

1 **BEFORE THE BOARD OF COMMISSIONERS**

2 **FOR LINCOLN COUNTY, OREGON**

3 **ORDINANCE # 503**

4 **Amending the Lincoln County Comprehensive Plan Map to provide a designation of**  
5 **Forest Land and a Zoning Map designation of T-C (Timber Conservation) on property**  
6 **located approximately ¼ mile west of Highway 229, referred to as the Siletz Highway,**  
7 **along the south side of Ojalla Road, and further identified on Lincoln County**  
8 **Assessor's Map #09-10-28 as Tax Lot 1102; and declaring an emergency.**

9  
10 WHEREAS, applicant Steven J. Davenport, Trustee, requested a comprehensive plan  
11 amendment change from Agriculture Lands to Forest Lands and a zone change from A-C  
12 (Agriculture Conservation) to T-C (Timber Conservation) for his subject property; and

13 WHEREAS, the subject property is located approximately ¼ mile west of Highway  
14 229, referred to as the Siletz Highway, along the south side of Ojalla Road, and is further  
15 identified on Lincoln County Assessor's Map #09-10-28 as Tax Lot 1102; and

16 WHEREAS, on February 26, 2018, after legal notice was given in accordance with  
17 the law, the Lincoln County Planning Commission held a public hearing on the subject  
18 request. The Planning Commission voted unanimously to recommend approval of the  
19 request. On April 9, 2018, the Planning Commission adopted Findings, Conclusions and  
20 Final Order recommending that the request be approved. A copy of the Final Order is  
21 attached hereto and incorporated herein as Exhibit 1. The recommendations of the Planning  
22 Commission were not appealed. The Planning Record in this matter is found in Case File #1-  
23 LUPC-ZC-17 and by this reference is incorporated herein as if fully set forth; and

24 ///

25 WHEREAS, after legal notice was given in accordance with the law, a public hearing  
26 was held by the Board of Commissioners on September 19, 2018, to consider whether or not  
27 to grant the request; and

28 WHEREAS, at the close of the hearing and after deliberations, the Board  
29 unanimously approved the recommendation of the Planning Commission to amend the  
30 Lincoln County Comprehensive Plan Map and the Lincoln County Zoning Map, as requested  
31 by the applicant.

32 **NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:**

33 **SECTION 1.**

34 1. The Planning Commission's recommendations are adopted, and the Lincoln  
35 County Comprehensive Plan Map is amended to Forest Lands and the Lincoln County  
36 Zoning Map is amended to T-C (Timber Conservation) on a parcel of land located  
37 approximately ¼ mile west of Highway 229, referred to as the Siletz Highway, along the  
38 south side of Ojalla Road, and further identified on Lincoln County Assessor's Map #09-10-  
39 28 as Tax Lot 1102 (Case File No 1-LUPC-ZC-17).

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41 2. The findings and conclusions supporting these actions are adopted as set forth  
42 in Exhibit 1.

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44 3. Copies of this Ordinance shall be forwarded to the County Surveyor, County  
45 Assessor, County Counsel, and Lincoln County Department of Planning and Development.

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47 4. The Department of Planning and Development shall amend the official maps  
48 in the Lincoln County Clerk's Office and shall forward a copy of this Ordinance to the  
49 Department of Land Conservation and Development.

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**SECTION 2.**

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In accordance with the Findings supporting this request, this Ordinance being  
52 necessary for the immediate preservation of the public peace, health and safety, an  
53 emergency is declared to exist and this Ordinance shall take effect upon its passage.

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**DATED** this 19<sup>th</sup> day of September, 2018

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**LINCOLN COUNTY BOARD OF COMMISSIONERS**

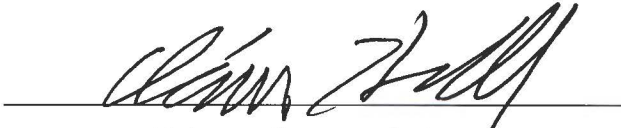
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Doug Hunt, Chair

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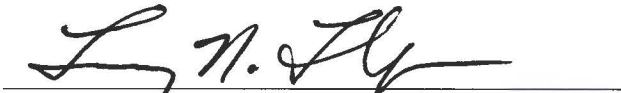


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Claire Hall, Commissioner

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Terry N. Thompson, Commissioner

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ATTESTED TO:

APPROVED AS TO FORM:

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Kristi Whitaker, Recorder

M. Gerard Herbage, Asst. County Counsel

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BEFORE THE PLANNING COMMISSION  
OF  
LINCOLN COUNTY, OREGON

Comprehensive Map Amendment and Zone Change  
Applicant: Steven J. Davenport, Trustee  
Agent: Kurt Carstens

) Case File 1-LUPC-ZC-17  
) Findings, Conclusion and  
) Final Order

**Nature of Application**

The applicant requests a zone change for his property from A-C (Agriculture Conservation) to T-C (Timber Conservation) and a comprehensive plan map amendment from Agriculture Lands to Forest Lands.

**Relevant Facts**

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

1. The subject property is located approximately ¼ mile west of Hwy 229, referred as Siletz Hwy, along the south side of Ojalla Rd. It is further identified as Lincoln County Assessor's Map #09-10-28 as tax lot 1102.
2. The subject property is comprised of 63 acres. (Per soils analysis in Assessor's Office records, the subject property is 62.73 acres in size.)
3. The subject property is zoned A-C (Agricultural Conservation).
4. The subject property has a plan designation of Agricultural Land
5. The predominant pattern of land use following Ojalla Rd is dispersed residential development, pastureland, forestlands, and jurisdictional wetlands.
6. The subject property contains varying topography ranging from fairly level to steeper slopes and is covered in native vegetation.
7. One structure currently exists on the property, and was permitted through an Agricultural Placement Authorization in 2006.
8. The following utilities are proposed to serve the subject property:
  - a. Water: On-site
  - b. Sewer: On-site sewage disposal system.
  - c. Electricity: Central Lincoln P.U.D.
9. No development constraints (other than steep sloping topography) are identified on the subject property.

10. According to mapping prepared by the USDA Natural Resources Conservation Service, the subject property is comprised of the following soils units:

- a. 58G Tolovana-Reedsport complex, 35 to 60 percent slopes. This map unit is on side slopes in mountainous areas. The native vegetation is mainly western hemlock, Douglas-fir, Sitka spruce, western redcedar, red alder, vine maple, salmonberry, salal, red huckleberry, evergreen huckleberry, cascade Oregon grape and western swordfern. This unit is used mainly for timber production. It also is used for wildlife habitat and as a source of water. This unit is suited to the production of western hemlock and Douglas-fir. Its land capability class rating is VI, which is well suited for forest production.

This unit comprises 55.55 acres of the subject property, or 88.55 percent of the total area.

- b. 62C Wadecreek silt loam, 3 to 12 percent slopes. This map unit is on high terraces. It formed in silty and clayey alluvium derived from mixed sources. The native vegetation is mainly Douglas-fir, western hemlock, Sitka spruce, red alder, vine maple, salmonberry, salal, western swordfern, western brackenfern, and trailing blackberry. This unit is suited for the production of western hemlock and Douglas-fir. Its land capability rating is III, which is suited for farm use.

This unit comprises 2.14 acres of the subject property, or 3.41 percent of the total area.

- c. 11B Chitwood silt loam, 0 to 7 percent slopes. This map unit is on terraces. It formed in clayey alluvium derived from mixed sources. The native vegetation is mainly western hemlock, Sitka spruce, Douglas-fir, red alder, vine maple, salmonberry, red elderberry, western swordfern, sedges, and grasses. The unit is used for timber production, wildlife habitat, pasture, and homesite development. The unit is suited for the production of western hemlock and Sitka spruce. Its land capability rating is III, which is suited for farm use.

This unit comprises 4.19 acres of the subject property, or 6.68 percent of the total area.

- d. 5C Bentilla silty clay loam, 3 to 12 percent slopes. This map unit is on terraces. It formed in clayey alluvium derived from mixed sources. The native vegetation is mainly western hemlock, Douglas-fir, Sitka spruce, red alder, vine maple, salal, red huckleberry, salmonberry, western swordfern, and trailing blackberry. The unit is used for pasture, timber production, wildlife habitat, and homesite development. The unit is suited to the production of western hemlock and Douglas-fir. Its land capability rating is III, which is suited for farm use.

This unit comprises 0.75 acres of the subject property, or 1.2 percent of the total area.

- e. 55E Templeton-Fendall silt loams, 5 to 35 percent slopes. This map unit is on broad tops on hilly uplands. The native vegetation is mainly western hemlock, Sitka spruce, Douglas-fir, red alder, salal, salmonberry, thimbleberry, red huckleberry, evergreen huckleberry and western swordfern. This unit is used mainly for timber production. It also is used for wildlife habitat and as a source of water. This unit is suited to the production of western hemlock, Douglas-fir and Sitka spruce. Its land capability class rating is VI, which is well suited for forest production.

This unit comprises 0.10 acres of the subject property, or 0.16 percent of the total area.

- f. In summary:
- Class VI soils comprise 55.65 acres or 88.71 percent of the total area
  - Class III soils comprise 7.08 acres or 11.29 percent of the total area

It is noted here that the total acreage of the subject property used for the above calculations is 62.73 acres, which is the figure generated by Assessor's Office soils analysis.

11. A public hearing was held before the Lincoln County Planning Commission on Monday, February 26, 2018. All interest parties were given an opportunity to testify.
12. Testimony was presented and exhibits reviewed by Applicant's agent, Kurt Carstens.
13. There was no testimony in opposition of the application.
14. There were no agency comments, this includes the Department of Land Conservative and Development.

### **Findings**

The Commission finds:

1. The Goal 4 definition for forest land specifies that "where a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices." Evidence submitted in the records indicates that the subject property is comprised of soils that are best suited for commercial forest use.
2. Evidence submitted indicates that, according to the USDA Natural Resource Conservation Service, approximately 55.65 acres out of 62.73 or 88.71 percent of the subject property are Class VI-IV soils, which is well suited for forest production. The remaining 7.08 acres or 11.29 percent of the subject property is comprised of Class III soils, which despite its agricultural classification, are suited for the production of western hemlock and Douglas-fir tree species.

Steven J. Davenport, Trustee; Case File #01-LUPC-ZC-18

3. Evidence submitted indicates that the property has not been used for any agricultural related uses. Thus, the subject property is heavily forested with mature trees, except where logging has occurred within the last ten years. The logged areas have been replanted pursuant to the Oregon Forest Practices Act.
4. Based on the soil class information, forest land management practices, topography, and other related 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 Agricultural-Conservation to Timber-Conservation.

### Order

It is ORDERED by the Lincoln County Planning Commission that Case File #01-LUPC-ZC-17 be APPROVED. This approval will serve as a recommendation to the Lincoln County Board of Commissioners to change the comprehensive plan designation to Forest Land and change the zone designation to Timber Conservation.

This ORDER was presented to and approved by Lincoln County Planning Commission on April 9, 2018.



Dick Johnson, Chair  
Lincoln County Planning Commission