

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 919

FILED

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AUG 28 1986

County Clerk

For Lane County, Oregon

BY

Stephan Kach

DEPUTY

(IN THE MATTER OF ADOPTING AN
(AMENDMENT TO THE RURAL
(COMPREHENSIVE PLAN TO CHANGE
(THE PLAN DESIGNATION FROM "RURAL"
(TO "INDUSTRIAL" AND TO REZONE
(FROM "RR-5" TO "M-2" FOR TAX LOTS
(100 (PORTION), 3800 & 3801,
(MAP 18-03-11.30 (FILE PA 1292-86;
(EPUD).

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 jurisdiction of the Lane County Rural Comprehensive Plan; and

WHEREAS, a procedure exists in Lane Code Chapter 16.400, as adopted by Ordinances 1-84 and 11-84, for amending land use designations within the jurisdiction of the Lane County Rural Comprehensive Plan, and for concurrent rezoning to maintain compliance with such amended designations; and

WHEREAS, an application has been received for the amendment of the Rural Comprehensive Plan from "Rural" to "Industrial" with concurrent rezoning from RR-5 to M-2 for tax lots 100 (portion), 3800 & 3801, map 18-03-11.30; and

WHEREAS, the Lane County Planning Commission, in regular meetings and public hearings of June 17 and July 1, 1986, did recommend approval of the application for the amendment and further recommended approval of the requested rezoning, and approved Findings of Fact to support such actions; and these decisions have been reported to the Board; and

WHEREAS, evidence exists within the record indicating that the application meets the requirements of Lane Code 16.400, the requirements of Lane Code 16.252, 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, Oregon, ORDAINS as follows:


1. The Lane County Rural Comprehensive Plan designation for tax lot 100 (portion south of Franklin Blvd.), 3800 & 3801, map 18-03-11.30 (Plot 412) as further identified on Exhibit "A", is Amended from a designation of "Rural" to a designation of "Industrial".
2. The rural zoning designation of the above-described property, as further identified on attached Exhibit "B", is changed from "Rural Residential - 5" (RR-5) to "Light Industrial" (M-2).

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.

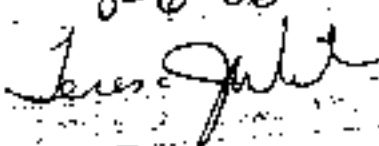
The prior designation and zone repealed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

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 of the remaining portions thereof.

ENACTED this 27th day of August, 1986.

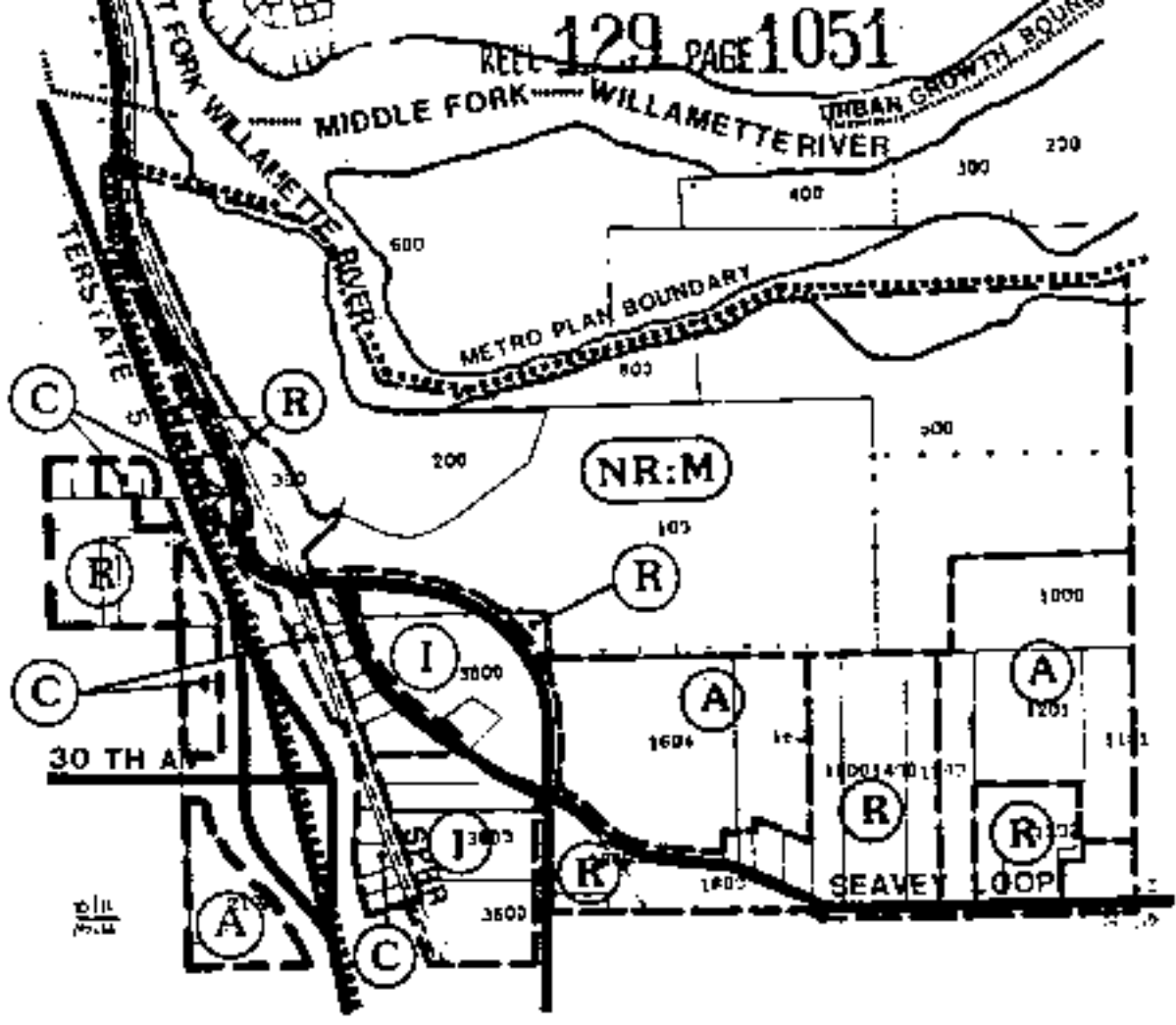


Chuck Ivey, Chairperson
Lane County Board of Commissioners

8-6-86


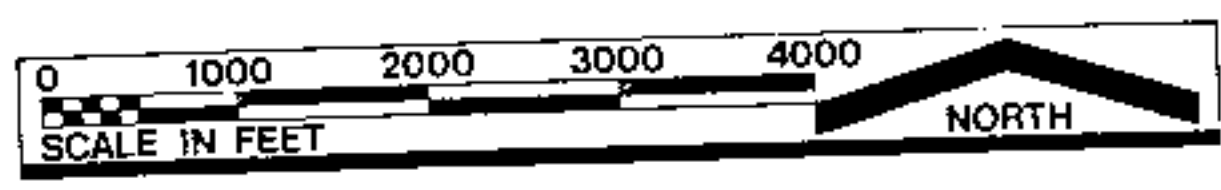
Ordinance PA 919
Exhibit "A"

1010



425

413



lane county



OFFICIAL PLAN MAP

PLOT # 412

Twship Range Section
 18 03 11

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

REVISION # _____ ORD. # _____ DATE _____ FILE # _____

Findings

1. The subject request is for a plan amendment from Rural to Industrial with a concurrent application for rezoning from RR-5 to M-2.
2. The property involved consists of approximately 12 acres comprised of tax lots 3800, 3801 and the portion of 100 south of Franklin Boulevard, map 18-03-11-3.
3. The property is owned by Emerald Peoples Utility District which intends to develop the site as a central facility for all district-related activities.
4. The property is primarily gently sloping pasture and brush land with three existing residences.
5. A portion of the property is located within the 100-year flood plan.
6. The request is subject to requirements of Lane Code 16.400(6)(h)(iii) requiring consistency with state and local laws, statewide planning goals, and the unamended portion of the plan, and a finding that the change fulfills one of four tests outlined in Lane Code 16.400(6)(h)(iii)(bb). Supportive Findings concerning OAR 660-04-018 must also be made.
7. The amendment/rezoning appears to meet requirements of local and state law in that the request was made and processed pursuant to those laws, and statewide planning goal requirements have been fulfilled in the process of evaluating the request and making findings.
8. The amendment/rezoning meets Lane Code criterion 16.400(6)(h)(iii)(bb) in that it represents a change in public need based on a re-evaluation of factors affecting the Plan. These factors are an application of Economic (Goal 9) Policy 7, which provides for the establishment of rural industrial uses outside of Urban Growth Boundaries or Community areas. The applicant's property thus falls within the purview of this Policy. Policy 7 lists a number of guidelines for rural industrial development -- e.g., characteristics of rural industry -- of which the proposal fulfills three of seven (not all must be fulfilled). The proposal is rural-oriented in providing a service to rural areas, it is within a Developed & Committed Area, and use of the site, now owned by the utility, will provide a comparative advantage to use of other non-owned sites within a UGB or Community area.
9. The amendment/rezoning is consistent with the unamended portions of the Plan in that it fulfills applicable Policy requirements of that Plan and is not a departure from normal Plan expressions such as land use or zoning designations.
10. The property is not located within an area subject to Goal 11 or 14 provisions.

11. The proposed designation/zone change represents future uses of a type and intensity similar to that now occurring within the Exception area in that:
 - a. Industrial sites (El-Jay, Crane Equipment) totalling 18 acres in area are located immediately south of the applicant's property, across Seavey Loop Road;
 - b. A number of commercial/industrial sites exist in the Exception Area -- of the 35 tracts documented, 13 are occupied by these uses. Of total acreage (77) in the Exception Area, 31% (24 acres) are devoted to such uses. Most residential land within the Exception Area is located about a quarter-mile southeast of the applicant's property, along Seavey Loop Road. Industrial and commercial land uses dominate the immediate area of the proposed plan/zone change.
 - c. Although documented separately as Exception Area 412-1, the real-world aspect of this area is an extension of Exception Areas 413-1 (404 acres), 413-2 (90 acres) and 414-1 (56 acres), all located along the "I-5 corridor" to the south. These related Exception Areas are all heavily oriented to industrial and commercial development: about 43%, or 235 acres, of the related areas contain such development. This includes the Goshen area directly south of 412-1. From this, it may be concluded that the area of which 412-1 is an integral part is an area of mixed uses of which commercial/industrial land use is a significant portion, and the increase of this type of land use does not represent a change from pre-existing character of the area.
 - d. The presence of major transportation links through the Exception area (e.g., Interstate 5, Highway 99, Franklin Blvd., 30th Avenue and the Southern Pacific Railroad line) lend an "urban" character to the area, supporting numerous industrial and commercial activities, and limiting its attractiveness as a residential neighborhood.
 - e. The property itself is physically isolated on all sides from adjoining properties by Franklin Blvd. and Seavey Loop Road.
 - f. Industrial development of the property in the future is not likely to have a measureable impact on the overall Exception area, although it may have adverse impact on residences immediately west of it across Seavey Loop Road; application of Site Review provisions as required by Lane Code 16.257(2)(a) will mitigate these impacts at time of property development.
12. Because the proposed use is of a type and intensity similar to that in the area, additional findings as to impact on nearby resource lands are not necessary to make.

13. Establishment of floodplain elevations, water service, fire protection and access arrangements will need to be achieved prior to actual site development. These factors apply to any proposed use, residential or industrial.
14. A concurrent rezoning from Rural Residential 5 to M-2 as provided by Lane Code 16.400(6)(i) is required to maintain consistency between the plan and zone. Such zone change requires conformance with Lane Code 16.252(2).
15. Conformance with the plan criteria as stated above and the demonstrated consistency of the proposed zoning with the purposes of the zone classification proposed provides conformance with Lane Code 16.252(2).
16. Information and analyses in the Staff Report to the Planning Commission, dated June 2, 1986, are incorporated herein as supportive material.