

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 **ORDINANCE # 460**

4  
5  
6 **Amending the Lincoln County Comprehensive Plan Map from General Commercial to**  
7 **Industrial and the Lincoln County Zoning Map from C-1 (Retail Commercial) to I-P (Planned**  
8 **Industrial) on property identified on Lincoln Assessor's Map # 6-10-35 BC as Tax Lot 1000,**  
9 **Case File #1-LUPC-ZC-09 and declaring an emergency.**  
10

11 WHEREAS on April 13, 2009, the Lincoln County Planning Commission held a public  
12 hearing to consider the request by applicant James Whisler, (Agent Dawn Pavitt) for a  
13 Comprehensive Plan Map Amendment from General Commercial to Industrial, and a Zone  
14 Change (Resolution of Intent to Rezone, LCC Section 1.1245) from C-1 (Retail Commercial) to  
15 I-P (Planned Industrial) along with a concurrent request for a conditional use permit to establish  
16 a mini-storage facility on property identified as Tax Lot 1000, Lincoln County Assessor's Map  
17 6-10-35 BC, and located at the northwest intersection of Hwy 18 and North Bank Road in the  
18 community of Rose Lodge, Lincoln County, Oregon (Case File #s 1-LUPC-ZC-09 and 3-C-PC-  
19 09); and

20 WHEREAS the Planning Commission unanimously voted to recommend approval of the  
21 Comprehensive Plan Map Amendment and the Zone change via the Resolution of Intent to Rezone  
22 process under Lincoln County Code Section 1.1245 and adopted findings, conclusions, and a final  
23 order on April 27, 2009 that forwarded that recommendation to the Board of Commissioners.  
24 Concurrently the Planning Commission approved a conditional use permit (which is contingent on  
25 the Comprehensive Plan Map and Zone Changes being adopted) for the subject property, Case File #  
26 3-C-PC-09; and

27 WHEREAS the Board of Commissioners, after public notice and hearing held on July 1,  
28 2009, determined that the requests should be granted and the Planning Commission's  
29 recommendations be adopted. To accomplish that end, the Board of Commissioners adopted  
30 Resolution # 09-15-07~~9~~ earlier this date.

B WCH T JE  
Page 1 -- ORDINANCE # 460

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

2 SECTION 1.

3 1. The Lincoln County Comprehensive Plan Map is amended from General Commercial  
4 to Industrial, and the Lincoln County Zoning Map is amended from C-1 (Retail Commercial) to  
5 I-P (Planned Industrial) (Resolution of Intent to Rezone) on property identified as Tax Lot 1000,  
6 Lincoln County Assessor's Map 6-10-35 BC, and located at the northwest intersection of Hwy  
7 18 and North Bank Road in the community of Rose Lodge, Lincoln County, Oregon (Case File  
8 #s 1-LUPC-ZC-09).

9 2. That the Zone Change is subject to the provisions of Resolution # 09-15-07~~4~~, adopted  
10 this date, which is attached as Exhibit "A" and incorporated herein. B DKI IV 12

11 3. The findings and conclusions supporting this action are adopted as set forth in Exhibit  
12 "B" attached hereto and incorporated herein.

13 3. The Department of Planning and Development shall amend the official comprehensive  
14 plan and zoning maps and shall forward a copy of this ordinance to the Department of Land  
15 Conservation and Development.


16 4. Copies of this ordinance shall also be forwarded to the applicant and his agent; County  
17 Surveyor; County Assessor; Lincoln County Department of Planning and Development, and County  
18 Counsel.

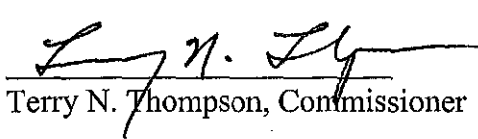
19 SECTION 2.

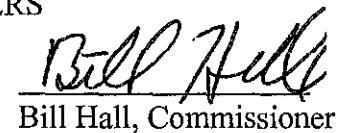
20 This Ordinance being necessary for the immediate preservation of the public peace, health  
21 and safety, an emergency is declared to exist, and this Ordinance shall take effect upon its passage.

DATED this 15<sup>th</sup> day of July, 2009

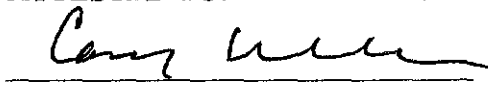
LINCOLN COUNTY BOARD OF COMMISSIONERS

  
Don Lindly, Chair


  
Terry N. Thompson, Commissioner

  
Bill Hall, Commissioner

ATTESTED TO:

  
Judy Eames, Recorder  
Casey Wilson - 910

APPROVED AS TO FORM:

  
Wayne Belmont, County Counsel

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 In the Matter of: )  
4 ) **RESOLUTION # 09-15-07** ~~CB~~  
5 *REZONING OF PROPERTY IDENTIFIED* )  
6 *AS TAX LOT 1000, ASSESSOR'S MAP* ) **INTENT TO REZONE**  
7 *6-10-35 BC, JAMES WHISLER, APPLICANT* ) **FILE #1-LUPC-ZC-09**  
8 *LINCOLN COUNTY CODE § 1.1245* )  
9

10 WHEREAS on April 13, 2004 after published and mailed notice, the Lincoln County  
11 Planning Commission held a public hearing in consideration of a request by James Whisler,  
12 (Agent Dawn Pavitt) for a Comprehensive Plan Map Amendment from General Commercial  
13 to Industrial, and a Zone Change (Resolution of Intent to Rezone, LCC Section 1.1245) from  
14 C-1 (Retail Commercial) to I-P (Planned Industrial) along with a concurrent request for a  
15 conditional use permit to establish a mini-storage facility on property identified as Tax Lot  
16 1000, Lincoln County Assessor's Map 6-10-35 BC, located at the northwest intersection of  
17 Hwy 18 and North Bank Road in the community of Rose Lodge, Lincoln County, Oregon  
18 (Case File #s 1-LUPC-ZC-09 and 3-C-PC-09); and

19 WHEREAS after that hearing the Lincoln County Planning Commission unanimously  
20 voted to recommend to the Board of Commissioners approval of the comprehensive plan map  
21 amendment and the zone change (Resolution of Intent to Rezone) and unanimously approved  
22 the conditional use request (Case File #3-C-PC-09); and

23 WHEREAS on April 27, 2009, the Lincoln County Planning Commission adopted  
24 Findings, Conclusions & Order recommending approval of the comprehensive plan map  
25 amendment and zone change request (Resolution of Intent to Rezone) and approving the  
26 conditional use request; and

27 WHEREAS the decision of the Planning Commission on the conditional use and zone  
28 change was not appealed, but because this matter involves a comprehensive plan map  
29 amendment another public hearing was required under law to be held by the Board of  
30 Commissioners; and

1           WHEREAS on July 1, 2009, after public notice as required by law, the Lincoln County  
2 Board of Commissioners held a public hearing on the recommendation made by the Planning  
3 Commission. Testimony was received by the Applicant's Agent and Applicant. At the close  
4 of the hearing, the board deliberated and found that the recommendation of the Planning  
5 Commission was appropriate and should be implemented;

6           NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED AS  
7 FOLLOWS:

8           1. The Board approves the rezoning (Resolution of Intent to Rezone) from C-1  
9 (Retail Commercial) to I-P (Planned Industrial) on property identified as Tax Lot 1000,  
10 Lincoln County Assessor's Map # 6-10-35 BC, located at the northwest intersection of Hwy  
11 18 and North Bank Road in the community of Rose Lodge, Lincoln County, Oregon subject  
12 to the following conditions:

13           A. Approval of the rezone is based on the standards, procedures and conditions of  
14 approval pursuant to LCC Section 1.1245 (Resolution of Intent to Rezone).

15           B. Approval is based upon the submitted plan which is incorporated herein by this  
16 reference. Any substantial changes in the approved plan shall be submitted to the  
17 Planning Division as a new application for land use review.

18           C. The applicant shall prepare a wetland delineation in accordance with Division  
19 of State Lands requirements for Wetland Determination. The applicant shall provide  
20 evidence from the DSL of final determination and/or issued permits, if required.

21           D. The applicant shall submit a final detailed drainage plan prepared by a  
22 registered professional engineer licensed in the State of Oregon. The final drainage  
23 plan shall consider the full range of storm water run-off and drainage discharge issues  
24 using generally accepted industry guidelines. The report shall accomplish the  
25 following: evaluate pre- and post-development volumes and conditions, describe  
26 specific considerations and recommendations concerning design, construction  
27 methods, and maintenance necessary to accommodate storm and surface water run-  
28 off, and describe treatment methods for storm and surface water run-off. The system

1 shall be designed in such a way to avoid discharge onto neighboring properties. The  
2 overall rate of offsite discharge shall not exceed pre-development conditions. The  
3 applicant shall obtain a permit from the Lincoln County Road Department for any  
4 discharge into the right-of-way of North Bank Road.

5 E. The applicant shall obtain a road approach permit from the Lincoln County  
6 Road Department for access onto North Bank Road.

7 F. The applicant is advised to consult with North Lincoln Fire and Rescue on  
8 matters concerning on-site fire protection.

9 G. The site has been evaluated and approved for on-site sewage disposal by the  
10 Lincoln County On-Site Waste Management Division. The applicant is advised to  
11 avoid changes in on-site conditions that could affect the status of the approval.

12 H. The applicant shall obtain a building permit from the Lincoln County Building  
13 Department prior to the commencement of any construction.

14 I. No individual storage space shall exceed 500 square feet.

15 J. All storage shall be limited to dead storage only.

16 K. Change of use to another use such as retail sales or repair services shall require  
17 reapplication and conformity to applicable state laws and ordinances.

18 L. A minimum of 9 off-street parking spaces shall be provided and be designed in  
19 accordance with LCC 1. 1415.

20 M. Fencing shall be provided in accordance with the submitted plan. Fencing shall  
21 be visually screened and include permanent re-vegetation which will grow to a height  
22 of five feet within four years.

23 N. All signage shall conform to LCC Section 1.1405.

24 O. Exterior lighting shall be located in such a manner so as not to face or shine  
25 directly into a lot in a residential zone, on a street or highway and does not distract

1 motorists. All exterior light fixtures shall be a full cutoff design to avoid visual  
2 impacts onto adjacent properties or streets.

3 P. The following certifications shall be submitted for purposes of obtaining a  
4 building permit to construct the mini-storage facility:

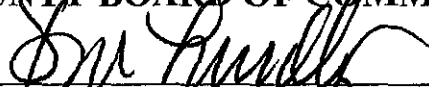
- 5 a. Evidence from the Division of State Lands demonstrating that Condition C  
6 above has been satisfied.  
7 b. A final detailed drainage plan prepared in accordance with condition D above.  
8 c. A copy of a road approach permit in accordance with condition E above.

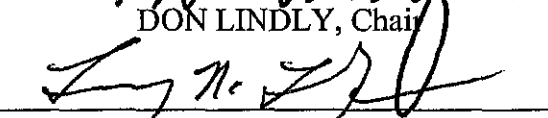
9 2. That this resolution be attached and incorporated into the ordinance approving the  
10 comprehensive plan map and zone change for the subject property and that the conditions  
11 herein shall apply to both the zoning and the conditional use approvals granted in this matter.  
12 Any substantial change to the conditions shall be processed in the manner required under  
13 Condition 1.B above.

14 3. That copies of this resolution be forwarded to the applicants' agent, Dawn Pavitt,  
15 Pavitt Land Use Consulting, LLC, PO Box 5, Newport OR 97365; the Lincoln County  
16 Department of Planning and Development; and to County Counsel.

DATED this 15th day of July, 2009.

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
DON LINDLY, Chair

  
\_\_\_\_\_  
TERRY M. THOMPSON, Commissioner

  
\_\_\_\_\_  
BILL HALL, Commissioner

BEFORE THE PLANNING COMMISSION  
OF  
LINCOLN COUNTY, OREGON

Comprehensive Map Amendment and Zone  
Change) Case File: #1-LUPC-ZC-09,  
#3-C-PC-09

Applicant: James Whisler ) Findings, Conclusions and  
Agent: Dawn Pavitt, Pavitt Land Use Consulting, LLC ) Final Order

**Nature of the Application**

The applicant requests a comprehensive plan map amendment from General Commercial to Industrial, and a zone change from C-1 (Retail Commercial) to I-P (Planned Industrial) under a Resolution of Intent to Rezone. The Resolution of Intent to Rezone includes a concurrent request for a conditional use permit to establish a mini-storage facility on the subject property. The mini-storage facility would consist of 181 storage units located in 8 buildings, and a caretaker's residence.

**Relevant Facts**

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

1. Property location: The subject property is located in the rural community of Rose Lodge, at the northwest intersection of Highway 18 and North Bank Road. It is further identified on Lincoln County Assessor's Map #6-10-35BC as tax lot 1000.
2. Lot size: Approximately 2.0 acres; 87,236 sq. ft.
3. Zoning Designation: C-1 (Retail Commercial).
4. Plan Designation: RC (Rural Community)/ Commercial
5. Topography and Vegetation: The subject property is relatively level and covered in grasses, with a few scattered trees. Drainage crossing under Highway 18 and through a culvert, discharges into the southwest corner of the property and then flows along the west side of the site.
6. Surrounding Land Use: Situated by the intersection of Highway 18 and North Bank Road, the subject property is located in a commercial section of the rural community of Rose Lodge. The surrounding area consists of the Rose Lodge Store, North Lincoln Fire and Rescue's Rose Lodge Station, the Salmon River Grange, the former site of the Rose Lodge Nursery and Rose Lodge School and scattered rural residential homes.
7. Existing Structures: None.

EXHIBIT B  
Page 1 of 10

8. Development Constraints: No development constraints were identified on resource inventory maps; however, there may be jurisdictional wetlands located on the property. Comments from the Division of State Lands indicate a wetland delineation report will be required to determine if jurisdictional wetlands are present within the building envelope.
9. Details of the applicant's proposal can be found in staff's report and evidence submitted by the applicant, which is incorporated into the record herein.
10. A public hearing was held before the Lincoln County Planning Commission on Monday, April 13, 2009. All interested parties were given an opportunity to testify.
11. Ms. Jessica Bondy, Senior Planner with Lincoln County, gave the staff presentation. She explained that the applicant was requesting a comprehensive plan map amendment from Rural Community/Commercial to Industrial, and a zone change from C-1 (Retail Commercial) to I-P (Planned Industrial) under a Resolution of Intent to Rezone(LCC Section 1.1235, 1.1245). The Resolution of Intent to Rezone procedure restricts use of the property, which if approved, includes a site plan binding upon the property. In this way, no other uses listed in the I-P zone would be permitted.

As a result, the Resolution of Intent to Rezone includes a concurrent request for a conditional use permit to establish a mini-storage facility on the subject property. The mini-storage facility would consist of 181 storage units located in 8 buildings, totaling 26,706 square feet in size. With an on-site caretaker's residence, total development area equals 28,386 square feet.

Pursuant to OAR 660-0020-0030, under the current commercial zone designation which is within a Rural Community overlay, development of the subject property is limited to a small-scale low impact use in a building or buildings not exceeding 4000 square feet of floor space. Uses in the I-P zone with a rural community plan designation are limited to a building or buildings not exceeding 40,000 square feet of floor space. Thus, in order for the applicant to develop the property as proposed, the above land use approvals are required. In addition, the planning commission must find that the proposed use is industrial in nature.

Ms. Bondy further explained that access into the site would be off of North Bank Road, a county maintained public road. An 8' high chain link gate with coded entry and exit keypad would control access into the storage unit area. Travel lanes will initially be gravel, but the applicant intends on finished asphalt paving. Each travel lane meets or exceeds county requirements and varies from 22' to 50' wide. A 6 foot high cedar fence, topped with 2' of security wire would surround the perimeter of the property. As shown on the site plan, the caretaker's residence/office would be located in the northeast corner of the property by the entrance. Setbacks from property lines for all structures are a minimum of 8 feet from side lot lines and 30 plus feet from each lot line fronting on both North Bank Road and Highway 18. The construction schedule is designed in 4 phases. Phase 1 includes fencing, the pump house and Buildings A and B; phase 2

includes Building C and the manager's unit; phase 3 includes Buildings D and E; and phase 4 includes Buildings F and G. Buildings and unit sizes vary, with no units exceeding the maximum permitted size of 500 square feet. Up to 10 units may be designated for recreational vehicle storage in Building C. Building heights vary from 13'8" to 21'2" with metal roofing, cedar shingle end walls, and board and batten siding. Exterior lighting will be designed in such a way to avoid visual impacts. Those areas remaining undeveloped will be landscaped with native grasses and shrubs. The facility will be accessible 24-hours a day, but most use is expected to be during the day. Nine designated parking spaces are shown on the plan, meeting county requirements. Traffic lanes are also wide enough to accommodate additional parking and designed in accordance with conditional use standards for mini-storage. One free-standing sign adjacent to Highway 18 will be erected.

12. Ms. Bondy discussed the agency comments that were received in some detail including:
  - a. Mr. Laren Wooley North Coast Field Representative of DLCD wrote that "the Department has no objections to the proposed amendment and facility".
  - b. ODOT staffer John De Tar wrote that the "mini-storage would not have a significant effect."
  - c. Caroline Stimson of Division of State Lands wrote: "A removal fill-permit is required for > 50 cubic yards of cumulative removal plus fill volume in wetlands and below ordinary highwater of streams. Information needed includes a wetland determination/delineation report is needed to determine if jurisdictional wetlands or waters are present within the proposed building envelope. If present need to determine precise wetland boundaries, and amount of impact. The County soil survey shows mapped hydric (wet) soils on tax lot 1000. Hydric soils indicate that wetlands may be present."
  - d. Lincoln County Building Division: For purposes of obtaining a building permit, applicant is required to submit three sets of plan for each phase depicted on the plan. Alden Eames, Building Official
  - e. Lincoln County Road Department: "Lincoln County Road Department will require a new access permit due to change in use. Gated access to require adequate staking capacity." Jim Chambers
  - f. Lincoln County On-Site Waste Management Division: The site has been evaluated and approved for on-site sewage disposal by the Lincoln County On-Site Waste Management Division. William Zekan, Environmental Manager.
  - g. Mr. Doug Kerr of North Lincoln Fire & Rescue wrote a letter with some concerns regarding the access and water availability for fire fighting.

13. Ms. Bondy then addressed compliance with the industrial zone standards including LCC 1.0190(8) Industrial and 1.1364 Planned Industrial Zone I-P. She discussed the quasi-judicial amendment criteria addressed in the applicant's application and in her written staff report. She said that the Lincoln County Code provides that a comprehensive plan map amendment and zone change may be authorized provided that that in this case, two standards are met. The first standard requires that the change is in accord with the Comprehensive Plan goals and policies or the Statewide Planning Goals; and secondly, as purported by the applicant, there has been a substantial change in the character of the area since zoning was adopted which warrants changing the zone. The applicant also stated in the application that there is a public need for the change being sought. (LCC 1.1235(1 and 3)).

On the first standard, the subject property is located within the rural community center (RCC) of Rose Lodge. The RCC is an overlay designation intended to identify and establish the boundaries of unincorporated communities pursuant to OAR 660, Division 22 (unincorporated communities rule). Plan designations within rural communities may provide for commercial or industrial activities limited to those which are existing or are small scale and low impact. Ms. Bondy reiterated that the commercial designation restricts activities in a building or buildings 4000 square feet in size and the industrial provides for a larger use in a building or buildings not exceeding 40,000 square feet. The applicant was requesting a comprehensive plan designation of Industrial to accommodate the proposed zone change from C-1 to I-P, under the Resolution of Intent to Rezone. Considering such plan designation is provided for under the Rule, the proposed change is in accord with statewide planning policies. Additionally, industrial activities within RCC's are permitted, thus the proposal is in accord with the Lincoln County Comprehensive Plan. She said that the applicant also addressed Lincoln County Comprehensive Plan policies and goals related to Goal 9-Economy and Goal 12-Transportation.

On the second standard, Ms. Bondy said that the applicant contends that there has been a substantial change in the character of the area which warrants changing the zone and, that there is a public need for the change being sought. Several changes in the community are mentioned. One includes how despite the Lincoln County School District obtaining a zone change from P-F to C-1 in 2004 after the Rose Lodge School closed, the subject property remains vacant. Also mentioned was that the post office has closed, and then generally, that the area has not been redeveloped or upgraded. It has buildings closed with no new activity. She said that the applicant also indicated there is a public need or local demand for the mini-storage facility. The facility is intended to serve the Rose Lodge and Otis community where no such facility currently exists. According to the applicant, the City of Lincoln City recently adopted provisions limiting the development of new mini-storage units. The use is now limited to the City's General Commercial zone or those that were existing. Also mentioned was that, based on the applicants research, occupancy rates of those existing facilities in Lincoln City are high and availability is limited. In this way, the applicant anticipates providing an expanded service opportunity to area residents. The applicant submitted a letter from a local Realtor supporting the contention that there is a public need for a storage facility in the area.

Ms. Bondy stated that the resolution of intent to rezone allows the commission to attach specific conditions, stipulations or limitations upon approval of the rezoning that would best serve the public interest. The purpose of the policy serves a public need for maintaining rural areas by limiting the size of future industrial development outside of urban growth boundaries. She further noted that the applicant was requesting approval on the basis of what would become a binding site plan. If the plan must be amended as a result of wetland issues or other factors, then the applicant would be required to come back to the commission for review of a new application.

14. Ms. Bondy finished her oral staff report with the conditional use request including compliance with Section 1.1630(1),(20) Standards and Procedures Governing Conditional Uses, Section 1.1630(20) Standards for mini-storage. She told the Planning Commission that if they found that the subject property qualified for a quasi-judicial amendment pursuant to LCC Section 1.1235, then the next step would be to consider the various standards for a conditional use permit. In this instance, the standards applicable to the subject property consist of the General Standards for All Conditional Uses, Standards for a Mini-Storage Facility, and Special Standards for uses in the I-P zone. These sections were reviewed. Ms. Bondy said staff would direct the commission to begin their evaluation by analyzing the proposal in relation to the specific standards. If the commission concluded that the specific standards are met, staff would then direct the commission to apply the general suitability and compatibility standards.
15. Mr. Matt Spangler, Director of Planning and Development, noted that the applicant had submitted 10 more letters of support that evening. These were in addition to the 33 letters of support which were in the commissioners packets. There were a total of 43 letters of support submitted by neighbors. The letters stated support for the need for and benefits of a mini-storage facility in Otis.
16. There were no letters of opposition submitted.
17. The Planning Commissioners then asked Ms. Bondy questions about the site, the location on North Bank Road and neighboring uses.
18. Ms. Dawn Pavitt, agent with Pavitt Land Use Consulting LLC acting in the interest of James Whisler, gave testimony on behalf of the request. Ms. Pavitt summarized the need for the request based on the criteria described above by Ms. Bondy. She further discussed the industrial zone criteria under the rural communities rule for both commercial and industrial uses and that the proposed use fits in as a low impact industrial use. Ms. Pavitt described how the proposed request is consistent with both county goals and statewide planning goals 9 (economy) and 12 (transportation). She said that more detail is described in the application.

19. Ms. Pavitt emphasized the economic decline in Rose Lodge since the zone change in 2004, the need for new economic activity in this location and the need for a mini-storage in general in Rose Lodge. She discussed the realtor's letter describing the need for mini-storage, the new ordinance in Lincoln City limiting new mini-storage developments and the applicant's research on mini-storage use by Rose Lodge residents in Lincoln City. Ms. Pavitt emphasized that there is both a change in the character of Rose Lodge and that there is a public need for mini-storage in this location. She stated that the applicant believes his proposal is consistent with the requested comprehensive plan designation and the Industrial zone and described compliance with those standards. She discussed the agency comments in detail and the letters of support from neighbors.
20. Ms. Pavitt then discussed the conditional use request and compliance with those standards. No variances were requested and the applicant had designed the project to fit in well with the surrounding area including cedar fencing, cedar siding and metal roofing on single story buildings. Ms. Pavitt further discussed the new job created by the caretaker resident and the construction jobs provided from the construction of the mini-storage facility. Mr. Whisler will be able to bring three employees that had been laid off back to work for this project.
21. Ms. Pavitt completed her testimony by summarizing how the application was consistent with the applicable codes and by requesting that the site plan not be binding in detail. She asked that only the size of the mini-storage facility be limited to no more than that listed in the site plan. The proposed conditions require an engineered drainage plan and a wetlands delineation. She said both may require the site plan to be adjusted. The applicant may also have to re-order the proposed phasing or possibly not pave the facility. She requested that these kind of changes be allowed with staff review and not be required as a new land use application.
22. Ms. Pavitt offered to answer commissioners' questions and did so with Mr. Whisler's assistance with regard to fire safety, access to North Bank Road, details regarding the proposal, and flexibility needed for the applicant with regard to the conditions being completed after zone change and conditional use permit approval but prior to the building permit request. Mr. Whisler needs this for his loan requirements.
23. There was oral testimony in support of the application by Robert Whisler. He stated that he also believes there is a need for a mini-storage facility in Otis.
24. No party requested a continuance of the public hearing or for the record to remain open.

**Relevant Criteria**

**Lincoln County Land Use Code and Oregon Administrative Rule**

1. Quasi-Judicial Amendments: Section 1.1235
2. Intent to Re-Zone; Purpose and Procedure: Section 1.1245
3. Plan Designation: Rural Community Centers: Section 1.0190 (4)
4. Plan Designation: General Commercial: Section 1.0190(7)
5. Plan Designation: Industrial: Section 1.0190(8)
6. Retail Commercial Zone C-1: Section 1.1361
7. I-P (Planned Industrial): Section 1.1364
8. Standards and Procedures Governing Conditional Uses: Section 1.1630(1),(20)
9. Standards for mini-storage: Section 1.1630(20)
10. Sign Requirements: Lincoln County Code Section 1.1405
11. Off-Street Parking and Off- Street Loading Requirements: Section 1.1415
12. Exterior Lighting: Section 1.1430
13. Oregon Administrative Rule 660-022-0010 Unincorporated Communities-Definitions

**Findings**

The Commission finds:

1. The subject property is 2 acres and zoned C-1/Retail Commercial and is vacant.
2. The applicant has provided plans for a mini-storage facility of 28,386 sq. ft. including a caretaker residence. The approval of such a change would afford the applicant the opportunity to begin construction of the mini-storage facility. The size of this facility is considered to be low-impact according to OAR 660-022-0010 and is suitable as an industrial use at this location.
3. Information provided by the applicant indicates that the character of the area has changed since the commercial zoning in 2004.
4. The applicant states that there is a public need for the change that would complement the neighboring area by providing mini-storage and reducing the need for travel to other areas for this amenity. In addition, there would be economic benefits from the construction of the facility and the on-site caretaker position.
5. The denial of the applicant's request will leave the parcel in a vacant state that is difficult to develop and improve with the property's current zoning or comprehensive plan designation.
6. Both Statewide Planning Goals and the Lincoln County Comprehensive Plan will be supported by the applicant's proposal. The zone change will positively affect statewide and local comprehensive goals involving economic development and transportation issues.

7. The change in zoning would offer the applicant an opportunity to provide storage facilities for the surrounding residents. Manufacturing would not occur on site.
8. The change in zoning would be low impact and would comply with the statewide rule regarding industrial uses in a rural community.
9. The change in zoning would also supply economic growth on a small level without negatively impacting residential uses in the neighborhood. The use of the property to provide storage will encourage fuel conservation in transportation providing energy benefits as described within the statewide goals.
10. Changes to the submitted site plan will be acceptable so long as they are not more intense than the requested 28,386 sq. ft. and are not substantial in nature. Changes in phasing, building alignment, landscaping, location of buildings and the yard remaining in a gravel-surfaced state will be allowed as long as county standards will continue to be met.

### Conclusions

The record and findings support the conclusion that:

1. Substantial evidence in the record demonstrates that the change is in accord with the Comprehensive Plan goals and policies.
2. Substantial evidence in the record demonstrates that the change is in accord with the Statewide Planning Goals.
3. Substantial evidence in the record demonstrates that the C-1 zoning should be changed to I-P/Planned Industrial.
4. Substantial evidence in the record demonstrates that General Commercial Comprehensive Plan designation should be changed to Industrial.
5. Substantial evidence in the record indicates that the zone change and comprehensive map designation change should be made by the Board under the adoption of a "resolution of intent to rezone" as contained in LCC 1.1245.
6. Substantial evidence in the record indicates that the conditional use permit for a mini-storage facility should be granted.

### Order

It is ORDERED by the Lincoln County Planning Commission that Case File 1-LUPC-ZC-09 and #3-C-PC-09 be APPROVED. This approval will serve as a recommendation to the Lincoln County Board of Commissioners to change the plan designation to Industrial and change the zone designation to Planned Industrial under the adoption of a "resolution of intent to rezone" as contained in LCC 1.1245. The approval will also serve as a recommendation to grant approval for the requested conditional use permit for a mini-storage facility.

Approval is subject to the following conditions:

1. Approval of the rezone is based on the standards, procedures and conditions of approval pursuant to LCC Section 1.1245 (Resolution of Intent to Rezone).
2. Approval is based upon the submitted plan. Any substantial changes in the approved plan shall be submitted to the Planning Division as a new application for land use review.
3. The applicant shall prepare a wetland delineation in accordance with Division of State Lands requirements for Wetland Determination. The applicant shall provide evidence from the DSL of final determination and/or issued permits, if required.
4. The applicant shall submit a final detailed drainage plan prepared by a registered professional engineer licensed in the State of Oregon. The final drainage plan shall consider the full range of storm water run-off and drainage discharge issues using generally accepted industry guidelines. The report shall accomplish the following: evaluate pre- and post-development volumes and conditions, describe specific considerations and recommendations concerning design, construction methods, and maintenance necessary to accommodate storm and surface water run-off, and describe treatment methods for storm and surface water run-off. The system shall be designed in such a way to avoid discharge onto neighboring properties. The overall rate of offsite discharge shall not exceed pre-development conditions. The applicant shall obtain a permit from the Lincoln County Road Department for any discharge into the right-of-way of North Bank Road.
5. The applicant shall obtain a road approach permit from the Lincoln County Road Department for access onto North Bank Road.
6. The applicant is advised to consult with North Lincoln Fire and Rescue on matters concerning on-site fire protection.
7. The site has been evaluated and approved for on-site sewage disposal by the Lincoln County On-Site Waste Management Division. The applicant is advised to avoid changes in on-site conditions that could affect the status of the approval.
8. The applicant shall obtain a building permit from the Lincoln County Building Department prior to the commencement of any construction.
9. No individual storage space shall exceed 500 square feet.
10. All storage shall be limited to dead storage only.
11. Change of use to another use such as retail sales or repair services shall require reapplication and conformity to applicable state laws and ordinances.
12. A minimum of 9 off-street parking spaces shall be provided and be designed in accordance with LCC 1. 1415.

13. Fencing shall be provided in accordance with the submitted plan. Fencing shall be visually screened and include permanent re-vegetation which will grow to a height of five feet within four years.
14. All signage shall conform to LCC Section 1.1405.
15. Exterior lighting shall be located in such a manner so as not to face or shine directly into a lot in a residential zone, on a street or highway and does not distract motorists. All exterior light fixtures shall be a full cutoff design to avoid visual impacts onto adjacent properties or streets.
16. **The following certifications shall be submitted for purposes of obtaining a building permit to construct the mini-storage facility:**
  - a. Evidence demonstrating that the comprehensive plan map amendment and zone change has been completed in accordance with #1 above.
  - b. Evidence from the Division of State Lands demonstrating that Condition #3 above has been satisfied.
  - c. A final detailed drainage plan prepared in accordance with #4 above.
  - d. A copy of a road approach permit in accordance with #5 above.

This ORDER was presented to and approved by the Lincoln County Planning Commission on April 27, 2009.

  
Cris Torp, Chair  
Lincoln County Planning Commission

EXHIBIT B  
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