

1 **BEFORE THE BOARD OF COMMISSIONERS**  
2 **FOR LINCOLN COUNTY, OREGON**

3  
4 ORDINANCE # 505

5  
6 Relating to Land Use Planning and Brewpubs and Microbreweries; amending LCC 1.1360  
7 Tourist Commercial Zone C-T, LCC 1.1361 Retail Commercial Zone C-1 and LCC 1.1362  
8 General Commercial Zone C-2, and Declaring an Emergency

9  
10 WHEREAS, within the State of Oregon there has been a growing trend for the  
11 establishment and proliferation of brewpubs and microbreweries; and

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13 WHEREAS, the Lincoln County Code currently severely restricts the possibility of the  
14 establishment and proliferation of brewpubs and microbreweries in Lincoln County because such  
15 uses are only permitted within the Planned Industrial Zone I-P under LCC Section 1.1364(2)(a);  
16 and

17  
18 WHEREAS, a brewpub is a bar or restaurant that serves alcoholic beverages brewed on-  
19 site; and

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21 WHEREAS, a microbrewery, per the Brewers' Association, is a brewery that produces  
22 less than 15,000 barrels of alcoholic beverages per year with 75% or more of its product sold off-  
23 site; and

24  
25 WHEREAS, on July 18, 2018, the Lincoln County Board of Commissioners adopted  
26 Resolution 18-18-7A to initiate amendments to address microbreweries (and brewpubs) as a land  
27 use matter; and

28  
29 WHEREAS, proposed changes to LCC 1.1360 Tourist Commercial Zone C-T, LCC  
30 1.1361 Retail Commercial Zone C-1 and LCC 1.1362 General Commercial Zone C-2 to  
31 accommodate brewpubs and microbreweries are shown in legislative format, and are attached  
32 hereto and incorporated by reference as Exhibit "1"; and

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34 WHEREAS, Lincoln County has notified DLCD of these proposed changes, and  
35 provided it with a copy of these changes, all in accordance with OAR 660-018-0020(1); and

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37 WHEREAS, DLCD has not objected to the proposed changes; and

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39 WHEREAS, the proposed changes are consistent with the Comprehensive Plan goals and  
40 policies, and are consistent with other provisions of Chapter 1 of the Lincoln County Code and  
41 are in conformance with the Statewide Planning Goals and all other applicable statutes and  
42 regulations; and

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44 WHEREAS, this Ordinance is being adopted under the authority of ORS 215.223; and

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46 WHEREAS, the Lincoln County Planning Commission held a hearing on this proposed  
47 Ordinance on September 10, 2018, and approved a Final Order recommending these changes to  
48 the Code to the Lincoln County Board of Commissioners on September 24, 2018; and

49  
50 WHEREAS, the Lincoln County Board of Commissioners advertised and held a public  
51 hearing on October 31, 2018, regarding the Ordinance, and to review the Planning Commission’s  
52 recommendation, receive additional testimony, deliberate, and reach a decision.

53  
54 **NOW, THEREFORE, THE LINCOLN COUNTY BOARD OF COMMISSIONERS**  
55 **ORDAINS AS FOLLOWS:**

56  
57 **SECTION 1: ADOPTION OF AMENDMENTS**

58 Exhibit “1”, attached hereto and incorporated by reference, in legislative format, is  
59 adopted as an amendment to Chapter One (Land Use Planning) of the Lincoln County Code.

60  
61 **SECTION 2: SEVERANCE CLAUSE**

62 If any section, subsection, provision, clause or paragraph of this Ordinance shall be  
63 adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid,  
64 such judgment shall not affect the validity of the remaining portions of this Ordinance, and it  
65 shall be expressly declared that every other section, subsection, provision clause or paragraph of  
66 the Ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to  
67 be unconstitutional or invalid, is valid.

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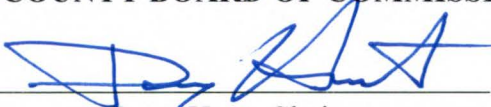
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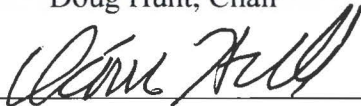
**SECTION 3: EMERGENCY CLAUSE**

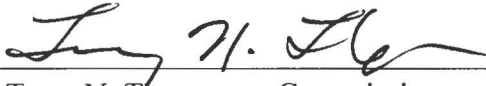
This Ordinance being necessary for the immediate preservation of the public health and safety, an emergency is declared to exist and this Ordinance shall take effect upon its passage.

DATED this 31<sup>st</sup> day of October, 2018

**LINCOLN COUNTY BOARD OF COMMISSIONERS**

  
\_\_\_\_\_  
Doug Hunt, Chair

  
\_\_\_\_\_  
Claire Hall, Commissioner

  
\_\_\_\_\_  
Terry N. Thompson, Commissioner

ATTESTED TO:

  
\_\_\_\_\_  
Casey Miller, Recorder

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Wayne Belmont, County Counsel

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## EXHIBIT 1

### 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 goods 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, when served by a public or community sewer system.
- (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, **including on-site accessory processing, packing, or storage of food or beverage involving distillation or fermentation.**
- (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. [2004 o.430 §5]

NOTE: Matter in **boldfaced** type is new; matter in ~~strike through~~ is existing ordinance to be omitted. New sections are in **boldfaced** type.

### **1.1362 General Commercial Zone C-2**

In a C-2 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 C-1 zone.
- (b) Automobile, truck, or trailer sales, service, storage, rental, or repair.
- (c) Boat launching or moorage facility, marine boat charter service.
- (d) Boat or marine equipment sales, service, storage, rental, or repair.
- (e) Cabinet or similar woodworking shop.
- (f) Cold storage or ice processing plant.
- (g) Feed or seed store.
- (h) Implement, machinery, or heavy equipment sales, service, storage, or rental.
- (i) Laboratory for experiment or research.
- (j) Lumber or building materials sales and storage.
- (k) Machine, welding, sheet metal, or similar metal working shop.
- (L) 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.
- (m) Plumbing, heating, electrical, or paint contractors' storage, repair, or sales shop.
- (n) Processing, packing, or storage of food or beverage, excluding those products involving ~~distillation, fermentation,~~ rendering of fats or oils or slaughtering.
- (o) Tire sales, repair, retreading, or vulcanizing.
- (p) Truck terminal, freight depot.
- (q) Upholstery shop.
- (r) Warehouse or storage area.
- (s) Wholesale establishment.

#### **(2) Conditional Uses Permitted:**

The following uses and their accessory 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 C-1 zone.
- (b) Animal hospital.
- (c) Heliport.
- (d) Pilings, piers, docks, and similar in water structures.
- (e) Mini-storage.

#### **(3) Standards:**

Except as provided in this subsection and in LCC 1.1401 to 1.1499, 1.1501 to 1.1599, 1.1601 to 1.1699, and 1.1901 to 1.1999 the standards which apply in the C-1 zone shall apply.

- (a) All yards abutting a lot in a residential zone shall be a minimum of 20 feet.
- (b) Outdoor storage abutting or facing a street or highway or a lot. in a residential zone shall be screened with a sight-obscuring fence.

### **1.1360 Tourist Commercial Zone C-T**

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

#### **(1) Uses Permitted Outright:**

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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) Automobile service station, including minor repair provided it is conducted entirely within an enclosed building.
- (c) Barber or beauty shop.
- (d) Boat launching or moorage facility, marina, boat charter service.
- (e) Car wash.
- (f) Clinic.
- (g) Club, lodge, or fraternal organization.
- (h) Food store.
- (i) Gift shop.
- (j) Hotel, motel, or resort, when served by a public or community sewer system.
- (k) Indoor commercial amusement or recreation establishment such as bowling alley, theater, or pool hall.
- (L) Laundromat.
- (m) Office.
- (n) Private museum, art gallery, or similar use.
- (o) Restaurant, bar, or tavern, **including on-site accessory processing, packing, or storage of food or beverage involving distillation or fermentation, when served by a public or community sewer system.**
- (p) Retail sale of sporting goods, or bait.

**(2) Conditional Uses Permitted:**

The following uses and their accessory 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 recreation development.
- (d) 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.
- (e) Automobile repair garage provided all repair shall be conducted entirely within an enclosed building.
- (f) Signs, advertising.
- (g) Heliport.
- (h) Pilings, piers, docks, and similar in water structures.
- (i) Mini-storage.

**(3) Standards:**

Except as provided in LCC 1.1401 to 1.1499, 1.1501 to 1.1599, 1.1601 to 1.1699, and 1.1901 to 1.1999 the following standards shall apply:

- (a) Residential uses shall be subject to lot size, dimension, coverage, yard, and building height and special setback standards of the R-4 zone.
- (b) All yards abutting a lot in a residential zone shall be a minimum of ten (10) feet.
- (c) No structure shall be located closer than 30 feet from the right-of-way of any state highway, nor 30 feet from the right-of-way of any collector or arterial street.
- (d) No building shall exceed a height of 35 feet.

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(e) Outdoor storage shall be screened with a sight-obscuring fence.

(f) Non-residential uses outside of Urban Growth Boundaries or acknowledged Goal 14 exception areas shall be limited to a building or buildings not exceeding 4,000 square feet of floor space.

(g) Non-residential uses outside of Urban Growth Boundaries, acknowledged Goal 14 exception areas, Rural Community Centers, or Rural Service Centers shall be limited to a building or buildings not exceeding 3,500 square feet of floor space.

(h) Notwithstanding paragraphs (f) and (g) of this subsection, any conforming use existing as of the effective date of this amendment may be expanded in floor area up to thirty percent, provided other applicable dimensional standards are met.

(i) Hotels, motels or resorts within Rural Community Centers or Rural Service Centers not subject to an acknowledged Goal 14 exception shall be limited to no more than 35 units. Hotels, motels or resorts outside of Urban Growth Boundaries, Goal 14 exception areas, Rural Community Centers, or Rural Service Centers shall be limited to no more than 25 units. [2004 o.430 §4]

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