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**BEFORE THE BOARD OF COMMISSIONERS**  
**FOR LINCOLN COUNTY, OREGON**  
**ORDINANCE NO. 314**

AN ORDINANCE AMENDING LINCOLN COUNTY COMPREHENSIVE PLAN AND ZONING MAP ON PROPERTY IDENTIFIED AS A PORTION OF TAX LOT 400, LINCOLN COUNTY ASSESSOR'S MAP 10-8-6, A PORTION OF TAX LOTS 302, 303 AND TAX LOTS 301 AND 306, LINCOLN COUNTY ASSESSOR'S MAP 10-9-1, AND DECLARING AN EMERGENCY.

WHEREAS the Lincoln County Planning Commission, after legal notice, held a public hearing on May 24th, 1993 to consider a request to approve a Comprehensive Plan amendment from Forest Land to Agricultural Land and a Zone Change from T-C, Timber Conservation, to AC-40, Agricultural Conservation, for property owned by John and Becky Palmer, Jill and Victor Bucy, Harold and Joan Lofton, and John and Erma Jantzi, in Case File No. 1-LUPC-ZC-93; and

WHEREAS the Planning Commission unanimously voted to recommend approval of the request to the Board of Commissioners; and

WHEREAS the subject property is generally identified as a portion of Tax Lot 400, Lincoln County Assessor's Map 10-8-6, a portion of Tax Lots 302 and 303 and Tax Lots 301 and 306, Lincoln County Assessor's Map 10-9-1; and

WHEREAS the decision and recommendation of the Planning Commission was not appealed and, therefore, the Board need not hold another public hearing;

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

1. That the Planning Commission's decision is upheld and the Comprehensive Plan designation is hereby changed from Forest Land to Agricultural Land and the zoning is hereby changed from T-C, Timber Conservation, to AC-40, Agricultural Conservation, on property described as:

That portion of Tax Lot 400, Assessor's Map 10-08-06, lying West of Big Rock Creek, also that portion of Tax Lot 400 lying South of Logsdan Road (County Road No. 410); Tax Lots 301 and 306, Assessor's Map 10-09-01; and those portions of Tax Lots 302 and 303,

Lincoln County Legal Counsel  
Lincoln County Courthouse  
225 W. Olive Street  
Newport, Oregon 97365  
Phone: 265-6611, Ext. 2308

1 Assessor's Map 10-09-01, lying South of Logsdan  
2 Road (County Road No. 410).

3 The subject property is more particularly identified on the  
4 Maps in Exhibit "A" which are attached hereto and incorporated  
5 herein.

6 2. That the findings and conclusions supporting these  
7 actions are adopted as set forth in Exhibit "B" attached  
8 hereto and incorporated herein.

9 3. That the Department of Planning and Development  
10 amend the official maps in the Lincoln County Clerk's Office.

11 4. That the Lincoln County Department of Planning and  
12 Development forward a copy of this ordinance to the Department  
13 of Land Conservation and Development.

14 5. That this ordinance, being necessary for the  
15 immediate preservation of the public peace, health, and  
16 safety, ~~an emergency is declared to exist and this ordinance~~  
17 takes effect upon its adoption.

18 6. That copies of this ordinance be forwarded to John  
19 and Becky Palmer, 123 S.E. Douglas, Newport, OR 97365; Evan  
20 P. Boone, attorney for applicants, P. O. Box 510, Newport,  
21 OR 97365; County Surveyor; County Assessor; County Counsel;  
22 and Department of Planning and Development.

23 DATED AND APPROVED this 21st day of July, 1993.

24 LINCOLN COUNTY BOARD OF COMMISSIONERS

25 By Nancy E. Leonard  
26 NANCY E. LEONARD, Chair

27 By Jean Cowan  
28 JEAN COWAN, Commissioner

29 By Don Lindly  
30 DON LINDLY, Commissioner

31 ATTESTED TO:

32 Susan Kays  
33 SUSAN KAYS  
34 Recording Secretary

35 APPROVED AS TO FORM:

36 Wayne Belmont  
37 WAYNE BELMONT  
38 County Counsel

39 2--ORDINANCE NO. 314

40 PLANNING/ord.palmer

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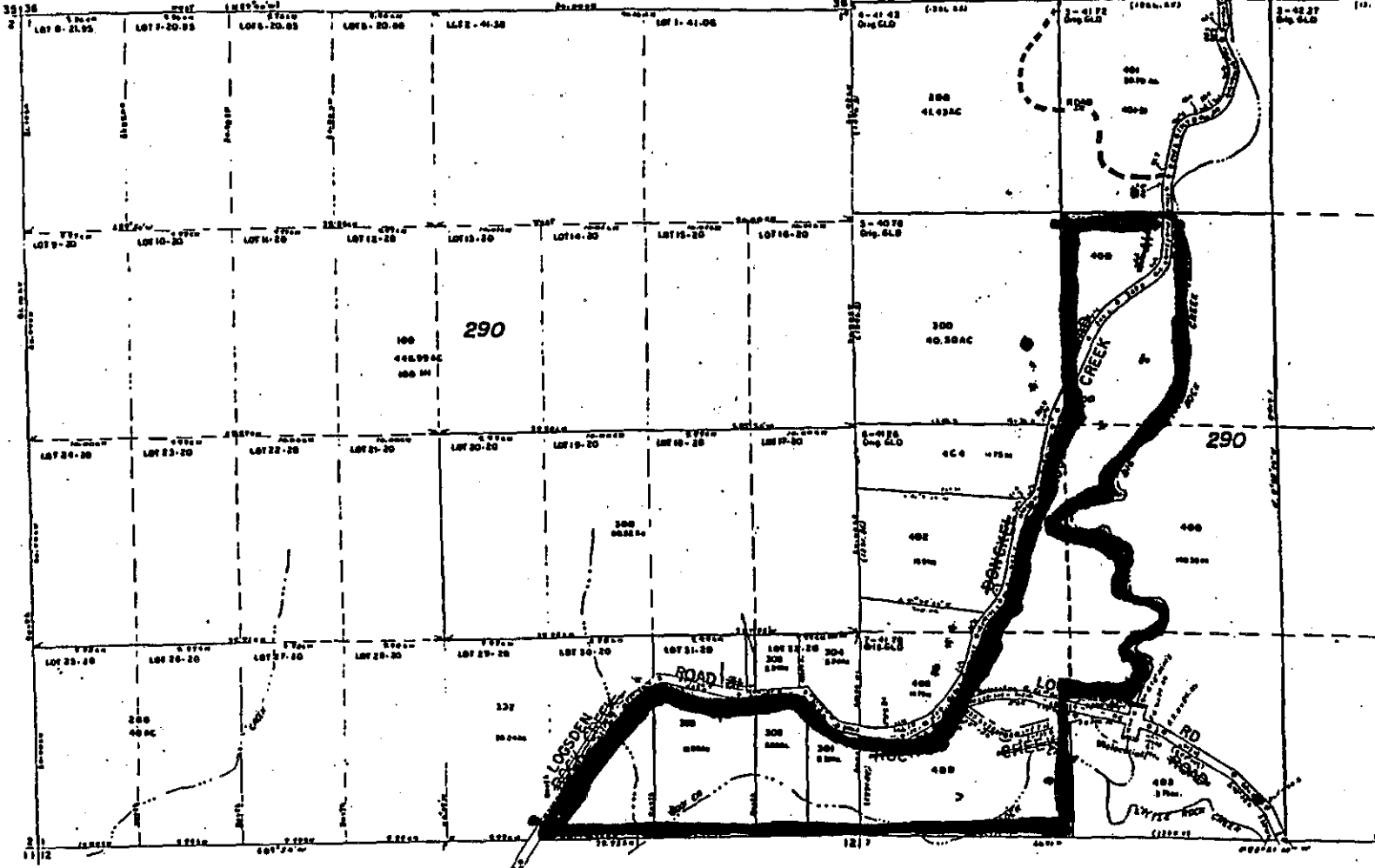
JOHN & BECKY PALMER

SECTION 1 T10S R9W WM  
LINCOLN COUNTY  
1" = 400'

SECTION 6, T10S R8W WM  
LINCOLN COUNTY  
1" = 400'

See Map 9 9

POLK COUNTY



MAP #10-9-1

MAP #10-8-6

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BEFORE THE PLANNING COMMISSION

OF

LINCOLN COUNTY, OREGON

Request for Comprehensive ) Case File #1-LUPC-ZC-93  
Plan Map Amendment and Zone )  
Change for ) FINDINGS, CONCLUSIONS  
John & Becky Palmer ) AND FINAL ORDER

Nature of the Application

The application is for a Comprehensive Plan Map Amendment from Forest Land to Agricultural Land and a Zone Change from T-C, Timber Conservation, to AC-40, Agricultural Conservation.

Relevant Facts

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

1. The Comprehensive Plan designates the subject property as forest land.
2. The site is zoned T-C, Timber Conservation.
3. The subject property is located approximately 12.3 miles east of Siletz along Logsdan Road and is identified as the following tax lots on Lincoln County Assessor's Maps 10-8-6: that portion of tax lot 400 west of Big Rock Creek, 10-9-1: The portion of tax lot 302 south of Logsdan Road, portion of tax lot 303 south of Logsdan Road, tax lots 301 and 306.
4. The subject property is approximately 105.3 acres in size and is mainly comprised of pastured bottomlands adjacent to Big Rock Creek.

///

- 1 5. Soils on the subject property include Eilertsen silt loams, and  
2 Nekoma-fluraquents which are rated as site Class IIc and IIIw  
3 for agricultural use. Approximately 10 acres contains Preacher  
4 Bohannon soils, which are only rated for forest uses.
- 5 6. Adjacent property to the west is zoned AC-40. The boundary  
6 line adjoining tax lot 302 at the western edge of the property  
7 coincides with the edge of the zoning base map of the area.  
8 The next map to the east identifies the subject property as  
9 T-C, even though the property is a continuation of pastured  
10 bottomlands.
- 11 7. There was testimony from the applicant's representative that  
12 the property has historically been used for farm use, mainly  
13 grazing of cattle.

14 Relevant Criteria

- 15 1. Oregon Statewide Planning Goal 3, Agricultural Lands: The  
16 definition of agricultural land in Goal 3 reads as follows:  
17 "in western Oregon is land of predominantly Class I, II, III,  
18 and IV soils as defined in the Soil Capability Classification  
19 System of the United States Soil Conservation Service, and  
20 other lands which are suitable for farm use taking into  
21 consideration soil fertility, suitability for grazing, climatic  
22 conditions, existing and future availability of water for farm  
23 irrigation purposes, existing land use patterns, technological  
24 and energy inputs required, or accepted farming practices.

25 ///  
26 ///

1 Lands of other classes which are necessary to permit farm  
2 practices to be undertaken on adjacent or nearby lands, shall  
3 be included as agricultural land in any event."

4 2. Lincoln County Land Use Code, Section 1.1235, Quasi Judicial  
5 Amendments: A Quasi-judicial amendment to the Zoning Map may be  
6 authorized provided that the proposal satisfies all applicable  
7 requirements of this chapter and also provided that the  
8 applicant, in a quasi-judicial hearing, demonstrates the  
9 following:

10 (A) That the change is in accord with the Comprehensive Plan  
11 goals and policies and the Statewide Planning Goals; and

12 (B) That there has been a substantial change in the character  
13 of the area since zoning was adopted and which warrants  
14 changing the zone; or

15 (C) That zoning previously adopted for the area was in error;  
16 or

17 (D) That there is a public need of the change being sought.

18 **Findings:**

19 The Commission finds:

20 The subject property is comprised of land which has historically  
21 been used for farm use and which meets the state's definition of  
22 agricultural land. The proposed amendments would therefore be  
23 consistent with the Oregon Statewide Planning Goal. The zoning of  
24 the subject property is most likely the result of a mapping error,  
25 as the property is comprised mainly of pastured bottomlands and  
26 not forest land.

1 **Conclusion:**


2 The record and the findings support the conclusion that:

- 3 1. the zone change will be in accordance with the Comprehensive  
4 Plan goals and policies and the Statewide Planning Goals.  
5 2. The subject property was zoned T-C in error, and thereby meet  
6 the requirements for a zone change.

7 **ORDER:**

8 It is hereby ORDERED by the Planning Commission of Lincoln County  
9 that Case File #1-LUPC-ZC-93 be and is hereby APPROVED. This  
10 approval will serve as a recommendation to the Lincoln County  
11 Board of Commissioners.

12 This ORDER was presented to and approved by the Planning  
13 Commission on June 14, 1993.

14  
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16   
Richard Townsend, Chairperson  
Lincoln County Planning Commission

17 **ATTEST:**  
18 Ayes:  
19 Noes:  
20 Absent:  
21 Abstain:

