

COPY

BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

ORDINANCE # 427

Amending the Lincoln County Comprehensive Plan from Agricultural Land to Forest Land and the Lincoln County Zoning Map from AC (Agricultural Conservation) to TC (Timber Conservation) on property identified as Tax Lot 9803, Lincoln County Assessor's Map 12-11, and declaring an emergency.

WHEREAS on February 24, 2003, the Lincoln County Planning Commission voted 8 to 0 to recommend approval of a request by applicants Jim and Connie Holt and Raymond and Joan Jeans for a Comprehensive Plan Map amendment from Agricultural Land to Forest Land and a Zone Change from AC (Agricultural Conservation) to TC (Timber Conservation) on property identified as Tax Lot 9803, Lincoln County Assessor's Map 12-11, File No. 1-LUPC-ZC-03; and

WHEREAS after published notice in accordance with law, the Lincoln County Board of Commissioners held a public hearing on May 28, 2003, to consider the request; and

WHEREAS at the conclusion of that hearing, the Board voted 3-0 to approve the request;

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

SECTION 1.

1. The Planning Commission's recommendation is adopted, and the Comprehensive Plan Map is amended from Agricultural Land to Forest Land and the zoning is changed from AC (Agricultural Conservation) to TC (Timber Conservation) on property identified as Tax Lot 9803, Lincoln County Assessor's Map 12-11 located at 376 N Beaver Valley Drive, Seal Rock. The subject property is more particularly identified on the map in Exhibit "A," which is attached hereto and incorporated herein.

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing ordinance to be omitted. New sections are in boldfaced type.

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

3 3. Copies of this ordinance shall be forwarded to County Surveyor; County Assessor;
4 County Counsel, Lincoln County Department of Planning and Development, and the parties
5 listed on Exhibit "C" attached hereto.

6 4. The Department of Planning and Development shall amend the official maps and
7 shall forward a copy of this ordinance to the Department of Land Conservation and
8 Development.

9 **SECTION 2.**

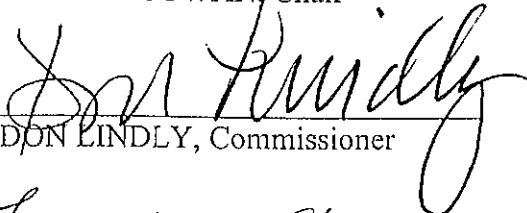
10 This Ordinance being necessary for the immediate preservation of the public peace,
11 health and safety, an emergency is declared to exist and this Ordinance shall take effect upon its
12 passage.

DATED this 4th day of June, 2003.

LINCOLN COUNTY BOARD OF COMMISSIONERS



JEAN COWAN, Chair



DON LINDLY, Commissioner




TERRY N. THOMPSON, Commissioner

ATTESTED TO:



Zola Sherwood, Recorder

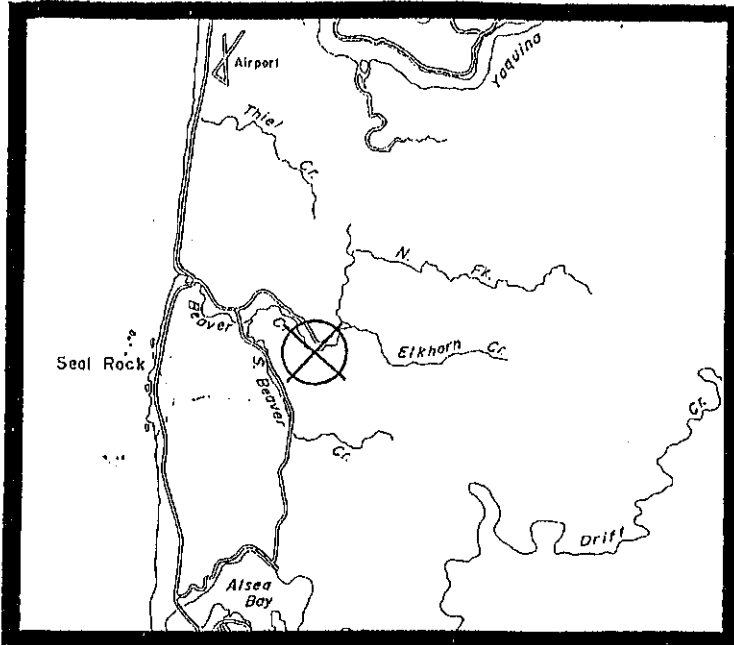
APPROVED AS TO FORM:



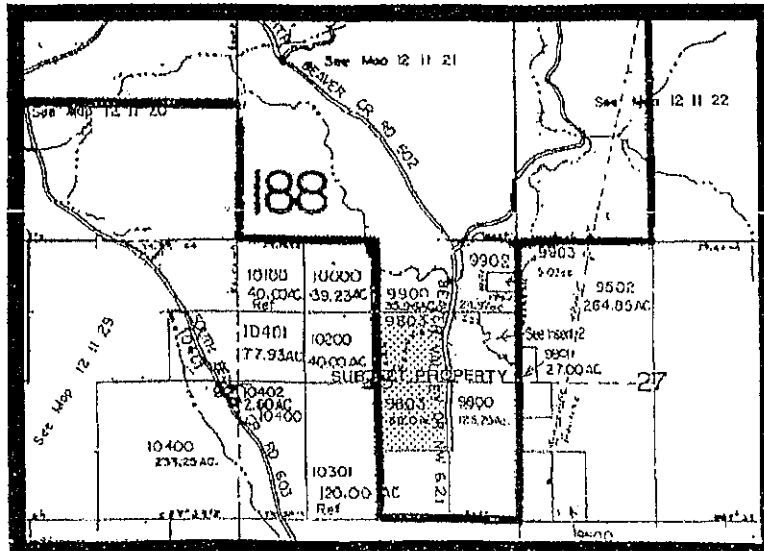
Wayne Belmont, County Counsel

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in boldfaced type.

CASE FILE #1-LUPC-ZC-03 JIM AND CONNIE HOLT



LOCATION MAP



BEFORE THE PLANNING COMMISSION

OF

LINCOLN COUNTY, OREGON

Comprehensive Plan Map)	Case File #1-LUPC-ZC-03
Amendment and Zone Change;)	
Applicant: Jim and Connie Holt)	Findings, Conclusions and Final Order

Nature of the Application

The applicant is requesting a comprehensive plan map amendment from Agricultural Land to Forest Land and a zone change from AC (Agricultural Conservation) to TC (Timber Conservation).

Relevant Facts

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

1. The subject property is approximately 69 acres in size. A map identifying the parcel is of record. Reference to the subject property herein after means the entire parcel.
2. The subject property is located in the Beaver Creek area of Lincoln County, approximately one-half mile up North Beaver Valley Drive and is further identified on Lincoln County Assessor's Map #12-11 as tax lot 9803.
3. The subject property is zoned AC (Agricultural Conservation).
4. The subject property carries a plan designation of Agricultural Land.
5. The subject property consists of hillsides forested in conifer and hardwood timber, with a small area of bottomlands consisting of approximately six acres on the north end of the property.
6. Two single-family dwellings and outbuildings are located on the property as a whole.
7. The following utilities are proposed to serve the subject property:

DATE: _____
BY: _____ B
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- a. Water: On-site well.
 - b. Sewer: On-site sewage disposal system.
 - c. Electricity: Central Lincoln P.U.D.
8. Environmental Bulletin 81 of the Yaquina and Alsea River Sections indicates portions of the subject property contain landslide topography. In addition, a portion of the pasture area on the property is identified on the National Wetland Inventory as a wetland. No other constraints are identified.
9. According to mapping prepared by the Natural Resources Conservation Service, the subject property is comprised of the following soils units:
- a. 12A Coquille silt loam, 0 to 1 percent slopes, land capability class VIw: (Approximately 6 acres) This deep, very poorly drained soil is on tide-influenced flood plains. The native vegetation is mainly willows, sedges, rushes and grasses. According to the Soil Survey of Lincoln County, this soil unit is used mainly for wildlife habitat. This soil unit is not rated for woodland productivity.
 - b. 55E Templton-Fendall silt loams 5 to 35 percent slopes, land capability class Vie: (approximately 30 acres) This soil unit is on broad tops of hilly uplands. The native vegetation is mainly western hemlock, Sitka spruce, Douglas fir, red alder, salal, salmonberry, thimbleberry, red huckleberry, evergreen huckleberry and western sword fern. According to the Soil Survey of Lincoln County, this soil unit is used mainly for timber production.
 - c. 18G Fendall-Templeton silt loams, 35 to 60 percent slopes, land capability class Vie: (approximately 32 acres) This soil unit is on the side slopes of hilly uplands. The native vegetation is mainly western hemlock, Sitka spruce, Douglas fir, red alder, salal, salmonberry, thimbleberry, red huckleberry, evergreen huckleberry and western sword fern. According to the Soil Survey of Lincoln County, this soil unit is used mainly for timber production. It is also used for wildlife and as a source of water.
 - d. The Department of Revenue Site Class Rating System (for forest productivity) ranks the property similarly. According to the Department of Revenue System, and the State Forestry Department, this property consists of the two highest site classes for timber productivity with ratings of Site Classes 1 and 2. This means that the property is capable of producing between 165-224 cubic feet of wood fiber per acre per year. On a scale from Site Class 1-5, 1 produces the highest cubic feet of wood fiber per acre per year and 5 produces the lowest.

10. A public hearing was held on February 24, 2003, before the Lincoln County Planning Commission. All interested parties were given an opportunity to testify.
11. No comments were received from the Department of Land Conservation and Development.
12. The Holts were represented by Dennis Bartoldus, their attorney, who presented testimony on behalf of the request. Jim Holt also provided testimony supporting the request. The basis for the applicants' request is that the subject property was zoned in error. The applicant presented evidence that, of the approximately 69 acre parcel, only about six acres, or less than nine percent, was bottom land that had agricultural soil. The remainder of the parcel consisted primarily of forested hillsides. As noted above in these findings, the predominant soil types are Site Class 1 and 2 for timber production. Historically the property has been used for timber related uses. Evidence was presented that the property had been assessed by the Lincoln Soil Conservation District back in 1962, showing the property was suitable for growing trees. The aerial photo submitted with the Lincoln Soil Conservation material showed the property was heavily treed. Further testimony indicated that Mr. Holt was a logger and was active in managing the property.
13. There was no testimony in opposition to the request.

Findings

The Commission finds:

- 1) The Goal 3 definition for agricultural land specifies that agricultural land be of predominantly Class I-IV soils as defined in the soils rating system used by the U.S. Natural Resource Conservation Service (formerly the Soil Conservation Service). Evidence submitted in the record indicates that the entire parcel is comprised of Class VI agricultural soils.
- 2) Evidence submitted indicates that, according to the Natural Resources Conservation Service, the property consists primarily of 55E Templeton-Fendall silt loams, 3-35 percent slopes, land capability class Vie (approximately 30 acres), and 18G Feldall-Templeton silt loams, 35 to 60 percent slopes, land capability class Vie (approximately 32 acres). Both these units are used primarily for timber production. Furthermore, according to the Department of Revenue system and the State Forestry Department, soils on this property consist predominantly of the two highest site classes for timber productivity with ratings of Site Classes 1 and 2. This means that the property is capable of producing between 165 and 224 cubic feet of wood fiber per acre per year.

EXHIBIT B
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- 3) Based on soil class information, forest land management practices, topography, and other factors of record, the subject property was designated agricultural land and zoned A-C in error.


Conclusions:

- 1) Substantial evidence in the record demonstrates that the proposed comprehensive plan map amendment and zone change are in accordance with the Comprehensive Plan Goals and Policies and Statewide Planning Goals.
- 2) Substantial evidence in the record demonstrates that the subject property was zoned in error and therefore meets the requirements for a zone change from AC to TC.

Order

It is ORDERED by the Lincoln County Planning Commission that Case File #1-LUPC-ZC-03 be APPROVED. This approval will serve as a recommendation to the Lincoln County Board of Commissioners to change the plan designation to Forest Lands and change the zone designation to Timber Conservation.

This ORDER was presented to and approved by the Lincoln County Planning Commission on March 24, 2003.



Naomi Wamacks, Chair
Lincoln County Planning Commission

EXHIBIT B
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Holt/Jeans
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