

FILED

AUG 14 1992

BOOK 150 PAGE 2021

COUNTY CLERK
BY *Jerry Rust*

THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 998-A

) IN THE MATTER OF AMENDING EXHIBIT "B" TO
) ORDINANCE PA 998 BY ADOPTING SUPPLEMENTAL
) FINDINGS SUPPORTING THAT AMENDMENT TO THE
) EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL
) PLAN

WHEREAS, on August 28, 1991, the Board of County Commissioners of Lane County adopted Ordinance PA 998 to amend the Eugene-Springfield Metropolitan Area General Plan by redesignating property identified as Assessor's Map 17-02-31, tax lots 300 and 700, from light-medium and heavy industrial to a combination of medium density residential, light-medium industrial and commercial land uses; and

WHEREAS, the cities of Eugene and Springfield adopted the same amendments pursuant to Metro Plan amendment procedures cited in the Metro Plan and in Lane Code Chapter 12; and

WHEREAS, the action of the City of Eugene was appealed to the Oregon Land Use Board of Appeals, which remanded the decision for additional findings to satisfy the requirements of Statewide Planning Goal 11, Public Facilities and Services, concerning impacts on school facilities; and

WHEREAS, the cities of Springfield and Eugene are taking action to add these additional findings to their original actions adopting the Metro Plan amendment; and

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

WHEREAS, evidence exists within the record indicating the proposal meets the requirements of Lane Code Chapter 12 and the requirements of applicable state and local law.

NOW THEREFORE, the Board of County Commissioners of Lane County ordains as follows:

The Metro Plan diagram land use designations enacted by Ordinance PA 998 remain in full force and effect and are unchanged by this Ordinance.

The findings contained in Exhibit B to Ordinance PA 998 are amended by adding supplemental findings in support of that action, as set forth in Exhibit "A" attached and incorporated herein by this reference.

ENACTED this 12th day of August, 1992.

7/13/92
Jessie Wilb

Jerry Rust
Chair, Lane County Board of County Commissioners
Sharon L. Giles
Recording Secretary for this meeting of the Board

V. ADDITIONAL FINDINGS ON REMAND

Lane County Findings

On appeal of the subject plan amendment, the Oregon Land Use Board of Appeals rejected three assignments of error and sustained only one, which asserted that "The governing bodies erred in adopting the plan amendment which did not properly address and demonstrate compliance with Goal 11, Public Facilities and Services, and did not satisfy the coordination requirement of Goal 2, Land Use Planning." LUBA determined that the record failed to show that the proposed development would have minimal impact upon Springfield's public schools. Specifically, LUBA ruled that

"In view of the apparently limited existing school facilities in the area, respondent is required to impose sufficient limitations to assure compliance with Goal 11 now, or to require as part of the challenged decision that such limitations be imposed as part of the Mid-Springfield Refinement Plan amendments before development proceeds." LUBA Opinion at page 17.

LUBA states that the problem may be remedied upon remand by a variety of "appropriate means," including the following:

- a. The "challenged decision [could] require that such conditions be imposed prior to development, as part of required Mid-Springfield Refinement Plan amendments, rezoning, site review or other appropriate means." Opinion at page 16.
- b. "'Other appropriate means' could include appropriate nonregulatory measures, such as recorded covenants, conditions and restrictions, to provide the required assurances that the property will not be developed in a way that violates Goal 11 school facility availability requirements." Opinion at page 16, footnote 14.

Upon remand, the Board of County Commissioners conducted a supplementary public hearing limited to the scope of the issue defined by LUBA. Based upon the record as supplemented, the Board finds that the record now supports a finding that both "appropriate means" identified by LUBA have been fully satisfied and that the proposed project will have only minimal impact upon school capacity. Accordingly, the Board finds that the requirement of statewide Goal 11 in issue on remand has been satisfied according to the terms of the remand.

Specifically, the Board finds that

- a. On March 2, 1992, while the subject Metro Plan Amendment was under review by the Land Use Board of Appeals, and prior to the Board's March 19, 1992 decision in that appeal, the City Council of the City of Springfield, upon notice and public hearing and consistent with the recommendation of the Springfield Planning Commission, adopted Ordinance No. 5616, amending the Springfield Refinement Plan to provide with respect to the subject property that

"Residential uses on this MDR site will be further limited to housing qualifying as housing for older persons under the 1988 Amendments to the Federal Fair Housing Act, and insofar as authorized by the 1988 Fair Housing Amendments and other applicable law, further limited to occupancy by adults."

- b. On April 28, 1992, the Applicant duly recorded as Document 9223325, Lane County Department of Deeds and Records a declaration of restrictive covenants, executed and acknowledged on said date by Daniel J. Desler, President and Authorized Agent of Good Neighbor Care Centers, owner of the subject property and applicant herein.

The restrictive covenant, like the refinement plan amendment, limits use of "all residential uses on the property" to "housing qualifying as housing for elderly persons under the terms of the Fair Housing Act Amendments of 1988 and authorized by Oregon Revised Statutes ORS 659.033(6)(a).

The restrictive covenant is effective for "as long as any portion of the subject property is designated for residential use in the Eugene-Springfield Metro Area Plan." The declaration is made for the benefit of the City of Springfield and Springfield School District # 19. The declaration provides that it is to touch and concern the property.

Because this plan amendment designates a substantial portion of the property as residential at the Metro Plan level, only another Metro Plan amendment can release the property from the restrictions imposed by the Declaration.

The affected school district has reviewed the refinement plan amendment and the declaration of restrictive covenants, and has advised that

". . .[I]t would appear that the restrictions provide assurance that the number of school age children, and the potential impact of the project on the School District, would appear to only minimally impact the functional capacity overload we are experiencing in the School District."

Based upon this and other evidence in the record, the Board finds that the proposed project will have minimal impact on affected schools and therefore does not unduly burden school capacity in violation of Statewide Land Use Goal Eleven.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 1012

(IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE
(PLAN FROM "AGRICULTURE" TO "FOREST" AND REZONING
(FROM "E-40" TO "F-2" FOR TAX LOTS 300 & 400, MAP
(18-05-10, AND ADOPTING A SAVINGS AND SEVERABILITY
(CLAUSE (PA 2349-91; Rosboro Lumber)

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 (PA 2349-91) has been received for the amendment of the Rural Comprehensive Plan from "Agriculture" to "Forest" with concurrent rezoning from "E-40" (Exclusive Farm Use) to "F-2" (Impacted Forest Land), on a 130-acre property described as tax lots 300 and 400, map 18-05-10; and

WHEREAS, the Lane County Planning Commission, in regular meeting and public hearing of November 12, 1991, did recommend approval of the request; 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 300 and 400, map 18-05-10), as further identified on attached Exhibit "A", is Amended from a designation of "Agriculture" to a designation of "Forest."
2. The rural zoning designation of the above-described property, as further identified on attached Exhibit "B", is changed from "E-40" to "F-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 to the remaining portions hereof.

ENACTED this 8th day of January, 199

Ellie Sundt
Chair, Lane County Board of County Commissioners

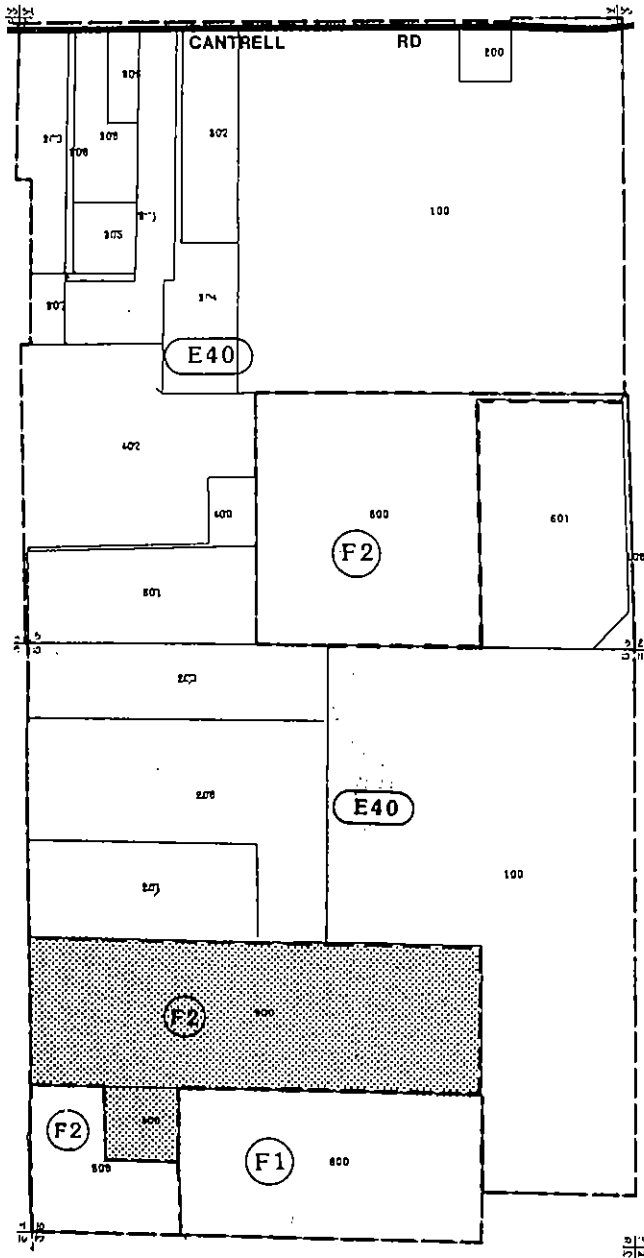
Judy Waldeman
Recording Secretary for this meeting of the Board

APPROVED AS TO FORM

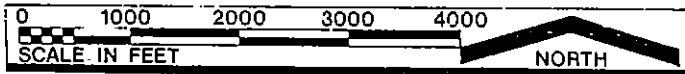
Date 12-3-91 Lane County

Stephen J. Vosler
OFFICE OF LEGAL COUNSEL

224



FLOODPLAIN



County



OFFICIAL ZONING MAP

PLOT # 225

Township Range Section

18 05 03

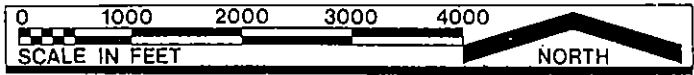
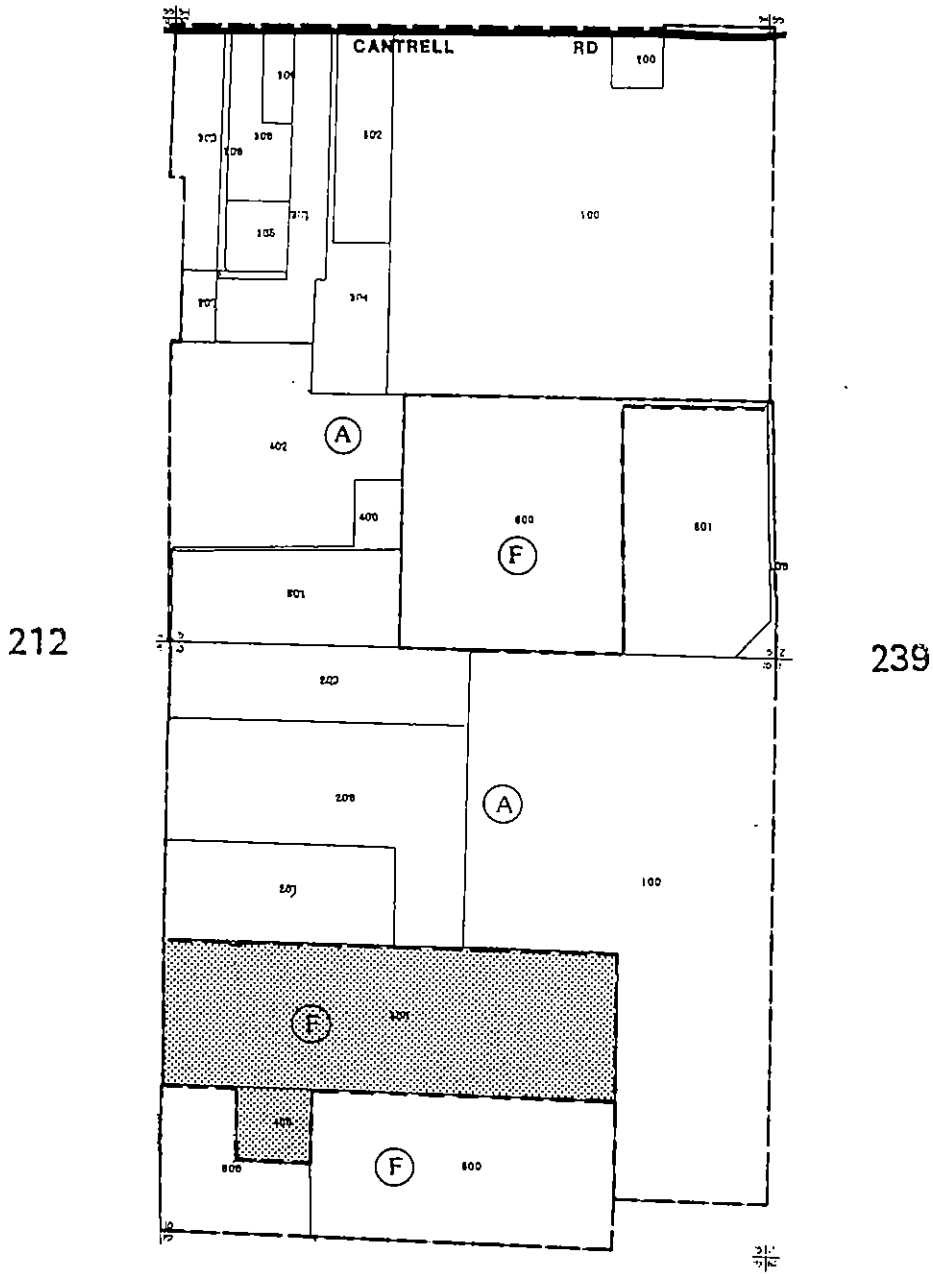
18 05 10

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

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

224

Exhibit "A"
Ord PA 1012



lane county

OFFICIAL PLAN MAP

PLOT# 225

Township Range Section

18 05 03

18 05 10

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

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

FINDINGS AND CONCLUSIONS
IN SUPPORT OF ADOPTING
THE AMENDMENT AND REZONING

The Board finds that the following Plan Amendment and Zone Change criteria are satisfied as expressed below:

A. LANE CODE 16.400(6)(h)(iii)

The Board may amend or supplement the Rural Comprehensive Plan upon making the following finding:

- (aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

The plan amendment proposal meets all legal requirements in that it is being processed pursuant to the requirements of Lane Code and the acknowledged Comprehensive Plan. Based upon the factors discussed in this report the subject property will be included within the County's inventory of forest land rather than its inventory of agricultural land. The land will be classified as forest land consistent with requirements of Statewide Planning Goal 4, Forest Land.

- (bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:
- (i-i) necessary to correct an identified error in the Plan; or
 - (ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or
 - (iii-iii) necessary to comply with the mandate of local, state or federal policy or law; or
 - (iv-iv) necessary to provide for the implementation of adopted Plan policy or elements, or
 - (v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

The amendment proposed meets criterion (i-i) above, and with final Board action possibly criterion (v-v).

The subject property has a forest cover over the majority of the land. It is assessed as forest land by the County assessor and is adjacent to forest zoned land to the South. Although the Exclusive Farm Use zone allows limited forest uses, the property should more appropriately be zoned as forest land consistent with its actual use.

- (cc) For Minor Amendments as defined in LC 16.400(8)(a), the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

Comprehensive Plan Policies have been developed for each of nineteen Statewide Planning Goals to provide guidance and direction for County actions and decisions pursuant to these goals. Policies apply to lands which have been designated (i.e. agriculture land or forest land) but do not normally provide guidance for the inventories and initial designations for those lands. Therefore current Comprehensive Plan Policies found under Goal 3, Agriculture Land and Goal 4, Forest Land provide little guidance for the change of designation from the Forest designation

to the Agriculture designation. This application therefore does not conflict with any adopted Plan Policy. Since the property is located within Agricultural Rent Zone 3, Policy 2 of Goal 3 states that preference shall be given to Goal 4, Forest Lands. This Policy therefore supports Forest Land designation and zoning for the subject property.

- (dd) For Minor Amendments as defined in LC 16.400(8)(a), the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.

The plan amendment requested follows the existing structure of the Comprehensive Plan. No land use designations which do not now exist are being requested. By virtue of being a Minor Amendment, the impact of the proposal will be site specific and consistent with unamended portions of the plan diagram. As discussed above, the request complies with the existing Comprehensive Plan and therefore is consistent with the unamended elements of the plan.

B. LANE CODE 16.400(8)

- (a)(i) Minor Amendment: An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.

The amendment is limited to the plan diagram only and thus qualifies as a Minor Amendment for purposes of this review.

- (c) Minor Amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(iii) can be affirmatively made. Unless waived in writing by the planning director, the applicant shall supply documentation concerning the following:
- (i) A complete description of the proposal and its relationship to the Plan.

The proposal is a redesignation of the subject 130 acre parcel from Agriculture Lane to Forest Land. This will include a revision of the plan map for this property only and will cause application of the Plan Policies for Goal 4.

- (ii) An analysis responding to each of the required findings of LC 16.400(6)(h)(iii).

The required analysis has been provided in the previous section A of this application.

- (iii) An assessment of the probable impacts of implementing the proposed amendment, including the following:

- (aa) Evaluation of land use and ownership patterns of the area of the amendment;

The overall land use pattern of the area is almost entirely farm and forest resource parcels consisting of a mixture of farm and forest uses. Generally, farm uses exist at the lower elevations to the North and West and forest uses exist at higher elevations to the South and East.

The properties surrounding the subject property are zoned Exclusive Farm Use, E-40 and Impacted Forest Land, F-2.

- (bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply and sewage disposal;

Access to the property is by Pickens County Road. Domestic water is provided by the use of existing on-site wells. The property is located within the Lane Electric Coop district and US West Communications district, both of which now provide service to the property. Sewage disposal systems exist on the property.

- (cc) Impact of the amendment on proximate natural resources, resource lands or resource sites, including a Statewide Planning Goal 5 "ESEE" conflict analysis where applicable;

There are no identified Goal 5 resources on or near the site and a Goal 5 ESEE analysis is therefore not applicable. Proximate resource lands are forest lands and agricultural lands. This change from forest land to agriculture land is compatible with the adjacent lands which are so designated and does not create a potential conflict between uses.

- (dd) Natural hazards affecting or affected by the proposal;

The property is located outside the designated 100 year flood plain. There are no other known natural hazards which exist on or near the subject property.

(ee) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;

This criterion does not apply to amendments for Agriculture and Forest designations.

(ff) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;

This criterion does not apply to amendments for Agriculture and Forest designations.

(gg) For a proposed amendment to a Nonresource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983)

This amendment is not for a nonresource designation and the working paper is therefore not applicable.

IV. APPLICABLE ZONE CHANGE CRITERIA AND ANALYSIS

A. RURAL COMPREHENSIVE PLAN POLICIES

The proposal for a plan amendment to Forest Land does not conflict with any Plan Policies. As discussed in a previous section of this report, Agricultural Policy 2 states that lands in rent zones 3 which are not in commercial agricultural use should be designated as forest land.

B. LANE CODE 16.252(2) - ZONINGS AND REZONINGS

This section of the Code requires that rezonings be 'enacted to achieve the general purposes of the Chapter and shall not be contrary to the public interest'. They are also to be consistent with the specific purposes of the proposed zone, applicable plan elements and Statewide Planning Goals for which the County has not yet achieved acknowledgment

Policy 2 of Goal 3 indicates that forest lands within Farm Rent zone 3 should be designated as Forest Land. The property has a forest cover over approximately 100 of the 130 acres and the County assesses 102 acres as forest land.

According to Plan Policy 19 of Goal 4, Forest Lands shall be zoned as Impacted Forest Land (F-2, RCP) if the following characteristics exist:

Impacted Forest Land Zone (F-2, RCP) Characteristics

- (1) Predominantly ownerships developed by residences or nonforest uses.
- (2) Predominantly ownerships 80 acres or less in size.
- (3) Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.
- (4) Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.

The subject property contains 3 residences and residences exists on 5 of the 9 surrounding parcels. All of the adjacent parcels are 80 acres or less and this property itself consists of three 40 acres parcel and one 10 acre parcel. The property has frontage on Pickens County Road. Electric and telephone services exist on the property and it is served by Fern Ridge School District and the Veneta Fire District. The subject property therefore has the necessary characteristics for qualification as Impacted Forest Land (F-2).

Since applicable portions of the County Rural Comprehensive Plan are acknowledged, no Statewide Planning Goal examination beyond that provided in connection with the Plan Amendment is required.

Board Of Commissioners Public Hearing

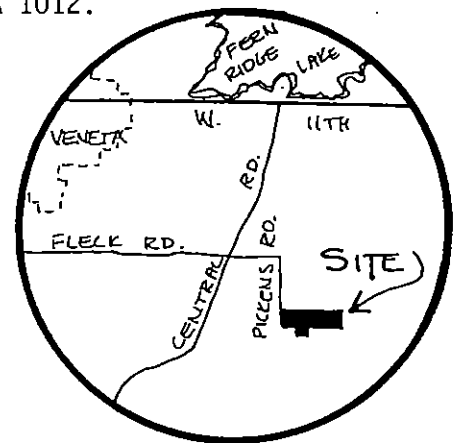
Time: 1:30 p.m.
Date: January 8, 1992
Place: Harris Hall, Courthouse, Eugene

Plot No.: 225
Map No.: 18-05-10/300,400

Applicant: Rosboro Lumber PA 2349-91

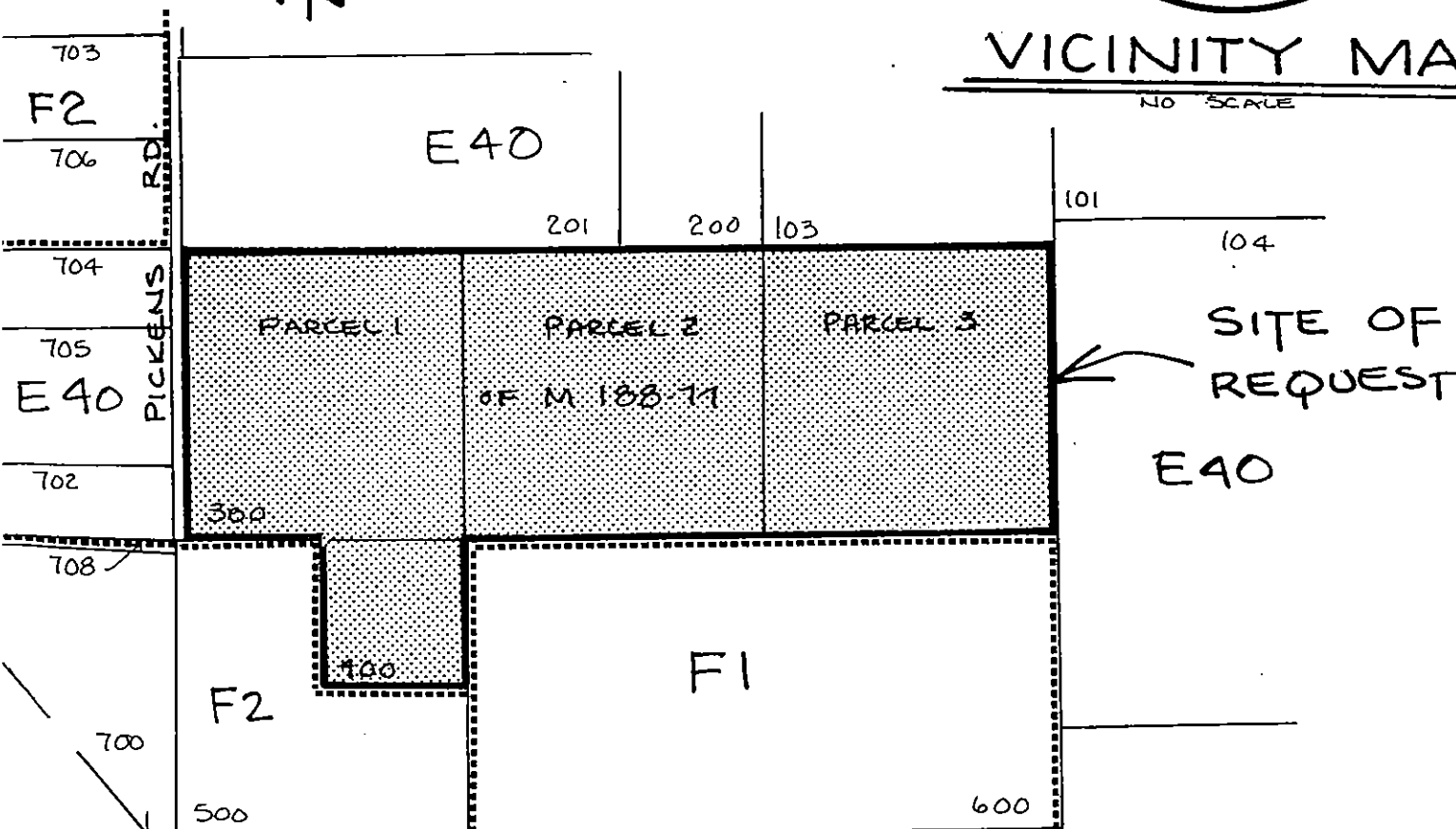
Location: Pickens Road

Proposal: Plan Amendment/zone change from agricultural land E-40/RCP to forest land F-2/RCP as provided by Lane Code 16.400(6)(h)(iii)
 Proposal is in the form of Ordinance PA 1012.



VICINITY MAP

NO SCALE



▶ "NOTICE TO MORTGAGEE, LIEN HOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER." ◀

PUBLIC HEARING/WORK SESSION
NOVEMBER 12, 1991

=====

PRESENT: Gordon Howard, Chair; Jo Taylor; Arthur Gardener;
Margaret Holemar Thumel; Stephen Moe; Malcolm Scott.

ABSENT: Robert Greuner

STAFF: Mike Copely; Katherine Kline

CITY STAFF: Susie Smith; Greg Mott; Tom Stinchfield; Hicham Chatila;
Dan Brown, Public Works Director

=====

A quorum was present and the meeting was called to order at 7:05 p.m.

PUBLIC HEARING

ITEM I PROPOSED RCP AMENDMENT FROM AGRICULTURAL TO FOREST LAND AND
REZONING FROM EXCLUSIVE FARM USE (E-40/RCP) TO IMPACTED
FOREST LAND (F2/RCP) FOR 130 ACRES DESCRIBED AS MAP 18-05-10
TAX LOTS 300 & 400. (PA 2349-91, ROSBORO LUMBER)

Michael Copely gave the staff presentation. He stated that the site consists primarily of forested land with a smaller portion of pasture land. It is occupied by two dwellings. The surrounding property is zoned for F2 and E40 except for F1 zoning on the Southeast side. The site is clearly more oriented to Forestry than agriculture. The soils on most of the property are good-quality forestry lands. Approval of the proposal is appropriate to satisfy Lane Code section 16.400(h)(iii)(bb)(i-i). Staff believes the proposal satisfies applicable state and local criteria and recommends approval of the request.

PUBLIC TESTIMONY

Mike Evans, 1071 Harlow Road, Springfield, OR 97477. Agent for the Applicant. The applicant acquired the property approximately one year ago. The property has been used for growing and harvesting of timber. The property consist of four legal lots and 3 homes, the applicant does not want to maintain the homes. Under the F2 rule these home sites can be segregated into small parcels and the rest of the property can be consolidated for forest use. The segregation will occur through the partitioning process with one of the homes being used, by an employee of the applicant, as a caretakers residence. This segregation would not be allowed under the current zoning.

No further public testimony.

MOTION: Arthur Gardener motioned that based on the findings prepared and submitted by staff and the applicant that a recommendation of approval be forwarded to the Board of County Commissioners.

SECOND: Steven Moe seconded the Motion.

VOTE: All Commission members voted in favor of the motion.

LANE COUNTY PLANNING COMMISSION

STAFF REPORT

HEARING DATE: November 12, 1991

FILE NO. PA 2349-91

REPORT DATE: October 28, 1991

I. PROPOSAL DESCRIPTION

A. APPLICANT:

Roseboro Lumber Company
2509 Main Street
Springfield OR 97477

AGENT:

Land Planning Consultants
1071 Harlow Road
Springfield OR 97477

- B. PROPOSAL: Amend the Rural Comprehensive Plan from "Agriculture" to "Forest" and Rezone from E40 to F-2 for a 130-acre tract south of Fern Ridge Reservoir. This is a "minor" Plan Amendment as defined by Lane Code.

II. RECOMMENDATION

The proposal appears to meet applicable Lane Code criteria; accordingly, staff recommends that the Commission refer the proposal to the Board of County Commissioners with a favorable recommendation.

III. SITE AND PLANNING PROFILE

- A. LOCATION: Tax lots 300 and 400, map 18-05-10. East of Pickens Road.
- B. ZONING: Zoned E-40/RCP; Plot 225.
- C. SITE CHARACTERISTICS: The site consists primarily of forested land with a smaller portion (30 acres) of pasture land. It is occupied by two dwellings. The applicant's Statement and Exhibits attached to and made part of this Staff Report contain more information on the property.
- D. SURROUNDING AREA: E-40 and F-2 zoning exists on all sides of the property, except for F-1 zoning, which occurs on the southeast side.

Lane County Planning Commission

Time: 7:00 PM

Plot No.: #225

Date: NOVEMBER 12, 1991

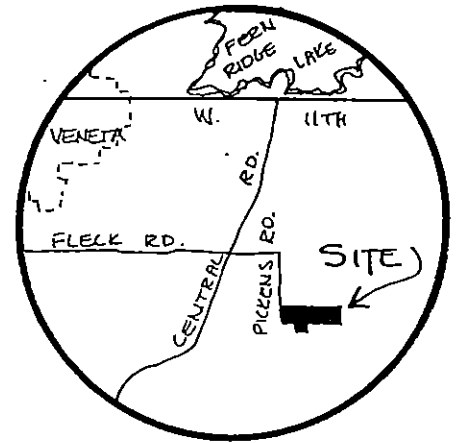
Map No.: 18-05-10 #300, 400

Place: HARRIS HALL, 125 EAST 8TH AVENUE, EUGENE, OR 97401

Applicant: ROSBORO LUMBER PA 2349-91

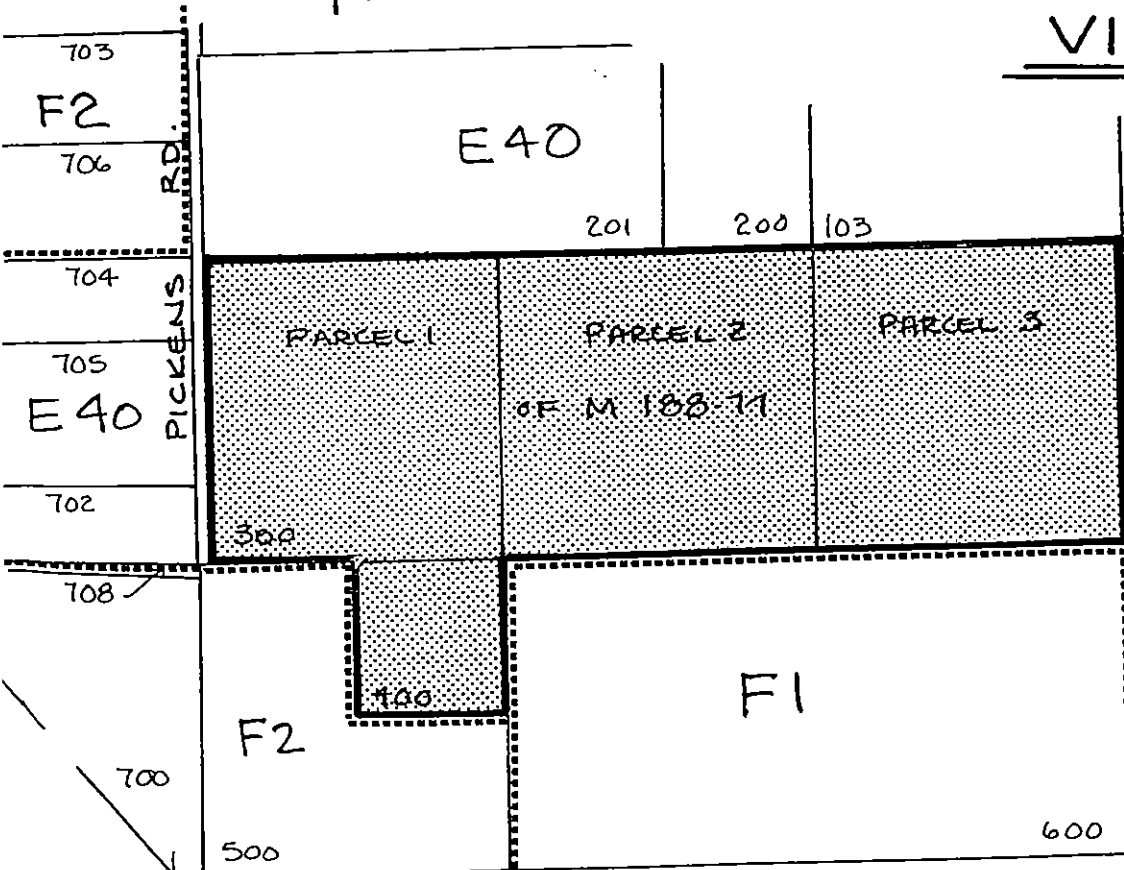
Location: PICKENS RD

Proposal: PLAN AMENDMENT ZONE CHANGE FORM AGRICULTURAL LAND E40/RCP TO FOREST LAND F2/RCP AS PROVIDED BY LANE CODE 16.400(6)(h)(iii)



VICINITY MAP

NO SCALE



← SITE OF REQUEST
E40

E. SERVICES:

Fire: Veneta RFPD
Power: Lane Electric
School: Fern Ridge 28J
Phone: US West
Sewer: On-site
Water: On-site
Police: County, State
Access: Pickens Road

F. REFERRAL RESPONSES RECEIVED:

1. Building Official: No objection.
2. Flood Management: Not within flood hazard area.
3. [Other responding agencies indicated "no objection"]

IV. APPROVAL CRITERIA & ANALYSES

A. Character of the Request

A discussion of applicable Plan amendment and rezoning criteria, and an analysis of how the proposal satisfies these criteria, exists in the Applicant's documentation. To avoid unnecessary redundancy, Commission members are referred to that documentation for the citation of criteria and the applicant's responses. Additional staff comments appear below.

B. Analysis

County Plan amendment criteria appear to be satisfied by the proposal. A number of policies are cited in the applicant's statement (page 7) to provide justification for F-2 zoning of the property. The site is clearly more oriented to forestry than agriculture.

Soils on most of of the property are good-quality forestry lands consisting of Veneta and Willakenzie groups, which support forestry production on the order of 120 or more cf/a/y of growth. The air photo and soils exhibits attached illustrate the forestry character.

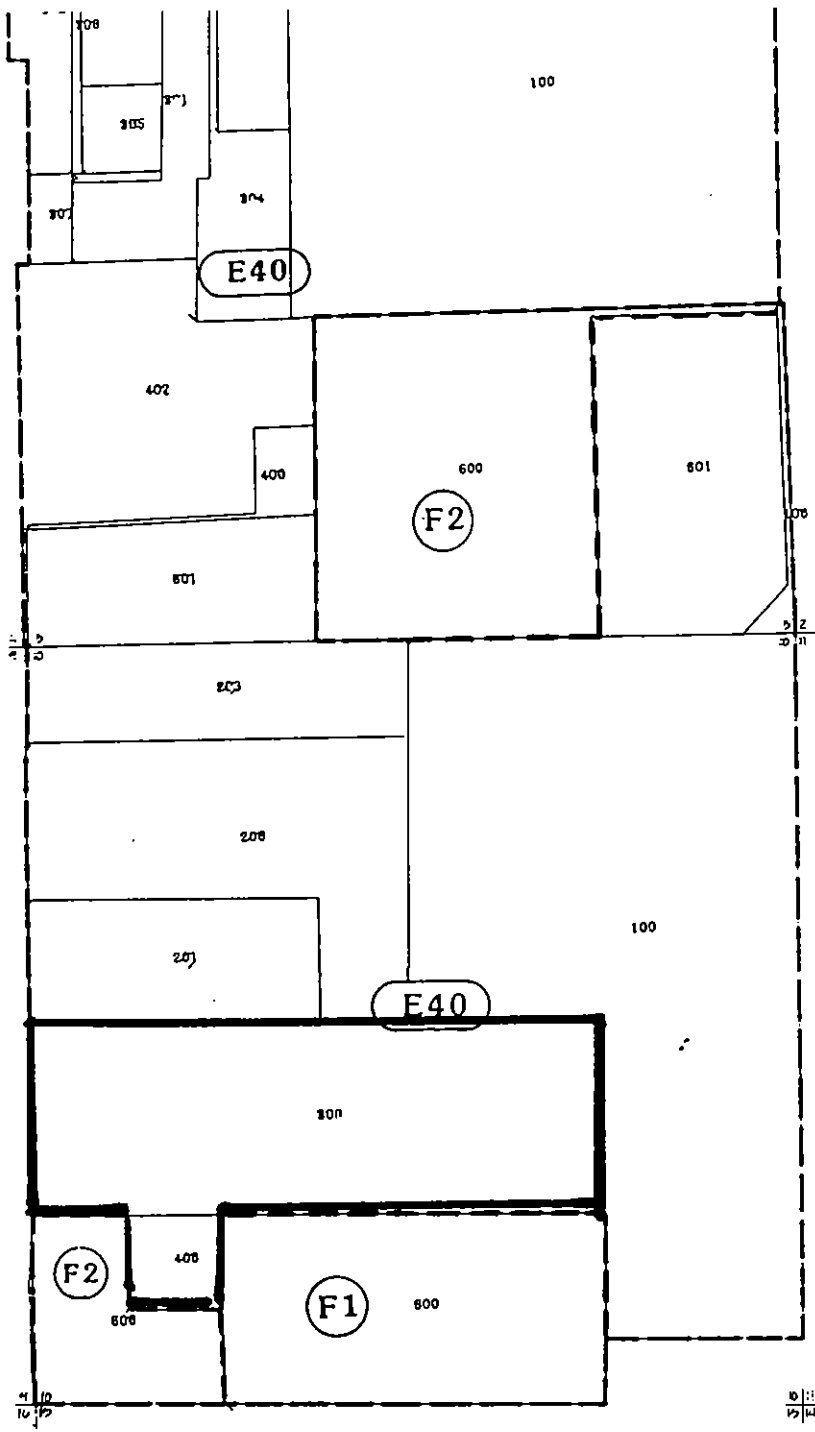
Approval of the proposal is appropriate to satisfy Lane Code section 16.400(h) (iii) (bb) (i - i) -- "necessary to correct an identified error in the application of the Plan." Due to being processed by established County plan amendment procedures and subject to state review, the proposal satisfies amendment criteria calling for compliance with local and state law. The applicant has also provided information demonstrating that rezoning criteria (IC 16.252) are met.

FLOODPLAIN

212

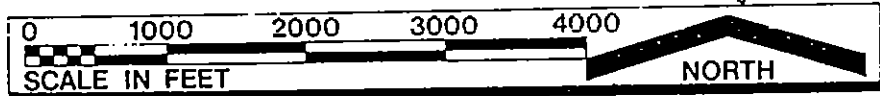
350

SITE →



239

226



County



OFFICIAL ZONING MAP

PLOT# 225

Township Range Section
 18 05 03

18 05 10

C. Action on the Request

Staff believes the proposal satisfies applicable state and local criteria. The Commission may, if it deems it appropriate, recommend approval of the request to the Board of County Commissioners.

V. CONCLUDING COMMENTS AND FINDINGS

A. SUMMARY and RECOMMENDATION

Approval of the request is recommended.

B. FINDINGS

Findings exist in the form of detailed analyses and discussion of applicable criteria within the Applicant's Statement, plus Exhibits to that Statement. Those Findings are incorporated herein by reference.

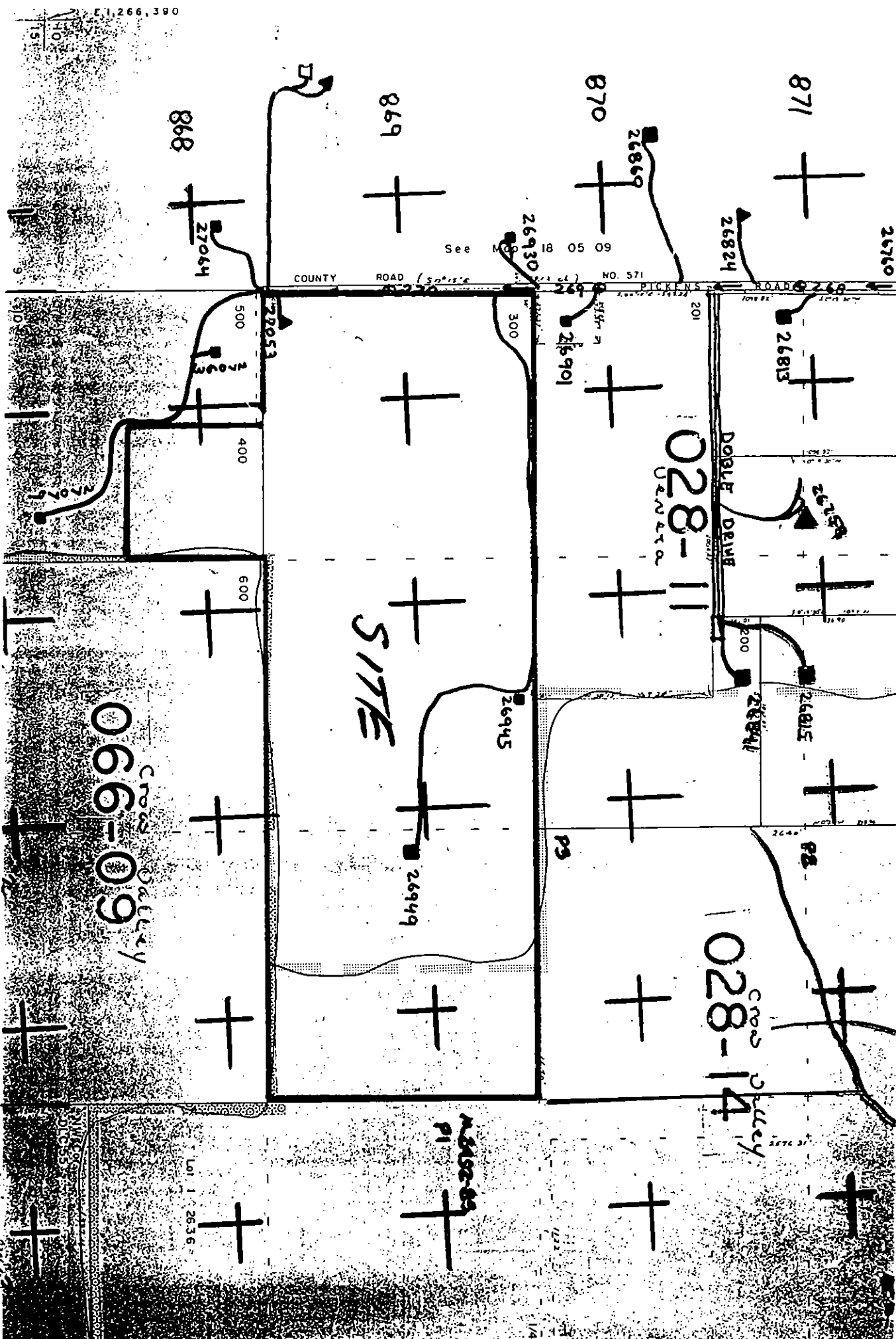
C. MATERIALS ATTACHED TO AND MADE PART OF THIS STAFF REPORT

1. Applicant's Statement, including Exhibits.
2. Excerpt from Rural Addressing Map and Air Photo, and Hearing Notice Map.

D. MATERIALS TO BE MADE PART OF THE RECORD

1. Staff Report and attachments as described in C above.
2. File PA 2349-91.
3. Lane Code Chapter 14.
4. Lane Code 16.252 and 16.400.

###



SITE

028-11

028-14

066-09

COUNTY ROAD (50' x 50') NO. 571 PICKENS ROAD 269

DORSET DRIVE

500

400

600

300

201

P3

P2

See Map 18 05 09

HOX 151

9

10

11

12

13

868

869

870

871

26760

26824

26813

26815

26814

26815

26844

26945

26949

26930

26869

27064

27053

27069

27079

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991

26991



7
SITE

APPLICATION FOR PLAN AMENDMENT AND ZONE CHANGE FROM
AGRICULTURE LAND - E-40/(RCP) TO FOREST LAND - F-2/(RCP)

I. PROPOSAL DESCRIPTION

A. APPLICANTS/OWNERS

Rosboro Lumber Company
2509 Main Street
Springfield, OR 97477

B. AGENT

Land Planning Consultants
1071 Harlow Road
Springfield, OR 97477

C. PROPOSAL

This is an application to change the plan designation and zoning on a 130 acre parcel from Agriculture Land/E-40 to Forest Land/F-2.

II. GENERAL INFORMATION

A. LOCATION AND SITE DESCRIPTION

Map 18-05-10 taxlots 300 and 400
Taxlot 400 includes parcels 1, 2 and 3 of partition No. M 188-77

Plot No. 225

The 130 acres involved in this application includes about 100 acres of forest land and about 30 acres of open pasture area. The property contains three dwellings on four separate legal lots. The County assesses 18.49 acres as forest land, 83.28 acres under Small Tract Woodland, 23.72 acres as farm land and 3 acres as residential.

B. SURROUNDING AREA

Properties to the North are zoned E-40.

- Taxlot 201 contains 40 acres and a residence.
- Taxlot 200 contains 17.5 acres and a residence.
- Taxlot 103 contains 40 acres and is undeveloped.

Taxlot 104 to the East is zoned E-40, contains 69 acres and is undeveloped.

Taxlot 600 to the South is zoned E-40, contains 80 acres and is not developed.

Taxlot 500 to the South is zoned F-2, contains 30 acres and a residence.

Properties to the West across Pickens Road are zoned E-40.

- Taxlot 702 contains 9.84 acres and a residence.
- Taxlot 705 contains 19.75 acres and is vacant.
- Taxlot 704 contains 12.5 acres and a residence.

C. BACKGROUND INFORMATION

The 130 acres involved in this application has a stand of smaller merchantable timber on approximately 100 acres. the property was recently acquired by Rosboro Lumber Company for long term timber management.

The property consists of 4 legal lots and three dwellings. The applicants intend to consolidate the forested parcels and segregate the dwellings. The F-2 zone and newly adopted Administrative Rules provisions for the consolidation of forest parcels and the removal of dwellings not necessary for the forest operation. This application for a plan amendment and zoned change to the F-2 zone is necessary to accomplish the applicants' objectives.

D. SERVICES - CODE - 28-02

School: Fern Ridge School District #28J
Fire: Veneta Rural Fire Protection District
Police: State Police, County Sheriff
Sewer: Individual septic systems
Water: Individual wells
Access: Pickens County Road
Electricity: Lane Electric Coop
Phone: US West Communications

III. APPLICABLE PLAN AMENDMENT CRITERIA AND ANALYSIS

A. LANE CODE 16.400(6)(h)(iii)

The Board may amend or supplement the Rural Comprehensive Plan upon making the following finding:

- (aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

The plan amendment proposal meets all legal requirements in that it is being processed pursuant to the requirements of Lane Code and the acknowledged Comprehensive Plan. Based upon the factors discussed in this report the subject property will be included within the County's inventory of forest land rather than its inventory of agricultural land. The land will be classified as forest land consistent with requirements of Statewide Planning Goal 4, Forest Land.

- (bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:
- (i-i) necessary to correct an identified error in the Plan; or
 - (ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or
 - (iii-iii) necessary to comply with the mandate of local, state or federal policy or law; or
 - (iv-iv) necessary to provide for the implementation of adopted Plan policy or elements, or
 - (v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

The amendment proposed meets criterion (i-i) above, and with final Board action possibly criterion (v-v).

The subject property has a forest cover over the majority of the land. It is assessed as forest land by the County assessor and is adjacent to forest zoned land to the South. Although the Exclusive Farm Use zone allows limited forest uses, the property should more appropriately be zoned as forest land consistent with its actual use.

- (cc) For Minor Amendments as defined in LC 16.400(8)(a), the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

Comprehensive Plan Policies have been developed for each of nineteen Statewide Planning Goals to provide guidance and direction for County actions and decisions pursuant to these goals. Policies apply to lands which have been designated (i.e. agriculture land or forest land) but do not normally provide guidance for the inventories and initial designations for those lands. Therefore current Comprehensive Plan Policies found under Goal 3, Agriculture Land and Goal 4, Forest Land provide little guidance for the change of designation from the Forest designation

to the Agriculture designation. This application therefore does not conflict with any adopted Plan Policy. Since the property is located within Agricultural Rent Zone 3, Policy 2 of Goal 3 states that preference shall be given to Goal 4, Forest Lands. This Policy therefore supports Forest Land designation and zoning for the subject property.

- (dd) For Minor Amendments as defined in LC 16.400(8)(a), the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.

The plan amendment requested follows the existing structure of the Comprehensive Plan. No land use designations which do not now exist are being requested. By virtue of being a Minor Amendment, the impact of the proposal will be site specific and consistent with unamended portions of the plan diagram. As discussed above, the request complies with the existing Comprehensive Plan and therefore is consistent with the unamended elements of the plan.

B. LANE CODE 16.400(8)

- (a)(i) Minor Amendment: An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.

The amendment is limited to the plan diagram only and thus qualifies as a Minor Amendment for purposes of this review.

- (c) Minor Amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(iii) can be affirmatively made. Unless waived in writing by the planning director, the applicant shall supply documentation concerning the following:
- (i) A complete description of the proposal and its relationship to the Plan.

The proposal is a redesignation of the subject 130 acre parcel from Agriculture Lane to Forest Land. This will include a revision of the plan map for this property only and will cause application of the Plan Policies for Goal 4.

- (ii) An analysis responding to each of the required findings of LC 16.400(6)(h)(iii).

The required analysis has been provided in the previous section A of this application.

- (iii) An assessment of the probable impacts of implementing the proposed amendment, including the following:

- (aa) Evaluation of land use and ownership patterns of the area of the amendment;

The overall land use pattern of the area is almost entirely farm and forest resource parcels consisting of a mixture of farm and forest uses. Generally, farm uses exist at the lower elevations to the North and West and forest uses exist at higher elevations to the South and East.

The properties surrounding the subject property are zoned Exclusive Farm Use, E-40 and Impacted Forest Land, F-2.

- (bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply and sewage disposal;

Access to the property is by Pickens County Road. Domestic water is provided by the use of existing on-site wells. The property is located within the Lane Electric Coop district and US West Communications district, both of which now provide service to the property. Sewage disposal systems exist on the property.

- (cc) Impact of the amendment on proximate natural resources, resource lands or resource sites, including a Statewide Planning Goal 5 "ESEE" conflict analysis where applicable;

There are no identified Goal 5 resources on or near the site and a Goal 5 ESEE analysis is therefore not applicable. Proximate resource lands are forest lands and agricultural lands. This change from forest land to agriculture land is compatible with the adjacent lands which are so designated and does not create a potential conflict between uses.

- (dd) Natural hazards affecting or affected by the proposal;

The property is located outside the designated 100 year flood plain. There are no other known natural hazards which exist on or near the subject property.

(ee) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;

This criterion does not apply to amendments for Agriculture and Forest designations.

(ff) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;

This criterion does not apply to amendments for Agriculture and Forest designations.

(gg) For a proposed amendment to a Nonresource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983)

This amendment is not for a nonresource designation and the working paper is therefore not applicable.

IV. APPLICABLE ZONE CHANGE CRITERIA AND ANALYSIS

A. RURAL COMPREHENSIVE PLAN POLICIES

The proposal for a plan amendment to Forest Land does not conflict with any Plan Policies. As discussed in a previous section of this report, Agricultural Policy 2 states that lands in rent zones 3 which are not in commercial agricultural use should be designated as forest land.

B. LANE CODE 16.252(2) - ZONINGS AND REZONINGS

This section of the Code requires that rezonings be 'enacted to achieve the general purposes of the Chapter and shall not be contrary to the public interest'. They are also to be consistent with the specific purposes of the proposed zone, applicable plan elements and Statewide Planning Goals for which the County has not yet achieved acknowledgment

Policy 2 of Goal 3 indicates that forest lands within Farm Rent zone 3 should be designated as Forest Land. The property has a forest cover over approximately 100 of the 130 acres and the County assesses 102 acres as forest land.

According to Plan Policy 19 of Goal 4, Forest Lands shall be zoned as Impacted Forest Land (F-2, RCP) if the following characteristics exist:

Impacted Forest Land Zone (F-2, RCP) Characteristics

- (1) Predominantly ownerships developed by residences or nonforest uses.
- (2) Predominantly ownerships 80 acres or less in size.
- (3) Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.
- (4) Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.

The subject property contains 3 residences and residences exists on 5 of the 9 surrounding parcels. All of the adjacent parcels are 80 acres or less and this property itself consists of three 40 acres parcel and one 10 acre parcel. The property has frontage on Pickens County Road. Electric and telephone services exist on the property and it is served by Fern Ridge School District and the Veneta Fire District. The subject property therefore has the necessary characteristics for qualification as Impacted Forest Land (F-2).

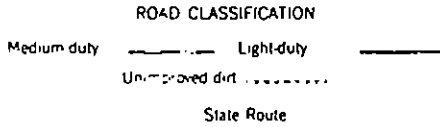
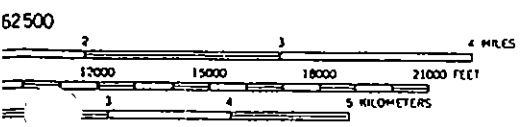
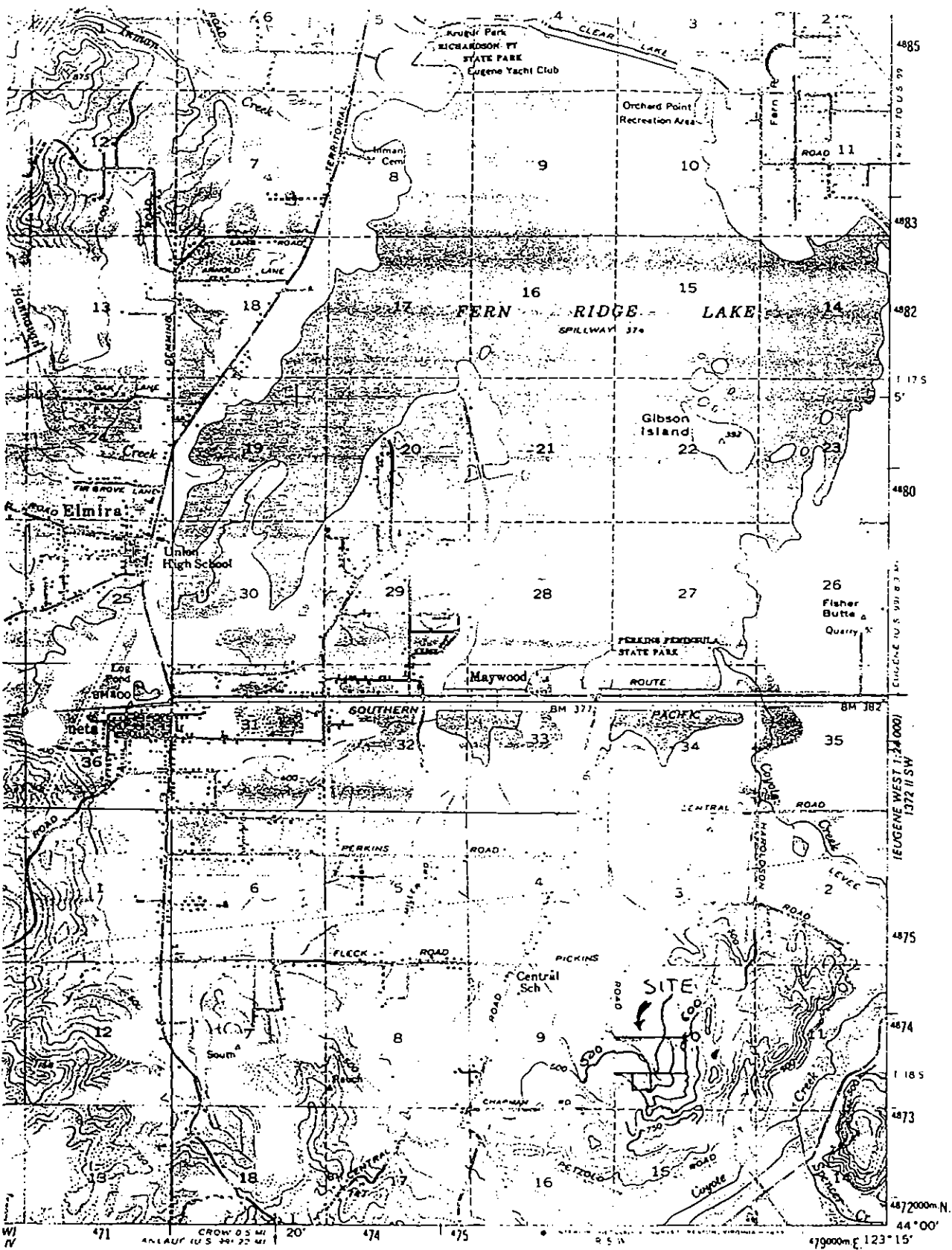
Since applicable portions of the County Rural Comprehensive Plan are acknowledged, no Statewide Planning Goal examination beyond that provided in connection with the Plan Amendment is required.

V. CONCLUSION

The subject parcel contains 130 acres of which approximately 100 acres is forest land and 30 acres has a dwelling and pasture. In this region of the County, Comprehensive Plan Policy indicates that such lands should be designated as forest land. This amendment will correct the designation and zoning for the property as forest land consistent with its actual use.

VI. ATTACHMENTS

- A. Plot Plan
- B. Soils Map
- C. Goal 5 Wildlife Inventory Map
- D. Quadrangle map
- E. RSUM - Subject and adjacent parcels



SCALE 50 FEET
VERTICAL DATUM OF 1929

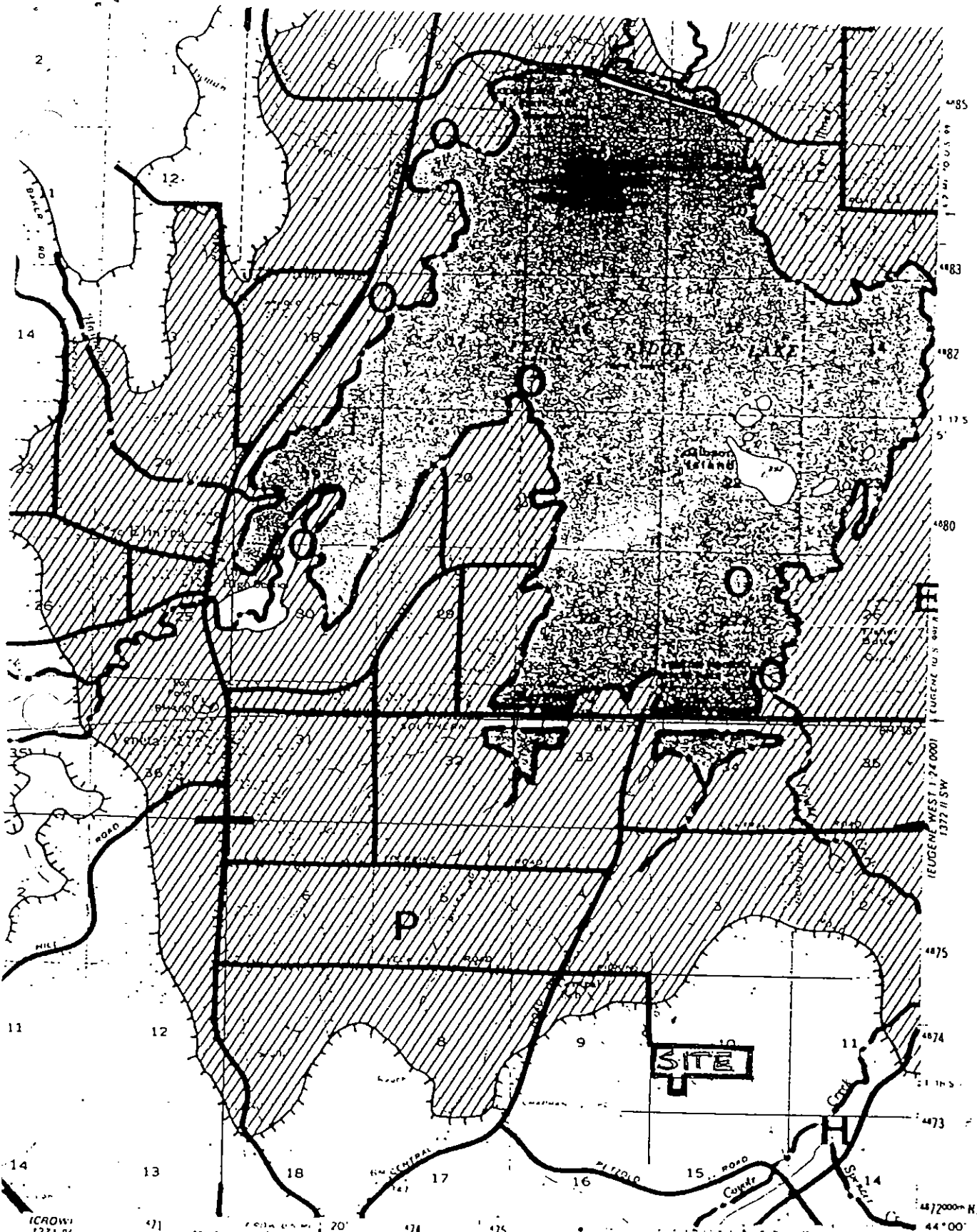
ELMIRA, OREG.
N4400—W12315/15

1957

AMS 1372 III SERIES V792

COLORADO 80225, OR RESTON, VIRGINIA 22092
NO SYMBOLS IS AVAILABLE ON REQUEST

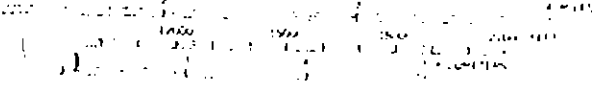
U.S. GEOLOGICAL SURVEY
 GEORGE W. KILGUS, JR., DISTRICT SUPERVISOR
 ELMIRA, OREGON
 1:25,000
 1957



17

18

ICROW 1371 IV
SCALE 1:62500



VERTICAL DATUM OF 1929

5

ROAD CLASSIFICATION
 --- Light duty
 - - - - - Light duty
 ——— Unimproved dirt
 ——— State Route

