

FILED

DEC 01 1993

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

COUNTY CLERK
BY *[Signature]*

ORDINANCE NO. PA 1049) IN THE MATTER OF ADOPTING A RURAL
) COMPREHENSIVE PLAN DIAGRAM AMENDMENT FROM
) "NATURAL RESOURCES" TO "FOREST LANDS" AND A
) RELATED ZONING MAP AMENDMENT FROM "NATURAL
) RESOURCES" (NR) TO "IMPACTED FOREST LANDS"
) (F-2) FOR MAP NO. 19-12-22.4, TAX LOTS
) 1200 AND 1700.

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 884, has adopted the Lane County Rural Comprehensive Plan; and

WHEREAS, a procedure exists in Lane Code Chapter 16.400 for amending the Lane County Rural Comprehensive Plan; and

WHEREAS, an application has been received to adopt an amendment to the Rural Comprehensive Plan Diagram from "Natural Resources" to "Forest Lands" and a related Zoning Map amendment from "Natural Resources" (NR) to "Impacted Forest Lands" (F-2) for Map No. 19-12-22.4, Tax lots 1200 and 1700; and

WHEREAS, the West Lane Planning Commission, in regular meeting and public hearing of April 7, 1993, recommended approval of the request; and

WHEREAS, upon reviewing the matter, the Board is satisfied that evidence exists within the record indicating that the application meets the requirements of Lane Code 16.400 and the requirements of 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, Oregon, ordains as follows:

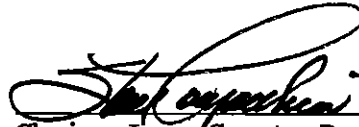
1. The Lane County Rural Comprehensive Plan Diagram for the above described property, as further identified on attached Exhibit "A," is amended from "Natural Resources" to "Forest Lands."
2. The Zoning Map for the above described property, as further identified on attached Exhibit "B," is amended from "Natural Resources" (NR) to "Impacted Forest Lands" (F-2).

1 - IN THE MATTER OF ADOPTING A RURAL COMPREHENSIVE PLAN DIAGRAM AMENDMENT FROM "NATURAL RESOURCES" TO "FOREST LANDS" AND A RELATED ZONING MAP AMENDMENT FROM "NATURAL RESOURCES" (NR) TO "IMPACTED FOREST LANDS" (F-2) FOR MAP NO. 19-12-22.4, TAX LOTS 1200 AND 1700.

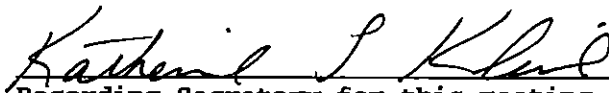
FURTHER, although not a part of this Ordinance, the Board of County Commissioners adopts findings and conclusions of law as set forth in Exhibit "C" attached, in support of this action.

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 24th day of November, 1993.



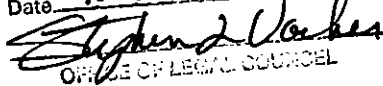
Chair, Lane County Board of Commissioners



Recording Secretary for this meeting of the Board

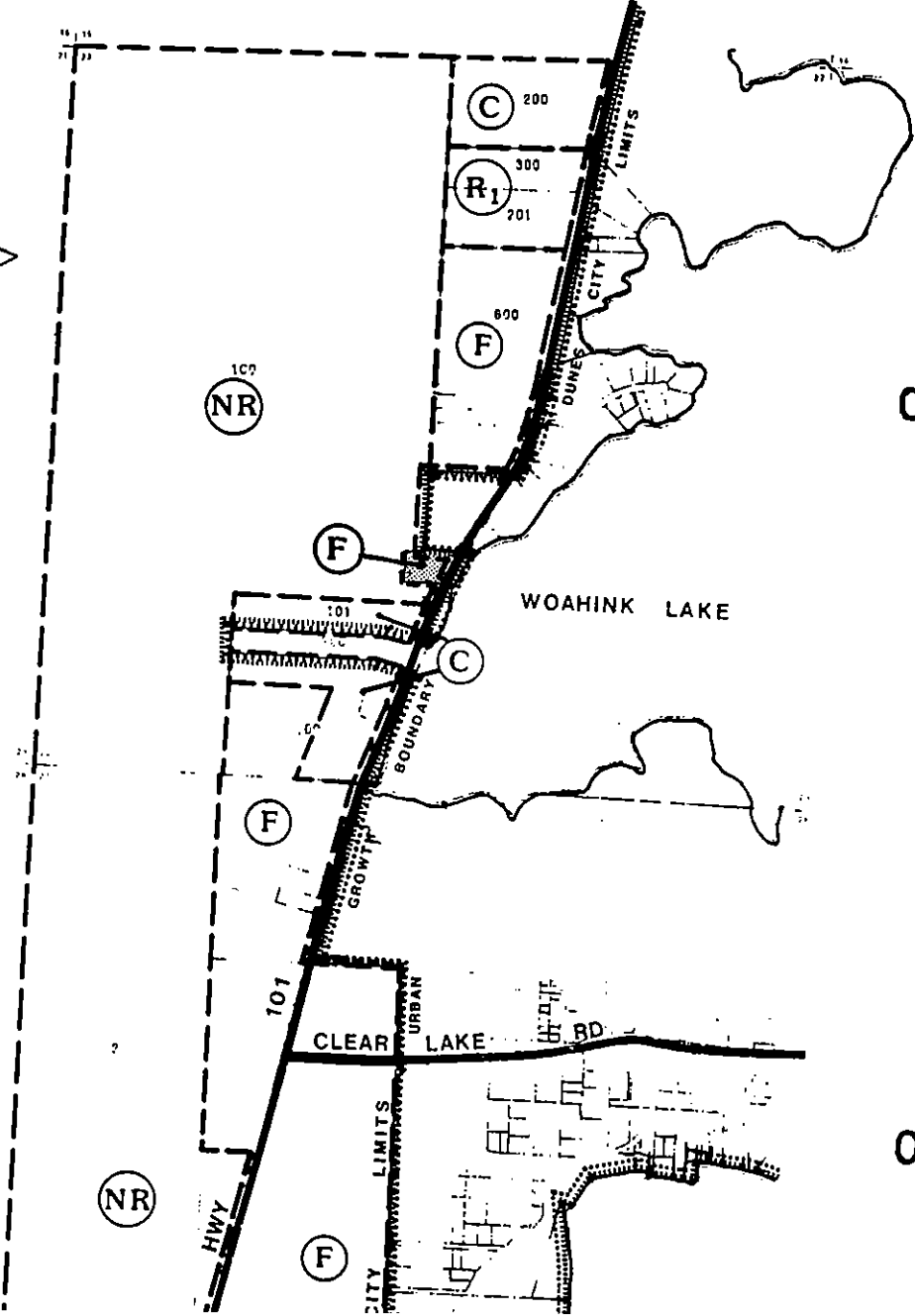
APPROVED AS TO FORM

Date 10-25-93 Lane county


OFFICE OF LEGAL COUNSEL

2 - IN THE MATTER OF ADOPTING A RURAL COMPREHENSIVE PLAN DIAGRAM AMENDMENT FROM "NATURAL RESOURCES" TO "FOREST LANDS" AND A RELATED ZONING MAP AMENDMENT FROM "NATURAL RESOURCES" (NR) TO "IMPACTED FOREST LANDS" (F-2) FOR MAP NO. 19-12-22.4, TAX LOTS 1200 AND 1700.

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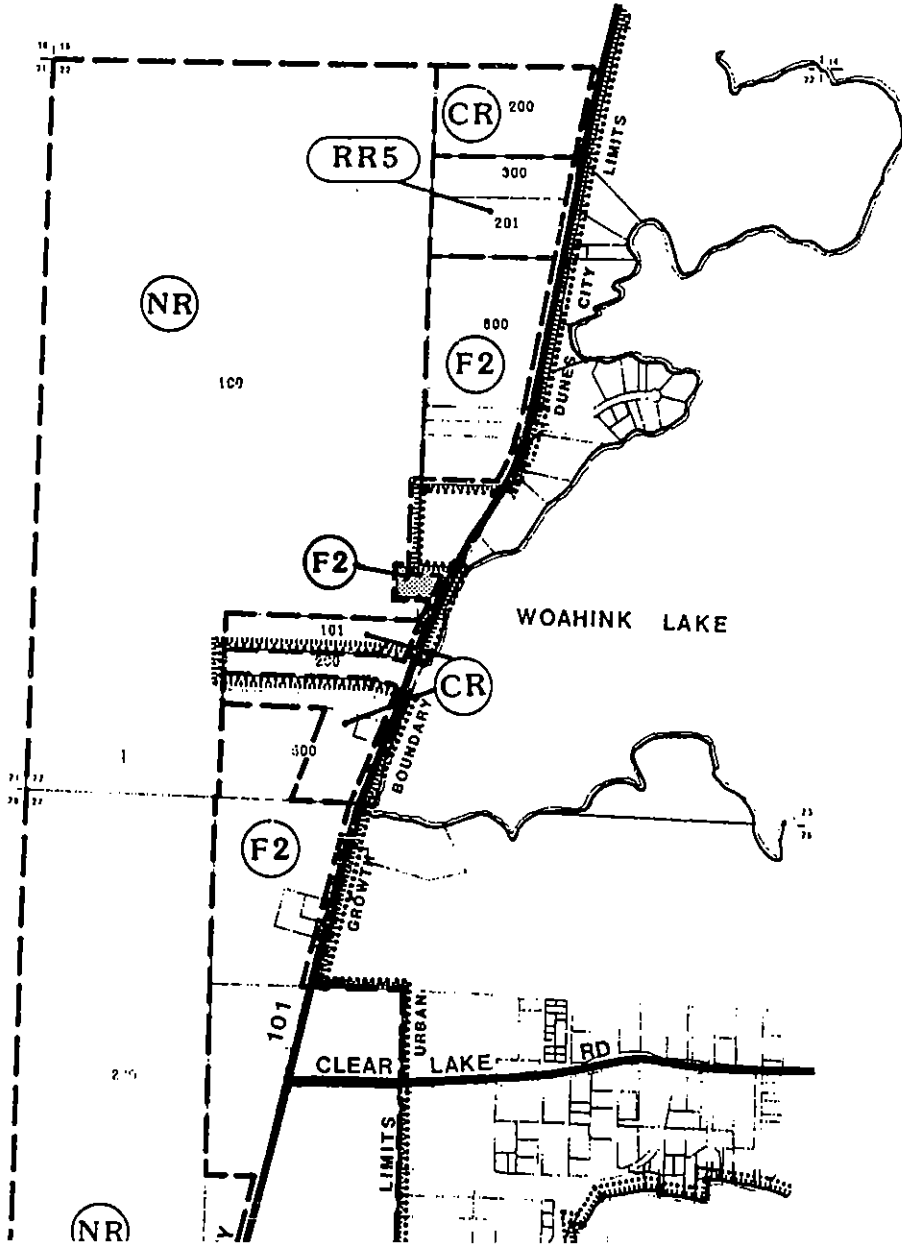


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FLOODPLAIN



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BOOK 153 PAGE 1442

FINDINGS OF FACT AND CONCLUSIONS OF LAW

RE: ORDINANCE NO. PA 1049-93

The following discussion represents the findings of fact and conclusions of law supporting the Board of County Commissioner's decision in the above captioned matter. The document is divided into the following three parts:

- I. General Findings Relating to the Property.
- II. Findings and Conclusions Relating to Plan Amendment Criteria of Lane Code 16.400.
- III. Findings and Conclusions Relating to Rezoning Criteria of Lane Code 16.252.

NOTE: for purposes of the following findings and conclusions, the facts and reasons set forth by the applicant in "APPLICATION FOR ZONE CHANGE FROM NRC-RCP (NATURAL RESOURCE ZONE) TO C-R, RCP (RURAL COMMERCIAL ZONE)" (Hereafter "Applicant's Initial Report") and "SUPPLEMENTAL INFORMATION, FILE NO.: PA 3057-92, DATE 4/7/93" (hereafter, "Applicant's Supplemental Report") are found by the Board to be true, substantial and uncontroverted and are incorporated into this findings document respectively as Attachments A and B. Reference to specific parts of the Applicant's Reports are noted below in relation to specific approval criteria. (Note: Although the applicant's initial report refers to commercial designation in its title, the request was changed to forest lands designation and the text of the report was modified in accordance with that change. The facts facts contained therein are relevant.)

I. General Findings Relating to the Property

1. The property is described as Assessors Map No. 19-12-22.4, Tax Lots 1200 and 1700 and includes 1.58 acres adjacent to Dunes City and adjacent to Oregon Highway 101 on the west.
2. The property lies on a partially forested dunal formation which has not been identified as a unique habitat for any threatened or endangered plant or animal species the property is developed with an existing residence.
3. The property is one of a tier similar properties along the west side of Highway 101 which have been designated as Forest Lands on the Rural Comprehensive Plan (Plan) zoned as Impacted Forest Lands. Some property to the south has been designated for commercial use reflecting operations in existence in 1984. Dunes City lies mostly on the east side of Highway 101 but portions across the highway to the west.
4. Services to the property are as follows:

Fire: Siuslaw RFPD

Power: Central Lincoln P.U.D.
Phone: U.S. West
Water: On-site
Sewer: On-site
Schools: #97J-Florence
Police: OSPD and County Sheriff

II. Findings and Conclusions Relating to Plan Amendment Criteria of Lane Code 16.400 (Criteria are set in bold face type with findings and conclusions immediately following.)

L.C. 16.400(6) (h) (iii)

(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.

Findings:

The Board adopts the facts set forth throughout the Applicant's Reports.

Conclusions:

Base on the facts found above, the Board concludes that the amendment meets all applicable requirements of local and state law including Statewide Planning Goals and Oregon Administrative Rules.

(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.

Findings:

The Board adopts the facts set forth at Applicant's Supplemental Report, page 1, item IV. L.C. 16.400(6) (h) (bb) (i-i).

Conclusions:

Based on the facts found above, the Board concludes that the proposed change is necessary to correct an identified error in the Plan.

(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.

Findings:

The Board finds as follows:

1. The property is not part of a Coastal Zone Management Unit which would lead to a "Natural Resources" Plan designation.
2. Adjacent property to the west and south which is designated as Natural Resources on the Plan is part of the Dunes National Recreation Area and is in public ownership.
3. The subject property is in private ownership, is partially forested and is developed with a residence.
4. The subject property is similar, in its physical characteristics, to property designated as Forest Lands to the north and south on the west side of Highway 101.

Conclusions:

Based on the facts found above the Board concludes that the property lacks Plan policy support for Natural Resources designation and possesses characteristics which support a Plan designation as Forest Land.

(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.

Findings:

The Board finds that the applicant has requested a land use designation which presently exists within the structure of Plan and that there are no unamended portions or elements of the Plan.

Conclusions:

Based on the facts found above the Board concludes that the requested amendment is compatible with the existing structure of the Plan.

L.C. 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.

Findings:

The Board finds as follows:

1. The proposed amendment is limited to the Plan diagram only and does not require an exception because it seeks a Forest Lands designation.

Conclusions:

Based on the facts found above, the Board concludes that the proposed amendment is a "Minor Amendment" not requiring a Goal exception.

- (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 L.C. 16.400(6)(h)(iii) above 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.
 - (ii) An analysis responding to each of the required findings of L.C. 16.400(6)(h)(ii) above.
 - (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;
 - (bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply and sewage disposal;
 - (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;
 - (dd) Natural hazards affecting or affected by the proposal;
 - (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;
 - (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;
 - (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).

Findings:

The Board adopts the facts set forth in Applicant's Supplemental Report beginning at page 2, item L.C. 16.400(8)(c) and continuing to the end.

Conclusions:

Based on the facts found above, the Board concludes that the applicant has provided the required documentation.

II. Findings and Conclusions Relating to Rezoning Criteria of Lane Code 16.252

(Criteria are set in bold face type with findings and conclusions immediately following.)

L.C. 16.252(2)

Criteria. Zonings, rezonings and changes in the requirements of this Chapter shall be enacted to achieve the general purpose of this Chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the zone classification proposed, applicable Rural Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners or the Hearings Official in accordance with the procedures in this section.

Findings:

The Board adopts the facts set forth in the Applicant's Initial Report as follows:

1. General Purposes of Chapter 16: See report, pages 5 through 8.
2. Not Contrary to the Public Interest: As described above, the request is consistent with the Plan and, therefore consistent with the public interest.
3. Consistency with the Purposes of the Proposed Zoning District (F-2):
See report, page 4.
4. Consistent with Applicable Plan Elements: See above.

5. Consistent with Statewide Planning Goals (Only for unacknowledged portions of the Plan): All portions of the Plan are currently acknowledged.

Conclusions:

Based on the facts found above, the Board concludes that the amendment achieves the general purposes of Lane Code Chapter 16, is not contrary to the public interest, and is consistent with the purposes of the Impacted Forest Lands zoning district and the policies of the Rural Comprehensive Plan.

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**APPLICATION FOR ZONE CHANGE
FROM NRC-RCP (NATURAL RESOURCE ZONE)
TO C-R, RCP (RURAL COMMERCIAL ZONE)**

APPLICANT: Allan C. Post
P.O. Box 1047
Freedom, CA 95019

OWNER: Same as Applicant

LOCATION:

Tax Map #19-12-22-40-01200
#19-12-22-40-01700

Site Address: 83626 Highway 101 South
Florence, Oregon 97439

SERVICES:

Fire: Siuslaw RFPD
Power: Central Lincoln P.U.D.
Phone: U.S. West
Sewer: On-Site
Water: On-Site
School: #97J-Florence

PROPOSAL: Request for zone change of the above referenced property from Natural Resource Zone (NR-RCP) to Impacted Forest Land Zone (F2-RCP). Refer to Lane County Official Zoning Map, Plot #016.

The subject property is within the Coastal Resources Management Plan area. A review of the Official Coastal Zones map shows that the subject property is within the Beaches & Dunes Combining Area.

The property being proposed for this zone change is adjacent to the City Limits and Urban Growth Boundary of Dunes City.

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Adjoining property to the North & East are within the City limits of Dunes City. The easterly boundary of the subject property is common with the U.S. Hwy 101 westerly right-of-way margin. Property to the West is within U.S. Forest Service ownership. Plot Map #016 shows property zones Rural Commercial to be approximately 160 feet to the south of the south boundary of the subject parcel. Other property, not under federal ownership and adjacent to Hwy 101 is zoned F-2. A narrow neck of U.S. Forest Service property extends to Highway 101 adjacent to the southern property line of the subject parcel.

U.S. Forest Service property is part of the Siuslaw National Forest and is within the Oregon Dunes National Recreation Area.

GENERAL INFORMATION:

As can be seen on the aerial photo map, a homesite now exists on the subject property. Property surveys performed by the Bureau of Land Management and the U.S. Forest Service revealed that a portion of the dwelling and other improvements made by the owner of the subject parcel were in fact located on Government property.

In 1990, a boundary line adjustment was conducted which put the dwelling and improvements back on the subject property, refer to county survey CSF 29357. As a result of this land exchange, the Government acquired ownership of property south of the subject parcel and adjoining the westerly right-of-way margin of U.S. Hwy 101.

It can be assumed that the U.S. Forest Service wanted to have property which extended to U.S. Hwy 101 to provide an access opportunity for future development within the Oregon Dunes National Recreation Area.

The aerial photo map illustrates surrounding land use patterns.

The property is not located in a flood plain and has not been identified as having any natural hazards or significant open space, historic, cultural, natural or science resources.

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PROPOSED USE:

As mentioned above, the property is within the NRC zone and has an existing dwelling with other improvements. The applicant desires to occupy the existing dwelling and establish a home occupancy business. The NRC zone does allow for a dwelling but does not allow for the proposed home occupancy business. The zone change from NRC to F-2 allow the applicant to have a home occupation in conjunction with the existing residence.

A review of surrounding zoning would lead one to believe that the NR zone was incorrectly applied to this parcel. Most other parcels, similar in character to the subject parcel within the immediate area have received an F-2 zone designation.

Home occupations as allowed under the Impacted Forest Zone will not result in any changes in the general character of the surrounding area.

NATURAL RESOURCE ZONE (NR-RCP)**16.213 Natural Resource Zone (NR-RCP)**

- (1) **Purpose.** The Natural Resource Zone (NR-RCP) is intended to protect areas having unique or irreplaceable natural resource which are vital elements for a safe, healthful and pleasant environment for human life. The Natural Resource Zone may be applied to public and private lands where the Rural Comprehensive Plan requires natural resource site protection. The Zone is not intended to be applied to other types of resource land, such as agricultural land and forest land. To minimize the potential resulting from increases in human population, urbanization, income, leisure time and individual mobility, emphasis will be placed on limiting and regulating human activities in those areas where:
 - (a) The acceptable water quality of streams, lakes, estuaries of the ocean may be endangered;
 - (b) Watersheds and their streams or lakes are used for domestic water supplies;
 - (c) Vegetative cover is essential to maintain the soil stability and prevent erosion;
 - (d) Natural conditions are vital for the either unique vegetative ecosystems, aquatic or wildlife habitat; and
 - (e) Scenic quality or vistas or open space is unique and/or irreplaceable.

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In reviewing general land use patterns within the area of the subject parcel, it is unclear as to how this parcel was classified within the Natural Resource zone. Surrounding parcels, not federally owned, adjacent to Highway 101 and not within Dunes City are either zoned Rural Commercial or Impacted Forest.

The Natural Resource zone is intended to protect unique and irreplaceable natural resources. The subject parcel is less than two acres in size and contains no unique or irreplaceable resources. The criteria for which the Natural zone was intended, as outlined above, does not apply to the subject parcel.

The only body of water which is near the subject property is Woahink Lake. As can be seen on the photo map, Highway 101 separates the subject parcel from the lake.

The subject parcel has not been identified as a unique habitat area for any threatened or endangered plant or animal species.

After reviewing the purpose of the Natural Resource zone, it appears that the subject parcel does not fit the intended purpose of that Resource Zone.

IMPACTED FOREST LANDS ZONE (F-2, RCP)

16.211 Impacted Forest Lands Zone (F-2, RCP)

- (1) **Purpose.** The purpose of the Impacted Forest Lands Zone (F-2, RCP) is:
 - (a) **To implement the forest land policies of the Lane Code Rural Comprehensive Plan, and the forest land policies of the Eugene/Springfield Metro Area General Plan.**
 - (b) **To conserve forest land for uses consistent with Statewide Planning Goal #4.**

A review of the official zoning map (plot #16) shows that most property in private ownership, near the subject parcel adjoining Highway 101 and not within the city limits of Dunes City has been zoned F-2.

The rezoning of the subject parcel to F-2, would be consistent with prior County land use planning decisions.

The F-2 zone will continue to recognize the property as resource land and allow for uses consistent with that of surrounding properties.

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LANE CODE 16.252

PROCEDURES FOR ZONING, REZONING AND
AMENDMENTS TO REQUIREMENTS

16.252(2) **Criteria.** Zonings, rezonings and changes in the requirements of this Chapter shall be enacted to achieve the general purpose of this Chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the zone classification proposed, applicable Rural Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission.

GOAL 2 - PLAN POLICIES

The subject parcel is within the Coastal Region as identified by Lane County.

The proposed zone change is a request for change from one resource zone to another.

A review of Goal 2 finds that no additional provisions are made for the rezoning of resource lands from Natural Resource to Impacted Forest lands other than those outline under Chapter 16 along with a review of the purpose behind both zones.

LANE COUNTY LAND USE AND DEVELOPMENT CODE
GENERAL PROVISIONS
16.000

16.003 Purpose. This Chapter is designated to provide and coordinate regulations in Lane County governing the development and use of lands to implement the Lane County Rural Comprehensive Plan. To these ends, it is the purpose of this Chapter to:

(1) Insure that the development of property within the County is commensurate with the character and physical limitations of the land and, in general, to promote and protect the public health, safety, convenience and welfare.

The proposed zone change is consistent with the manner in which adjoining properties have been zoned by Lane County.

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It is unclear as to why this parcel was segregated out as Natural Resource zone when other nearby non-federal lands received the Impacted Forest Zone.

The general character of the area will not change as a result of this proposed zone change. A dwelling is now present on the property. The Impacted Forest zone also allows for the presence of an existing dwelling. Refer to photo map to review surrounding development patterns.

(2) Protect and diversify the economy of the County.

The rezoning of this parcel to Impacted Forest Lands will contribute to the economic base of the area by allowing for home occupation opportunities.

The local economy of Western Lane County has been severely impacted by the lose of jobs within the timber industry. Any new business including a home occupation, established within the Western Lane area not related to the timber industry will provide economic diversity that contributes to long term economic stability of the area.

(3) Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth.

The proposed zone change speaks only to Impacted Forest Lands. No industrial land classifications exist within the general area.

(4) Conserve farm and forest lands for the production of crops, livestock and timber products.

The proposed change will result in the increase in lands presently zoned forest lands.

(5) Encourage the provisions of affordable housing in quantities sufficient to allow all citizens some reasonable choice in the selection of a place to live.

A residence already is in place on the subject property. This provision does not apply. The proposed zone classification would not allow for further parcelization of the property.

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(6) Conserve all forms of energy through sound economical use of the land and land uses developed on the land.

Pre-existing homes along with home occupation opportunities tend to promote the conservation of energy.

(7) Provide for the orderly and efficient transition from rural to urban land use.

The proposed land use will not change from rural to urban as a result of this application.

(8) Provide for the ultimate development and arrangement of efficient public services and facilities within the County.

The proposed zone change will not alter the development or arrangement of public services or facilities within the County.

(9) Provide for and encourage a safe, convenient and economical transportation system within the County.

The proposed zone change will not effect current transportation patterns within the general area. Existing transportation patterns will not change.

(10) Protect the quality of the air, water and land resources of the County.

The proposed zone change of this property to Impacted Forest Land will continue to protect the quality of the air, water and land resources of the County.

(11) Protect life and property in areas subject to floods, landslides and other natural disasters and hazards.

The property to be rezoned is not subject to any of the items listed under (11).

(12) Provides for the recreational needs of residents of Lane County and visitors to the County.

Opportunities for the recreational needs of Lane County residence and visitors are protected and encouraged within the Impacted Forest Zone classification.

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(13) Conserve open space and protect historic, cultural, natural and scenic resources.

The subject property is currently zoned NRC. The property has been impacted by the establishment of a residence. The residence was established long before the property was arbitrarily zoned NRC.

Other properties both to the north and south of the subject property are zoned commercial and also adjoin properties which are zoned NRC. Other properties within the general area zoned commercial have not had a negative impact on properties zoned NRC.

(14) Protect, maintain, and where appropriate, develop and restore the estuaries, coastal shorelands, coastal beach and dune area and to conserve the nearshore ocean and continental shelf of Lane County.

The only section of Lane Code which may apply to this zone change request is that the property is within the beaches and dunes overlay zone. The presence of the Oregon Dunes National Recreation Area to the West of this property provides for the maintenance, protection and enhancement of dunal areas, all within public ownership for the benefit of the public.

16.004(4) Prior to the zoning or rezoning of land under this Chapter, which will result in the potential for additional parcelization, subdivision or water demands or intensification of uses beyond normal single-family residential equivalent water usage, all requirements to affirmatively demonstrate adequacy of long-term water supply must be met as described in LC 13.050(13)(a)-(d).

The subject property has an established residence with onsite water and septic systems. The anticipated use of the property as a home occupancy business will not require an increase in the water supply.

CLOSING COMMENT:

As stated within Lane Code 16.213(1);

"The Natural Resource Zone (NR-RCP) is intended to protect areas having unique or irreplaceable natural resource which are vital elements for a safe, healthful and pleasant environment for human life. The Natural Resource Zone may be applied to public and private lands where the Rural Comprehensive Plan requires natural resource site protection."

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This particular parcel of property does not fit the criteria outlined in the above statement. The Oregon Dunes National Recreation Area will not be impacted by the rezoning of this property, nor does the subject property, as it is now used, provide any protection for Oregon Dunes National Resource Lands.

Hearing
4/7/93

SUPPLEMENTAL INFORMATION

FILE NO.: PA 3057-92

DATE: 4/7/93

**APPLICATION FOR ZONE CHANGE
FROM NRC-RCP (NATURAL RESOURCE ZONE)
TO F-2, RCP (IMPACTED FOREST LANDS ZONE)**

APPLICANT: Allan C. Post
P.O. Box 1047
Freedom, CA 95019

OWNER: Same as Applicant

LOCATION Tax Map #19-12-22-40-0120
#19-12-22-40-0170
Site Address : 83626 Highway 101 South
Florence, Oregon 97439

IV. APPROVAL CRITERIA AND ANALYSIS

L.C. 16.400(6)(h)

(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

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

Findings provided herein demonstrate that the proposed Minor Amendment does meet all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

(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 application of the Plan.

A review of the official zoning map for this area (Plot #16), shows all property similar in nature to the subject parcel to be zoned either F-2 or CR. Only that land under federal ownership was zoned as NR.

It is unclear why the subject property was zoned NR, when all surrounding property, similar in character was zoned as noted above. It appears that an error was made during the original zone application of the NR zone and the subject property should have been zoned either F-2 or CR which would be consistent with that of adjoining zone designations.

FILE # PA3057-92
EXHIBIT # 17

Under this application, a request is being made to correct the zoning of the subject parcel from that of NR to F-2.

L.C. 16.400(8)

(a) Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:

(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.

As mentioned within the text of this application, the property has a dwelling which was constructed over 40 years ago and has been used as a residence ever since.

The subject parcel has not been identified as a unique habitat area for any threatened or endangered plant or animal species. With the presence of the existing dwelling, it is doubtful whether the property will ever develop into a habitat area for an endangered plant or animal species.

(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) above 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.

This proposal is a request for a zone change from NR to F-2. The purpose of the zone change is to correct a zone designation which was applied in error.

As mentioned above, a review of the area indicates adjoining property of similar character to be zoned either F-2 or CR. The applicants property has an existing dwelling. The F-2 zoning is a more suitable classification for this property which would make it consistent with that of adjoining ownership's.

Adjoining ownership's which are either F-2 or C-R also have existing dwellings.

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

Refer to findings submitted under 16.400(6)(h)(iii) of this report.

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

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

As mentioned above, a review of existing land use and zoning patterns support this application for a zone change from that of NR to that of F-2. Refer to aerial photo map for a review of surrounding development patterns.

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

The proposed zone change will not result in any change in services required and/or generated.

The subject parcel has an existing dwelling with both an onsite septic system and a well. Hwy 101 provides access to the property. The primary use of this property as an established homesite will not change. The level of services associated with the present use of the property will not change.

(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;

The subject property is adjoined on its West boundary by the U.S. Forest Service Dunes National Recreation Area. All other parcels similar in character to that of the subject property which adjoin the Dunes National Recreation Area have been zoned either F-2 or CR. The subject property has not received any special resource designations other than the NR zoning. A change from NR to F-2 would not increase or decrease the impacts to the adjoining NR zone.

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

Other than the Beaches and Dunes overlay zone which will continue to apply to the subject property under either the NR or F-2 zone designation, no known natural hazards will be affected by this proposal.

(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;

Does not apply to this proposal

(ff) For a proposed amendment to 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;

Does not apply

(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)

Does not apply