

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 975

(IN THE MATTER OF AMENDING THE RURAL
(COMPREHENSIVE PLAN FROM "FOREST" TO
("AGRICULTURE" AND REZONING FROM
("F-2" TO "E-40 FOR TAX LOT 1500, MAP
(17-06-30, AND DECLARING AN EMERGENCY
((PA 2618-89; (Town)

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 "Forest" to "Agriculture" with concurrent rezoning from "F-2" (Impacted Forest Land) to "E-40" (Exclusive Farm Use) on property described as tax lot 1500, map 17-06-30, and

WHEREAS, the Lane County Planning Commission, in regular meeting and public hearing of November 2, 1989, did recommend approval of the request with a modification of including portions of tax lot 1500 both east and west of Torrance Road; 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 1500, map 17-06-30 (Plot 136) as further identified on attached Exhibit "A" is Amended from a designation of "Forest" to a designation of "Agriculture."
2. The rural zoning designation of the above-described property, as further identified on attached Exhibit "B", is changed from "F-2" (Impacted Forest Land) to "E-40" (Exclusive Farm Use).

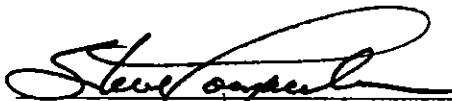
FURTHER, although not a part of this Ordinance, the Board of County Commissioners adopts Findings as set forth in Exhibit "C" attached, in support of this action.

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.

An emergency is hereby declared to exist and this Ordinance, being enacted by the Board in the exercise of its police power for the purpose of meeting such emergency and for the immediate preservation of the public peace, health and safety, shall take effect immediately.

ENACTED this 20 day of December, 1989.



Chair, Lane County Board of County Commissioners

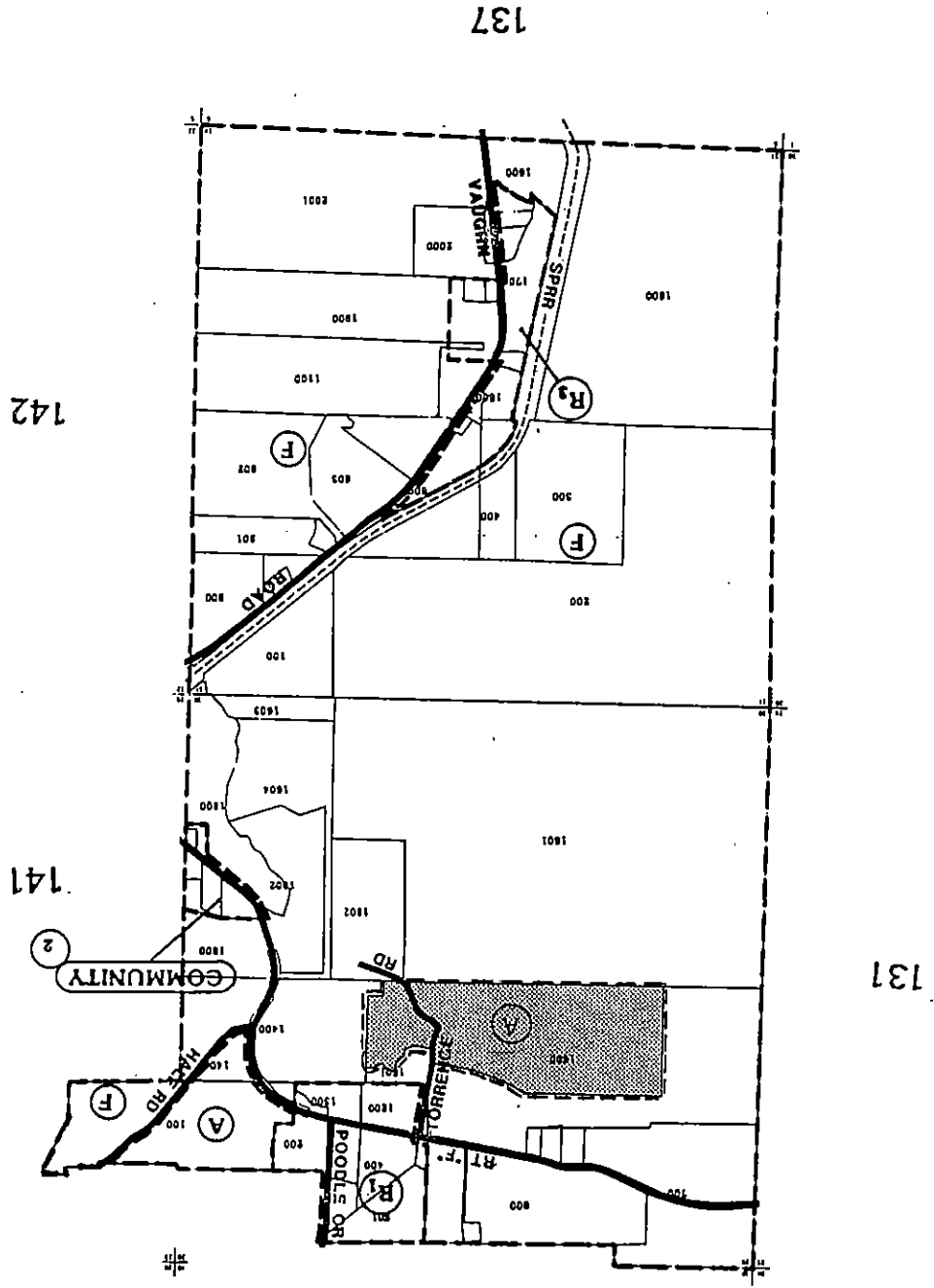
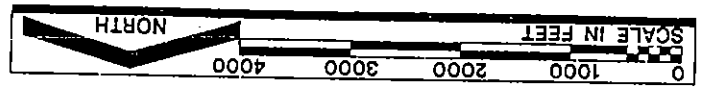


Recording Secretary for this meeting of the Board

APPROVED AS TO FORM

Date 11-27-89 Lane county


OFFICE OF LEGAL COUNSEL





OFFICIAL ZONING MAP

Twship Range Section

17 06 30 / 17 06 31

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

REVISION # ORD. # DATE FILE #

PLOT # 136

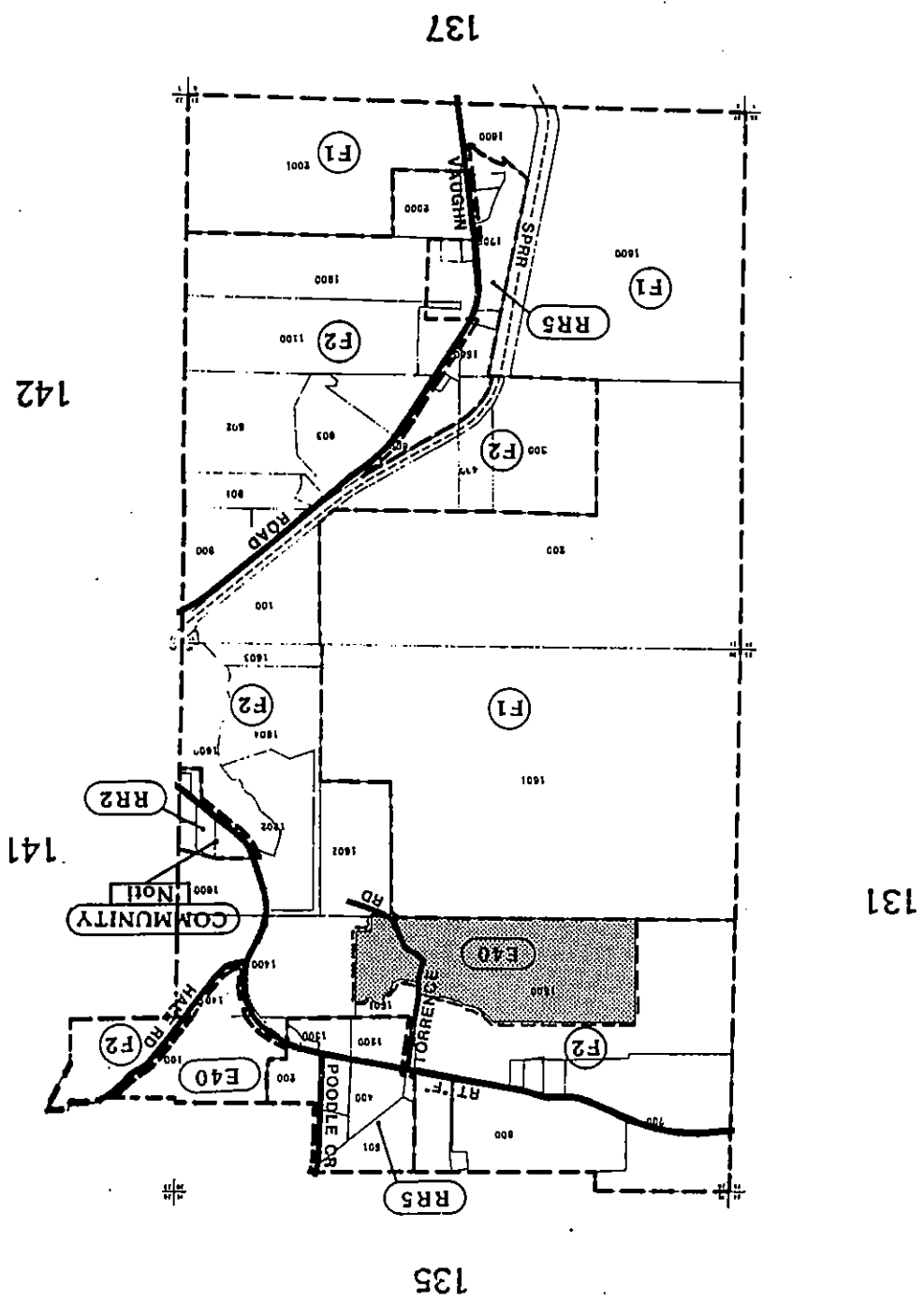
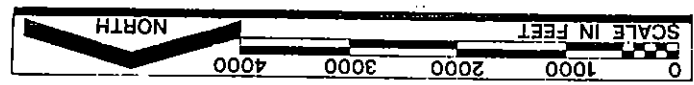


Exhibit "B" Ordinance PA 975

FINDINGS IN SUPPORT OF ADOPTION OF THE ORDINANCE

1. The applicant proposes to amend the Rural Comprehensive Plan from "Forest" to "Agriculture" and Rezone from F-2 to E-40 for property located at 88802 Torrance Road.
2. The property is identified as Map 17-06-30, tax lot 1500, located on Plot 136.
3. Tax lot 1500 is a 40-acre tract which spans Torrance Road southwest of Noti. Its western portion is vegetated, and its eastern portion is open farmland.
4. The Amendment requests must comply with standards of Lane Code 16.400(6)(h)(iii), which require that:
 - a. The Plan amendment must meet all applicable requirements of local and state law including Statewide Planning Goals and Oregon Administrative Rules.
 - b. The amendment is:
 - (i) necessary to correct an identified error in the application of the Plan; or
 - (ii) necessary to fulfill an identified public need or community need for the intended result of the component or amendment; or
 - (iii) necessary to comply with the mandate of local, state or federal policy or law; or
 - (iv) necessary to provide for the implementation of adopted Plan policy or elements; or
 - (v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate and proper.
 - c. The amendment does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.
 - d. The amendment is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.
5. The request satisfies these standards in that:
 - a. The amendment is being processed in accordance with all standard requirements of state and local law and administrative rules -- including the provisions of LC 16.400. Approval by the Department

of Land Conservation and Development is being requested per post-Acknowledgement procedures.

Because portions of the County's EFU zone are no longer acknowledged by DLCDC and are subject to an In-Order-to-Comply order from LCDC, all statewide Goals are addressed below:

Goal 1 - Citizen Involvement: Citizen involvement is provided for by the Plan amendment and rezoning process, and is governed by Lane Code Chapter 14 which in turn is governed by the state statutes.

Goal 2 - Land Use Planning: The property is proposed to be designated and zoned in accordance with the requirements of Goal 2.

Goal 3 - Agricultural Lands: The subject area contains some agricultural soils, and is partially open farmland. The minimum parcel size in the County's "EFU zone has been called into question by court remand. However, at 40 acres, the tract proposed for the zone satisfies the existing 40-acre minimum but is small enough to prevent land division activity either at the current minimum or a future higher minimum. Further, agricultural activities can and frequently do take place in the County on agricultural tracts of less than the minimum parcel size.

Goal 4 - Forest Lands: The subject area contains soils types with forestry capability. Designation for farm use will not render the land unproductive for timber purposes should such become appropriate.

Goal 5 - Open Spaces, Scenic and Historic Areas & Natural Resources: The subject property is developed with a homesite and accessory structures. It contains open space and wild game range value, but is not the site of other inventoried resources governed by Goal 5.

Goal 6 - Air, Water and Land Resources Quality: Acknowledgment of the developed nature of the subject area through appropriate zoning will bring about no significant impacts on the quality of natural resources in the area.

Goal 7 - Natural Disasters and Hazards: Other than floodplain, the subject property is subject to no known natural hazards cited in the Goal. Floodplain hazards are controlled by County regulations regulating development on portions of sites subject to flood risk.

Goal 8 - Recreational Needs: The property has no recreational attributes of note.

Goal 9 - Economy of the State: Rezoning of the property is expected to have no net impact on either state or local economic conditions.

Goal 10 - Housing: Establishment of an EFU zone on the property will allow for the placement of a Temporary Mobile Home for a relative of the resident, thus modestly improving the housing supply.

Goal 11 - Public Facilities and Services: The subject area now receives the normal array of rural services and facilities cited in Lane County Policies governing Goal 11 concerns.

Goal 12 - Transportation: Zoning of the tract to "E" would have no measurable significant impact on the transportation system of the area or region.

Goal 13 - Energy Conservation: By virtue of the site-specific and very limited nature of the rezoning, the Goal is not applicable to the proposal.

Goal 14 - Urbanization: The subject property is not located within or near an urban or urbanizing area; Goal 14 is not applicable.

Goal 15 - Willamette River Greenway: Not applicable.

Goals 16-19 ("Coastal Goals"): Not applicable.

- b. The amendment is desirable, reasonable and proper, for reasons described below.

The applicants desire to reside on the property and to provide a Temporary Mobile Home" for a relative in ill health. Because of rigid interpretations of the state Forest Land goal by the courts, it is necessary for the applicant to request a change in Plan designation and zoning. The amendment is desirable because it helps the applicant achieve an objective available to residents of all other County zoning districts which now allow dwelling units as permitted uses.

The amendment is reasonable in that a change from F-2 to E-40 would not bring about undesirable impacts on the property; it is already a developed property and thus a full range of accessory structures (less a TMH) is allowable within either zone. The E-40 zone does not preclude forest use of forested portions of the site. A TMH placed near the existing dwelling would have negligible impact on forest activities by virtue of physical separation and removal following cessation of the hardship circumstances.

The amendment is proper because in 1984 the F-2 zone was

In-Order-to-Comply order.