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SEP 29 1988

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

County Clerk

For Lane County, Oregon

BY

Red Belbouch

DEPUTY

ORDINANCE PA 956

(IN THE MATTER OF ADOPTING AN AMENDMENT
(TO THE RURAL COMPREHENSIVE PLAN TO
(CHANGE THE PLAN DESIGNATION FROM
("AGRICULTURE" TO "INDUSTRIAL," TO
(REZONE FROM "E-40" TO "M-2" AND TO
(ADOPT A PHYSICALLY DEVELOPED EXCEPTION
(TO LCDC GOALS 3 AND 4 FOR TAX LOT 200,
(MAP 19-01-21 (PA 1609-88 AND 1610-88;
(LITTLE W LOGGING).

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 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 "Agriculture" to "Industrial" with concurrent rezoning from "E-40" (Exclusive Farm Use) to "M-3" (Heavy Industrial), and concurrent adoption of a "physically developed" Exception to LCDC Statewide Planning Goals 3 and 4; and

WHEREAS, the Lane County Planning Commission, in regular meeting and public hearing of August 2, 1988, did recommend approval of a revised form of the request, such revision being a change of the requested "M-3" (Heavy Industrial) zone to a "M-2" (Limited Industrial) zone; and

WHEREAS, evidence exists within the record indicating that 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 200, map 19-01-21 (Plot 529) as further identified on attached Exhibit "A" is Amended from a designation of "Agriculture" to a designation of "Industrial."

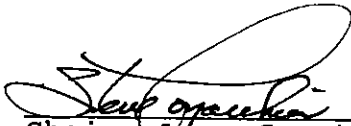
2. The rural zoning designation of the above-described property, as further identified on attached Exhibit "B", is changed from "E-40" (Exclusive Farm Use) to "M-2" (Limited Industrial).
3. A "physically developed" Exception to LCDC Statewide Planning Goals 3 and 4 is adopted for the above-described property.

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 28th day of September, 1988.



Vice - Chair, Lane County Board of County Commissioners

APPROVED AS TO FORM

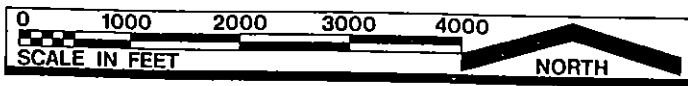
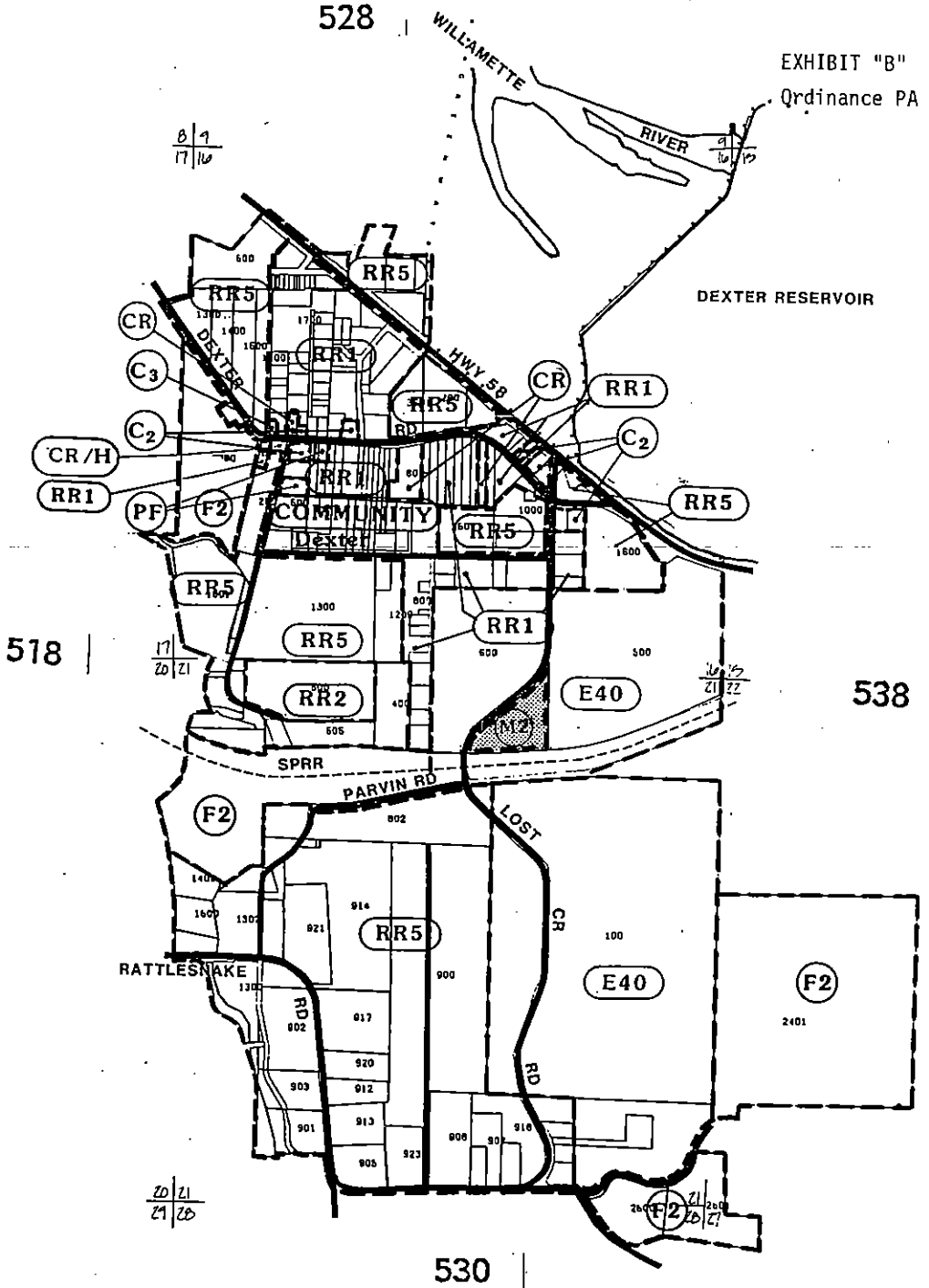
Date 9-2-88 lane county



OFFICE OF LEGAL COUNSEL

528

EXHIBIT "B"
Ordinance PA 956



lane county



OFFICIAL ZONING MAP

PLOT# 529

Township Range Section

19 01 16

19 01 21

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

REVISION # 1 ORD. # PA 670-85 DATE 04/29/85 FILE #

21. The proposed plan amendment for this property is classified as a minor amendment because it only involves a change to the Plan diagram.
22. The property is separated from resource land to the west by Lost Creek Road; it is separated from resource land to the south by the Southern Pacific railroad; and it is adjacent to but separated from resource land to the east by fencing and vegetation.
23. Land to the west, southwest and northwest, within approximately one-half mile of the subject property is in a variety of zoning districts, including RR-5, RR-2 and RR-1. There are 25 parcels within this area that were classified as developed or committed which range in size from 19.02 acres to 0.29 acre. The 25 parcels are in 23 different ownerships. Fourteen [14] of the 25 parcels have residences.
24. Little w Logging, Inc., the owner of the property, currently employs 30 people.

Conclusions

Based upon the foregoing findings of fact, the Board of Commissioners reaches the following conclusions:

1. The extent of development of the property, including structures and compacted fill, demonstrates that it should be classified as physically developed.
2. The existing development occurred approximately 20 years before adoption of either the Statewide Planning Goals or zoning for this portion of Lane County.
3. The extent of development found on this property is such that it is no longer possible to apply either Statewide Goal #3 or #4. The developed classification is consistent with the requirements of OAR 660-04-025(2).
4. The developed status of the property should have been recognized when the Rural Comprehensive Plan was adopted. Since it was not, a plan amendment is the appropriate way to address that oversight pursuant to Lane Code 16.400(6)(h)(iii)(bb).
5. Policies in the Rural Comprehensive Plan clearly indicate that existing industrial operations are to be given an industrial plan and zoning designation. For instance, Policy #11-c, Land Use Planning Element, states that: "An industrial designation of limited, medium, or medium/heavy shall be applied to existing uses and/or tracts presently zoned for industrial activities addressing the same criteria as listed for the rural residential designation." Policy #8 of the Economy of the State Element of the Rural Comprehensive Plan also states that: "Existing industrial and commercial uses shall be designated on the plan

diagram. Uses so identified shall be zoned to allow for continued operation and routine expansion commensurate with their character, provided significant conflicts with other land uses (existing or planned) do not occur." These policies have received acknowledgement of compliance and dictate that an industrial plan designation be applied to this property since an industrial use clearly exists and has for nearly 40 years.

6. The proposed amendment satisfies all relevant requirements of the Rural Comprehensive Plan and Lane Code. The property is physically developed with an industrial use which should have been recognized when the Plan was adopted. The property has all of the services required by the Plan for an industrial designation. Application of an industrial designation is also consistent with relevant Plan policies, including those cited in Conclusion #5.
7. The property has historically been used for activities that are resource-oriented, primarily logging and road construction. Location of resource-oriented uses in a rural area is appropriate under Policy #7 of the Economy of the State Element of the Rural Comprehensive Plan. Further, this is an appropriate location for the type of activities found on this property because of its proximity to the Willamette National Forest.
8. Approval of the plan amendment will be consistent with applicable Statewide Planning Goals. An exception to Goals #3 and #4 is justified because of the developed status of the property. The amendment will have no effect on Goal #5 resources. The only Goal #5 resource identified with respect to this property is as open space land by virtue of its present resource classification; however, that resource classification was erroneously applied and the developed condition of the property makes it insignificant as an open space resource. The evidence submitted indicates that the property is not subject to any natural disasters or hazards. It has an appropriate level of services for rural industrial use. Recognition of the existing industrial use and allowance of its continued existence would be consistent with Goal #9 as that Goal is applied through policies in the Rural Comprehensive Plan.
9. Approval of an industrial zoning designation is consistent with the changed diagram designation applied to this property in the Rural Comprehensive Plan. Lane Code 16.400(6)(i) provides for concurrent plan amendment and rezoning and that provision is applicable to the present proceeding.