

PASSED

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. PA 1138) IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE
) PLAN TO REDESIGNATE LAND FROM "AGRICULTURAL" TO "RURAL",
) REZONE THAT LAND FROM "E-40/EXCLUSIVE FARM USE" TO
) "RR-2/RURAL RESIDENTIAL" AND ADOPT AN EXCEPTION TO STATEWIDE
) PLANNING GOALS 3 AND 4; AND ADOPTING SAVINGS AND
) SEVERABILITY CLAUSES (file PA 98-1782; WAYMIRE)

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 planning jurisdiction of the Lane County Rural Comprehensive Plan; and

WHEREAS, Lane Code 16.400 sets forth procedures for amendment of the Rural Comprehensive Plan, and Lane Code 16.252 sets forth procedures for rezoning lands within the jurisdiction of the Rural Comprehensive Plan; and

WHEREAS, in November 1998, application no. PA 98-1782 was made for a minor amendment to redesignate tax lot 603 of map 17-02-04, from "Agricultural" to "Rural" and concurrently rezone the property from "E-40/Exclusive Farm Use" to "RR-2/Rural Residential"; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearing of January 19, 1999, and on that date recommended denial of the proposed amendment and rezoning; and

WHEREAS, evidence exists within the record indicating that the proposal meets the requirements of Lane Code Chapter 16, 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 Ordains as follows:

Section 1. The Lane County Rural Comprehensive Plan is amended by the redesignation of tax lot 603 of map 17-02-04, from "Agricultural" to "Rural", such territory depicted on Plan Plot 456 and further identified as Exhibit "A" attached and incorporated herein.

Section 2. Tax lot 603 of map 17-02-04, is rezoned from "E-40/Exclusive Farm Use" (Lane Code 16.212) to "RR-2/Rural Residential" (Lane Code 16.231), such territory depicted on Rural Zoning Plot 456 and further identified as Exhibit "B" attached and incorporated herein.

Section 3. Developed and committed lands exceptions to statewide planning goals 3 and 4 are adopted for tax lot 603, map 17-02-04. The findings of fact and conclusions of law supporting the exceptions are adopted as part of the Rural Comprehensive Plan and are set forth in Exhibit "C" (pages 5-28), attached to this Ordinance.

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.

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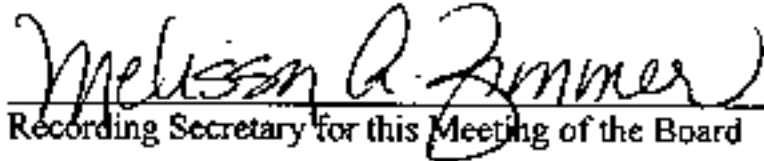
IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "AGRICULTURAL" TO "RURAL", REZONE THAT LAND FROM "E-40/EXCLUSIVE FARM USE" TO "RR-2/RURAL RESIDENTIAL" AND ADOPT EXCEPTION TO STATEWIDE PLANNING GOALS 3 AND 4; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (file PA 98-1782; WAYMIRE)

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity to the remaining portions hereof.

ENACTED this 29th day of March, 1999.



Chair, Lane County Board of County Commissioners



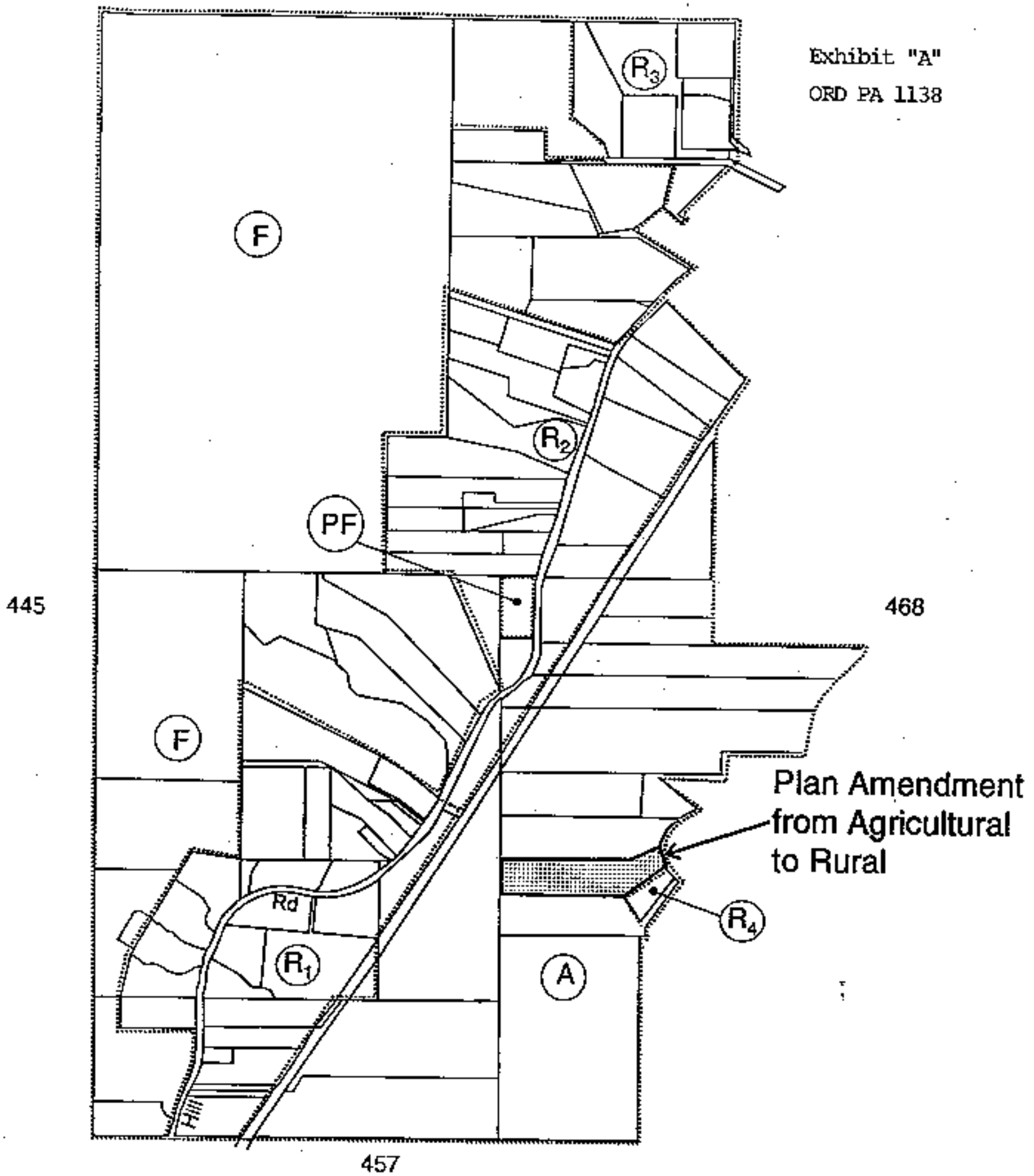
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 9-13-99 Lane county


OFFICE OF LEGAL COUNSEL

Exhibit "A"
ORD PA 1138




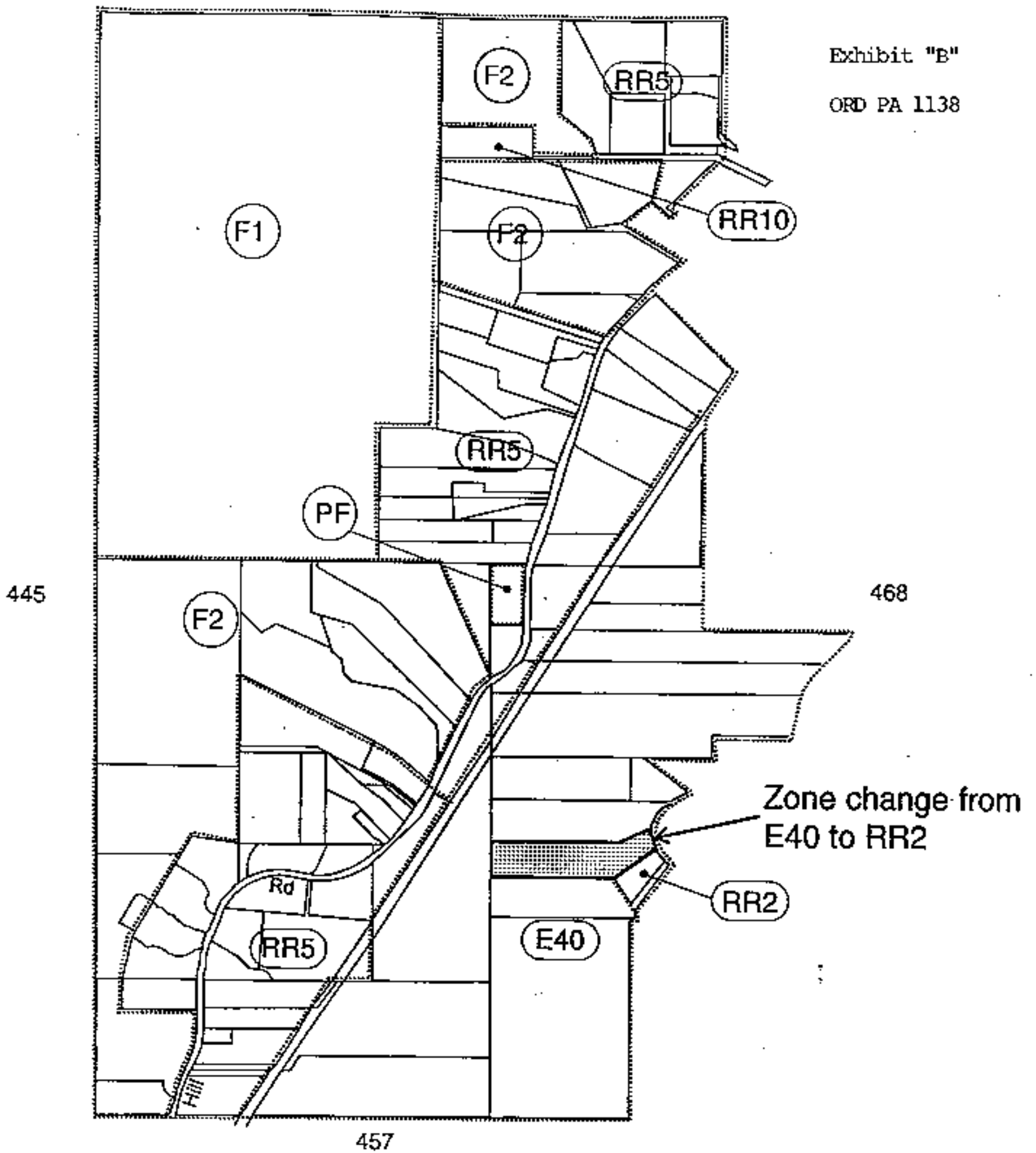
	OFFICIAL PLAN MAP		PLOT #456	
	Township Range Section 16 02 33		17 02 04	
ORIGINAL ORD. #	PA 884	DATE	2/29/1984	FILE #
REVISION #	ORD#	DATE		FILE #

Exhibit "B"

ORD PA 1138



lane county



OFFICIAL ZONING MAP

PLOT #456

Township Range Section

16 02 33

17 02 04

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

REVISION # _____ ORD# _____ DATE _____ FILE # _____

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The following information represents the Findings of Fact and Conclusions of Law supporting the Lane County Board of Commissioner's Approval and Adoption of Plan Amendment, Zone Change and Goal Exception for Jack Waymire's land addressed as 90394 Shadows Drive, Springfield, Oregon 97478. These Findings are divided into the following four sections:

- I. SPECIFIC FINDINGS RELATING TO THE SUBJECT PROPERTY
 - A. Description of Subject Property and Summary of Action
 - B. Natural Site Features
 - C. Existing Surrounding Development Pattern
 - D. Existing Public Facilities and Services
- II. FINDINGS AND CONCLUSIONS RELATING TO STATE LAW CRITERIA OF OREGON REVISED STATUTES (ORS) 197.732 AND OREGON ADMINISTRATIVE RULES (OAR) 660-004-000
- III. FINDINGS AND CONCLUSIONS RELATING TO PLAN AMENDMENT CRITERIA OF LANE CODE (L.C.) 16.400
- IV. FINDINGS AND CONCLUSIONS RELATING TO REZONING CRITERIA OF 16.25

I. SPECIFIC FINDINGS RELATING TO THE SUBJECT PROPERTY

A. Description of Subject Property and Summary of Action

The Board of Commissioners (Board) finds and relies on the following facts regarding the description of the subject property and the summary of the action.

1. This application is an amendment to the Lane County Rural Comprehensive Plan to redesignate 14.18 acres of land from Resource Agricultural to non-Resource Rural Residential, and to rezone that area from Exclusive Farm Use (E-40) to Rural Residential (RR-2). The property is identified on Assessor's Map 17-02-04, Tax Lot # 603 (see Exhibit N attached to initial application narrative). Documentation for a committed exception to Oregon Statewide Planning Goal # 3, to include this parcel within exception is 468-3, is provided in these Findings.
2. The subject property is located approximately 6 miles north of Springfield, Oregon. The subject property can be reached by taking 28th Street north out of Springfield to Marcola Road, then east across the McKenzie River where Marcola Road turns more northerly, then north on Marcola Road for some 4 miles to Mountain Shadows Subdivision, then taking a left turn on Shadows Drive toward the west to the property addressed as 90394 Shadows Drive. The subject property is Lot # 7 of Mountain Shadows Subdivision.

The east end of the subject property is developed with a house, detached garage and other outbuildings. This house has a well and on-site sanitary sewage drain field. The proposed RR-2 zoning designation would be consistent with the ownership pattern of the area and would directly border an RR-2 zoned area to the east. The average parcel size for Mountain Shadows Subdivision area was determined to be 1.36 acres. For both this case file and the exception area # 468-3 the average parcel size is 1.77 acres.