

PASSED

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 1252) IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE) PLAN TO REDESIGNATE LAND FROM "FOREST" TO "AGRICULTURAL") AND REZONING THAT LAND FROM "F-2/IMPACTED FOREST LANDS" TO) "E-40/EXCLUSIVE FARM USE"; AND ADOPTING SAVINGS AND) SEVERABILITY CLAUSES (file PA 07-6555; Pfeiffer)

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 884, has adopted Land Use Designations and Zoning for lands within the planning jurisdiction of the Lane County Rural Comprehensive Plan; and

WHEREAS, Lane Code 16.400 sets forth procedures for amendment of the Rural Comprehensive Plan, and Lane Code 16.252 sets forth procedures for rezoning lands within the jurisdiction of the Rural Comprehensive Plan; and

WHEREAS, in October 2007, application no. PA 07-6555 was made for a minor amendment to redesignate tax lots 502 and 500 of map 15-06-25, from "Forest" to "Agriculture" and concurrently rezone the property from "F-2/Impacted Forest Lands" to "E-40/Exclusive Farm Use; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearing of July 1, 2008, and on that date recommended approval of the proposed amendment and rezoning; 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 public hearings and is now ready to take action;

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

Section 1. The Lane County Rural Comprehensive Plan is amended to redesignate tax lots 502 and 500 of map 15-06-25, from "Forest Lands" to "Agriculture ", such territory depicted on Plan Plot 171 and further identified as Exhibit "A" attached and incorporated herein.

Section 2. Tax lots 502 and 500 of map 15-06-25, are rezoned from "F-2/Impacted Forest Lands" (Lane Code 16.211) to "E-40/Exclusive Farm Use" (Lane Code 16.212), such territory is depicted on Rural Zoning Plot 171 and further identified as Exhibit "B" attached and incorporated herein.

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

The prior designation and zone repealed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.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 effect the validity to the remaining portions hereof.

ENACTED this 3rd day of SEPTEMBER 2008.

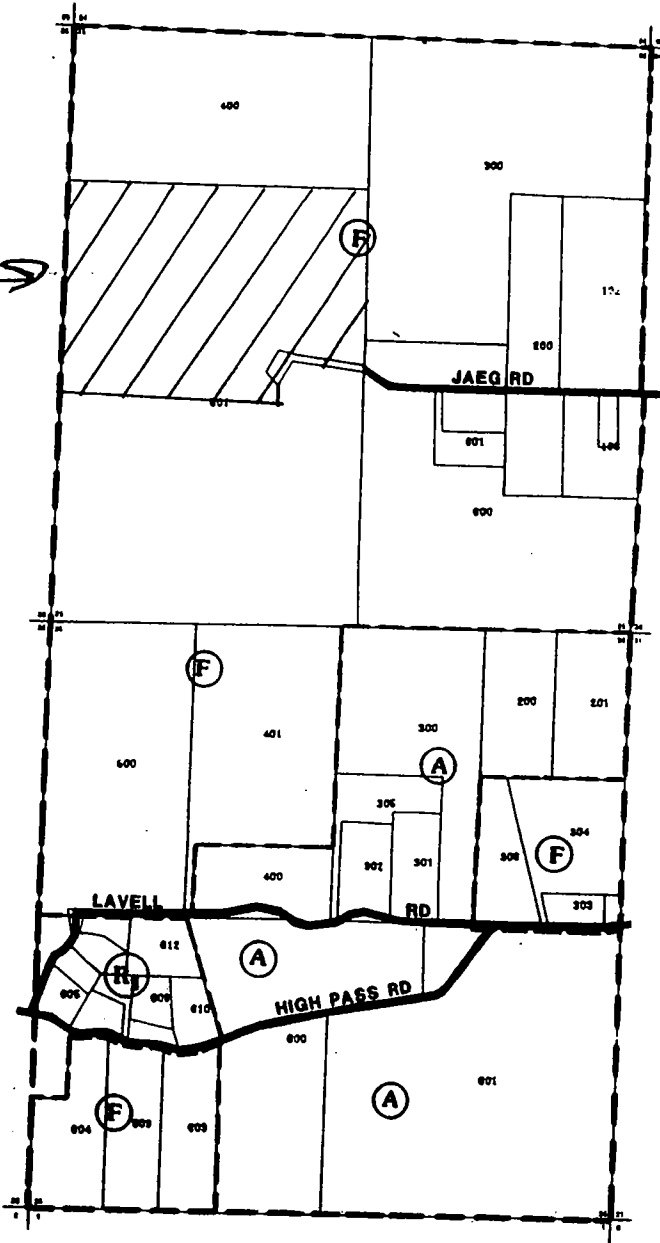
Faye Stant
Chair, Lane County Board of County Commissioners
Melissa A. Z...
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM
Date 8/11/08
OFFICE OF LEGAL COUNSEL

170A

FROM "FOREST LAND"
TO
"AGRICULTURAL
LAND"

161



182

183

172



lane county



OFFICIAL PLAN MAP

PLOT# 171

Twnshp Range Section

15 06 25

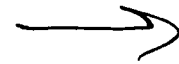
15 06 36

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

REVISION # _____ ORD # _____ DATE _____ FILE # _____

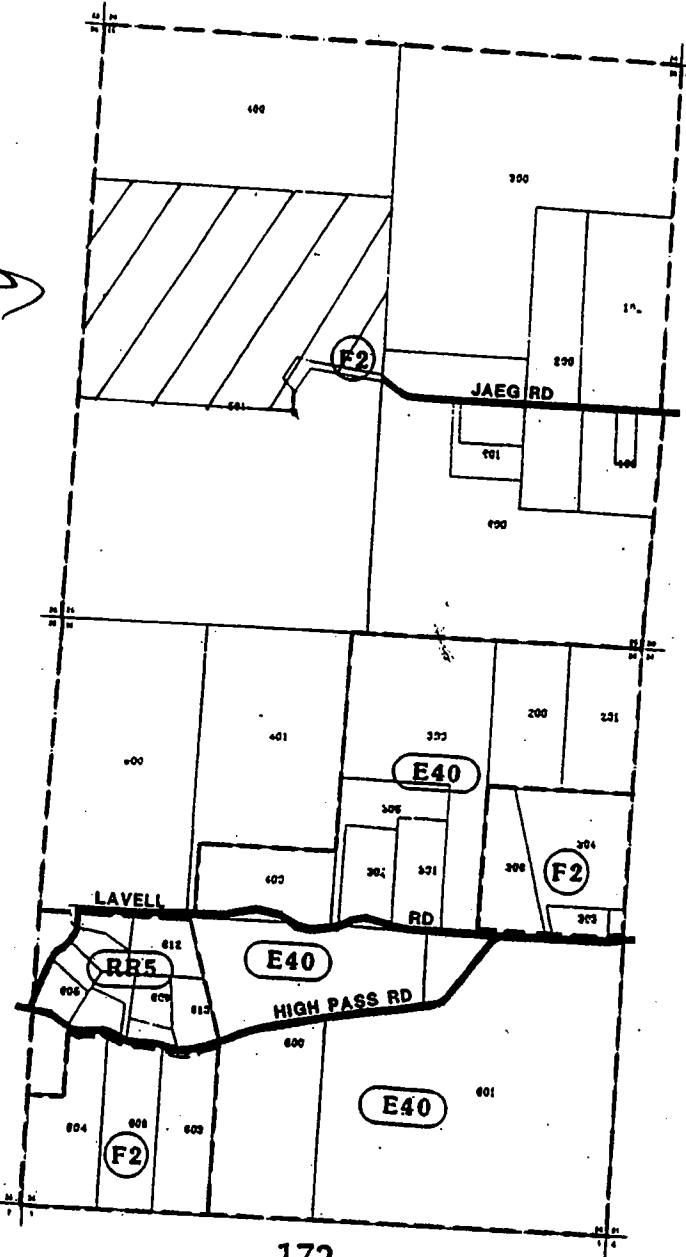
170A

FROM "F-2/IMPACTED FOREST LAND"
TO
"E-40/EXCLUSIVE FARM USE"



161

The RR zones on this map are changed as follows:
FROM: RR LC 16.231 TO: RR LC 16.290
The RR zone parcel size remains the same.



182

183

172

The zones on this map are changed as follows:
From: RG, RA To: RR2
From: CR, C1, C2, & C3 To: RC Rural Commercial
From: M1, M2, & M3 To: R1 Rural Industrial
From: PF To: RPF Rural Public Facility
From: PR To: RPR Rural Park & Recreation



the county



OFFICIAL ZONING MAP

PLOT# 171

Township Range Section

15 06 25

15 06 36

ORIGINAL ORD. # _____ PA 884

DATE 2/29/1984 FILE # _____

REVISION # _____ ORD # _____

**LANE COUNTY BOARD OF COMMISSIONERS
MINOR PLAN AMENDMENT TO THE RURAL COMPREHENSIVE PLAN
FROM FOREST LAND TO AGRICULTURAL
AND REZONE FROM F-2/IMPACTED FOREST LANDS
TO E-40/EXCLUSIVE FARM USE
Map 15-06-25, tax lot 500 & tax lot 502**

FINDINGS

Application Summary

This application, PA 07-6555, is made by Robin & Danuta Pfeiffer, 25040 Jaeg Road, Junction City Oregon, in conjunction with Robin Pfeiffer's siblings, Conrad Albert Pfeifer, Karen Signe Van Dynn, and Eric Nelson Pfeiffer. Robin and Danuta Pfeiffer are the sole owners of Lot 500, while the four Pfeiffer brothers and sister are co-equal owners of Map 15-06-25, Lot 502. These two tax lots comprise the subject property for this application, and total 111.88 acres¹.

The request is for approval of a minor Rural Comprehensive plan diagram amendment from Forest land to Agricultural, concurrent with a zone map amendment from Impacted Forest Lands (F-2) to Exclusive Farm Use (E-40).

Parties of Record

Robin & Danuta Pfeiffer, and Conrad Albert Pfeifer, Karen Signe Van Dynn, and Eric Nelson Pfeiffer

Application History

The Lane County Planning Commission held a public hearing on July 1, 2008, and unanimously voted to recommend approval of the request to the Board.

Statement of Criteria

OAR 660-33-120

Lane Code 16.400

Lane Code 16.252

Finding of Fact

1. The site is located at 25040 Jaeg Rd. Junction City Oregon. Lot 500 contains approximately 1.88 acres; Lot 502 contains approximately 110 acres. About 80 acres of Lot 502 have been in active vineyard production for over 30 years. The

¹ Assessment and Taxation updated the tax maps on 5-27-08 to reflect the completed partition plat. Thus the subject property was formerly identified in the staff report to the Planning Commission as the northern portion of tax lot 501 (i.e., parcel 1 of Plat No. 2008-P2240), now tax lot 502. Tax lot 500 remains unchanged.

property is located off of Turnbow Lane, about 6 miles west of Junction City, on the eastern edge of the Coast Range.

2. Robin Pfeiffer began transitioning Lot 502 from sheep farming to vineyards in the late 1970's, with the grapes being sold to local wineries for use in premium quality Pinot Noir and Pinot Gris. The Pfeiffer's began producing wine from their grapes at other local vineyards several years ago, developing an extremely high quality selection of wines under their Pfeiffer Winery Label. Because of the high quality and low volume, currently less than 1,300 cases per year, the Pfeiffer's marketing strategy, includes direct orders shipped from their Winery to Wine Club member via United Parcel Service. Their marketing strategy also includes the establishment of a tasting room on tax lot 502 for on-site purchasing. The Pfeifer's plan to vint a maximum of 2,000 cases per year. By 10-year contracts, ninety percent of their grapes are sold to King Estates.
3. The subject property is located on Plot 171 and zoned Impacted Forest Lands, F-2/RCP. Turnbow Creek (a Class I stream) flows along the southern boundary of tax lot 502 and onto the adjoining tax lot 503. A road along the south of the vineyard is the closest approach to Turnbow Creek and it is at least 100 feet north of the creek.
4. The adjacent properties to the west are zoned F-1 and are in active forest management. Contiguous parcels to the north, east and south are zoned F-2, with the parcel directly east also engaged in vineyard production. RR-10 and E-40 zoning are part of the transition zone east and south of the Pfeifer's properties.
5. Public services for the property are currently provided as follows:

Fire:	Junction City Rural Fire Protection District ²
Police:	County, State
Water & Sewer:	On site septic and well
School:	Junction City
Telephone:	Qwest
Power:	Lane Electric
Access:	Jaeg Road (Lane County), via private easement
6. This application implements Lane County RCP Goal 3 Agricultural lands, Policy 5 which directs use of planning and implementation techniques that reflect appropriate uses and treatment for each type of land. The success of the Pfeiffer Vineyard label attests to the subject property's soil characteristics to produce premium grapes. The Subject property was initially zoned F-2 in the Rural Comprehensive Plan adoption in 1984, appropriate at the time, since the majority of the parent parcel, which included tax lots 502 and 503 combined, was in forest

² Tax lot 500 is within the JCRFPD. Tax lot 502 is not within the district, but the Fire Chief is on record (file record email of 7-24-08) stating that the department would respond to a structural fire on tax lot 502, with costs incurred to be recouped at a later date. The Western Lane Forestry District (ODOF) will respond to any wild land fires (non-structural).

use. However, the northern, smaller section had been in agricultural uses since the Pfeiffer family purchased the property in the 1960's.

Allowing the rezoning from F-2 to E-40 recognizes the established historical farm use of this parcel (the present tax lot 502). Sheep ranching on this parcel has been documented to the 1930's and Robin Pfeiffer began planting wine grapes in the late 1970's.

Furthermore, this proposal allows the establishment of a wine producing facility and a tasting room on tax lot 502, a prohibited use on the present F-2 zone. In this respect, RCP Goal 9, Policy 5, which encourages zoning implementation techniques, which reflect an appropriate use of each type of land, directly supports the rezoning and concurrent map amendment to E-40. In the present case, soils and slope characteristics, which support premium, wine grape production.

7. The proposal is a Minor Amendment pursuant to Lane Code 16.400(6)(h) and involves a rezoning subject to LC 16.252. No exception to any Goal, resource or otherwise, is necessary. The application simply requests a proposed change from one resource zone to another.
8. As noted in Finding 6, the majority of this parcel was in timber production at the time of implementation of the Rural Comprehensive Plan in 1984. The re-designation of this parcel more appropriately classifies Lot 502 in alignment with the historic farm use and current vineyard activities. A redesignation to Exclusive Farm Use will allow the Pfeiffer's to establish a winery on the property, a permitted use in that zone (LC 16.212(3)(g)).

Approval criteria

PLAN AMENDMENT CRITERIA LANE CODE 16.400(6)(h)

Method of Adoption and amendment

(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

(aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

This application proposes to amend the Rural Comprehensive Plan from Forest Land to Agricultural land. This application provides evidence that addresses the applicable requirements of the Lane Code, RCP policies, and applicable statewide planning goals and law.

(bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:

(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; OR

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

The Board finds the proposed plan amendment implements RCP policies related to Goal 3 (Agriculture) and Goal 9 (Economy). Specifically, Goal 3, policy #5: “Use planning and implementation techniques that reflect appropriate uses and treatment for each type of land”. As stated under the goal responses later in these findings, the Board finds that a redesignation to Agricultural land is responsive to the unique soil type and topography of the property.

Furthermore, Goal 9, policy #9, reads “Tourism shall be considered as a base industry having high potential for growth throughout the County. Development of facilities oriented towards tourists shall be given maximum support within the framework of these policies”. The Board finds that redesignation of the property to Agricultural land will allow the owners to construct a winery for wine tasting and selling on site, a fast growing tourism related industry in Lane County.

(cc) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

The Board finds that this application identifies various policies that provide policy support for this document. No policies have been identified that directly conflict with this request.

(dd) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.

The plan amendment is consistent with the intent and structure of the RCP to choose between competing uses. As previously indicated, this amendment is consistent with county policies that provide for designating both forest and agriculture lands. Approval of this amendment does not conflict with unamended portions of the plan and is therefore consistent with the plan.

Additionally, Goal 9, promoting the economy of rural areas, directly supports this rezoning and map amendment. A re-designation to E-40 will allow the Pfeiffer’s to operate a winery and tasting room on Lot 502.

2. LANE CODE 16.400(8)

(a) Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:

(i) Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.

This application proposes an amendment to the Plan diagram from Forest land to Agricultural land. Since this action is limited to a plan diagram only, it is a minor amendment. No exception to a Statewide Goal is needed or proposed.

(c) Minor amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(iii) above can be affirmatively made. Unless waived in writing by the Planning Director, the applicant shall supply documentation concerning the following:

(i) A complete description of the proposal and its relationship to the Plan.

(iii) An assessment of the probable impacts of implementing the proposed amendment, including the following:

(aa) Evaluation of land use and ownership patterns of the area of the amendment;

The subject portion is bounded on the west by F – 1 land. On the immediate north, east and south the abutting parcels are all F – 2. Slightly further to the east, along the west side of Turnbow Lane RR -10, with substantial amounts of E – 40 north, east and south.

The adjoining F-1 zoned land is owned by the Seneca Jones timber Company, and is actively engaged in forest management activities, including chemical spraying and periodic timber harvesting. The Applicant has recorded a Farm/Forest Management Agreement, reducing the potential for conflict between the subject property and nearby resource-based activities.

(bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply and sewage disposal;

Ground water

The vineyards and dwelling are supplied by an artesian well on Lot 502. There are three ponds near the existing agricultural buildings that are used for irrigation. Turnbow Creek flows along the south side of Lot 502, but it not utilized by the Pfeiffer's.

Sewage Disposal

The dwelling on Lot 500 is served by an existing sewage system. A sanitary evaluation (SI 08-9048) was approved on 6/10/2008 for Lot 502 to service the proposed bathrooms that will serve the planned tasting room.

Transportation

Jaeg Road provides access, a County road classified as a Local Road in the Lane County Transportation System Plan.

Fire protection and others

The Western Lane Forestry District provides fire protection for structural fires by the Junction City Rural Fire Department, and for wild land fires.

(cc) Impact of the amendment on proximate natural resources, resource lands or resource sites, including a Statewide Planning Goal 5 "ESEE" conflict analysis where applicable;

The Board finds that the approval of the amendment would cause no substantial impacts to proximate natural resources or resource lands. In addition, there are no inventoried resource sites in the vicinity. Turnbow Creek, a Class 1 stream and inventoried wetland, is located the southern boundary of the subject property. The Applicants have no plans for any development within 100 feet of this creek.

3. STATEWIDE PLANNING GOALS

For purposes of the analysis of this section the following applicable statewide planning goal statements have been summarized. The Oregon land conservation and Development commission Goals and Guidelines are incorporated herein by reference, except as noted.

Goal 1: Citizen Involvement

Goal 1 requires citizens and affected public agencies be provided an opportunity to comment on the proposed amendment and zone change.

Public notification in the form of mailed public notice has been sent by Lane County to affected agencies, including the Department of Land Conservation and Development, and owners of record within 750 feet of the subject property.

Goal 2: Land Use Planning

Goal 2 establishes a land use planning process and policy framework as a basis for all land use decisions and requires an adequate factual base be developed to support such decisions. A minor amendment is one that does not have significant effect beyond the immediate area of change and is based on a site-specific analysis. The public need and justification for the particular change must be established.

Lane County has adopted a comprehensive land use plan amendment process with specific criteria that must be addressed to justify a minor amendment. Compliance with the procedural aspects of Lane Code 16.400 will constitute compliance with Goal 2.

Goal 3: Agricultural Lands

Goal 3 is to preserve and maintain agricultural lands.

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.

Approval of this request will preserve the subject property as agricultural land, such use having been established since the 1930's. The farm use has changed over time, from sheep grazing to vineyards, reflecting in part the changing farm economy.

Goal 4: Forest Lands

The purpose of Goal 4 is to conserve and maintain the forest land base and to protect the states forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land. Goal 4 requires sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

There are no forest resources located on the subject property.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

The only Goal 5 use on the property is Turnbow Creek, a Class 1 stream. It is unaffected by this action, as all activity takes place a minimum of 100' from it.

Goal 6: Air, Water and Land Resources Quality

The purpose of Goal 6 is to maintain and improve the quality of the air, water and land resources of the State. The subject property will be served by adequate on-site water and sanitation facilities. The proposal recognizes the historic farm use of the property.

Goal 7: Areas Subject to Natural Disasters and Hazards

The purpose of Goal 7 is to protect life and property from natural hazards.

The property is not inventoried as being subject to any natural disasters or hazards (severe slope, erosion, flood, etc.).

Goal 8: Recreational Needs

The purpose of Goal 8 is to satisfy the recreational needs of the State and visitors.

This goal is not applicable to this application,

Goal 9: Economic Development

The purpose of Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Specifically, Goal 9, Policy 1 (b); *“Recognition of the value of local resources such as timber and agricultural lands as the primary source of raw materials for the manufacturing and processing sectors of the economy.”*

The Pfeiffer’s ability to enhance their “economic resources” will be directly affected by their ability to operate a winery and tasting room with EFU (E – 40) zoning, not allowed under the current F – 2 designation. Additionally, an in-direct boost to other rural, agriculture and craft based home operations in the area will also benefit from the Pfeiffer’s ability to draw people from the urban areas and from tourists traveling through the southern Willamette Valley.

Goal 10: Housing

The main purpose of Goal 10 is to provide for the housing needs of citizens of the state. Build able lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

No dwellings are proposed or required

Goal 11: Public Facilities and Services

The main purpose of Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

All of the rural services necessary are in existence, this amendment will not require any increase in the public services beyond the level that exists.

Goal 12: Transportation

The main purpose of Goal 12 is to provide and encourage a safe, convenient and economic transportation system.

County Transportation Planning has determined that the probable number of trips generated by Pfeiffer Winery will be in the 20 trips per day range on the weekends, well below the “50 or more motor vehicle trips during any one hour (peak hour of use),” that would require a transportation Impact Analysis.

Goal 13: Energy Conservation

The main purpose of Goal 13 is to conserve energy.

Continuing support of locally raised agricultural products limits the energy expenditures in transportation costs. In addition, the Applicants are investing in alternative power supply (solar) for a portion of their energy needs.

Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

Not applicable to this request. No density increase is proposed, or urban uses.

The following Goals are not applicable to this application as they are geographically oriented and apply to the Willamette River Greenway and coastal resources.

Goal 15: Willamette River Greenway

Goal 16: Estuarine Resources

Goal 17: Coastal Shorelands

Goal 18: Beaches and Dunes

Goal 19: Ocean Resources

ZONE CHANGE CRITERIA LC 16.004

(4) *(Scope and Compliance) requires;*

Prior to the zoning or rezoning of land under this Chapter, which will result in the potential for additional parcelization, subdivision or water demands or intensification of uses beyond normal single-family residential equivalent water usage, all requirements to affirmatively demonstrate adequacy of long-term water supply must be met as described in LC 13.050(13)(a)-(d).

This application does not seek any change in the current land use which would result in any potential additional parcelization, or increase on the current water demands.

ZONE CHANGE CRITERIA LC 16.252

(2) Criteria. Zonings, rezonings and changes in the requirements of this Chapter shall be enacted to achieve the general purpose of this Chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the zone classification proposed, applicable Rural Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners, the Planning Commission or the Hearings Official in accordance with the procedures in this section.

GENERAL PURPOSE The purpose of Chapter 16 Lane County land Use and Development Code is to provide and coordinate regulations governing development in the county and to implement the Lane County Rural Comprehensive Plan. Lane Code 16.003 sets 14 broadly worded purpose statements that includes a provision to insure development is commensurate with the character and physical limitations of the land.

Rezoning the subject property from F-2 to E-40 implements the proposed plan amendment from Forest Land to Agricultural land. The public interest is appropriately served by recognizing the subject property is not forest land and that the Agricultural designation is orientated to allow that existing adjacent development and land use be maintained and enhanced. The proposed agricultural use of the property implements the general purpose of Lane Code 16.

The application proposes rezoning from F-2 to E-40 to recognize the historic use of the subject property. The proposed E-40 zone is consistent with the existing development and land use in the surrounding area.

Rural Comprehensive Plan: The policies of the RCP serve as the basis of the County Plan and provide the direction for land use decisions and fulfill the mandate of the LCDC Statewide Planning Goals. Goal 2 Land Use Planning Policy 26 specifically provides that land use designations shall be implemented by specific zoning districts. Thus, these policies specifically support adoption of this plan amendment and the implementing zoning. Therefore this application acknowledges the changing agricultural economy and is consistent with the intent and purpose of the Rural Comprehensive Plan and county policies.

CONCLUSION

This application for a minor plan amendment and rezoning addresses and satisfies all applicable criteria. The request is consistent with and receives policy support from the Rural Comprehensive Plan and the implementing E-40 zone. The Board finds the request will have no significant adverse impact on existing or planned uses in the area.

Further, this minor plan amendment and rezoning is specifically supported by RCP Goal 3, policy #5 (designations should reflect appropriate uses and treatment for each type of land), and Goal 9, policy #9 (support tourism as a base industry).