

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. PA 1213 [**IN THE MATTER OF ADOPTING A CONFORMITY
[DETERMINATION AMENDMENT PURSUANT TO RCP
[GENERAL PLAN POLICIES – GOAL 2, POLICY 27a.iv.,
[TO CORRECT A SCRIVENER ERROR ON THE OFFICIAL
[ZONING MAP – PLOT # 525, AND ADOPTING SAVINGS
[AND SEVERABILITY CLAUSES. (Lane County LMD)**

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance No. PA 1192 and amended thereafter, has adopted the Conformity Determination Amendment process as Goal 2, Policy 27 of the General Plan Policies which is a component of the Lane County Rural Comprehensive Plan; and

WHEREAS, Lane Code 16.252 sets forth procedures for rezoning of lands within the jurisdiction of the Rural Comprehensive Plan; and

WHEREAS, in March, 2004, a Conformity Determination Amendment application (Lane County LMD) was initiated by Lane County to correct a scrivener error on Official Zoning Map – Plot # 525 pursuant to RCP General Plan Policies - Goal Two, Policy 27.a.iv.; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in a public hearing on August 3, 2004; and

WHEREAS, the Lane County Planning Commission on September 7, 2004, recommended approval for correction of the scrivener error; and

WHEREAS, the proposal was reviewed at a public hearing with the Lane County Board of Commissioners on March 30, 2005; and

WHEREAS, evidence exists within the record indicating that the proposal meets the requirements of Lane Code Chapter 16, and the requirements of applicable state and local law; and

WHEREAS, the Board of County Commissioners has conducted a public hearing and is now ready to take action;

NOW, THEREFORE, the Board of County Commissioners of Lane County Ordains as follows:

Section 1. The southern boundary of the Rural Community of Waltherville, such territory depicted on Official Zoning Map # 525, is corrected to conform to the 1984 adopted boundary in the Rural Comprehensive Plan, and further identified as Exhibit "A" attached and incorporated herein.

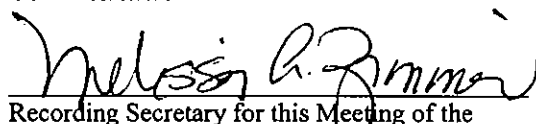
FURTHER, although not a part of this Ordinance, the Board of County Commissioners adopts the findings in support of this action as set forth in the attached Exhibit "B".

The prior policies, zoning base designations and plan diagram base designations repealed or changed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

ENACTED this 30th day of March, 2005.


Chair, Lane County Board of County
Commissioners


Recording Secretary for this Meeting of the
Board

APPROVED AS TO FORM

Date 3-9-2005 Lane County

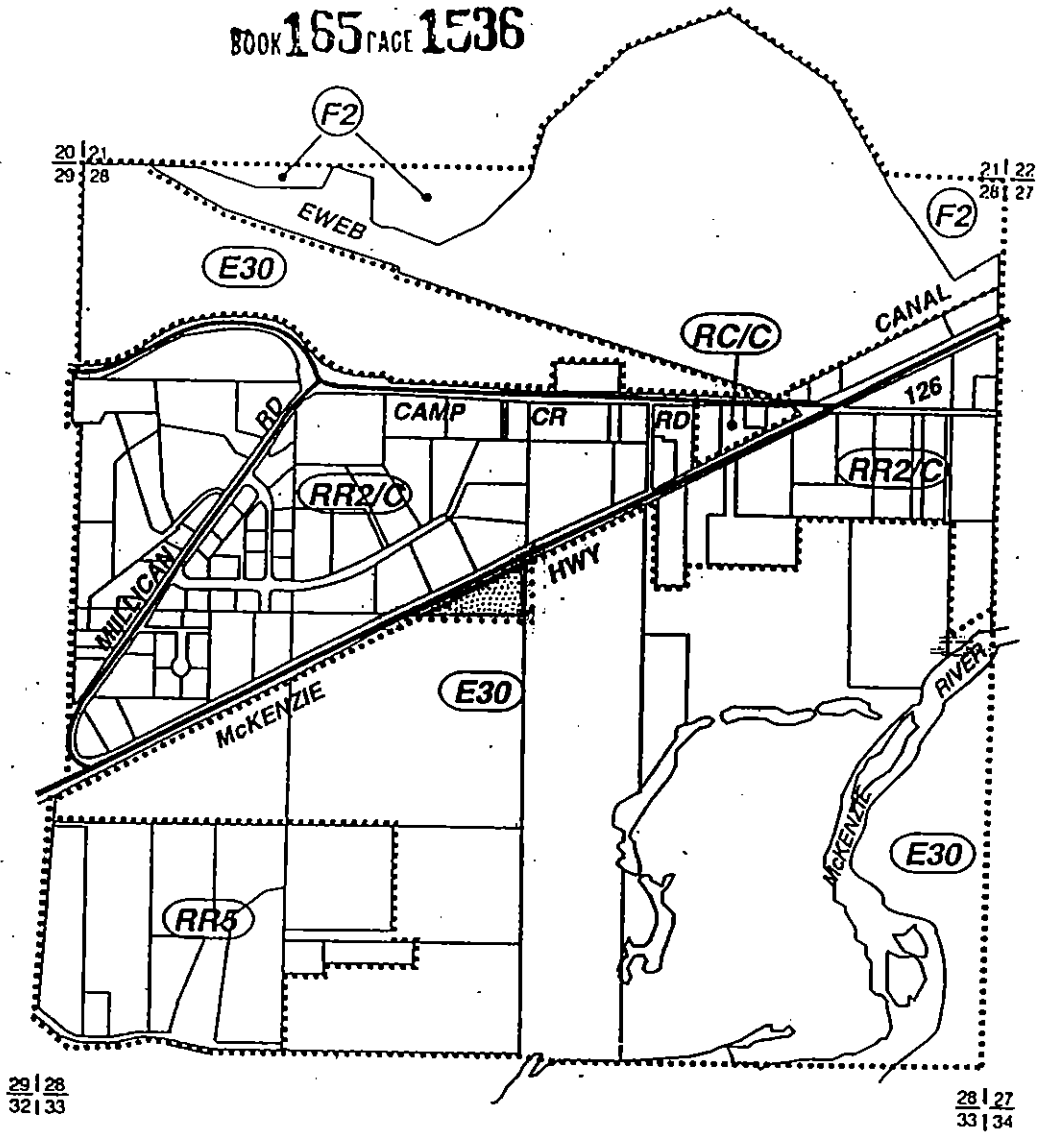

OFFICE OF LEGAL COUNSEL

WALHERVILLE

Exhibit A - Official Zoning Plot No. 525 (corrected).

524A

BOOK 165 PAGE 1536



514

535

525A

lane county



OFFICIAL ZONING MAP

PLOT #525

Township Range Section

17 01 28

ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE #

REVISION # ORD# DATE FILE #

Ordinance No. PA 1213
Exhibit "B"
Findings of Fact

Finding 1. Rural Comprehensive Plan – General Plan Policies: Goal Two, Policy 27 provides a conformity determination amendment process for the correction of identified plan or zoning designations in the RCP Official Plan and Zoning Plots resulting from the Official Plan or Zoning Plots not recognizing lawfully existing (in terms of the zoning) uses or from inconsistencies between the Official Plan and Zoning Plots.

Finding 2. Lane Code 16.252(1): This section of Lane Code requires that as the Rural Comprehensive Plan for Lane County is implemented, changes in zone and other requirements of this chapter will be by ordinances.

Finding 3. Lane Code 16.252(2) requires that rezoning shall be consistent with the specific purposes of the zone classification proposed and Statewide Planning Goals. Based on the findings below, Ordinance No. PA 1213 complies with applicable state laws and Statewide Planning Goals.

- a. Statewide Planning Goal 2 requires, "Opportunities shall be provided for review and comment by citizens during the preparation, review and revision of plans and implementation ordinances." Lane County provided the opportunities identified below for citizens to review and comment on the preparation and review of Ordinance No. PA 1213. These opportunities were adequate to comply with Goal 2.
 - On July 14, 2004, a legal ad was published in *The Register Guard*, providing notice of the Lane County Planning Commission public hearings in Harris Hall of the Lane County Public Service Building on August 3, 2004.
 - On July 15, 2004, LMD mailed to the Oregon Department of Land Conservation and Development (DLCD) a notice of the public hearing and pending adoption, and two copies of the proposed conformity determination amendment.
 - On August 3, 2004, the Lane County Planning Commission (LCPC) conducted a public hearing on the proposed Conformity Determination Amendment (Ordinance No. PA 1213) requesting consideration for correction of a scrivener error on Official Zoning Plot # 525 pursuant to the qualifying criterion of Goal Two, Policy 27.a.iv.:
 - iv. Correction of a scrivener error on an adopted Official Plan or Zoning Plot.*
 - On September 7, 2004, the Lane County Planning Commission unanimously approved a recommendation to the Board of Commissioners to adopt the proposed correction pursuant to Goal Two, Policy 27.a.iv.
 - On March 2, 2005, a legal ad was published in *The Register Guard* providing notice of the Board of County Commissioners public hearing in Harris Hall of the Lane County Public Service Building at 1:30 PM on March 30, 2005.
 - On March 30, 2005, the Board of County Commissioners conducted a public hearing on the proposed Conformity Determination Amendment - Ordinance No. PA 1213 for correction of the scrivener error on Official Zoning Map – Plot # 525.
- b. Ordinance No. PA 1213 acknowledges the written testimony and documentation, and citizen comments received during the LCPC public hearings on August 3, 2004, and submitted into the official record thereafter.

- c. Ordinance No. PA 1213 acknowledges the deliberations of the LCPC on September 7, 2004, and their findings of fact, conclusions, and recommendation to correct the scrivener error on Official Zoning Map – Plot # 525.
- d. Ordinance No. PA 1213 acknowledges citizen testimony received during the Lane County Board of Commissioners public hearing on March 30, 2005.