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BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

ORDINANCE NO. 310

**AN ORDINANCE AMENDING LINCOLN COUNTY COMPREHENSIVE PLAN AND ZONING MAP ON PROPERTY IDENTIFIED AS A PORTION OF TAX LOT 700, LINCOLN COUNTY ASSESSOR'S MAP 8-11-1 AND A PORTION OF TAX LOT 200, LINCOLN COUNTY ASSESSOR'S MAP 8-11-12, OWNED BY DON SHAFFER, AND DECLARING AN EMERGENCY**

WHEREAS the Lincoln County Planning Commission voted to recommend approval of 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 Don Shaffer; and

WHEREAS the subject property is identified as a portion of Tax Lot 700, Lincoln County Assessor's Map 8-11-1, and a portion of Tax Lot 200, Lincoln County Assessor's Map 8-11-12; 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 identified as a portion of Tax Lot 700, Lincoln County Assessor's Map 8-11-1, and a portion of Tax Lot 200, Lincoln County Assessor's Map 8-11-12, more particularly described on Exhibit "A" attached hereto and incorporated herein.

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

3. That copies of this ordinance be forwarded to the applicant, Don Shaffer; County Surveyor; County Assessor; County Counsel; and Department of Planning and Development.

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

Page 1--ORDINANCE NO. 310

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5. That the Lincoln County Department of Planning and Development forward a copy of this ordinance to the Department of Land Conservation and Development.

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

DATED AND APPROVED this 24th day of March, 1993.

LINCOLN COUNTY BOARD OF COMMISSIONERS

By Nancy E Leonard  
NANCY E. LEONARD, Chair

By Sean Cowan  
JEAN COWAN, Commissioner

By Don Lindly  
DON LINDLY, Commissioner

ATTESTED TO:

Susan Kays  
SUSAN KAYS  
Recording Secretary

APPROVED AS TO FORM:

Wayne Belmont  
WAYNE BELMONT  
County Counsel

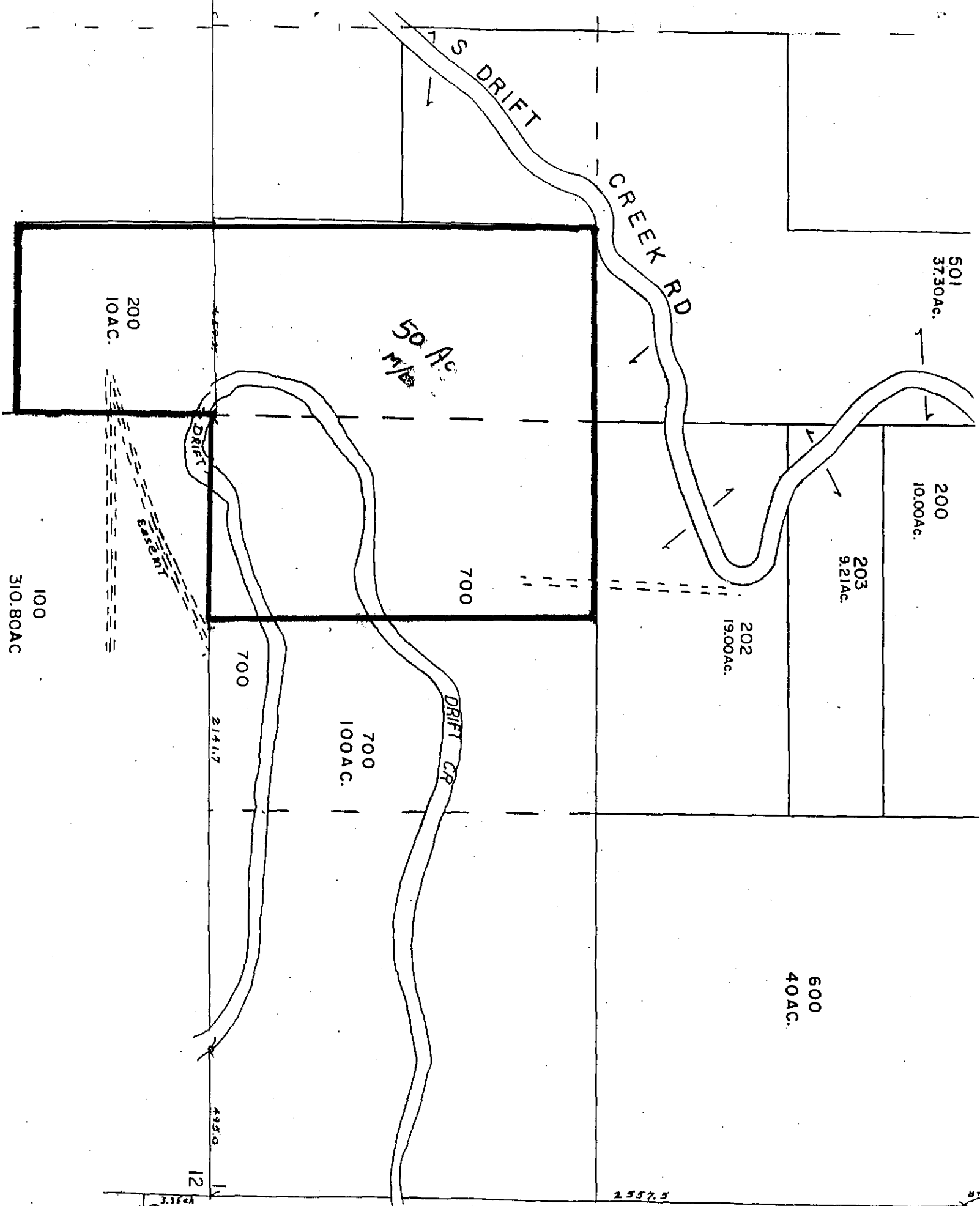
Lincoln County Legal Counsel  
Lincoln County Courthouse  
225 W. Olive Street  
Newport, Oregon 97365  
Phone: 265-6611

SHAFFER ZONE AND COMPREHENSIVE PLAN AMENDMENT

W 1/2 of SW 1/4 of SE 1/4 and E 1/2 of SE 1/4 of SE 1/4 of Section 1,

together with: NE 1/4 of NE 1/4 of NW 1/4 of Section 12,

all located in Township 8 S, Range 11 W, WM, Lincoln County, Oregon.





contains soils that are suited for hay and pasture with capability subclass ratings of IIIw.

7. The applicant testified that the property has been in continual farm use since 1935. At the present time it is used to graze 25 head of cattle.

#### Relevant Criteria

##### A. Oregon Statewide Planning Goal 3, Agricultural Lands:

The definition of agricultural land in Goal 3 reads as follows: "in western Oregon is land of predominantly Class I, II, III, and IV soils and in eastern Oregon is land of predominantly Class I, II, III, IV, V, and VI soils as defined in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices. Lands other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event."

- ##### B. Lincoln County Land Use Code, Section 1.1235, Quasi Judicial Amendments: A Quasi-judicial amendment to the Zoning Map may be authorized provided that the proposal satisfies all applicable requirements of this chapter and also provided that the applicant, in a quasi-

judicial hearing, demonstrates the following:

- (1) That the change is in accord with the Comprehensive Plan goals and policies and the Statewide Planning Goals; and
- (2) That there has been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone; or
- (3) That zoning previously adopted for the area was in error; or
- (4) That there is a public need of the change being sought.

Findings:

A. The Commission finds:

1. The subject property is comprised of land which has historically been used for farm use and which meet the state's definition of agricultural land. The proposed amendments would therefore be consistent with the Oregon Statewide Planning Goal.

Conclusion

The record and the findings support the conclusion that:

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

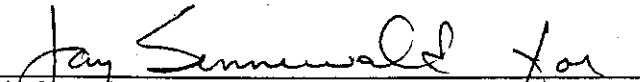
ORDER:

It is hereby ORDERED by the Planning Commission of Lincoln

County that case file #5-LUPC-ZC-92 be and is hereby APPROVED.

1 This approval will serve as a recommendation to the Lincoln  
2  
3 County Board of Commissioners.

4 This ORDER was presented to and approved by the Planning  
5 Commission on February 8, 1992.

6  
7   
8 Richard Townsend, Chairperson  
Lincoln County Planning Commission

9 ATTEST:  
10 Ayes:  
11 Noes:  
Absent:  
Abstain: