amendment of the Lincoln County Zoning Map from P-F (Public Facility) to C-1**
8 **(General Commercial) on property identified as Tax Lots 800 and 1000, Lincoln County**
9 **Assessor's Map 6-10-35BC, and declaring an emergency.**
10 _____

11 WHEREAS on August 9, 2004, the Lincoln County Planning Commission voted 6 to 0
12 to recommend approval of a request by applicant Lincoln County School District for a
13 Comprehensive Plan Map designation of General Commercial and a zone change from P-F
14 (Public Facility) to C-1 (General Commercial) on property identified as Tax Lots 800 and 1000,
15 Lincoln County Assessor's Map 6-10-35BC, File No. 2-LUPC-ZC-04; and

16 WHEREAS after published notice in accordance with law, the Lincoln County Board of
17 Commissioners held a public hearing on October 13, 2004, to consider the request; and

18 WHEREAS at the conclusion of that hearing, the Board voted 3-0 to approve the
19 request;

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

21 **SECTION 1.**

22 1. The Planning Commission's recommendation will be followed, and the request for a
23 Comprehensive Plan Map designation of General Commercial and a zone change from P-F
24 (Public Facility) to C-1 (General Commercial) on property identified as Tax Lots 800 and 1000,
25 Lincoln County Assessor's Map 6-10-35BC, further identified on Exhibit A attached hereto and
26 incorporated herein, is approved and adopted.

27 2. The findings and conclusions supporting these actions are adopted as set forth in
28 Exhibit "B" attached hereto and incorporated herein.

1 3. Copies of this ordinance shall be forwarded to County Surveyor; County Assessor;
2 County Counsel, Lincoln County Department of Planning and Development, and the parties
3 listed on Exhibit "C" attached hereto.

4 4. The Department of Planning and Development shall amend the official maps to
5 reflect these changes and shall forward a copy of this ordinance to the Department of Land
6 Conservation and Development.

7 **SECTION 2.**

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

DATED this 20th day of October, 2004.

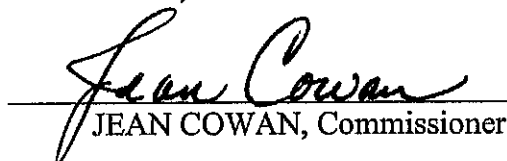
LINCOLN COUNTY BOARD OF COMMISSIONERS



DON LINDLY, Chair



TERRY N. THOMPSON, Commissioner



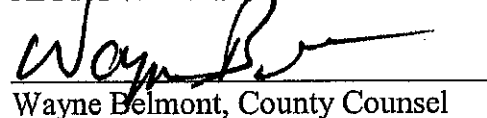
JEAN COWAN, Commissioner

ATTESTED TO:



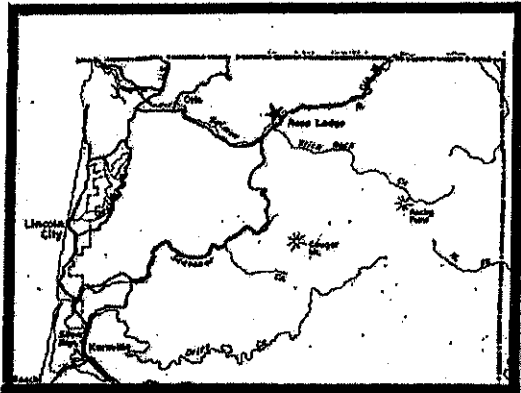
Recorder

APPROVED AS TO FORM:

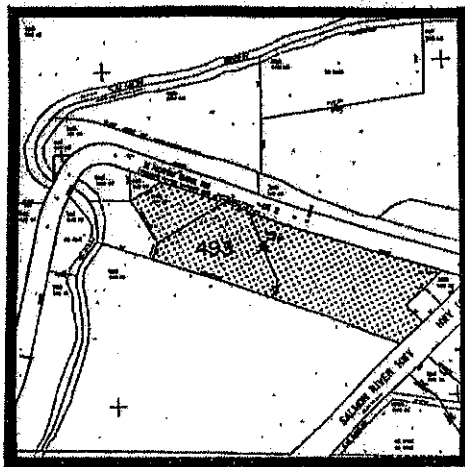


Wayne Belmont, County Counsel

**APPLICANT: LINCOLN COUNTY SCHOOL DISTRICT
(AGENT: KURT CARSTENS)**



LOCATION



SUBJECT PROPERTY

BEFORE THE PLANNING COMMISSION

OF

LINCOLN COUNTY, OREGON

Comprehensive plan map
designation and zone change
Applicant: Lincoln County
School District

) Case File #2-LUPC-ZC-04
)
) Findings, Conclusions, and Final
) Order

Nature of the Application

The applicant is requesting a comprehensive plan map designation of General Commercial and a zone change from P-F (Public Facility) to C-1 (Retail Commercial) for the former site of the Rose Lodge School.

Relevant Facts

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

1. The subject property is approximately 4.78 acres in size.
2. The subject property is located in the rural community of Rose Lodge, near the intersection of Highway 18 and North Bank Road, at the former site of the Rose Lodge School. It is further identified on Lincoln County Assessor's Map #6-10-35BC as tax lots 800 and 1000.
3. The subject property is currently zoned P-F (Public Facility).
4. The subject property carries a plan designation of RC (Rural Community).
5. The subject property is situated near the intersection of Highway 18 and North Bank Road in an area commonly known as Rose Lodge. Rose Lodge is a rural area consisting of the Rose Lodge Store, Rose Lodge Nursery, and scattered rural residential homes.
6. The subject property contains 2 buildings once housing the Rose Lodge School. All school use has been permanently discontinued.

VI.A.

EXHIBIT B
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7. The following utilities serve the subject property:
 - a. Water: On-site water.
 - b. Sewer: On-site sewage disposal system.
 - c. Electricity: Pacificorp.
8. No development constraints are associated with the subject property.
9. A public hearing was held on August 9, 2004 before the Lincoln County Planning Commission. All interested parties were given an opportunity to testify.
10. The applicant presented testimony on behalf of the request. The applicant summarized the history of the property's use, ownership and desire for a General Commercial comprehensive plan map designation and a zone change from P-F to C-1.
11. Leslie Green, Realtor with John L. Scott, testified on behalf of applicant.
12. No opposition testimony was entered into the record, except for a letter questioning ownership. Ownership was fully addressed by applicant to the satisfaction of the Commission.
13. The applicant waived rebuttal.
14. All application materials and staff's report are by reference incorporated into the record herein.
15. No request for continuance.

Relevant Criteria:

- a. **Lincoln County Code, Section 1.1235, Quasi-Judicial Amendments:** A quasi-judicial amendment to the Comprehensive Plan and Zoning Maps may be authorized provided that the proposal satisfies all applicable requirements of this Chapter and also provided that the applicant, in a quasi-judicial hearing, demonstrates that:
 - 1) The change is in accord with the Comprehensive Plan goals and policies or the Statewide Planning Goals; and
 - 2) There has been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone; or
 - 3) The zoning previously adopted for the area was in error; or
 - 4) There is a public need for the change being sought.
- b. **Lincoln County Code, Section 1.0190 (4) Rural Community Centers:** Rural community centers are existing service communities where small lots have been

platted, commercial services have developed and community facilities are located. These are areas where utility systems may be present or would be appropriate in the future to solve identified problems. These factors indicate a need for a certain level of residential growth to accomplish and pay for needed improvements. Uses such as residential, existing public recreation facilities, commercial and industrial activities limited to those which are existing or compatible to the surrounding activities are primary. Multifamily areas may be permitted where access is directly onto a collector road, and where community sewerage is available. Commercial areas may be permitted where arterial access is available and a frontage road or potential for access to residential areas is available without crossing a highway. Secondary uses such as new public recreation facilities, public utilities, government uses, and similar uses may be included by County review.

- c. **Lincoln County Code, Section 1.0190(7) General Commercial Plan Designation:** This area is provided to accommodate the normal range of business activities and meet the day-to-day needs of the community. Uses such as retail store, repair shop, barber shop, beauty shop, motel, community hall are primary. Secondary uses such as service stations or drive-ins and outdoor amusement center may be included by County review.

d. **Lincoln County Code, Section, 1.1377 Public Facilities Zone P-F:**

In a P-F zone, the following regulations shall apply:

(1) **Uses Permitted Outright**

The following existing uses and their accessory uses are permitted subject to the applicable provisions of LCC 1.1401 to 1.1499, 1.1501 to 1.1599, and 1.1901 to 1.1999: (a) Public parks and playgrounds, swimming pools, golf courses or similar recreation facility intended for use by the public. (b) Public schools and associated facilities. (c) Hospitals. (d) Government use. (e) Solid waste disposal site. (f) Beach front protective structures.

(2) **Conditional Uses Permitted**

Expansion of existing facilities that would substantially increase overall capacity or the conversion of one outright use to another may be permitted when authorized in accordance with the provisions of LCC 1.1401 to 1.1499, 1.1501 to 1.1599, 1.1601 to 1.1699 and 1.1901 to 1.1999. (a) Public park and playground, golf course, swimming pool or similar recreation facility. (b) Public schools and associated facilities. (c) Hospitals. (d) Government use. (e) Solid waste disposal site. (f) Conversion of one outright use to another outright use.

e. **Lincoln County Code, Section 1.1361 Retail Commercial Zone C-1**

In a C-1 zone the following regulations shall apply:

(1) **Uses Permitted Outright:**

The following uses and their accessory uses are permitted subject to the applicable provisions of LCC 1.1401 to 1.1499, 1.1501 to 1.1599, and 1.1901 to 1.1999: (a) A use permitted outright in the R-4 zone. (b) Retail store or shop such as food store, drug store, apparel store, hardware store, furniture store, or similar establishment. (c) Repair shop for the type of good offered for sale in those retail trade establishments permitted in a C-1 zone provided, all repair

and storage shall occur entirely within an enclosed building. (d) Personal or business service establishment such as barber or beauty shop, laundry or dry cleaning establishment, tailor shop, or similar establishment. (e) Clinic. (f) Financial institution. (g) Club, lodge, or fraternal organization. (h) Hotel. (i) Indoor commercial amusement or recreation establishment such as bowling alley, theater, or pool hall. (j) Mortuary. (k) Newspaper office, print shop. (L) Office. (m) Private museum, art gallery, or similar facility. (n) Restaurant, bar, or tavern. (o) Beachfront protective structures. (2) **Conditional Uses Permitted:** The following uses may be permitted subject to the applicable provisions of LCC 1.1401 to 1.1499, 1.1501 to 1.1599, 1.1601 to 1.1699, and 1.1901 to 1.1999: (a) A use permitted as a conditional use in the R-4 zone. (b) Recreational vehicle park. (c) Outdoor commercial amusement or recreation establishment such as miniature golf course or drive-in theater, but not including uses such as race track or automobile speedway. (d) A use permitted outright or a conditional use permitted in the C-1 zone with drive-in service facilities such as an automobile service station or a drive-in restaurant. (e) Signs, advertising. (f) Heliport. (g) Pilings, piers, docks, and similar in water structures. (h) Mini-storage. (3) **Standards:** Except as provided in LCC 1.140 to 1.1499, 1.1501 to 1.1599, 1.1601 to 1.1699, and 1.1901 to 1.1999 all standards which apply in the C-T zone shall apply in the C-1 zone.

Findings

The Commission finds:

1. The Comprehensive Plan designation for the subject property is RCC. General Commercial is included under the RC plan designation, therefore the proposed change is in accord with the comprehensive plan and the unincorporated communities rule.
2. There has been a substantial change in the character of the area since zoning was adopted which warrants changing the zone. The nature and character of the Rose Lodge community, coupled with modern day standards for delivering public education, have changed to the extent that keeping the school open was no longer feasible. And since the school property will convert to private parties, the P-F zone designation is inappropriate. The uses allowed in the C-1 zone would have no negative impacts upon the surrounding area because much of the adjacent property is already zoned C-1.

Conclusions:

1. Substantial evidence in the record demonstrates that the proposed comprehensive plan map amendment is in accordance with the Comprehensive Goals and Policies and Statewide Planning Goals.
2. Substantial evidence in the record demonstrates that there has been a substantial change in the character of the area and therefore, the subject property meets the requirements for a zone change from P-F to C-1.

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Order

It is ORDERED by the Lincoln County Planning Commission that the proposed Comprehensive Plan Map and Zone Change requests of Case File #2-LUPC-ZC-04 be APPROVED. This approval will serve as a recommendation to the Lincoln County Board of Commissioners.

This ORDER was presented to and approved by the Lincoln County Planning Commission on August 23, 2004



Roger Grady, Chair
Lincoln County Planning Commission

Labels for Ordinance 434

2-LUPC-ZC-04

LCSD

Mailed 10/25/04

DLCD

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AMENDED EXHIBIT C

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