



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/24/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Waldport Plan Amendment
DLCD File Number 002-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Sunday, December 12, 0720

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

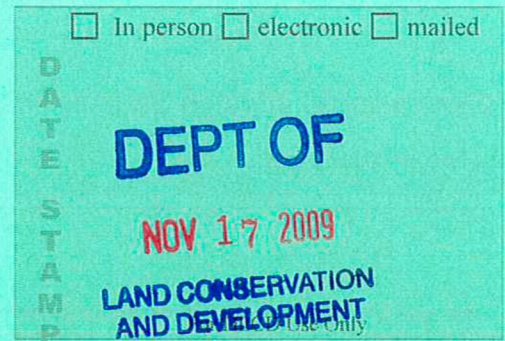
***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Larry Lewis, City of Waldport
Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Thomas Hogue, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner
Bill Holmstrom, DLCD Transportation Planner

<paa> YA

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Waldport**

Local file number: **#1-ZC-PC-09**

Date of Adoption: **Nov. 12, 2009**

Date Mailed: **Nov. 16, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: **Sep. 4, 2009**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The amendment is a zone change from Planned Industrial Zone I-P to Residential Zone R-1, and a comprehensive plan map amendment from Planned Industrial to Residential Single to Tax Lot 500 of Lincoln County Tax Assessor's Map 13-11-20BB.

Does the Adoption differ from proposal? No

Plan Map Changed from: **Planned Industrial**

to: **Residential Single**

Zone Map Changed from: **Planned Industrial I-P**

to: **Residential R-1**

Location: **Lincoln Co. Tax Map 13-11-20BB, Tax Lot 500**

Acres Involved: **2.85**

Specify Density: Previous: **0**

New: **8 single family dwellings**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 002-09(17820) [15836]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Waldport
Oregon Department of Land Conservation & Development

Local Contact: Larry Lewis, City Planner

Phone: (541) 563-3561 Extension: 103

Address: PO Box 1120

Fax Number: 541-563-5810

City: Waldport

Zip: 97394

E-mail Address: larry.lewis@waldport.org

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing larry.french@state.or.us.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to larry.french@state.or.us - **Attention: Plan Amendment Specialist**.

ORDINANCE NO. 729

AN ORDINANCE AMENDING THE WALDPOR CITY ZONING MAP
AND WALDPOR COMPREHENSIVE PLAN MAP

RECITAL OF FINDINGS

WHEREAS, the Waldport City Planning Commission conducted a public hearing to consider amending the City Zoning Map to change the zoning designation and amending the City Comprehensive Plan Map to change the plan designation of a certain area of the City; and the hearing was conducted pursuant to Title 16, Chapters 16.12, 16.36, and 16.104 of the Waldport Development Code; and pursuant to Goal IX. Economy of the Waldport Comprehensive Plan.

WHEREAS, the City Council has considered the following findings regarding the proposed amendment as recommended by the Waldport Planning Commission.

NATURE OF THE AMENDMENT

The amendment changes the zoning designation for the certain property from I-P Planned Industrial to R-1 Residential and changes the Waldport Comprehensive Plan Map from Planned Industrial to Residential Single.

FACTS

- A. Property Location: The subject property is located on the south side of Alsea Highway (across from McKinley Marina), and further identified on Lincoln County Tax Assessor's Map 13-11-20BB as tax lot 500.
- B. Zoning: Planned Industrial I-P
- C. Comprehensive Plan Map Designation: Planned Industrial
- D. Approximate Lot Sizes and Dimensions: The lot size totals 2.85 acres.
- E. Existing Structures: None
- F. Topography and Vegetation: The majority of the subject lot is steep and heavily vegetated.
- G. Surrounding Land Use: A single family residential use is located adjacent to the subject site along Alsea Hwy. An industrial use is located adjacent to the west. Undeveloped residential zoned land is located south and east. The McKinley Marina and RV Park is located across Alsea Hwy. to the north.
- H. Surrounding Zoning: Land adjacent on the west and northeast sides of the subject site are zoned Planned Industrial I-P. Adjacent land to the south and east are zoned Residential R-1. Land across Alsea Hwy. to the north is zoned Retail Commercial C-1.
- I. Existing Utilities:
 - a. Water: City of Waldport Water
 - b. Electricity: Central Lincoln P.U.D.

No public sewer is currently available to serve the property.

J. Development Constraints: Steep slopes.

K. Applicant Submittals. The applicant submitted the application form and fee. The applicant states he would like to rezone the property from Planned Industrial I-P to Residential R-1 because the site is too small for industrial use but large enough for a home site.

The applicant believes the zone change would be consistent with provisions of the Waldport Development Code and the surrounding area because the majority of land in the vicinity of the property is either developed as single family residential or zoned R-1 Residential. The applicant contends the industrial zoning was inappropriate due to the steep topography and limited ability to develop the property for industrial uses. However, there is a flat area near the Alsea Highway frontage that is large enough to place a single family dwelling.

With one exception, surrounding properties on the south side of Alsea Highway are developed as single family residential or undeveloped. The one exception is the industrial developed property to the west. R-1 zoned properties are adjacent to the subject site on the south and east sides. The adjacent property northeast of the property is zoned industrial but has long been developed and used as a single family residence.

The applicant has indicated an alternative to rezone a portion of the site, less than 2.0 of the 2.85 acre site, if necessary to satisfy the Oregon Administrative Rule regarding the 2 acre restrictions on decreasing employment lands. However, the applicant contends the request to rezone the entire 2.85 acre parcel to R-1 Residential is consistent with the Waldport Comprehensive Plan.

L. Public Meeting. A public meeting was held before the Waldport Planning Commission on October 27, 2009 at 2:00 p.m. in order to consider the applicant's request. Due notice of the meeting was given and all interested parties were given an opportunity to present testimony.

M. Testimony. The City did not receive any written or oral testimony. The minutes of the public hearing held before the Waldport Planning Commission on October 27, 2009 are hereby incorporated into the findings for City of Waldport Case File #1-ZC-PC-09.

RELEVANT CRITERIA

16.12 Residential Zone R-1

16.12.010 Uses permitted outright.

In an R-1 zone, the following uses and their accessory uses are permitted outright subject to the applicable provisions of Chapters 16.72, 16.76, 16.80 and 16.96 of this title:

- A. A one-family dwelling built on site;
- B. A factory built dwelling;
- C. A manufactured home, subject to the siting standards of Section 16.72.140 of this title;
- D. Agricultural use of land provided that no livestock shall be raised or kept on the premises and provided further that no commercial structure shall be constructed or maintained on the premises;
- E. A travel trailer or recreation vehicle stored unoccupied on a lot in combination with an approved dwelling (see Chapter 10.12 of this code);

- F. Residential Homes; and
- G. Family Day Care.

16.12.020 Conditional uses permitted.

In an R-1 zone, the following uses and their accessory uses may be conditionally permitted subject to the applicable provisions of Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title:

- A. Cemetery;
- B. Church, non-profit religious or philanthropic institution;
- C. Community Center;
- D. Nursery school, Kindergarten or similar facility;
- E. Governmental structure or use of land for necessary public utility facilities;
- F. Home Occupation, subject to meeting all applicable standards listed in Section 16.84.070 of this title;
- G. Golf course or country club, but not a miniature golf course or similar type of amusement facility;
- H. Private, non-commercial recreation club such as tennis, swimming or archery club, but not commercial amusement or recreation enterprises;
- I. Public park, playground, golf course, swimming pool or similar recreation use;
- J. Public school or private school offering curriculum similar to public school;
- K. Temporary real estate offices offering residential property within a specific subdivision or development for sale, rent or lease;
- L. Residential Day Care Facility as defined in ORS 197.680;

16.12.030 Standards. (Relevant to this application)

In addition to standards provided in Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title, in an R-1 zone, the following standards shall apply:

- A. Lot Size and Dimensions. The following minimum lot size and dimensions will apply in the R-1 zone:
 1. The minimum lot area shall be six thousand (6,000) square feet for a one-family dwelling with public water and sewer; fifteen thousand (15,000) square feet with public water only.
 2. The minimum lot width shall be sixty (60) feet for an interior lot and sixty-five (65) feet for a corner lot, except flag lots, which require a minimum of twenty-five (25) feet of frontage.
 3. The minimum lot depth shall be eighty (80) feet.

16.36 Planned Industrial Zone I-P

16.36.010 Uses permitted outright.

In an I-P zone, the following uses and their accessory uses are permitted outright, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80 and 16.96 of this title:

- A. Residences for caretaker or night watchman;
- B. Owner/manager residence.

16.36.020 Conditional uses permitted.

In an I-P zone, the following uses and their accessory uses may be conditionally permitted, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title:

- A. A use involving manufacture, research, repair, assembly, processing, fabricating, packing, distribution, warehousing, wholesaling or storage; provided that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard;
- B. Airport and related uses, including accommodations;
- C. Animal hospital;
- D. Automobile, truck or trailer sales, service, storage, rental or repair;
- E. Automobile speedway, race track;
- F. Automobile wrecking yard, junkyard;
- G. Boat launching or moorage facility, marina, boat charter service;
- H. Boat or marine equipment sales, service, storage, rental or repair;
- I. Extraction and processing of rock, sand and gravel or other earth product;
- J. Governmental structure or use of land;
- K. Implement, machinery, heavy equipment sales, service, storage, rental or repair;
- L. Kennel;
- M. Lumber or building materials sales and storage;
- N. Newspaper office, printing shop;
- O. Plumbing, heating, electrical or paint contractor's storage, repair or sales shop;
- P. Public park, playground, golf course or similar recreation area;
- Q. Public utility facility;
- R. Restaurant, bar or tavern;
- S. Radio or television transmitter tower;
- T. Solid waste disposal area utilizing sanitary landfill, landfill, or other method approved by the Lincoln County Health Department; solid waste disposal transfer station;
- U. Tire sales, repair, retreading, or vulcanizing;
- V. Signs, advertising;
- W. Agricultural use of land; and
- X. Forestry, including the management, production and harvesting of forest products and of related natural resources in forest areas, and including rock extraction and processing for use in forest access roads.

16.36.030 Prohibited uses.

The following uses are prohibited in the I-P zone:

- A. Cement, lime, gypsum or plaster of paris manufacture;
- B. Explosive storage or manufacture;
- C. Fertilizer manufacture;
- D. Gas manufacture;
- E. Glue manufacture;

- F. Petroleum or petroleum products refining;
- G. Pulp mill;
- H. Rendering plant;
- I. Slaughterhouse, stockyard;
- J. Smelting or refining of metallic ore; and
- K. Other uses similar to the above.

16.104 Amendments

16.104.020(B) Quasi-Judicial amendment procedure

A quasi-judicial amendment to the comprehensive plan and zoning maps may be authorized provided that the proposal satisfies all applicable requirements of the code and also provided that the applicant, in a quasi-judicial hearing, demonstrates the following:

1. That the amendment will be consistent with all other provisions of this code and applicable statutes and regulations and in conformance with 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 the zoning previously adopted for the area was in error; or
4. That there is a public need for the change being sought and the subject property is suitable to meet that need and will not impair the actual or legally designated uses of surrounding properties.

16.104.040 Intent to rezone, purpose and procedure.

It is the purpose and intent of this section to provide additional procedures for small tract zone map amendments to insure the public interest is considered as certain developments occur. These provisions may be invoked at any time during zone change hearings and appeal process.

- A. Resolution of Intent to Rezone. If, after consideration of the findings and recommendations of the planning commission, the city council determines that the public interest will be best served by this rezoning or any portion thereof, the council may indicate its approval in concept of the rezoning by the adoption of a "resolution of intent to rezone" said property. This resolution may include any conditions, stipulations, or limitations the council feels necessary to insure the public interest.
- B. Resolution of Intent Binding. The adoption of this resolution of intent to rezone by the governing body shall make this as a binding commitment on the city.
- C. Site Development and Operation. Other than for residential development, property proposed to be developed under a resolution of intent to rezone shall be managed to insure compliance with the following conditions:
 1. That storage of merchandise and supplies be contained entirely within a building;
 2. That the proposed use continuously meets State D.E.Q. standards for air and water quality and noise emissions;
 3. That vehicle parking and maneuvering areas be hard surfaced and maintained dust free;
 4. That on-site drainage be designated to protect adjoining properties and public rights-of-way from increased storm runoff; and
 5. Any other conditions that the Council feels necessary to protect the public interest.

- D. **Site Plan.** The council may require under a resolution of intent to rezone a site plan which shall be binding upon the property. Upon approval of the council, property having an approved site plan under these provisions shall be plainly marked as "subject to approved site plan" on the official zoning map of Waldport. Any approved site plan may be amended or a variance therefrom obtained, or the property may be released from the restrictions of such site plan by resolution of the council on recommendation from the planning commission after a public hearing as set forth in Section 16.108.020 of this title. No other changes shall be made constituting a departure from the approved site plan except by amendment or variance as herein provided unless the property has been released from the site plan.
- E. **Site Plan Composition.** Where a site plan is required pursuant to this section, it shall include:
1. Location of existing property boundaries, existing and proposed buildings, structures, accesses, off-street parking and loading spaces, and landscaping;
 2. Topography, existing and proposed;
 3. Architectural perspective, layout and all elevations drawn without exaggeration, except where noted including locations, area and design of signs and all landscaping.
 4. Mechanical roof-mounted equipment of subject property.
- F. **Change of Zone.** The fulfillment of all conditions, stipulations and limitations contained in the resolution of intent to rezone on the part of the applicant, shall be required prior to the governing body effecting the ordinance change. Upon completion of compliance action by the applicant, the council shall enact the ordinance changing the zone.
- G. **Resolution of Intent Void upon Failure to Comply.** The failure of the applicant to substantially meet any or all conditions, stipulations or limitations contained in a resolution of intent to rezone, including the time limit placed in the resolution, shall render said resolution null and void, unless an extension is granted by the council upon recommendation of the planning commission.

**Statewide Goal 9. Economic Development &
Waldport Comprehensive Plan Goal IX. Economy**

Per Oregon Administrative Rules 660-009-0010(4), for an application that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial or non-employment use designation, either 1) an economic opportunities analysis must demonstrate that the subject land is not needed to satisfy the demand for land for industrial and other employment uses to the existing supply of such land or, 2) determine that the proposed changes are consistent with the Comprehensive Plan, specifically Goal IX Economy.

FINDINGS

1. Residential Development Not Allowed in the Planned Industrial Zone

The applicant requested the zone change in order for the property to be developed for single family residential use. The applicant contends that about the only use appropriate for the site is a single family dwelling on the flat portion of the property. Residential uses are not permitted in the Planned Industrial zone with the exception of a residence for caretaker or night watchman, or an owner/manager residence.

2. Satisfying Applicable Residential Zone R-1 Standards

In considering the zone change, the property needs to satisfy the minimum standards of the R-1 Residential zone, i.e. lot area, lot width and lot depth. The lot easily satisfies the minimum R-1 standards. The minimum required lot area is 15,000 square feet for a one-family dwelling with public water only (public sewer is not available at this time). The lot totals 2.85 acres (approximately 124,146 square feet). The minimum required lot width is 60 feet. The lot has an average width exceeding 400 feet. The minimum required lot depth is 80 feet. The lot has an average depth exceeding 240 feet.

3. Code Criteria When Considering a Zone Change

In addition to meeting the minimum standards of the requested zoning district, the Planning Commission must find that one of three circumstances exists in order to grant a zone change. The three circumstances are identified below in *italics* and followed by the Planning Commission Findings.

- a. *That there has been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone.*

Findings. It is difficult to demonstrate that there has been a substantial change in the character of the area since zoning was adopted. There are three properties in this area that have the Planned Industrial zoning designation. One of the properties is developed with an industrial use. One property has a single family residence that was developed prior to the Planned Industrial zoning designation. The other property is the one under consideration for the zone change to R-1 Residential and it is undeveloped (vacant). Therefore, the only change that has occurred to these Planned Industrial zoned properties is the development of one property as an industrial use. The Planning Commission finds there has not been a substantial change in the character of the area since zoning was adopted and which warrants changing the zone.

- b. *That the zoning previously adopted for the area was in error.*

Findings. There is an argument that the industrial zoning previously adopted for the area was in error. The applicant contends the industrial zoning was inappropriate due to the steep topography and limited ability to develop the property for industrial uses. Industrial uses typically require a large and easily accessible flat area in order to construct a reasonably sized industrial building and provide truck access and circulation. The subject property has a limited and somewhat narrow flat area near the Alsea Highway access and a small flat area in the upland part of the property. It would be difficult to develop the property with an industrial use.

One of the three industrial zoned properties is developed as a single family residence and the surrounding land is zoned R-1 Residential with the exception of the industrial developed property that is adjacent to the west of the subject property.

Given the steep topography of the subject property, the difficulty of developing the property with an industrial use, and the surrounding residential development and zoning, the Planning Commission finds that the industrial zoning previously adopted for the subject site was adopted in error.

- c. *That there is a public need for the change being sought and the subject property is suitable to meet that need and will not impair the actual or legally designated uses of surrounding properties.*

Findings. With the ample undeveloped R-1 Residential zoned land throughout the city, it is difficult to demonstrate that there is a public need for the zone change. However, the subject property is more suitable for single family development than for industrial development. Also, the zone change will not impair the actual or legally designated uses of surrounding properties given that 1) one industrial zone property is already developed, 2) one industrial zoned property is developed as a single family residence, and 3) other surrounding properties currently have R-1 Residential zoning. The Planning Commission finds that there is no public need for the change however, the subject property is suitable for R-1 Residential development and the zone change will not impair the actual or legally designated uses of surrounding properties.

4. **Compatibility of Industrial Zoned Property and Residential Zoned Property**

With approval of this zone change, the newly zoned R-1 Residential property will have Planned Industrial zoned properties adjacent to the east and west along the Alsea Highway frontage. This typically would not be considered good planning or zoning because industrial and residential uses are often incompatible. This is not a typical case in that the majority of the subject property is elevated above the westerly and easterly industrial zoned properties. It is possible but improbable that the easterly industrial zoned property could redevelop in the future from single family residential to industrial. In this case, the access to the subject property off Alsea Highway would be between industrial uses.

The Planning Commission finds the zone change and map change to residential will not result in adjacent incompatible uses because of the difference in elevation between the majority of the residential property and the adjacent industrial use, and because the adjacent property to the east will likely continue to be a residential use in the future.

5. **Statewide Goal 9. Economic Development & Waldport Comprehensive Plan Goal IX. Economy**

No economic opportunities analysis has been completed for Waldport, therefore a determination needs to be made whether or not the proposed change is consistent with the Comprehensive Plan. The goals and policies of Waldport Comprehensive Plan Goal IX Economy that are relevant to this application request are identified below in *italics* and followed by Findings related to this specific application request.

Waldport Comprehensive Plan Goal IX. Economy

Goals

2. *To recognize the environmental and developmental constraints in locating new industrial and commercial activities.*

Findings: There are developmental constraints associated with locating new industrial activities on the subject site. The steep topography limits the ability to develop the property for industrial uses. Industrial uses typically require a large and easily accessible flat area in order to construct a reasonably sized industrial building and provide truck access and circulation. The subject property has a limited and somewhat narrow flat area

near the Alsea Highway access. The applicant contends it would be difficult to develop the property with an industrial use.

Policies

1. *The City of Waldport shall designate suitable lands for the creation and expansion of existing industrial and commercial activities; and shall support and encourage the efficient use of areas currently designated for commercial use.*

Findings: The applicant contends that the land is not suitable for the creation and expansion of industrial activities due to the steep topography.

An additional consideration is to determine if there is an adequate amount of undeveloped industrial and commercial zoned land to accommodate future growth. Within the city, approximately 296 acre of land are zoned for employment based uses, i.e. 171 acres are zoned Planned Industrial, 80 acres are zoned Retail Commercial C-1, and 45 acres are zoned General Commercial C-2. A summary of larger undeveloped employment based zoned properties if provided below:

- Approximately 140 acres of the 160 acre Planned Industrial zoned land in the southern portion of the city off Crestline Drive is undeveloped. Approximately 60 acres of the 140 acres is relatively flat and developable.
- A 25 acre parcel of C-1 zoned land is located along the Highway 101 frontage south of Ocean Hills Drive. Although this property has some wetlands, the majority of it is developable.
- There are some smaller undeveloped commercial zoned parcels located in the city.

Based on the amount of undeveloped land that has employment based zoning, the Planning Commission finds the rezoning of the subject parcel to a residential use will not restrict future development of employment based land uses.

2. *The City of Waldport shall encourage the location of industrial activities in those areas suited to and capable of supporting those activities and land uses.*

Findings: The applicant contends the subject property is not suited to or capable of supporting industrial activities and land uses. Industrial activities typically require land that has limited slope and is capable of accommodating larger buildings, storage, and vehicular circulation and parking for large trucks. The subject site has a very limited area that has minimal slope. It is estimated that approximately 90% of the 2.85 acre property has steep slopes, leaving a very small amount of land suitable for industrial development.

The Planning Commission finds the proposed zoned change and map amendment request is consistent with the Comprehensive Plan. There are developmental constraints in locating new industrial activities on the subject site. The subject property is not suitable for industrial development due to the steep topography and limited flat area.

CONCLUSIONS

The record and the findings support the conclusion that:

- A. The Planning Commission finds that a zone change of the subject property from I-P Planning Industrial to R-1 Residential is in the best interest of the subject property, surrounding area, and community.
- B. The Planning Commission finds that the zoning previously adopted for the area was in error.
- C. The Planning Commission finds that the Comprehensive Plan Map change from Planned Industrial to Residential Single is consistent with Waldport Comprehensive Plan Goal IX Economy.

THE CITY OF WALDPORT HEREBY ORDAINS AS FOLLOWS:

Section 1. That the Waldport Zoning Map be amended to uphold the decision of the Planning Commission to change the zoning from I-P Planned Industrial to R-1 Residential. This change applies to property identified on Lincoln County Assessor's Map #13-11-20BB as tax lot 500.

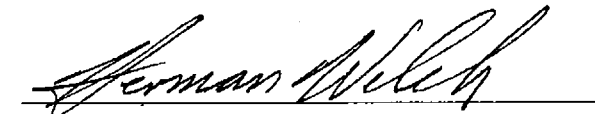
Section 2. That the Waldport Comprehensive Plan Map be amended to uphold the decision of the Planning Commission to change the map designation from Planned Industrial to Residential Single. This change applies to property identified on Lincoln County Assessor's Map #13-11-20BB as tax lot 500.

Section 3. This Ordinance shall be effective thirty (30) days following the signing of its passage and approval.

PASSED BY THE City Council of the City of Waldport, Oregon, this 12th day of November, 2009 by the following vote:

6 Yeas 0 Nays 0 Absent 0 Abstain

APPROVED by the Mayor of the City of Waldport this 12th day of November, 2009.

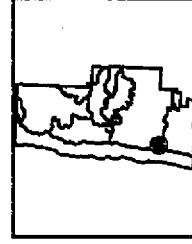

Herman Welch, Mayor

ATTEST:


Reda A. Quinlan, City Recorder

Lincoln County
Geographic Info System

Parcel
Taxlot
ugo



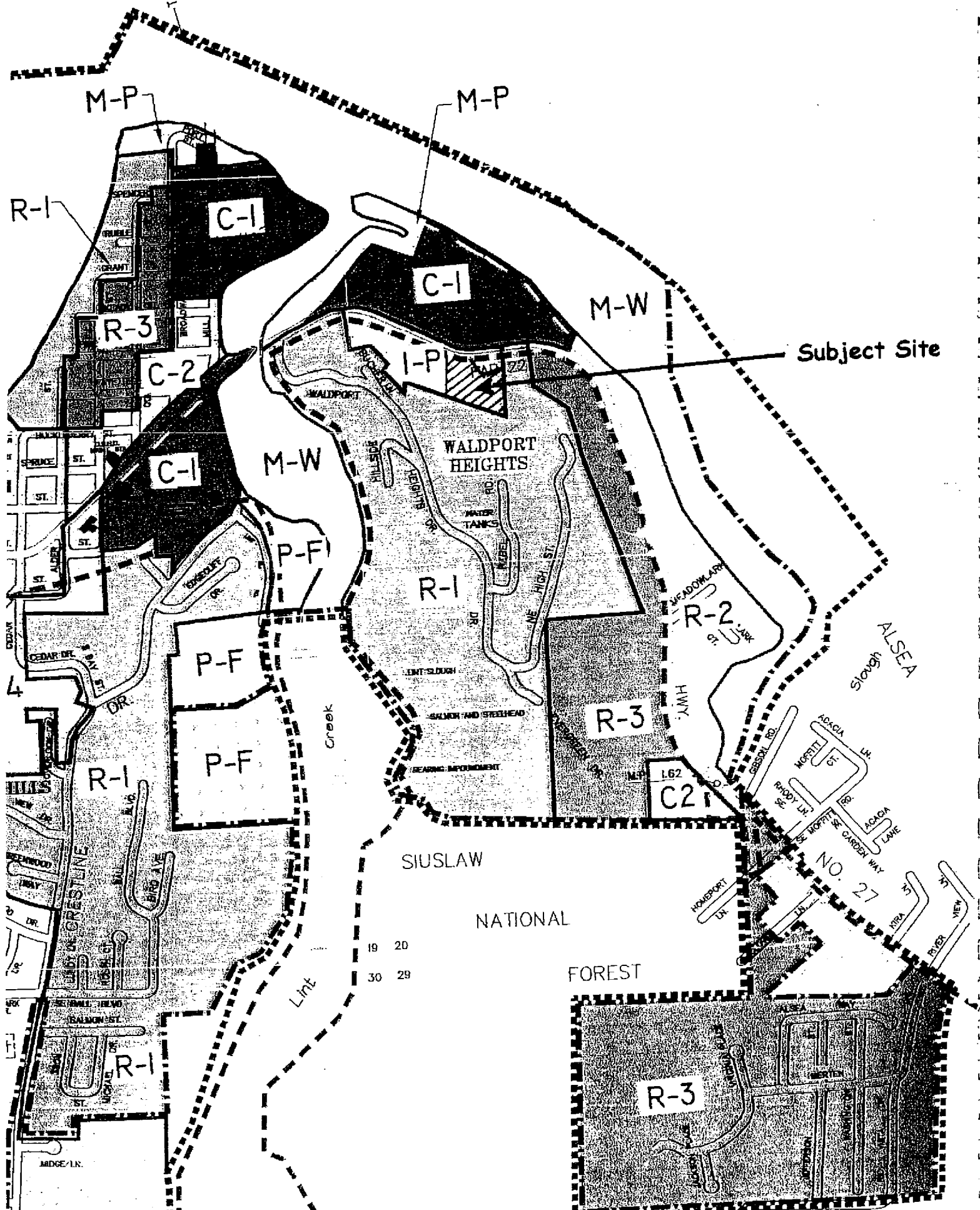
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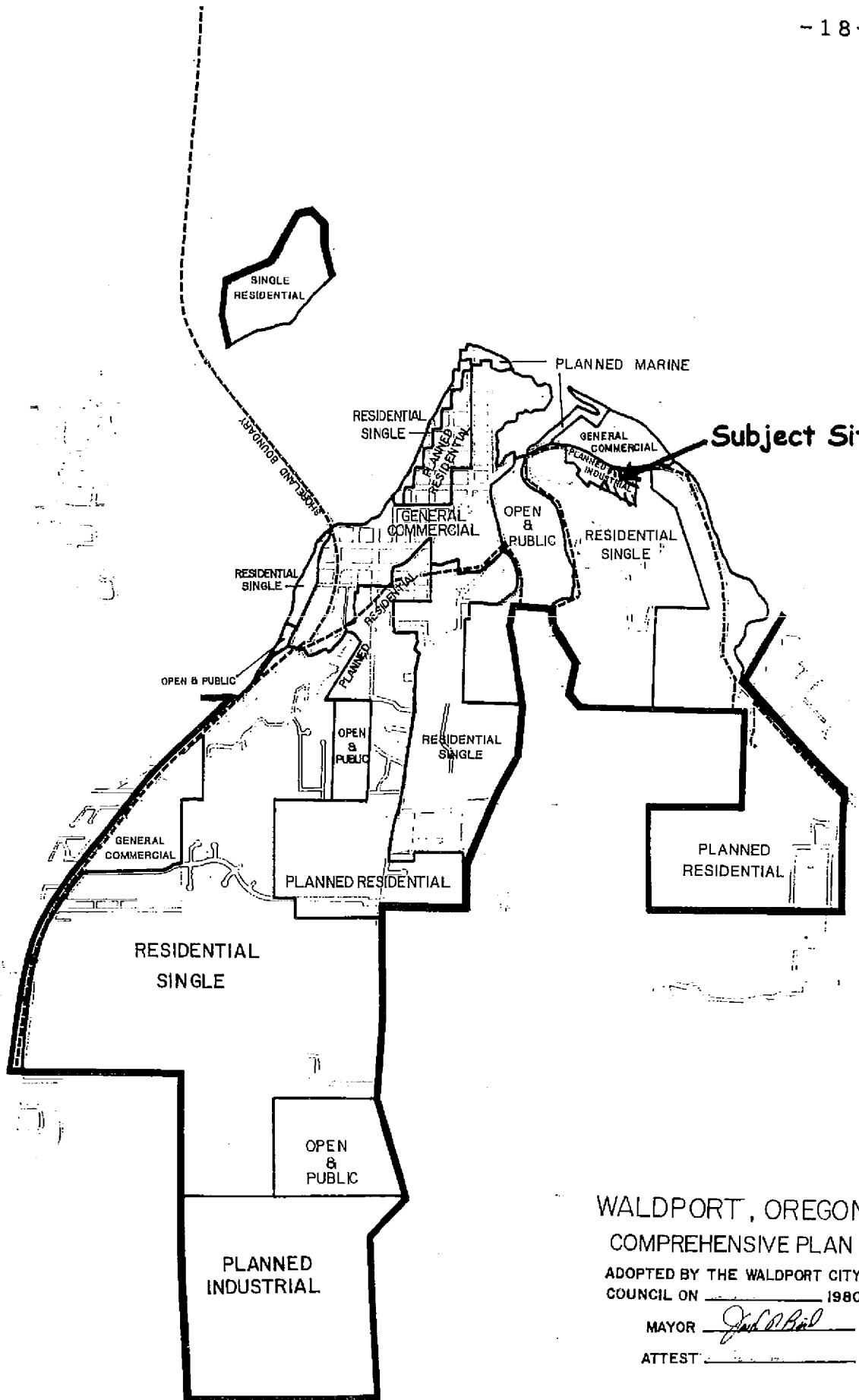
1 in. = 600 ft.



Lincoln County government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

PORTION OF WALDPORZ ZONING MAP





WALDPOR, OREGON
 COMPREHENSIVE PLAN

ADOPTED BY THE WALDPOR CITY
 COUNCIL ON _____ 1980

MAYOR *John A. Baird*

ATTEST _____



PRIORITY MAIL

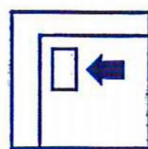
UNITED STATES POSTAL SERVICE®

www.usps.com

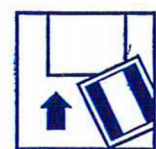
HOW TO USE:



1. COMPLETE ADDRESS LABEL AREA
Type or print required return address and addressee information in customer block (white area) or on label (if provided).



2. PAYMENT METHOD
Affix postage or meter strip to area indicated in upper right hand corner.



3. ATTACH LABEL (if provided)
Remove label backing and adhere over customer address block area (white area).

City of Waldport
PO box 1120
Waldport, OR 97394

Attention: Plan Amendment Specialist
Dep't of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

▲ PLACE LABEL HERE ▲

The efficient **FLAT RATE ENVELOPE**.
You don't have to weigh the envelope...Just pack all your correspondence and documents inside and pay only the **FLAT RATE Priority Mail** postage.
We Deliver.