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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 this 27th day of February, 2008.

LINCOLN COUNTY BOARD OF COMMISSIONERS

EXCUSED

TERRY N. THOMPSON, Chair

Don Lindly

DON LINDLY, Commissioner

Bill Hall

BILL HALL, Commissioner

ATTESTED TO:

Judy Eames

Judy Eames, Recorder

APPROVED AS TO FORM:

Wayne Belmont

Wayne Belmont, County Counsel

BEFORE THE PLANNING COMMISSION
OF
LINCOLN COUNTY, OREGON

Comprehensive Map Amendment and Zone Change
Applicant: Mike Smith
Agent: Dawn Pavitt

) Case File: 01-ZC-PC-07
) Findings, Conclusions and
) Final Order

Nature of the Application

The applicant requests a zone change for his property from RR-5 (Rural Residential) to I-P (Planned Industrial) and a comprehensive plan map amendment from Dispersed Residential to Industrial.

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 directly east of the Toledo State Airport at 556 South Bay Road. The property is further identified on Lincoln County Assessor's Map 11-10-20C as TL 1004. It is outside of the city of Toledo's urban growth boundary.
2. **Lot size:** Approximately 1.16 acres
3. **Zoning Designation:** RR-5 (Rural Residential)
4. **Plan Designation:** D-R (Dispersed Residential)
5. **Topography and Vegetation:** The subject property is level, with a hard graveled surface.
6. **Surrounding Land Use:** The subject property abuts the Toledo State Airport. The western property line is located approximately 90 feet from the edge of the airport's paved runway. Adjacent to the northern property line the airport maintains 5 small hangars and parking spaces for vehicles. The Port of Toledo owns property southwest of the property and maintains the airport boat launch and day-use area. There is an outbuilding due south of the subject parcel owned by the Scruggs family. The applicant owns property to the east where his home overlooks the subject property and the airport. Other rural residences are scattered along South Bay Road.
7. **Existing Structures:** A 5,000 square foot shop currently occupies the property. This shop was originally constructed as an airplane hangar in 1976. Approval for this use was granted under case file 39-C-76. Letters and permits indicating this approval may be located in case file 1-ZC-PC-07. Although the shop was constructed as an airplane hangar, assessor's information submitted to the record indicate that in a 1996 review it was used as an auto body shop. The 1988 review records the use as airplane hangar and equipment storage.

EXHIBIT A
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Relevant Criteria
Lincoln County Land Use Code

- 1) Quasi-Judicial Amendments: Section 1.1235
- 2) Intent to Re-Zone; Purpose and Procedure: Section 1.1245
- 3) Plan Designation: Dispersed Residential: Section 1.0190(3)
- 4) Plan Designation: Industrial: Section 1.0190(8)
- 5) RR-5 (Rural Residential): Section 1.1355
- 6) I-P (Planned Industrial): Section 1.1364

Findings

The Commission finds:

1. The subject property is 1.16 acres and zoned RR-5 (Rural Residential) on which an airplane hangar was permitted and built in 1976.
2. The applicant has indicated plans to continue the use of an airplane hangar, in addition to including marine storage to serve local fisherman who use the Port of Toledo's Airport Boat Launch and Day-Use Area. The approval of such a change would afford the applicant the opportunity to possibly construct a second structure for the same proposed uses.
3. Statements submitted by staff from the Oregon Department of Aviation indicate that residential uses are generally incompatible with airport operations and are often detrimental to the continuation of those aviation operations. As a result, a residential use would be discouraged.
4. The applicant states that there would be a public need for the change that would complement the neighboring boat ramp and airport by supporting the need for alternate means of travel.
5. The denial of the applicant's request will leave the parcel in a non-conforming state that is not compliant 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 recreational needs, economic development and transportation issues.
7. The change in zoning would offer the applicant an opportunity to provide storage facilities for both recreational boaters and pilots.
8. It would also supply economic growth on a small level without negatively impacting residential uses in the neighborhood. The use of the property to facilitate aviation or marine uses will encourage differing combinations of transportation providing social benefits as described within the statewide goals.

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 RR-5 zoning was made in error and that the zoning should be changed to I-P/Planned Industrial.
4. Substantial evidence in the record demonstrates that the Dispersed Residential Comprehensive Plan designation was made in error and that the 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.

Order

It is ORDERED by the Lincoln County Planning Commission that Case File 1-ZC-PC-07 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.

This ORDER was presented to and approved by the Lincoln County Planning Commission on December 10, 2007.


Chris Torp, Chair *for*
Lincoln County Planning Commission