

**FILED**

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APR 03 1989

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County Clerk IN THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON  
For Lane County, Oregon

BY Ann F. Morrello  
DEPUTY

ORDINANCE NO. PA 964

) IN THE MATTER OF AMENDING THE LANE  
) COUNTY RURAL COMPREHENSIVE PLAN  
) FROM FOREST TO AGRICULTURE, AND  
) REZONING FROM F-1 TO E-30, TO  
) CORRECT A MAPPING ERROR. THE  
) AMENDMENT AFFECTS TWO PROPERTIES  
) IDENTIFIED AS TAX LOTS 200 AND 201,  
) MAP 17-01-33, HALF MILE EAST OF  
) HWY. 126. INITIATED BY LANE COUNTY  
) LAND MANAGEMENT DIV. (PA 3521-88).

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 initiated for the amendment of the Rural Comprehensive Plan from "Forest" to "Agricultural" with concurrent rezoning from F-1 (Non-Impacted Forest) to E-30 (Exclusive Farm Use); and

WHEREAS, the Lane County Planning Commission, in regular meeting and public hearing of February 7, 1989, did recommend approval of the request; 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 Lane County Board of Commissioners Ordains as follows:

1. The Lane County Rural Comprehensive Plan designation for tax lots 200 and 201, map 17-01-33 (Plot 525A) as further identified on attached Exhibit "B" 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 "C", is changed from F-1 (Non-Impacted Forest) to E-30 (Exclusive Farm Use).

FURTHER, although not a part of this Ordinance, the Board of County Commissioners adopts Findings as set forth in Exhibit "E" 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The prior designation and zone repealed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation there prior to the effective date of this Ordinance.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 29th day of March, 1989.

Steve Cooney  
Chair, Lane County Board of Commissioners

Judy Waldeman  
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 3-2-89 lane county

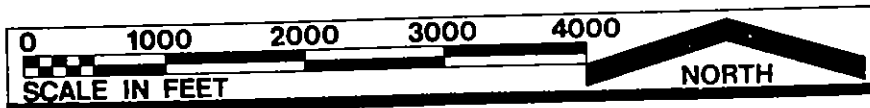
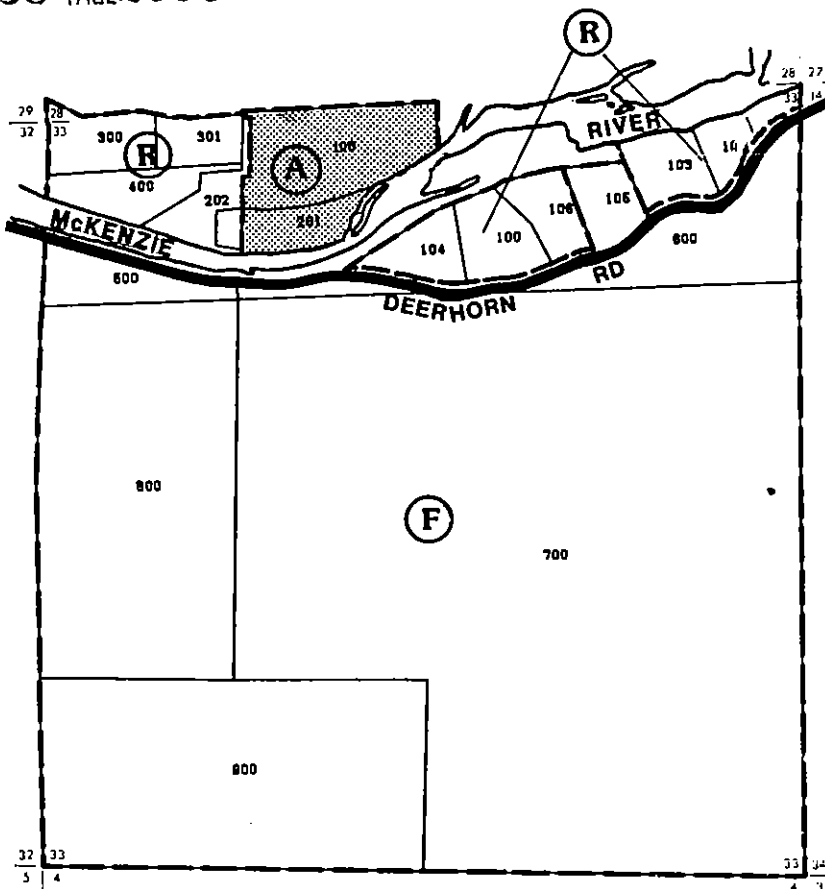
Stephen J. Vanhook  
OFFICE OF LEGAL COUNSEL

525

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514

535A



ATTACHMENT 'B'

lane county



**PROPOSED**

**OFFICAL PLAN MAP**

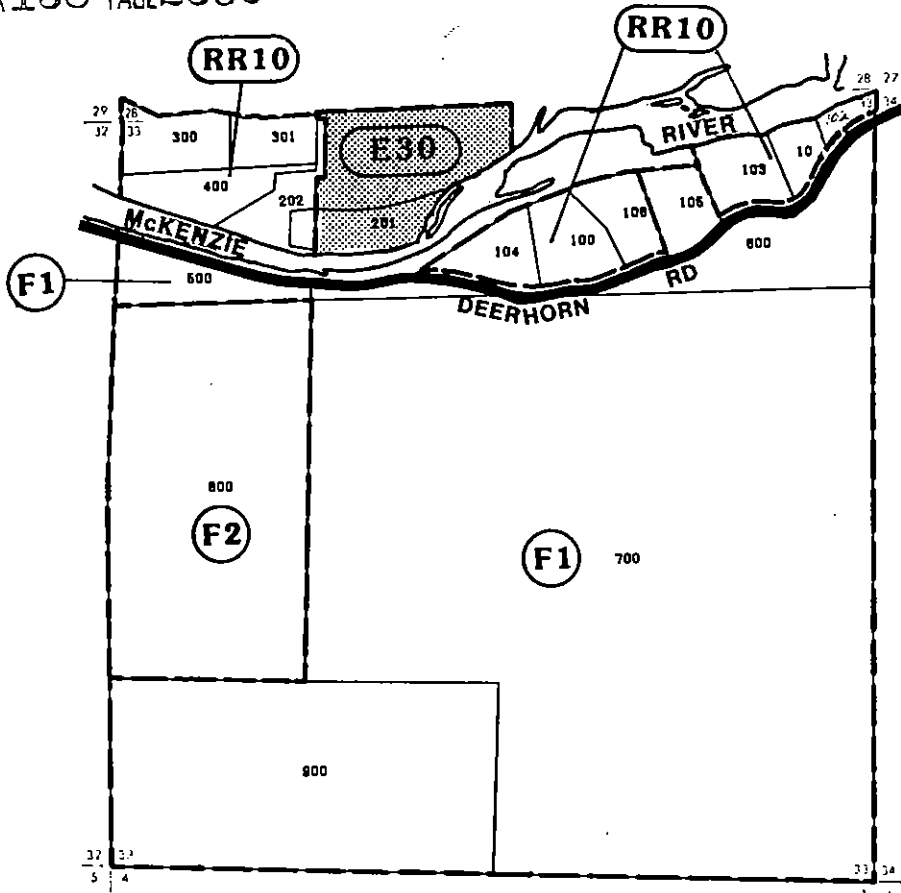
**PLOT# 525A**

Twnshp Range Section

17 01 33

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

REVISION # \_\_\_\_\_ ORD. # \_\_\_\_\_ DATE \_\_\_\_\_ FILE # \_\_\_\_\_



ATTACHMENT 'C'

lane county



**PROPOSED**

**OFFICIAL ZONING MAP**

**PLOT# 525A**

Twnshp Range Section

17 01 33

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

REVISION # \_\_\_\_\_ ORD. # \_\_\_\_\_ DATE \_\_\_\_\_ FILE # \_\_\_\_\_

## FINDINGS OF

LANE COUNTY PLANNING COMMISSION  
FILE # PA 3521-88

- A. The property legally described as tax lots 200 and 201, map 17-01-33, is located in an area between the community of Walterville and the McKenzie River that is underlain with Newberg Fine Sandy Loam.
- B. Newberg Fine Sandy Loam is ranked capability Class II by the U. S. Soil Conservation Service, which means that it is extremely valuable for agricultural production. It is also a soil that has little value for forest production, as evidenced by its absence from another listing by the U. S. Soil Conservation Service which identifies potential woodland productivity.
- C. The property has been used historically for agricultural production, and was zoned for Exclusive Farm Use until 1984. A homestead is located on the northern portion of tax lot 200.
- D. The area south of the site, across the McKenzie River, has extremely different soils characteristics: Klickitat, Nekia, Peavine, and Ritner soils are unsuitable for agricultural production but ranked highly (between 131 and 156 cubic board feet per acre) for potential woodland productivity.
- E. Tax lots 200 and 201 were erroneously rezoned from EFU to F1 in 1984 because they were presumed to have characteristics like the the rest of Section 33 south of the McKenzie River.
- F. Neither tax lot is zoned to carry out the purposes of the Comprehensive Plan. Neither lot meets the ownership, size, access, or use characteristics described in Subsection 16.210(1) of Lane code for forests land. By their continual use as farmland over the years, they should be designated agricultural on the Rural Comprehensive Plan, and rezoned accordingly.
- G. Amendment of the Rural Comprehensive Plan and subsequent rezoning from F1 to E-30 would properly carry out the provisions of Subsection 16.400(6)(h) of Lane Code because it would be in compliance with State law and the Lane County Rural Comprehensive Plan, would correct an identified error, and does not conflict with any other policy or provisions of the Plan.

**VI. CONCLUSION**

Tax lots 200 and 201, map 17-01-33, should be redesignated for agricultural use by the Lane County Rural Comprehensive Plan, and should be rezoned from F1 to E-30 because the land was correctly zoned as such prior to the adoption of the Comprehensive Plan, and because the soil conditions are better suited to agriculture than forestry.