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BEFORE THE BOARD OF COMMISSIONERS
FOR LINCOLN COUNTY, OREGON

ORDINANCE 534

Amending the Lincoln County Comprehensive Plan and Zoning Map(s) from Public Facilities (P-F) to Rural Residential (RR-5), on property identified as Tax Lot 1406 and Tax Lot 104, Lincoln County Assessor’s Map 10-10-33, and declaring an emergency.

Whereas, the Board of Commissioner on June 15, 2023, held a hearing on the application and request by applicant to change the zoning of applicant’s property from P-F (Public Facilities) to RR-5 (Rural Residential), holding the record open as requested and held a final hearing on July 5, 2023, and;

Whereas, at the conclusion of the hearing on July 5, 2023, the Board voted to approve the applicants request for a zone change;

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

SECTION 1.

1. The Comprehensive Plan and Zoning Map(s) is amended from Public Facilities to Rural Residential on property identified as Tax Lot 1406 and Tax Lot 104, Lincoln County Assessor’s Map 10-10-33 (Case File #02-ZC-PC-22) addressed as 1022 Olalla Rd., Toledo, OR 97391. The subject property is identified on the map in Exhibit A which is attached and incorporated herein.

2. The Board adopts those Findings and Conclusion as set forth in Exhibit B, attached hereto and incorporated herein and based on the factual record, finds the applicant has met its burden.

3. Copies of this Ordinance shall be forwarded to the County Surveyor GIS/LIS Department, the County Assessor, County Counsel, County Department of Planning and Development, and to the applicant’s agent, Traci McDowall.


4. The department of Planning and Development shall forward a copy of this Ordinance and the amended Comprehensive Plan and Zoning Map(s) to the Department of Land Conservation and Development.

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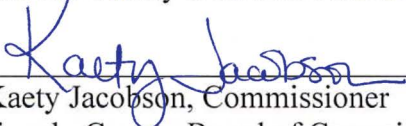
SECTION 2.

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

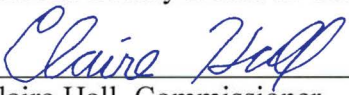
Dated March 20, 2023



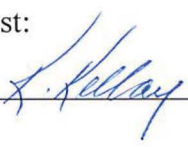
Casey Miller, Chair
Lincoln County Board of Commissioners



Kaety Jacobson, Commissioner
Lincoln County Board of Commissioners



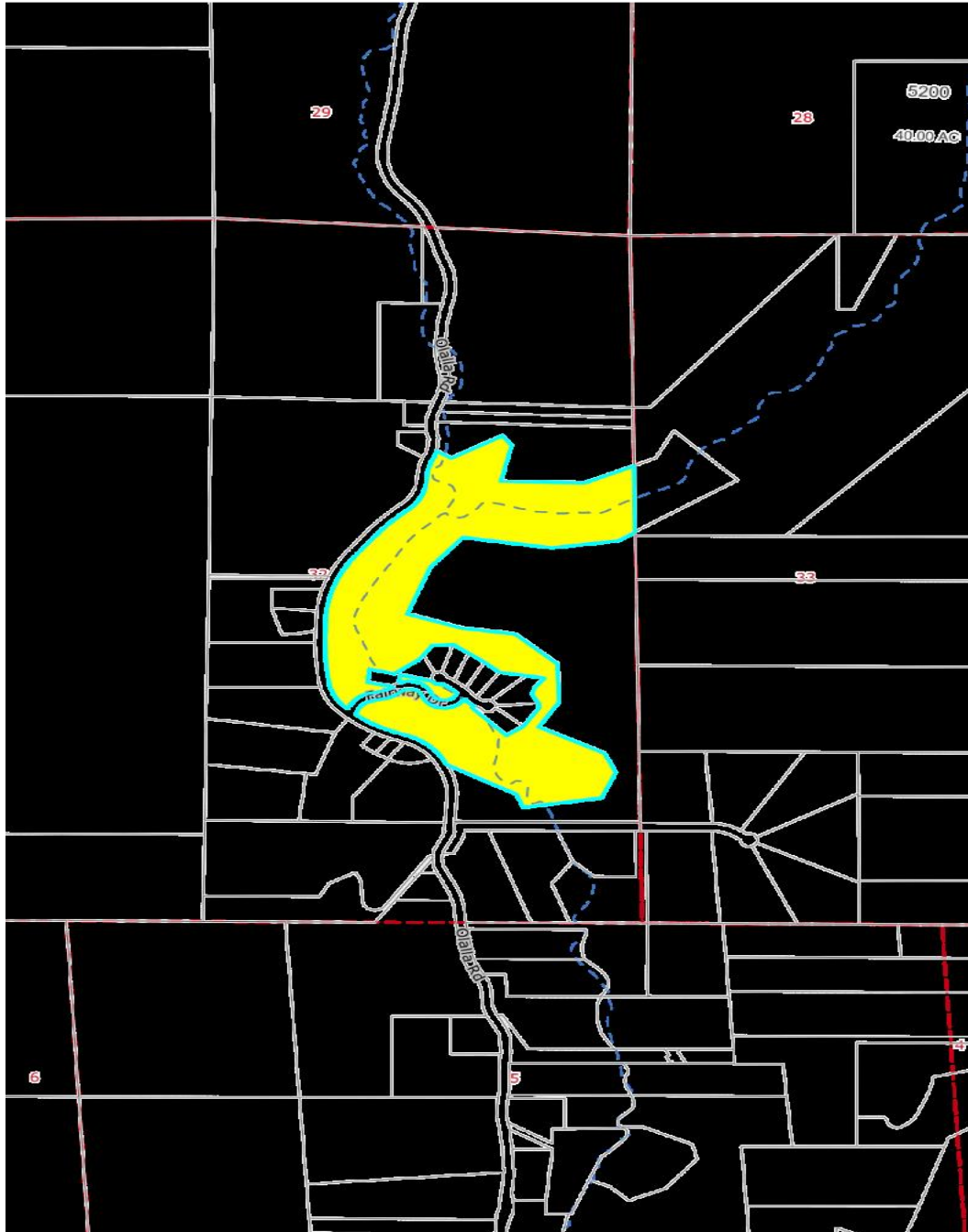
Claire Hall, Commissioner
Lincoln County Board of Commissioners

Attest:


Approved as to Form
/s Douglas R. Holbrook
Assistant County Counsel
Lincoln County, Oregon

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Exhibit A – Ordinance # 534



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Exhibit B – Ordinance 534

Nature of the Application

The Applicant is requesting to change the zoning of the subject property from Public Facilities (P-F) to Rural Residential (RR-5), asserting that there has been a substantial change in the character of the surrounding area since the property was originally zoned. The applicant asserts that operating the golf course as a business is no longer economically viable, and thus the golf course has permanently closed. Since the recreational utility of the golf course is intrinsically tied to its financial sustainability, the applicant concludes that a substantial change in the character of the area has occurred. Additionally, there has been significant residential development in the area since the application of the current zone. The applicant notes that other recreational activities, including other golf courses, are available throughout Lincoln County. The surrounding uses are residential, and the surrounding zone is RR-5.

The applicant desires to convert the club house into a single-family dwelling, which cannot be permitted in the P-F zone. The proposed change of use can only be approved if the zoning is changed to residential. Rural Residential zoning would be consistent with the subject property’s current Comprehensive Plan designation of Dispersed Residential.

Relevant Facts

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

- 1. The subject property in its entirety is approximately 55.11 acres in size.
- 2. The subject property, commonly known as 1022 Olalla Rd., Toledo, OR 97391, is located on Olalla Road, approximately one mile from Highway 20. It is further identified by the Lincoln County Tax Assessor as Map #10-10-32, tax lot 1406, and Map 10-10-33, tax lot 104.
- 3. The subject property is currently zoned Public Facilities (P-F).
- 4. The subject property carries a comprehensive plan designation of Dispersed Residential.

Zone Change Application

Applicant: Olalla Properties, LLC
Michael Wilson

- 5. All properties immediately adjacent to the subject parcel are zoned Rural Residential (RR-5). Commercial timberland is located to the north, east and west, beyond the existing residentially zoned areas.
- 6. The subject property is a developed golf course, with a mix of flat and gently sloping topography and sparse vegetation.
- 7. A clubhouse and two other non-residential structures associated with the golf course are located in the southern half of the property. The clubhouse, built in 1956, was originally used as a residence for a dairy farm on the subject property. The other two structures were constructed around 2010.
- 8. The following utilities are proposed to serve the subject property:
 - a. Water: On-site Well
 - b. Sewer: On-site Septic
 - c. Electricity: Central Lincoln PUD
- 9. The portion of the subject property adjacent to West Olalla Creek has mapped wetlands and AE floodplain. These areas present possible constraints on potential future development and land division.
- 10. A public hearing was held on June 14, 2023, before the Lincoln County Board of

1 Commissioners. The record was left open as requested at the public hearing, and the
2 public hearing continued to July 5, 2023. All interested parties were given an
3 opportunity to testify. The public hearing was closed on July 5, 2023.

4 11. The Department of Land Conservation and Development acknowledged the application
5 prior to the public hearing.

6 12. The basis for the applicant's request is that there has been substantial change in the area
7 that warrants a change to the zoning from P-F to RR-5. Specifically, the golf course that
8 was previously operated on the subject property has permanently closed and there has
9 been substantial residential development in the surrounding area since the current zone
10 was applied. Given these substantial changes, the applicant submits that the subject
11 property should be re-zoned to Rural Residential (RR-5), in accordance with the
12 comprehensive plan designation of Dispersed Residential and the immediately adjacent
13 zoning.

14 13. One person submitted in person testimony and written testimony in opposition.

15 14. All application materials and staff's report are by reference incorporated into the record
16 herein.

17 Relevant Criteria

18 A. Lincoln County Code, Section 1.0190, Plan Designations: The purpose of plan
19 designations is to define and set down on maps what the citizens and property owners of Lincoln
20 County consider to be appropriate uses of the land. These designations are the conclusions
21 wrought from the consideration of facts and information presented and evaluated through the
22 process of developing this comprehensive plan. The following plan designations are set out on
23 the Lincoln County Comprehensive Plan Maps.

24 1. (3) Dispersed Residential: Dispersed residential areas are located on marine
25 terraces and valley floors. Residential use densities shall be as necessary for on-site sewer
26 disposal and water supply. Uses such as forestry, farming and rural residential subdivisions, and
27 existing public recreation facilities, quarrying, sanitary landfills, government uses and similar
28 uses may be included by County review.

29 B. Lincoln County Code, Section 1.1235, Quasi-Judicial Amendments: A quasi-judicial
30 amendment to Zoning Maps may be authorized provided that the proposal satisfies all applicable
31 requirements of this Chapter and also provided that the applicant, in a quasi-judicial hearing,
32 demonstrates that the change is in accord with the Comprehensive Plan goals and policies or the
33 Statewide Planning goals and that:

- 34 1. There has been a substantial change in the character of the area since zoning was
35 adopted and which warrants changing the zone; or
- 36 2. The zoning previously adopted for the area was in error; or
- 37 3. There is a public need for the change being sought.

38 C. Lincoln County Code:

- 39 1. Public Facilities (P-F) Zone: LCC Section 1.1377
- 40 2. Rural Residential (RR-5) Zone: LCC Section 1.1355

41 Findings

42 The Lincoln County Board of Commissioners Find:

- 43 1. The subject property is currently zoned P-F and is restricted to recreational, educational,
44 public health, and other governmental public uses.
- 45 2. The applicant requests a zone change to Rural Residential (RR-5) in order to establish
46 uses permitted in the RR-5 zone on the subject property.

1 3. Opponents to the zone change argued that there is a problem with the water and air in
2 Lincoln County and cited the Lincoln County Comprehensive Plan. The applicant
3 responded by explaining that as a result of the zone change being requested, only one
4 use was being lost, solid waste disposal site, and explaining that other uses are
5 changed, and no uses are gained. Additionally, the applicant noted that this is not an
6 application for development, and the land subject to the application has always been
7 privately owned, and that there has in fact been a substantial change in the area. The
8 applicant cites residential development in the area and the closure of the golf course,
9 the golf course being the only business open to the public in the area. The applicant
10 acknowledged the Opponents concern regarding water in the area while pointing out
11 that issue is not relevant to the zone change application. Based on the application and
12 evidence presented, we find that the subject property is included in our interpretation
13 of the Lincoln County Code, Section 1.1235 as being an area where there has been a
14 substantial change in the character of the area since zoning was adopted and which
15 warrants changing the zone, and that this change is consistent with goals and policies
16 of the Lincoln County Comprehensive Plan and the State of Oregon Statewide Goals.
17 4. Evidence in the records and testimony presented at the hearing indicates that there has
18 been a substantial change in the character of the area since zoning was adopted and which
19 warrants changing the zone change.
20 5. Evidence in the records and testimony presented at the hearing indicates that there is a
21 public need for additional residential housing opportunities in Lincoln County.

22
23 **Conclusions**

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25 Substantial evidence in the record demonstrates that the proposed zone change is in
26 accordance with the Comprehensive Goals and Policies and Statewide Planning Goals; and,
27 Substantial evidence in the record demonstrates that there has been a substantial change
28 in the character of the area since zoning was adopted and which warrants changing the zone and
29 therefore meets the requirements for a zone change from Public Facilities (P-F) to Rural
30 Residential (RR-5), and;
31 Substantial evidence in the record demonstrates that there is a public need for the
32 change being sought.
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