

**FILED**

**OCT 28 1991**

**COUNTY CLERK**

**FOR LANE COUNTY OR**

BY *Ann Dubois*

**IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON**

ORDINANCE NO. PA 1011 )  
 ) IN THE MATTER OF AMENDING THE  
 ) LANE COUNTY RURAL COMPREHENSIVE  
 ) PLAN DESIGNATION APPLYING TO  
 ) TAX LOTS 400 & 500, MAP 18-05-26,  
 ) FROM FOREST TO AGRICULTURE, AND  
 ) REZONING FROM F2 (IMPACTED  
 ) FOREST) TO E40 (EXCLUSIVE FARM  
 ) USE), ADOPTING FINDINGS AND A  
 ) SEVERABILITY CLAUSE.

**WHEREAS**, the Board of 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 an amendment to the Rural Comprehensive Plan to redesignate 160 acres of land from forest to agricultural use; and

**WHEREAS**, the Lane County Planning Commission conducted a public hearing on September 3, 1991 to consider the application; and

**WHEREAS**, the Lane County Planning Commission recommends the amendment because evidence in the record indicates the application meets the requirements of Lane Code 16.400, 16.252, and applicable state and local law; and

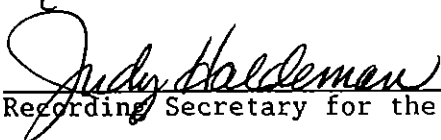
WHEREAS, the Board of County Commissioners has conducted a public hearing and is now ready to take action; NOW

THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY ORDAINS AS FOLLOWS:

1. Plot map 241 of the Lane County Rural Comprehensive Plan shall be amended by redesignating tax lots 400 & 500, Township 18, Range 05, Section 26, as Agricultural, as indicted in Exhibit "A".
2. The rural zoning designation of tax lots 400 & 500, Township 18, Range 05, Section 26, shall be changed from F2 to E40 (Lane Code 16.212), to correspond with the Lane County Rural Comprehensive Plan, as indicated in Exhibit "B".
3. The Board of Commissioner's adoption of this amendment is supported by the findings adopted by the Lane County Planning Commission on September 3, 1991, enclosed as Exhibit "C", and an additional finding, enclosed as Exhibit "D".
4. 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 independant provision and such holding shall not affect the validity of the remaining portions thereof.

Enacted this 23 day of October, 1991

  
 Chair, Lane County Board of  
 Commissioners

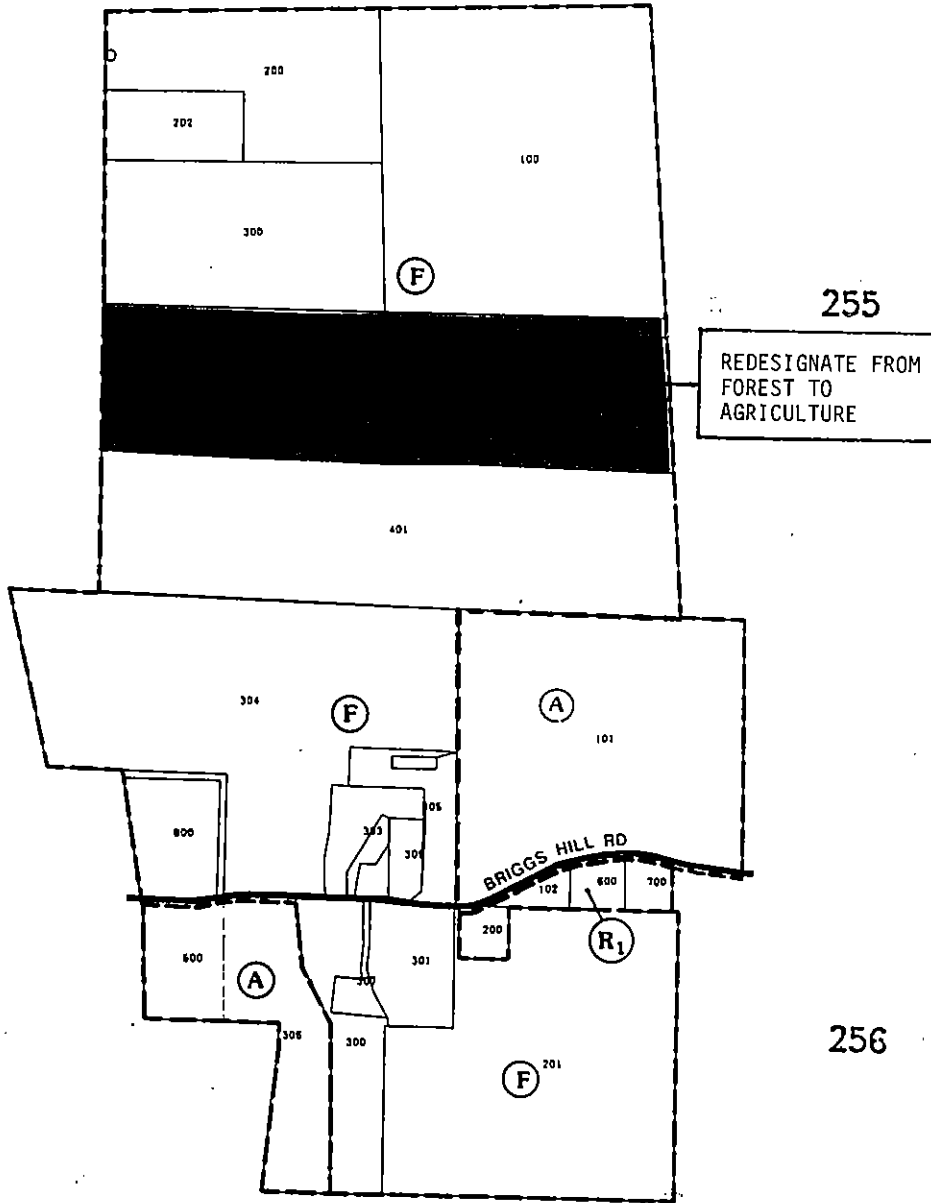
  
 Recording Secretary for the Board

APPROVED AS TO FORM

Date: 8-23-91 Lane County

  
 CLERK OF COUNTY COUNCIL

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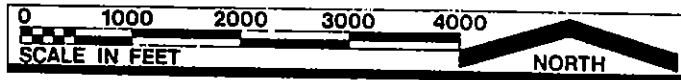


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ane county



OFFICIAL PLAN MAP

PLOT # 241

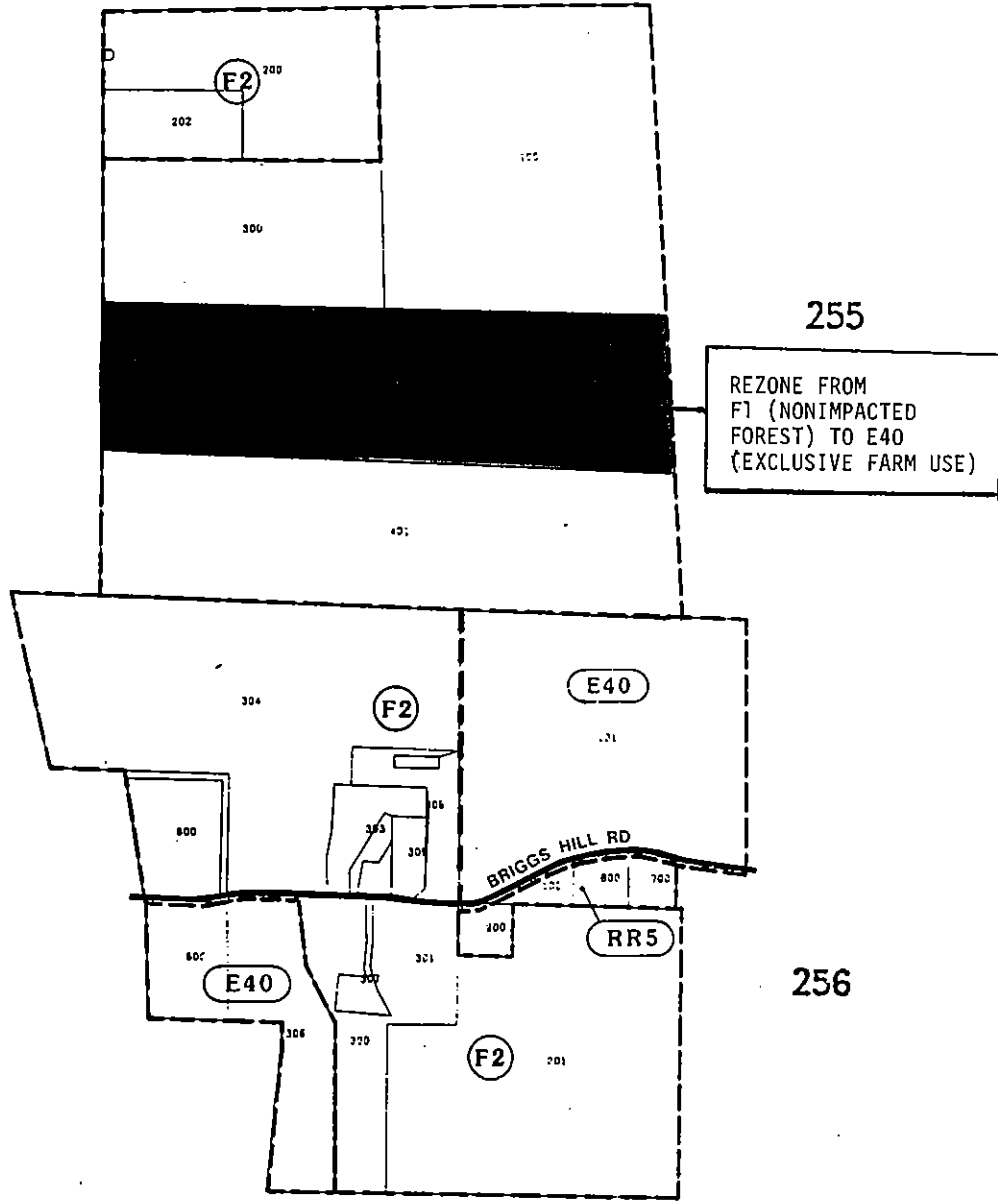
Township Range Section	
18 05 26	18 05 35 ( )

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

REVISION # ORD. # DATE FILE #

240

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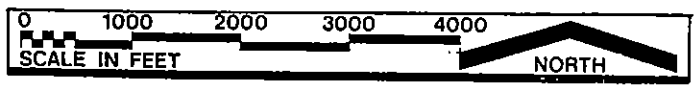


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REZONE FROM  
F1 (NONIMPACTED  
FOREST) TO E40  
(EXCLUSIVE FARM USE)

256

242



OFFICIAL ZONING MAP

PLOT# 241

Township	Range	Section
18	05	26
18	05	35

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

## EXHIBIT "C"

## FINDINGS IN SUPPORT OF ORDINANCE PA 1011

- A. The proposed amendment to redesignate 160 acres of land southwest of Eugene for agricultural use is consistent with state policies regarding agricultural lands enunciated in Chapter 215, Oregon Revised Statutes, and Goal 3 of the Lane County Rural Comprehensive Plan because it will protect the natural resources of a site that is an important aesthetic, economic and social asset. Protection of tax lots 400/500 is of particular importance because of its close proximity to Eugene, where the expansion of urban development is a matter of public concern. The site is a half mile north of Briggs Hill Road, and from that vantage point the proposed vineyards will be most visible. The proposed amendment will fulfill these adopted public policies by allowing productive use of private land as open space.
- B. The proposed amendment is consistent with the adopted agricultural lands policy of the Lane County Rural Comprehensive Plan, even though the site is located within Agricultural Rent Zone 3, because the soil conditions are most favorable for the proposed use of the property as a vineyard. Only a few isolated areas within tax lots 400/500 are underlain with soils capable of producing more than 45 cu.ft. per acre per year of Douglas fir, however much of the 160 acre site has physiographic characteristics that are unique to the successful production of grapes. The northern portion of the site, where those characteristics are not so favorable, will continue to be managed for timber production as part of the mixed use proposal.
- C. Redesignation of tax lots 400/500 for agricultural use satisfies the standards for amending the Rural Comprehensive Plan specified by Lane Code 16.400(6)(h)(iii) because it would help effectuate, not merely comply with, various adopted policies that form the basis of the plan. In particular, the amendment will allow the establishment of another vineyard in the Spencer Creek basin, a region of Lane County identified with winemaking.
- D. Redesignation of tax lot 400/500 also satisfies the standards of Lane Code 16.400(6)(h)(iii) because it corrects the inadvertant designation for forest use when the Rural Comprehensive Plan was adopted in 1984. The area is underlain with soils that have little potential for producing a commercially acceptable yield of timber. Although the same soils are also limited for farming because of steep slopes, redesignating tax lots 400/500 for agricultural use will enable the owners to manage the property most productively, given the physiographic characteristics of the land.

- E. The proposed amendment is consistent with all other provisions of the Rural Comprehensive Plan because there are no minimum public service or facility standards in either agricultural or forest districts, and because there are no identified hazards that preclude agricultural use. To the contrary, there are no compelling reasons to maintain the current forest designation.
- F. Upon adoption of the proposed amendment, rezoning tax lots 400/500 to E40 complies with Lane Code 16.400 because other agricultural land in the vicinity is subject to a 40 minimum area requirement and is therefore designated E40.

#### VII. CONCLUSION

The proposed amendment of the Lane County Rural Comprehensive Plan to redesignate tax lots 400 and 500, map 18-05-26, for agricultural use and rezone them to E40, pursuant to LC 16.212 is consistent with the provisions of ORS 215 and applicable county policies contained within the plan.

## EXHIBIT "D"

## FINDINGS IN SUPPORT OF ORDINANCE PA 1011

- G. The staff report to the Lane County Planning Commission incorrectly stated that there were no structures on the site of the proposed plan amendment and zone change. The applicant's agent testified to the planning commission that three mobile homes and a shop are located on tax lot 400. Another home is under construction on tax lot 1000 immediately to the west, however it is separate parcel of land that was created in 1934, prior to the enactment of land division and zoning regulations.