

W.S.E.

Memorandum Date: July 24, 2007
First Reading: August 29, 2007
Public Hearing: September 19, 2007

TO: Board of County Commissioners

DEPARTMENT: Public Works Department/Land Management Division

PRESENTED BY: Keir Miller, Associate Planner

AGENDA ITEM TITLE: ORDINANCE NO. PA 1243 / IN THE MATTER OF ADOPTING CONFORMITY DETERMINATION AMENDMENTS TO THE RURAL COMPREHENSIVE PLAN (RCP) PURSUANT TO RCP GENERAL PLAN POLICIES – GOAL 2, POLICY 27 a. iv., TO CORRECT SCRIVENER ERRORS ON THE OFFICIAL PLAN AND ZONING MAPS – PLOT NO. 621, AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES. (LANE COUNTY LMD).

I. MOTION

I move adoption of Ordinance No. PA 1243 to correct scrivener errors on Official Plan and Zoning Maps – Plot No. 621, within and adjacent to the unincorporated rural community of Blue River. The proposed corrections would:

- Amend Official Plan Map – Plot No. 621 to re-designate the western 0.20 of-an-acre of tax lot 5800 of Assessor's map 16-45-28.2 from "RPF/C" to "R/C" (Rural);
- Amend Official Zoning Map – Plot No. 621 to re-designate the western 0.20 of-an-acre of tax lot 5800 of Assessor's map 16-45-28.2 from "RPF/C" to "RR2/C" (Rural Residential – LC 16.290);
- Amend Official Plan Map – Plot No. 621 to re-designate tax lot 300 of Assessor's map 16-45-28.2 from "RPF/C" to "R/C" (Rural); and
- Amend Official Plan Map – Plot No. 621 to re-designate tax lot 201 of Assessor's map 16-45-21 from "PR/C" to "PR" (Parks and Recreation – LC 16.215).

II. AGENDA ITEM SUMMARY

The Board of Commissioners is being asked to approve amendments to Official Plan Map – Plot No. 621 and Official Zoning Map – Plot No. 621, to correct a scrivener error on one property that occurred in 1984 and scrivener errors on two properties that occurred in 2002.

III. BACKGROUND AND IMPLICATIONS OF ACTION

A. Policy Issues

In December 2003, the Board of County Commissioners adopted a "Conformity Determination Amendment" process in the Rural Comprehensive Plan – General Policies, as Policy 27 to the Goal Two Policies. The process provides for eight circumstances under which an amendment could be brought to the Lane County Planning Commission for review and recommendation to the Board. One of the circumstances was to correct scrivener errors on an adopted Official Plan or Zoning Plot. The provision is Policy 27, a. iv:

- 27. Conformity Determination. Lane County will annually initiate and process applications to correct identified plan or zoning designations in the RCP Official Plan and Zoning Plots resulting from the Official Plan or Zoning Plots not recognizing lawfully existing (in terms of the zoning) uses or from inconsistencies between the Official Plan and Zoning Plots. Changes to correct nonconformities shall comply with the procedures and requirements of Lane Code Chapter 12 (Comprehensive Plan), Chapter 14 (Application Review and Appeal Procedures), and Chapter 16 (Land Use & Development Code), except as provided for in 27 c. and d., below.*
- a. Circumstances qualifying for consideration by the Board of Commissioners under the Conformity Determinations Policy may include one or more of the following:*
- iv. Correction of a scrivener error on an adopted Official Plan or Zoning Plot.***

The Conformity Determination Amendment process was enacted originally as an "errors or omissions" policy on 1984 (Ordinance PA 883) and re-enacted on December 17, 2003 (Ordinance PA 1192) based on compliance with the adopted policy statement in Lane Code 16.400(1), which are the implementing guidelines for Rural Comprehensive Plan amendments:

Lane Code 16.400 Rural Comprehensive Plan Amendments

- (1) Purpose. The Board shall adopt a Rural Comprehensive Plan. The general purpose of the Rural Comprehensive Plan is the guiding of social, economic and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare. The Rural Comprehensive Plan shall be considered to be a dynamic policy instrument that can be modified to reflect changing circumstances and conditions as well as to correct errors and oversights. It is recognized that the Rural Comprehensive Plan affects the people of Lane County and it is, therefore, important that the ability by individuals to propose amendments be free of restraint.*

B. Board Action and Other History

The Board of Commissioners has adopted ordinances enacting countywide rural Plan and Zoning designations on two occasions separated by eighteen years in time. The first time was in 1984 with the adoption of the Rural Comprehensive Plan for the rural areas of Lane County. The more recent period was during the series of

ordinances as part of the mandated work tasks of the Periodic Review Work Program for the developed and committed exception areas and unincorporated communities in rural lands, countywide, beginning in 2002.

C. Analysis

A more comprehensive analysis by staff is included as part of Attachment "B" - Staff Report to the Lane County Planning Commission, to this Memo, in specific, subsection "C. Analysis" and supporting documentation therein. The following is a summary of that analysis:

Map 16-45-28.2, tax lot 5800

During the adoption of the Rural Comprehensive Plan and Ordinance No. 884 on February 29, 1984, Lane County applied zoning designations to rural properties countywide. Within the "Community" of Blue River, a scrivener error occurred on Official Zoning Map – Plot 621, designating the western 0.20 of-an-acre of tax lot 5800 of Lane County Assessor's map 16-45-28.2 as Public Facility (PF). The eastern 0.09 of-an-acre of tax lot 5800 that fronts Cascade Street was zoned "C3" (Commercial Zone) in 1984 and was correctly re-designated "RC/C" (Rural Commercial) in 2002. Tax lot 5800 of Assessor's map 16-45-28.2 is privately owned and no public facilities are known to have existed on the property. The western 0.20 of-an-acre that fronts Dexter Street, should have been designated for residential use compatible with the surrounding area in 1984.

Staff recommends amending the Official Plan Map – Plot 621 and Official Zoning Map – Plot 621 to re-designate the western 0.20 of-an-acre of tax lot 5800 of Assessor's map 16-45-28.2 as Rural (R) and Rural Residential (RR2/C), respectively. Refer to Exhibit A - Proposed Amendments to Official Plan Map – Plot No. 621 and Exhibit B - Proposed Amendments to Official Zoning Map – Plot No. 621.

Map 16-45-28.2 tax lot 300

During the adoption of Ordinance No. PA 1173 amending plan and zoning designations for the McKenzie Watershed Periodic Review Work Tasks within the McKenzie Watershed on April 17, 2002, scrivener errors occurred on Official Plan Map - Plot 621 and Official Zoning Map - Plot 621. On that same date, during the adoption of Ordinance No. PA 1168 enacting post-acknowledgement plan amendments to amend Plan and Zoning designations within the unincorporated rural community of Blue River, scrivener errors were duplicated on Official Plan Map - Plot No. 621.

Between February 29, 1984 and April 17, 2002, tax lot 300 was designated as part of the "Community" of Blue River on Official Plan Map – Plot 621, and "RA" (Suburban Residential) on Official Zoning Map – Plot 621. On April 17, 2002, the adoption of Ordinance No. PA 1173 included the Zoning designation of "PF/C" (Public Facility) on Official Zoning Map – Plot 621, for tax lot 300. The Ordinance also included the Plan designation of "C/PF" (Public Facility) on Official Plan Map – Plot No. 621, for tax lot 300. These amendments were in error and not authorized

by the Willamette National Forest – Blue River District, owner of the property at the time.

In the Board's subsequent action on April 17, 2002, the adoption of Ordinance No. PA 1168, Control No. 23 included an Official Zoning Map – Plot 621, which accurately designated the subject property, tax lot 300, as "RR2/C" (Rural Residential) in conformity with the rezoning of all other properties within the unincorporated rural community boundaries of Blue River from the prior "RA" designation to "RR2/C" with a two-acre minimum lot size.

The correct designation of "R" (Rural) proposed for tax lot 300 of Assessor's Map 16-45-28.2 on the Official Plan Map – Plot No.621, is depicted on Exhibit A - Proposed Amendments to Official Plan Map – Plot No. 621.

Map 16-45-21 tax lot 201

The adoption of Ordinance No. PA 1168, Control No. 23 on April 17, 2002, included an Official Zoning Map – Plot 621, which accurately designated the subject property, tax lot 201 of map 16-45-21, as "PR" (Park and Recreation). This designation had been applied in 1984 indicating the property was outside the unincorporated rural community boundaries of Blue River. As further evidence of the resource designation "PR" for the subject property, a notation was placed in the right-hand margin on Plot 621 stating: "This PR zoning is Not Being Rezoned to RPR." However, the Official Plan Map – Plot No.621 adopted by Ordinance No. PA 1168, Control No. 23, mistakenly indicated the subject property, tax lot 201, as "C/PR" (Community/Parks & Recreation).

The correct designation of "PR" (Park and Recreation) proposed for tax lot 201 of Assessor's Map 16-45-21 on the Official Plan Map – Plot No.621, is depicted on Exhibit A - Proposed Amendment to Official Plan Map – Plot No. 621.

IV. ACTION

Alternatives/Options

1. Adopt Ordinance No. PA 1243.
2. Do not adopt Ordinance No. PA 1243.
3. Direct staff to provide additional findings in support of the proposed amendments.

V. TIMING/IMPLEMENTATION

If the proposed amendments are approved, the plan and zoning designations will become effective thirty days from the date of adoption.

VI. LANE COUNTY PLANNING COMMISSION RECOMMENDATION

On June 19, 2007, the Planning Commission held a public hearing and by a vote of 6-0, unanimously forwarded a recommendation to the Board in support of adopting the proposed amendments to Official Plan Map – Plot No. 621 and Official Zoning

Map – Plot No. 621. The minutes of the Planning Commissions deliberations on June 19, 2007 are included as Attachment "D".

VII. FOLLOW-UP

If the proposed amendments are adopted, staff will provided written notice to the subject property owners, surrounding property owners, parties of record, and the Oregon Department of Land Conservation and Development.

VIII. ATTACHMENTS

- A. Ordinance No. PA 1243.
 - Exhibit "A" proposed amendments to official Plan Map, Plot 621
 - Exhibit "B" proposed amendments to official Zone Map, Plot 621
 - Exhibit "C" Findings of Fact
- B. Staff Report to Lane County Planning Commission (LCPC).
- C. LCPC Work Session Minutes (June 19, 2007).
- D. LCPC Public Hearing Minutes (June 19, 2007).

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

**ORDINANCE NO. PA 1243 [IN THE MATTER OF ADOPTING CONFORMITY
[DETERMINATION AMENDMENTS TO THE RURAL
[COMPREHENSIVE PLAN (RCP) PURSUANT TO
[RCP GENERAL PLAN POLICIES – GOAL 2,
[POLICY 27 a. iv., TO CORRECT SCRIVENER
[ERRORS ON THE OFFICIAL PLAN AND ZONING
[MAPS – PLOT # 621, AND ADOPTING SAVINGS AND
[SEVERABILITY CLAUSES. (Lane County LMD).**

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance No. PA 1192 and amended thereafter, has adopted the Conformity Determination Amendment process as Goal 2, Policy 27 of the General Plan Policies which is a component of the Lane County Rural Comprehensive Plan; and

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

WHEREAS, in May 2007, a Conformity Determination Amendment application (Lane County LMD) was initiated by Lane County to correct three scrivener errors on Official Plan Map – Plot No. 621 and one scrivener error on Official Zoning Map – Plot No. 621 within the unincorporated rural community of Blue River, pursuant to RCP General Plan Policies - Goal Two, Policy 27 a. iv.; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in a public hearing on June 19, 2007; and

WHEREAS, the Lane County Planning Commission on June 19, 2007, forwarded a recommendation to the Board of County Commissioners for approval to correct the scrivener errors; and

WHEREAS, the proposal was reviewed at a public hearing with the Lane County Board of Commissioners on September 19, 2007; 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 a public hearing 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 re-designation and rezoning of the following properties or portions thereof:

- a. Re-designation of the western 0.20 of-an-acre of tax lot 5800 of Assessor's map 16-45-28.2, from "Public Facility" (RPF/C) to "Rural" (R/C) on Official Plan Map – Plot No. 621 and further identified as Exhibit "A", attached and incorporated herein; and
- b. Re-designation of the western 0.20 of-an-acre of tax lot 5800 of Assessor's map 16-45-28.2, from "Rural Public Facility" (RPF/C) to "Rural Residential" (RR2/C) on Official Zoning Map – Plot No. 621 and further identified as Exhibit "B", attached and incorporated herein; and
- c. Re-designation of tax lot 300 of Assessor's map 16-45-28.2, from "Public Facility" (RPF/C) to "Rural" (R/C) on Official Plan Map – Plot No. 621 and further identified as Exhibit "A", attached and incorporated herein; and
- d. Re-designation of tax lot 201 of Assessor's map 16-45-28.2, from "Parks and Recreation" (PR/C) to "Parks and Recreation" (PR) on Official Plan Map – Plot No. 621 and further identified as Exhibit "A", attached and incorporated herein; and

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

The prior policies, zoning base designations and plan diagram base designations repealed or changed 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 affect the validity of the remaining portions thereof.

ENACTED this _____ day of _____, 2007.

Chair, Lane County Board of County Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

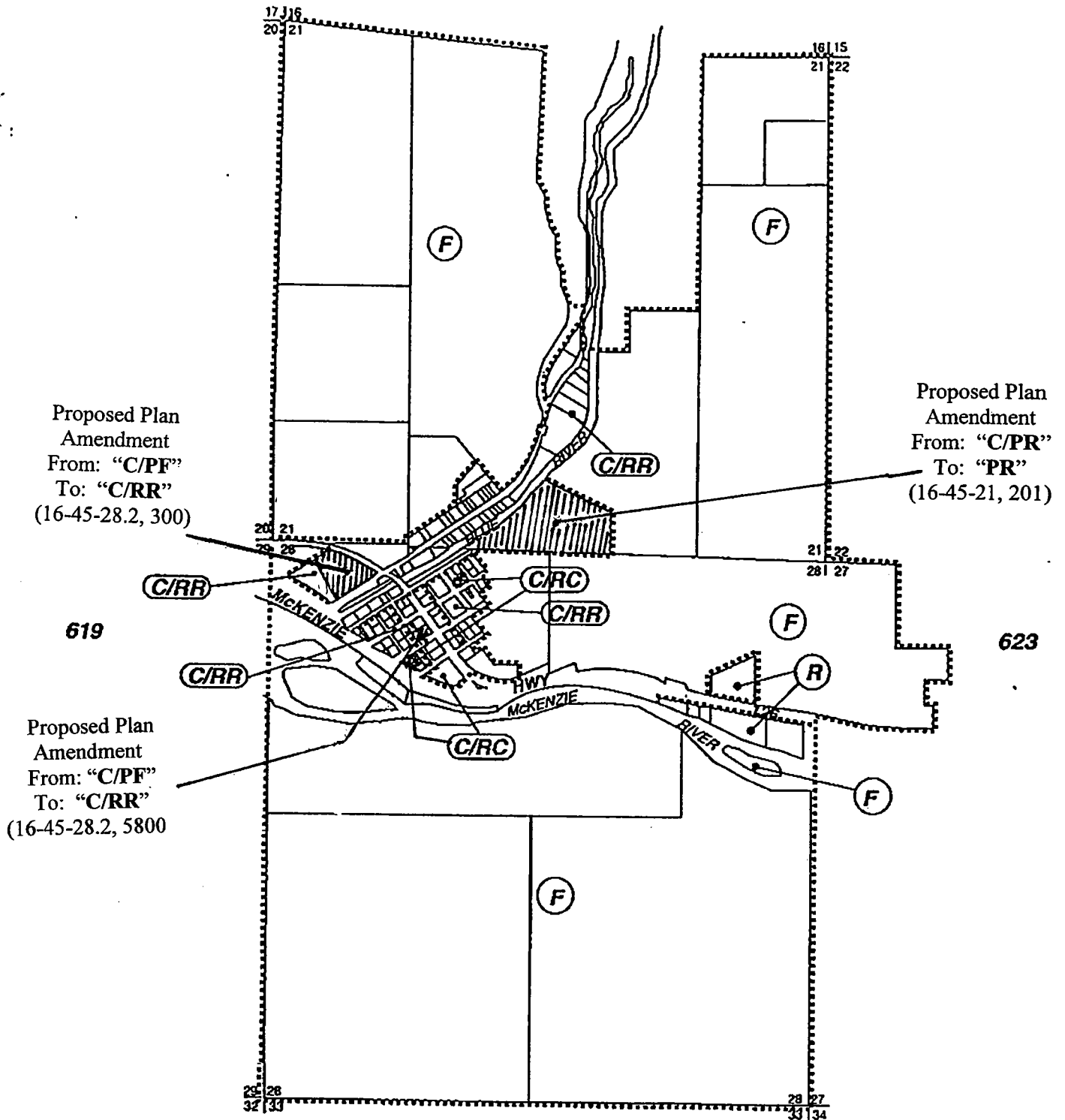
Date 8/21/07 Lane County



OFFICE OF LEGAL COUNSEL

**Ordinance No. PA 1243 –
Exhibit A – Proposed Amendments to Official Plan Map – Plot No. 621**

BLUE RIVER



lane county



OFFICIAL PLAN MAP

PLOT #621

Township Range Section

16 45 21

16 45 28

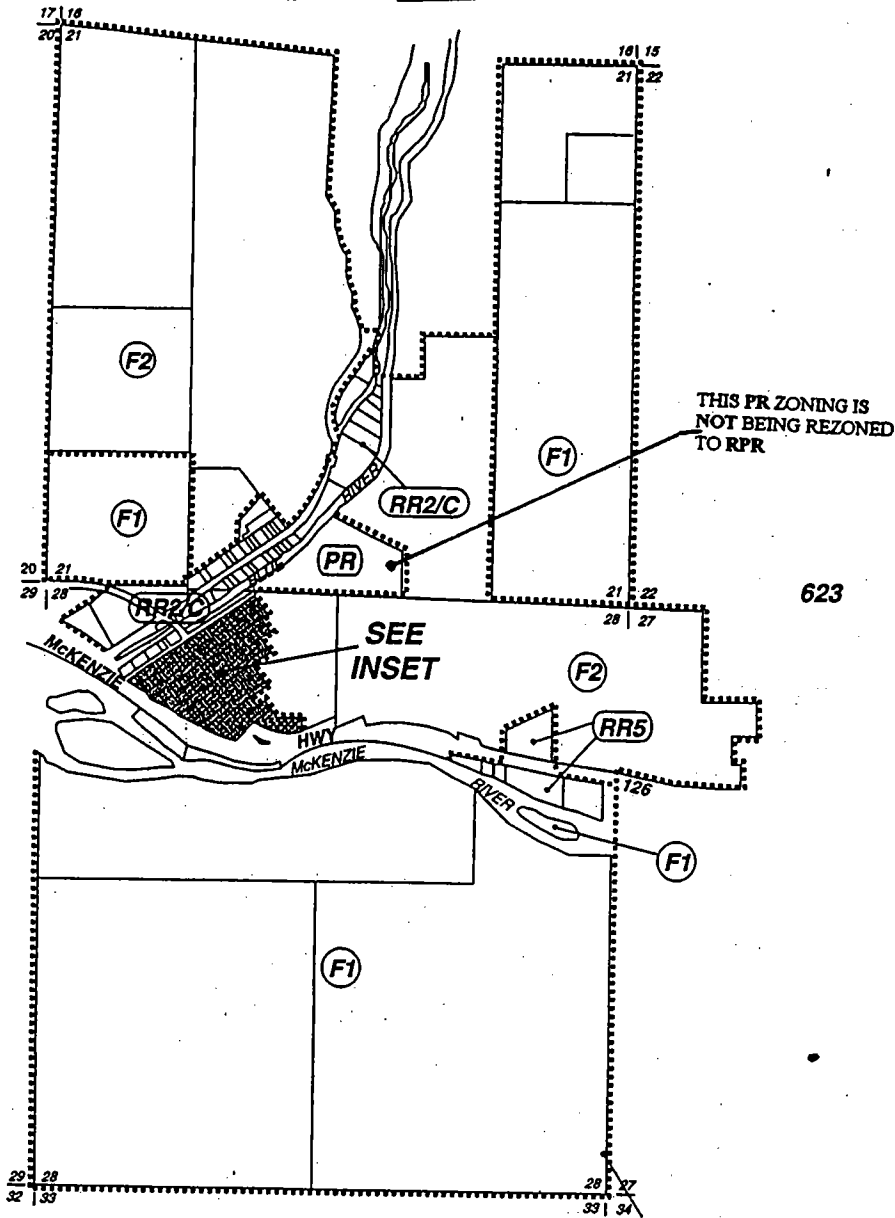
ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE #

REVISION # ORD# DATE FILE #

Exhibit B - Proposed Amendments to Official Zoning Map - Plot No. 621

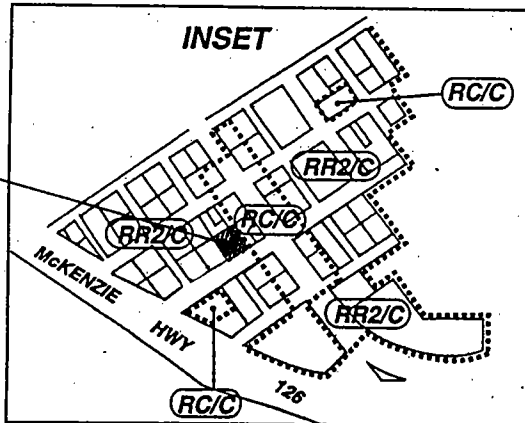
FLOODPLAIN

619



623

Western 0.20 acre
of tax lot 5800 of
Map 16-45-28.2 -
Rezoned from
RPF/C to RR2/C



The RR zones on this map are changed as follows:
FROM: RR LC 16.231 TO: RR LC 16.290
The RR zone parcel size remains the same.

lane county



OFFICIAL ZONING MAP

PLOT #621

Township Range Section

16 45 21

16 45 28

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

REVISION # ORD# PA 1168 DATE 4/17/02 FILE # CN23

Ordinance No. PA 1243
Exhibit "C"
Findings of Fact

Finding 1. Rural Comprehensive Plan – General Plan Policies: Goal Two, Policy 27 provides a conformity determination amendment process for the correction of identified plan or zoning designations in the RCP Official Plan and Zoning Plots resulting from the Official Plan or Zoning Plots not recognizing lawfully existing (in terms of the zoning) uses or from inconsistencies between the Official Plan and Zoning Plots.

Finding 2. In December 2003, the Board of County Commissioners adopted a "Conformity Determination Amendment" process in the Rural Comprehensive Plan – General Policies, as Policy 27 to the Goal Two Policies. The process provides for eight circumstances under which an amendment could be brought to the Lane County Planning Commission for review and recommendation to the Board. One of the circumstances was to correct scrivener errors on an adopted Official Plan or Zoning Plot. The provision is Policy 27, a. iv:

- 27. Conformity Determination. Lane County will annually initiate and process applications to correct identified plan or zoning designations in the RCP Official Plan and Zoning Plots resulting from the Official Plan or Zoning Plots not recognizing lawfully existing (in terms of the zoning) uses or from inconsistencies between the Official Plan and Zoning Plots. Changes to correct nonconformities shall comply with the procedures and requirements of Lane Code Chapter 12 (Comprehensive Plan), Chapter 14 (Application Review and Appeal Procedures), and Chapter 16 (Land Use & Development Code), except as provided for in 27 c. and d., below.*
- a. Circumstances qualifying for consideration by the Board of Commissioners under the Conformity Determinations Policy may include one or more of the following:*
- iv. Correction of a scrivener error on an adopted Official Plan or Zoning Plot.*

Finding 3. Lane Code 16.400: The Conformity Determination Amendment process was enacted originally as an "errors or omissions" policy on 1984 (Ordinance PA 883) and re-enacted on December 17, 2003 (Ordinance PA 1192) based on compliance with the adopted policy statement in Lane Code 16.400(1), which are the implementing guidelines for Rural Comprehensive Plan amendments:

Lane Code 16.400 Rural Comprehensive Plan Amendments

- (1) Purpose. The Board shall adopt a Rural Comprehensive Plan. The general purpose of the Rural Comprehensive Plan is the guiding of social, economic and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare. The Rural Comprehensive Plan shall be considered to be a dynamic policy instrument that can be modified to reflect changing circumstances and conditions as well as to correct errors and oversights. It is recognized that the Rural Comprehensive Plan affects the people of Lane County and it is, therefore, important that the ability by individuals to propose amendments be free of restraint.*

Finding 4. Lane Code 16.252(1): This section of Lane Code requires that as the Rural Comprehensive Plan for Lane County is implemented, changes in zone and other requirements of this chapter will be by ordinances.

Finding 5. Lane Code 16.252(2) requires that rezoning shall be consistent with the specific purposes of the zone classification proposed and Statewide Planning Goals. Based on the findings below, Ordinance No. PA 1243 complies with applicable state laws and Statewide Planning Goals.

- a. Statewide Planning Goal 2 requires, “Opportunities shall be provided for review and comment by citizens during the preparation, review and revision of plans and implementation ordinances.” Lane County provided the opportunities identified below for citizens to review and comment on the preparation and review of Ordinance No. PA 1243. These opportunities were adequate to comply with Goal 2.
 - On May 2, 2007, LMD mailed to the Oregon Department of Land Conservation and Development (DLCD) a notice of the public hearing and pending adoption, and two copies of the proposed conformity determination amendments.
 - On May 16, 2007, a legal ad was published in *The Register Guard*, providing notice of the Lane County Planning Commission public hearings in Harris Hall of the Lane County Public Service Building on June 19, 2007, at 7:00 P.M.
 - On June 1, 2007, written notices were mailed to adjacent and nearby property owners surrounding the three subject properties informing the property owners of the date, time and place of the Lane County Planning Commission public hearing.
 - On June 19, 2007, the Lane County Planning Commission (LCPC) conducted a public hearing on the proposed Conformity Determination Amendment (Ordinance No. PA 1243) requesting consideration for correction of three scrivener errors on Official Plan Map – Plot No. 621, and one scrivener error on Official Zoning Map – Plot No. 621, pursuant to the qualifying criterion of Goal Two, Policy 27 a. iv.:
 - iv. *Correction of a scrivener error on an adopted Official Plan or Zoning Plot.*
 - On June 19, 2007, the Lane County Planning Commission unanimously (6-0) approved a recommendation to the Board of Commissioners to adopt the proposed corrections pursuant to Goal Two, Policy 27 a. iv.
 - On August 29, 2007, a legal ad was published in *The Register Guard* providing notice of the Board of County Commissioners public hearing in Harris Hall of the Lane County Public Service Building at 1:30 PM on September 19, 2007.
 - On August 27, 2007, written notices were mailed to adjacent and nearby property owners surrounding the three subject properties informing the property owners of the date, time and place of the Lane County Board of Commissioners’ public hearing.
 - On September 19, 2007, the Board of County Commissioners conducted a public hearing on the proposed Conformity Determination Amendment - Ordinance No. PA 1243 for correction of the scrivener errors on Official Plan Map and Official Zoning Map – Plot No. 621.
- b. Ordinance No. PA 1243 acknowledges the written testimony and documentation, and citizen comments received during the LCPC public hearings on June 19, 2007, and submitted into the official record thereafter.
- c. Ordinance No. PA 1243 acknowledges the deliberations of the LCPC on June 19, 2007, and their findings of fact, conclusions, and recommendation to correct three scrivener errors on Official Plan Map – Plot No. 621 and one scrivener error on Official Zoning Map – Plot No. 621.
- d. Ordinance No. PA 1243 acknowledges citizen testimony received during the Lane County Board of Commissioners public hearing on September 19, 2007.

Finding 6. Lane County Assessor's Map 16-45-28.2, tax lot 5800: During the adoption of the Rural Comprehensive Plan and Ordinance No. 884 on February 29, 1984, Lane County applied zoning designations to rural properties countywide. Within the "Community" of Blue River, a scrivener error occurred on Official Zoning Map – Plot 621, designating the western 0.20 of-an-acre of tax lot 5800 of Lane County Assessor's map 16-45-28.2 as "PF" (Public Facility). The eastern 0.09 of-an-acre of tax lot 5800 that fronts Cascade Street was zoned "C3" (Commercial Zone) in 1984 and was correctly re-designated "RC/C" (Rural Commercial) in 2002. Tax lot 5800 of Assessor's map 16-45-28.2 is privately owned and no public facilities are known to have existed on the property. The western 0.20 of-an-acre that fronts Dexter Street, should have been designated in 1984 for residential use compatible with the surrounding zoning and uses to the north, west and south.

The correct designation of "R" (Rural) proposed for tax lot 5800 of Assessor's Map 16-45-28.2 on the Official Plan Map – Plot No. 621, is depicted on Exhibit A - Proposed Amendments to Official Plan Map – Plot No. 621. The correct designation of "RR2/C" (Rural Residential, Lane Code 16.290) proposed for tax lot 5800 of Assessor's Map 16-45-28.2 on the Official Zoning Map – Plot No. 621, is depicted on Exhibit B - Proposed Amendments to Official Zoning Map – Plot No. 621.

Finding 7. Lane County Assessor's Map 16-45-28.2, map 300: During the adoption of Ordinance No. PA 1173 amending plan and zoning designations for the McKenzie Watershed Periodic Review Work Tasks within the McKenzie Watershed on April 17, 2002, scrivener errors occurred on Official Plan Map - Plot 621 and Official Zoning Map - Plot 621. On that same date, during the adoption of Ordinance No. PA 1168 enacting post-acknowledgement plan amendments to amend Plan and Zoning designations within the unincorporated rural community of Blue River, scrivener errors were duplicated on Official Plan Map - Plot No. 621.

Between February 29, 1984 and April 17, 2002, tax lot 300 was designated as part of the "Community" of Blue River on Official Plan Map – Plot 621, and "RA" (Suburban Residential) on Official Zoning Map – Plot 621. On April 17, 2002, the adoption of Ordinance No. PA 1173 included the zoning designation of "PF/C" (Public Facility) on Official Zoning Map – Plot 621, for tax lot 300. The Ordinance also included the Plan designation of "C/PF" (Public Facility) on Official Plan Map – Plot No. 621, for tax lot 300. These amendments were in error and not authorized by the Willamette National Forest – Blue River District, owner of the property at the time.

In the Board's subsequent action on April 17, 2002, the adoption of Ordinance No. PA 1168, Control No. 23 included an Official Zoning Map – Plot 621, which accurately designated the subject property, tax lot 300, as "RR2/C" (Rural Residential) in conformity with the rezoning of all other properties within the unincorporated rural community boundaries of Blue River from the prior "RA" designation to "RR2/C", with a two-acre minimum lot size for the creation of new lots or parcels.

The correct designation of "R" (Rural) proposed for tax lot 300 of Assessor's Map 16-45-28.2 on the Official Plan Map – Plot No. 621, is depicted on Exhibit A - Proposed Amendments to Official Plan Map – Plot No. 621.

Finding 8. Lane County Assessor's Map 16-45-21, tax lot 201. The adoption of Ordinance No. PA 1168, Control No. 23 on April 17, 2002, included an Official Zoning Map – Plot 621, which accurately designated the subject property, tax lot 201 of map 16-45-

21, as “PR” (Park and Recreation). This designation had been applied in 1984 indicating the property was outside the unincorporated rural community boundaries of Blue River. As further evidence of the resource designation “PR” for the subject property, a notation was placed in the right-hand margin on Plot 621 stating: “This PR zoning is Not Being Rezoned to RPR.” However, the Official Plan Map – Plot No.621 adopted by Ordinance No. PA 1168, Control No. 23, mistakenly indicated the subject property, tax lot 201, as “C/PR” (Community/Parks & Recreation).

The correct designation of “PR” (Park and Recreation) proposed for tax lot 201 of Assessor’s Map 16-45-21 on the Official Plan Map – Plot No.621, is depicted on Exhibit A - Proposed Amendment to Official Plan Map – Plot No. 621.

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AGENDA COVER MEMO

DATE: June 4, 2007 (Date of Memo)
June 19, 2007 (Date of Public Hearing)

TO: LANE COUNTY PLANNING COMMISSION

FROM: Public Works Department/Land Management Division

PRESENTED BY: Bill Sage, Associate Planner

AGENDA ITEM TITLE: Ordinance No. PA 1243 -- In the Matter of Adopting Conformity Determination Amendments to the Rural Comprehensive Plan (RCP) Pursuant to RCP General Plan Policies - Goal 2, Policy 27 a. iv., to Correct Scrivener Errors on the Official Plan and Zoning Maps - Plot No. 621, and Adopting Savings and Severability Clauses. (Lane County LMD).

I. MOTION

The Lane County Planning Commission recommends that the Board of County Commissioners approve Ordinance No. PA 1243 to correct scrivener errors on Official Plan and Zoning Maps – Plot No. 621, within and adjacent to the unincorporated rural community of Blue River. The proposed corrections would:

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II. AGENDA ITEM SUMMARY

The Planning Commission is being asked to recommend amendments to Official Plan Map – Plot No. 621 and Official Zoning Map – Plot No. 621 to correct a scrivener error on one property that occurred in 1984 and scrivener errors on two properties that occurred in 2002.

III. BACKGROUND AND IMPLICATIONS OF ACTION

A. Policy Issues

In December 2003, the Board of County Commissioners adopted a "Conformity Determination Amendment" process in the Rural Comprehensive Plan – General Policies, as Policy 27 to the Goal Two Policies. The process provides for eight circumstances under

which an amendment could be brought to the Lane County Planning Commission for review and recommendation to the Board. One of the circumstances was to correct scrivener errors on an adopted Official Plan or Zoning Plot. The provision is Policy 27, a. iv:

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The Board of Commissioners has adopted ordinances enacting countywide rural Plan and Zoning designations on two occasions separated by eighteen years in time. The first time was in 1984 with the adoption of the Rural Comprehensive Plan for the rural areas of Lane County. The more recent period was during the series of ordinances as part of the mandated work tasks of the Periodic Review Work Program for the developed and committed exception areas and unincorporated communities in rural lands, countywide, beginning in 2002.

C. Analysis

Map 16-45-28.2, tax lot 5800

During the adoption of the Rural Comprehensive Plan and Ordinance No. 884 on February 29, 1984, Lane County applied zoning designations to rural properties countywide. Within the “Community” of Blue River, a scrivener error occurred on Official Zoning Map – Plot

621, designating the western 0.20 of-an-acre of tax lot 5800 of Lane County Assessor's map 16-45-28.2 as Public Facility (PF). The eastern 0.09 of-an-acre of tax lot 5800 that fronts Cascade Street was zoned "C3" (Commercial Zone) in 1984 and was correctly re-designated "RC/C" (Rural Commercial) in 2002. Refer to Attachment A-1: Official Zoning Map – Plot No. 621 adopted by Ordinance No. 844, February 29, 1984; Attachment A-2: Enlargement of core of unincorporated "community" of Blue River on Official Zoning Map – Plot No 621 adopted by Ordinance No. 844, February 29, 1984; and Attachment A-3: Excerpt of Official Zoning Map – Plot No. 621 (original hand-drawn designations) adopted by Ordinance No. 884, February 29, 1984.

Tax lot 5800 of Assessor's map 16-45-28.2 is privately owned and no public facilities are known to have existed on the property. The record indicates the western 0.20 of-an-acre, which fronts Dexter Street, should have been designated for residential use compatible with the surrounding area in 1984.

Staff recommends amending the Official Plan Map – Plot 621 and Official Zoning Map – Plot 621 to re-designate the western 0.20 of-an-acre of tax lot 5800 of Assessor's map 16-45-28.2 as Rural (R) and Rural Residential (RR2/C), respectively. Refer to Attachment B-1: Lane County Assessor's Map 16-45-28.2.0 with insert depicting subject property: western 0.20 of-an-acre of tax lot 5800; Attachment B-2: Official Zoning Map – Plot No. 621 – depicting proposed amendment of western 0.20 of-an-acre of tax lot 5800, map 16-45-28.2.0; and Attachment B-3: Official Zoning Map – Plot No. 621 – Zoning for tax lot 5800 of map 16-45-28.2.0, if proposed amendment were adopted.

Map 16-45-28.2, map 300

During the adoption of Ordinance No. PA 1173 amending plan and zoning designations for the McKenzie Watershed Periodic Review Work Tasks within the McKenzie Watershed on April 17, 2002, scrivener errors occurred on Official Plan Map - Plot 621 and Official Zoning Map - Plot 621. On that same date, April 17, 2002, during the adoption of Ordinance No. PA 1168 enacting post-acknowledgement plan amendments to amend Plan and Zoning designations within the unincorporated rural community of Blue River, scrivener errors were duplicated on Official Plan Map - Plot No. 621.

Between February 29, 1984 and April 17, 2002, tax lot 300 was designated as part of the "Community" of Blue River on Official Plan Map – Plot 621, and "RA" (Suburban Residential) on Official Zoning Map – Plot 621. On April 17, 2002, the adoption of Ordinance No. PA 1173 included within Exhibit "C", as recorded in Book 165, Page 1545, the Zoning designation of "PF/C" (Public Facility) on Official Zoning Map – Plot 621, for tax lot 300. The Ordinance also included within Exhibit "C", as recorded in Book 165, Page 1562, the Plan designation of "C/PF" (Public Facility) on Official Plan Map – Plot No. 621, for tax lot 300. These amendments were in error and not authorized by the owner of the property at the time. Refer to Attachment A-8: Official Zoning Map – Plot No. 621 adopted by Ordinance No. PA 1173, Exhibit C, April 17, 2002 (Book 165, Page 1545); and Attachment A-9: Official Plan Map – Plot No. 621 adopted by Ordinance No. PA 1173, Exhibit C, April 17, 2002 (Book 165, Page 1562).

In the Board's subsequent action on April 17, 2002, the adoption of Ordinance No. PA 1168, Control No. 23 included an Official Zoning Map – Plot 621, which accurately designated the subject property, tax lot 300, as "RR2/C" (Rural Residential) in conformity with the rezoning of all other properties within the unincorporated rural community

boundaries of Blue River from the prior “RA” designation to “RR2”. Refer to Attachment A-4: Official Zoning Map – Plot No. 621 adopted by Ordinance No. PA 1168, April 17, 2002. However, the Official Plan Map – Plot No.621 adopted by Ordinance No. PA 1168, Control No. 23, indicated the subject property, tax lot 300, as “C/PF” (Public Facility). Refer to Attachment A-5: Official Plan Map – Plot No. 621 adopted by Ordinance No. PA 1168, April 17, 2002.

The correct designation of “RR” (Rural) proposed for tax lot 300 of Assessor’s Map 16-45-28.2 on the Official Plan Map – Plot No.621, is depicted on Attachment C-1: Proposed Amendment to Official Plan Map – Plot No. 621 (RE: 18-45-28.2, tax lot 300 and 16-45-21, tax lot 201).

Map 16-45-21, tax lot 201

The adoption of Ordinance No. PA 1168, Control No. 23 on April 17, 2002, included an Official Zoning Map – Plot 621, which accurately designated the subject property, tax lot 201 of map 16-45-21, as “PR” (Park and Recreation). This designation had been applied in 1984 indicating the property was outside the unincorporated rural community boundaries of Blue River. As further evidence of the resource designation “PR” for the subject property, a notation was placed in the right-hand margin on Plot 621 stating: “This PR zoning is Not Being Rezoned to RPR.” Refer to Attachment A-4: Official Zoning Map – Plot No. 621 adopted by Ordinance No. PA 1168, April 17, 2002. However, the Official Plan Map – Plot No.621 adopted by Ordinance No. PA 1168, Control No. 23, mistakenly indicated the subject property, tax lot 201, as “C/PR” (Community/Parks & Recreation). Refer to Attachment A-5: Official Plan Map – Plot No. 621 adopted by Ordinance No. PA 1168, April 17, 2002.

The correct designation of “PR” (Park and Recreation) proposed for tax lot 201 of Assessor’s Map 16-45-21 on the Official Plan Map – Plot No.621, is depicted on Attachment C-1: Proposed Amendment to Official Plan Map – Plot No. 621 (RE: 18-45-28.2, tax lot 300 and 16-45-21, tax lot 201).

If the proposed amendment to both tax lot 300 of map 16-45-28.2 and tax lot 201 of map 16-45-21 were adopted, the Official Plan Map – Plot 621 would be amended as depicted on Attachment C-2: Official Plan Map – Plot No. 621 – Plan designations for tax lot 300 of map 16-45-28.2.0 and tax lot 201 of map 16-45-21, if proposed amendments were adopted.

IV. ACTION

A. Alternatives/Options

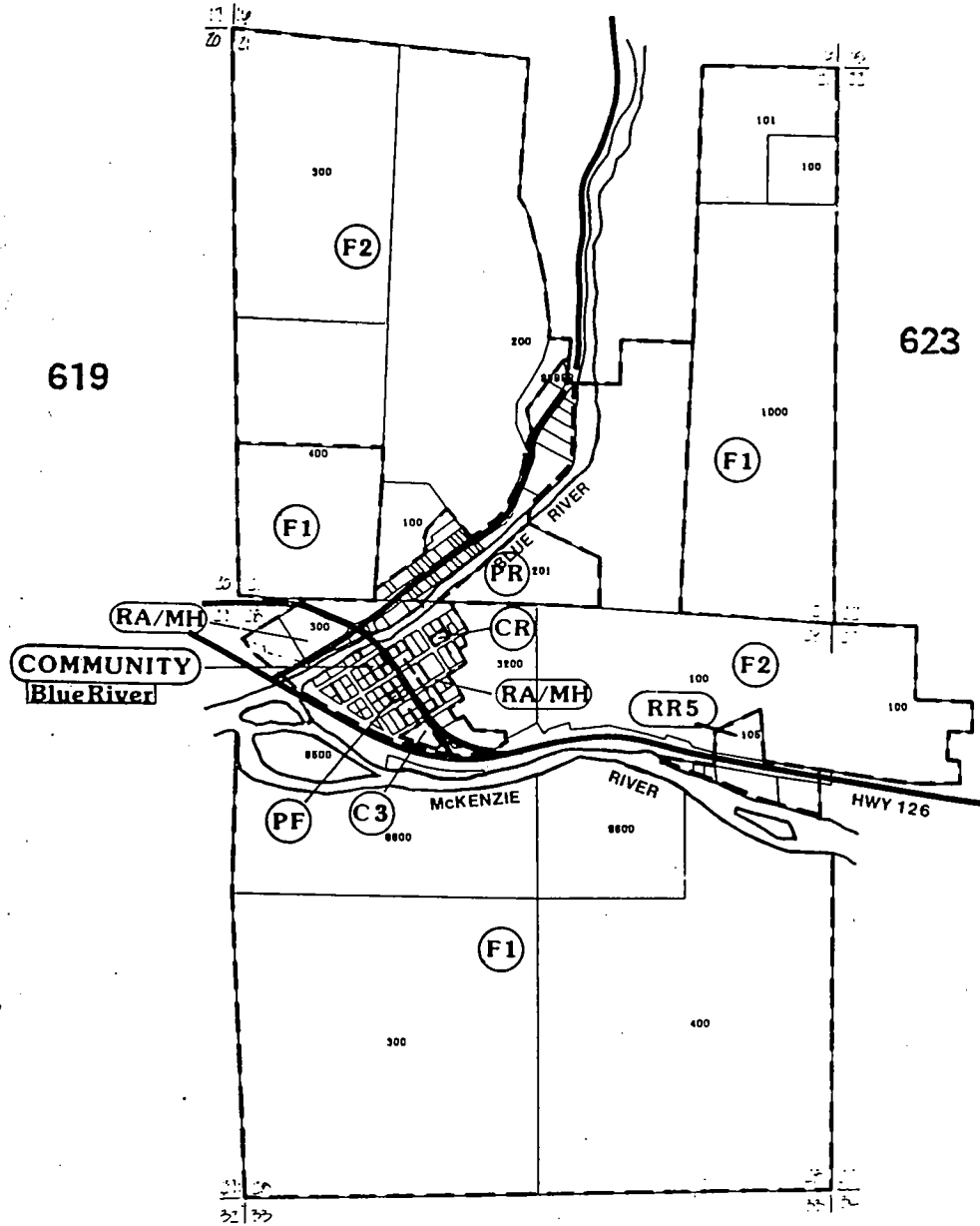
1. Recommend the Board of Commissioners approve Ordinance No. PA 1243.
2. Recommend the Board of Commissioners not approve Ordinance No. PA 1243.

B. Recommendation

Staff recommends Alternative/Option 1.

V. ATTACHMENTS

- A-1. Official Zoning Map – Plot No. 621 adopted by Ordinance No. 844, February 29, 1984.
 - A-2. Enlargement of core of unincorporated “community” of Blue River on Official Zoning Map – Plot No 621 adopted by Ordinance No. 844, February 29, 1984.
 - A-3. Excerpt of Official Zoning Map – Plot No. 621 (original hand-drawn designations) adopted by Ordinance No. 884, February 29, 1984.
 - A-4. Official Zoning Map – Plot No. 621 adopted by Ordinance No. PA 1168, April 17, 2002.
 - A-5. Official Plan Map – Plot No. 621 adopted by Ordinance No. PA 1168, April 17, 2002.
 - A-6.: Ordinance PA 1173 (signed ordinance only, Book 165, Pages 1064-1065).,
 - A-7.: Official Zoning Map – Plot No. 621 adopted by Ordinance No. PA 1173, Exhibit B-9, April 17, 2002 (Book 165, Page 1515).
 - A-8. Official Zoning Map – Plot No. 621 adopted by Ordinance No. PA 1173, Exhibit C, April 17, 2002 (Book.165, Page1545).
 - A-9. Official Plan Map – Plot No. 621 adopted by Ordinance No. PA 1173, Exhibit C, April 17, 2002 (Book 165, Page 1562).
 - B-1. Lane County Assessor’s Map 16-45-28.2.0 with insert depicting subject property: western 0.20 of-an-acre of tax lot 5800.
 - B-2. Official Zoning Map – Plot No. 621 – Proposed amendment of western 0.20 of-an-acre of tax lot 5800, map 16-45-28.2.0.
 - B-3. Official Zoning Map – Plot No. 621 – Zoning for tax lot 5800 of map 16-45-28.2.0, if proposed amendment were adopted.
 - C-1. Proposed Amendment to Official Plan Map – Plot No. 621 (RE: 18-45-28.2, tax lot 300 and 16-45-21, tax lot 201).
 - C-2. Official Plan Map – Plot No. 621 – Plan designations for tax lot 300 of map 16-45-28.2.0 and tax lot 201 of map 16-45-21, if proposed amendments were adopted.
-
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lane county



OFFICIAL ZONING MAP

PLOT# 621

Township Range Section

16 45 22

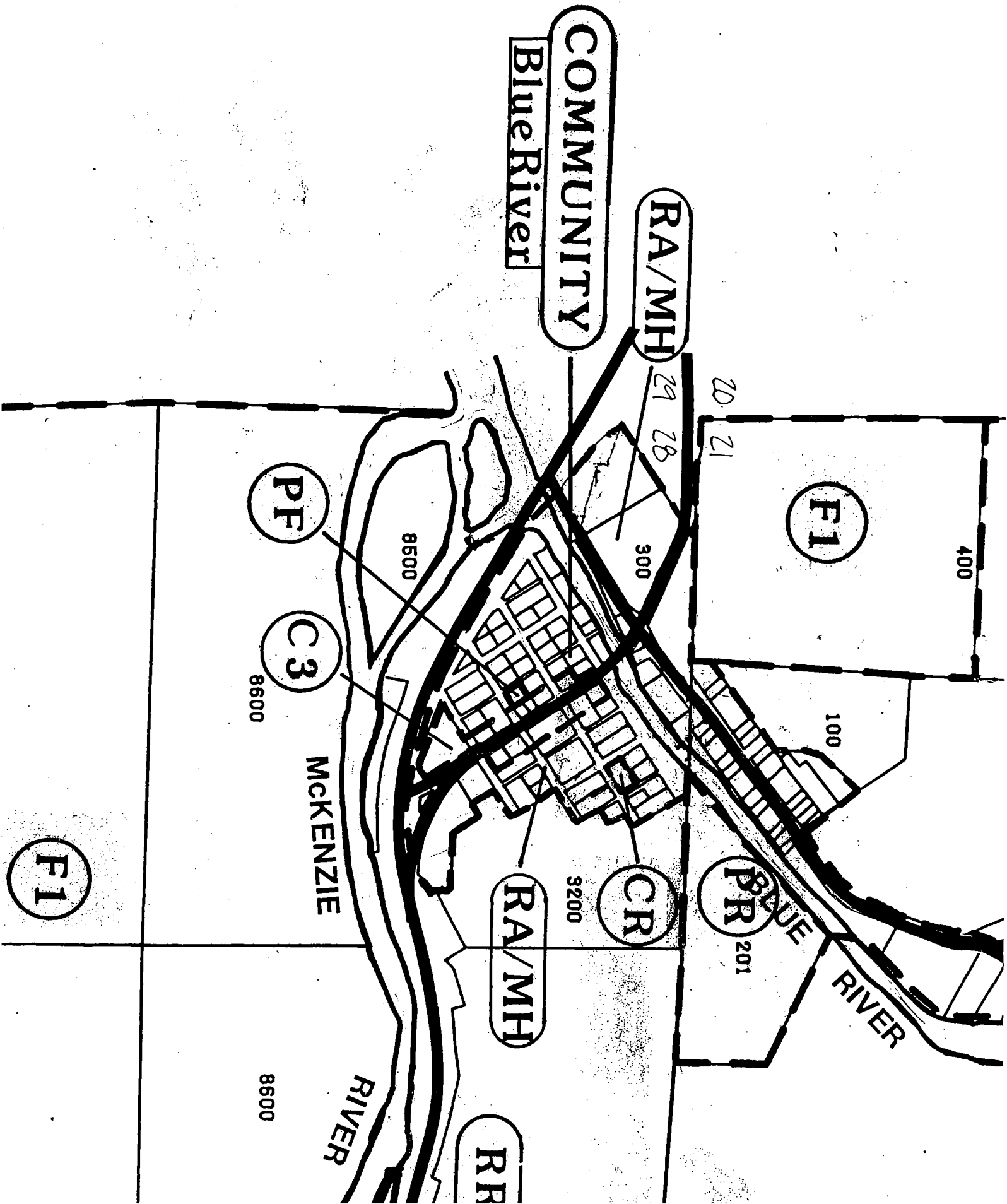
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ORIGINAL ORD. # _____ PA 884 _____ DATE 2/29/1984 _____ FILE # _____

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

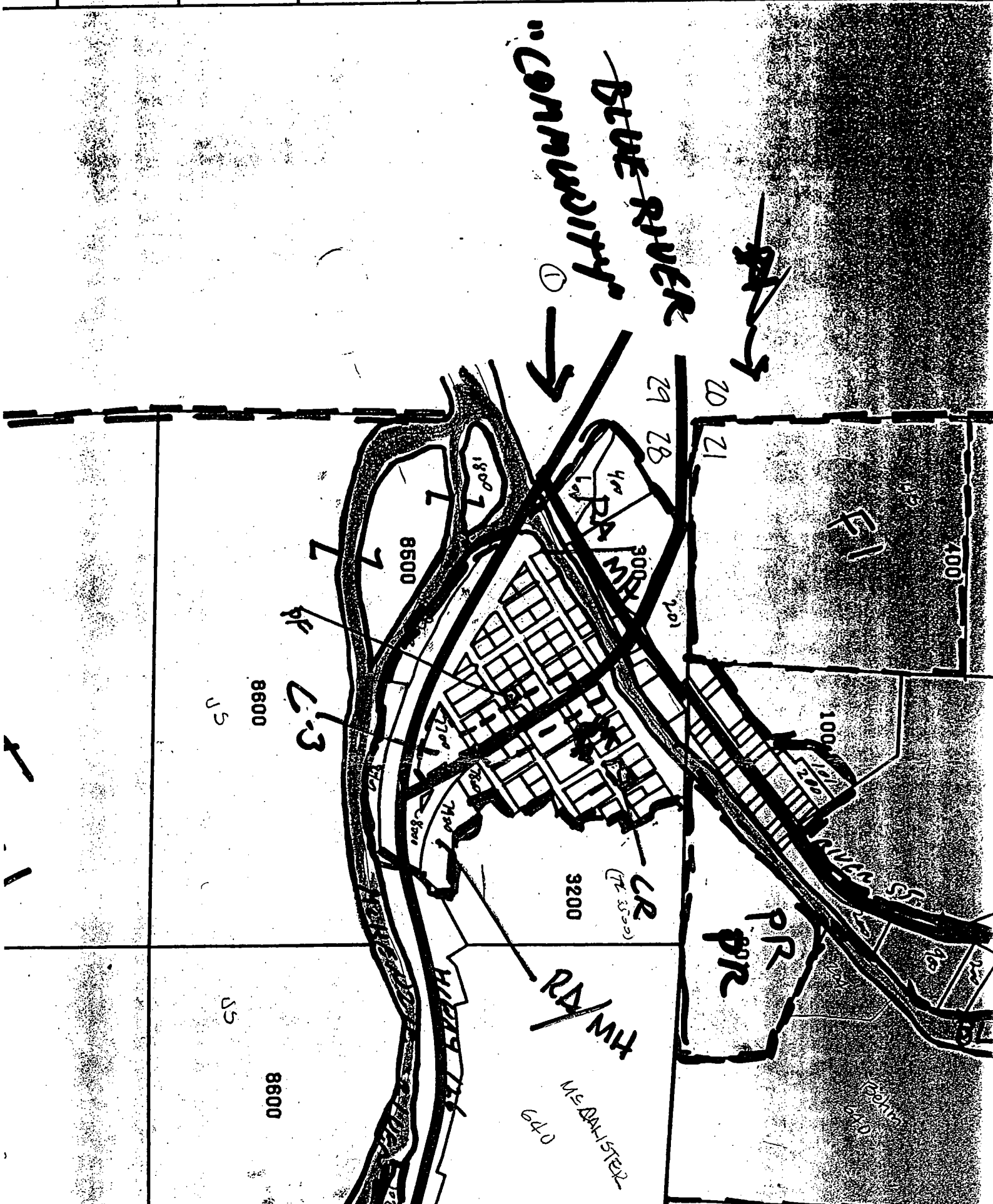
Y COORDINATE
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910.117

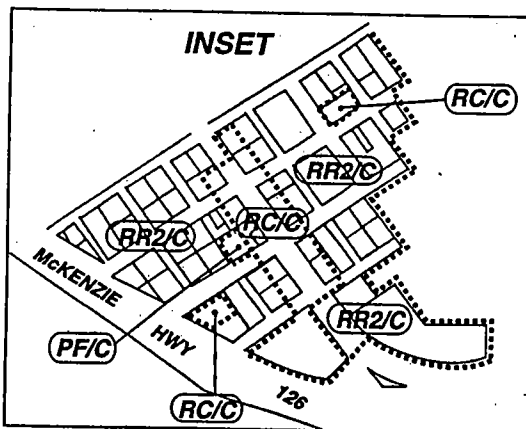
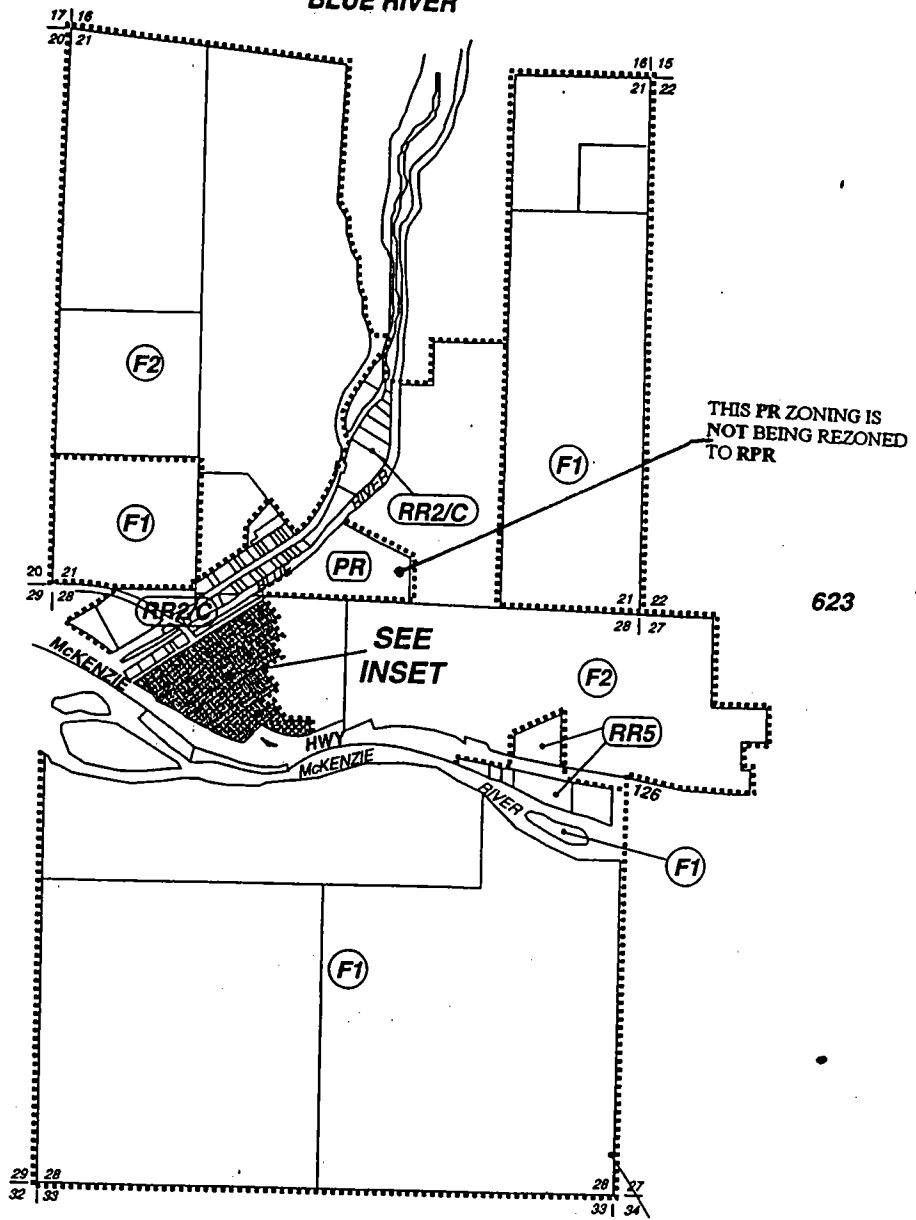
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FLOODPLAIN

619

623



The RR zones on this map are changed as follows:
FROM: RR LC 16.231 TO: RR LC 16.290
The RR zone parcel size remains the same.

lane county



OFFICIAL ZONING MAP

PLOT #621

Township Range Section

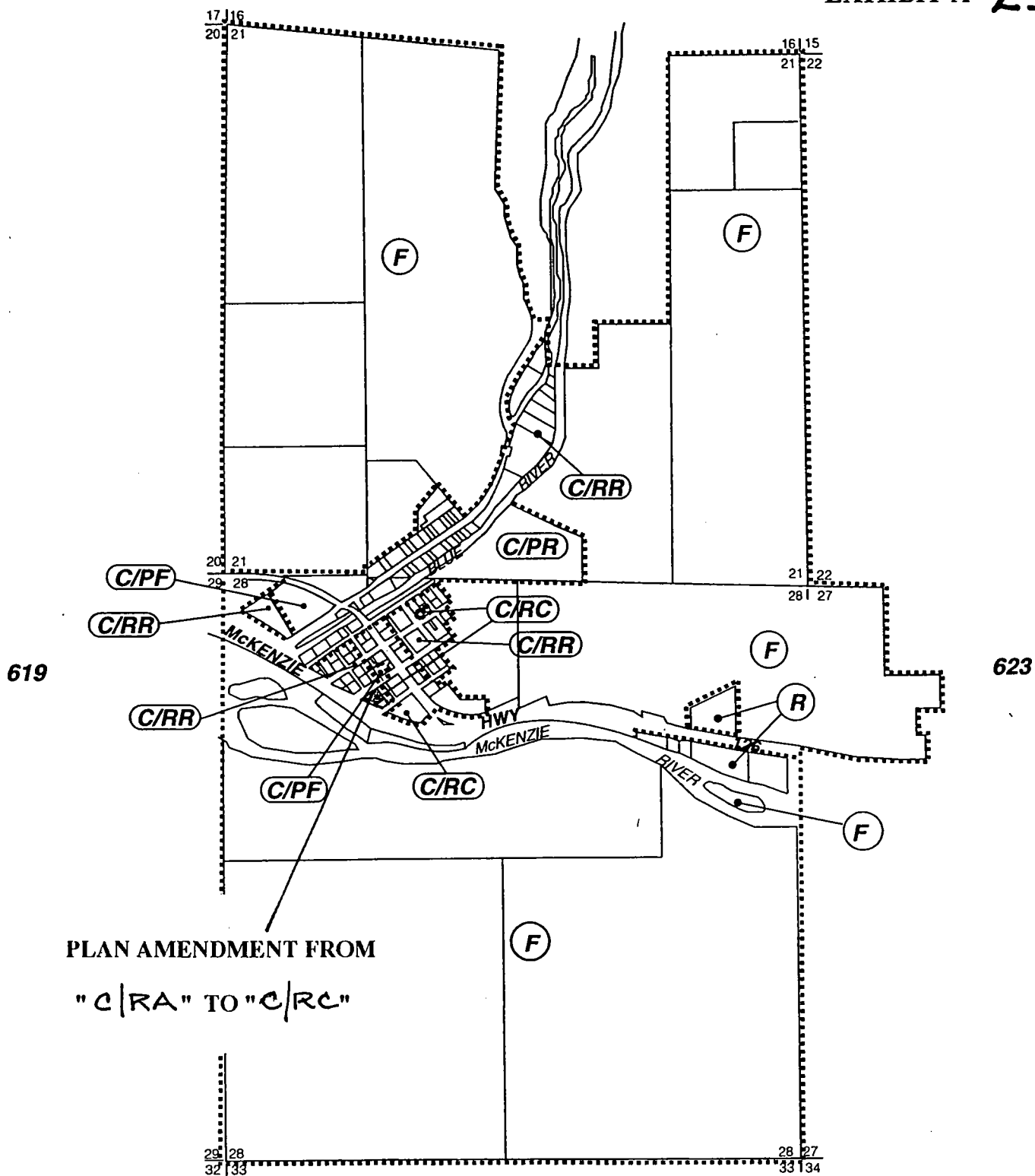
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ORIGINAL ORD. #	PA 884	DATE	2/29/1984	FILE #	
REVISION #	ORD#	PA 1168	DATE	4/17/02	FILE # CN23

BLUE RIVER

EXHIBIT A - 23



lane county



OFFICIAL PLAN MAP

PLOT #621

Twnshp Range Section

16 45 21

16 45 28

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

REVISION # ORD# DATE FILE #

BOOK 165 PAGE 1064

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 1173

**(IN THE MATTER OF AMENDING THE LANE COUNTY GENERAL PLAN
(POLICIES (AN ELEMENT OF THE LANE COUNTY RURAL COMPREHENSIVE
(PLAN) BY REVISING GOAL 2 POLICIES 10, 11, 13, 14, 20, 21, 24 AND 26; BY
(REVISING CERTAIN DEVELOPED AND COMMITTED AREA ZONING
(DESIGNATIONS TO COMPLY WITH SUCH AMENDMENTS; BY REVISING
(PLAN DESIGNATIONS AND ZONING FOR EIGHT UNINCORPORATED RURAL
(COMMUNITIES IN THE MCKENZIE WATERSHED TO COMPLY WITH SUCH
(AMENDMENTS; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES.**

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 883, has adopted the Lane County General Plan Policies which is a component of the Lane County Rural Comprehensive Plan; and

WHEREAS, Lane Code 16.400 sets forth procedures for amendments of components of the Rural Comprehensive Plan; and

WHEREAS, the proposal was reviewed at public hearings with the Lane County Planning Commission on: May 2, 2000; May 17, 2000; June 6, 2000; November 14, 2000; and September 18, 2001; and

WHEREAS, the proposal was reviewed at a public hearing with the e Lane County Board of Commissioners on April 17, 2002; 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 a public hearing 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 General Plan Policies Goal 2 (Policies 10, 11, 13, 14, 20, 21, 24 and 26) adopted by Ordinance No. PA 883 and amended thereafter, is amended by removal and substitution of a new set of Lane County General Plan Policies for Goal Two (Policies 10 – 25) as set forth in Exhibit "A".

Section 2. The zoning designations of developed and committed areas located outside of urban growth boundaries and areas designated by the RCP as communities are changed as set forth in Exhibit "B".


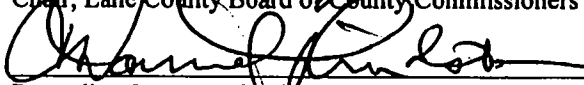
Section 3. The plan diagram designations and zoning designations for the eight communities in the McKenzie Watershed (Marcola, Walterville, Leaburg, Vida, Nimrod, Blue River, Rainbow, and McKenzie Bridge) are changed as set forth in Exhibit "C".

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

The prior policies, zoning base designations and plan diagram base designations repealed or changes 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 of the remaining portions thereof.

BOOK **165** PAGE **1065**
ENACTED this 17 day of April, 2002.

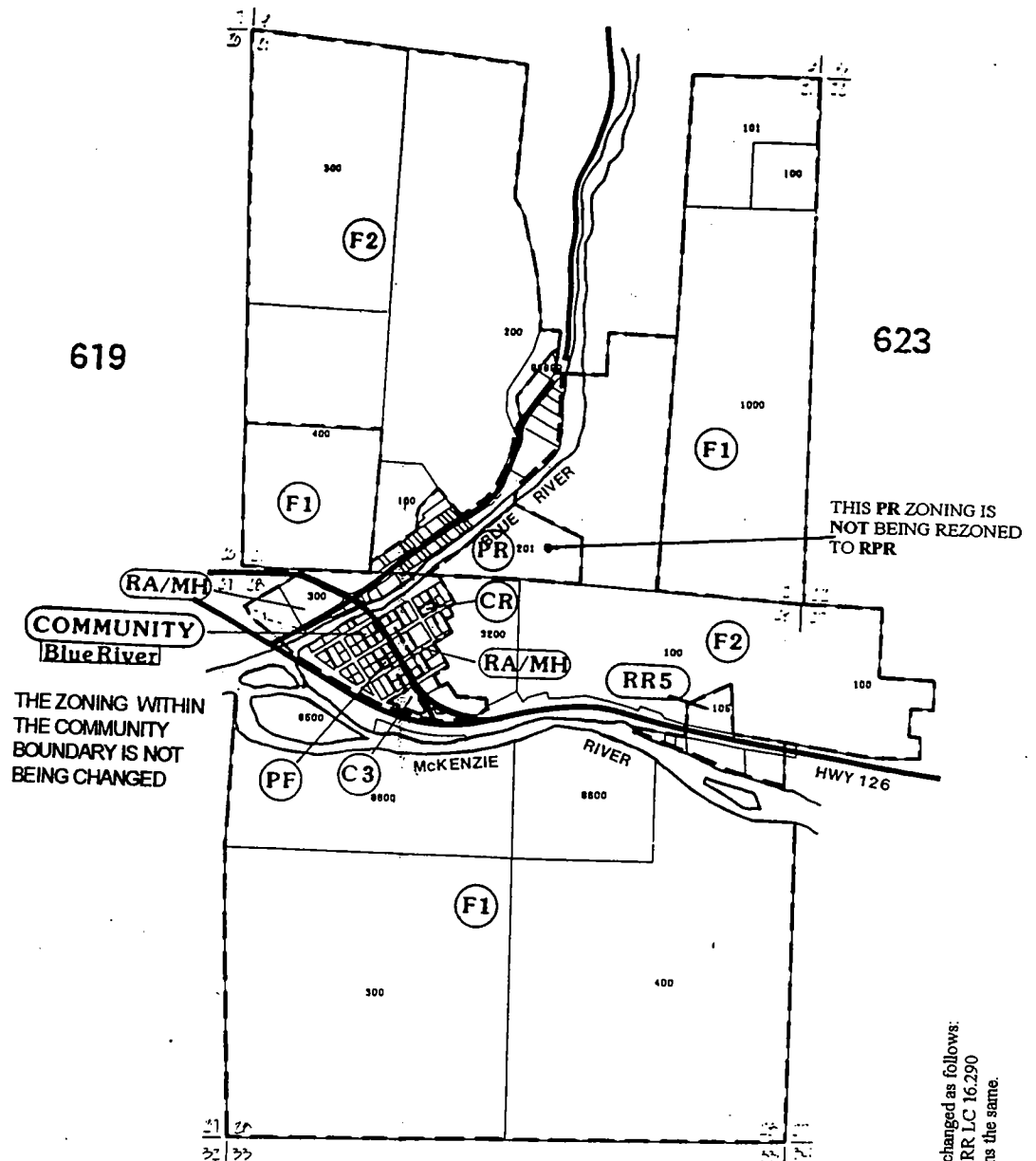

Chair, Lane County Board of County Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 3-26-2002 Lane county


OFFICE OF LEGAL COUNSEL

BOOK 155 PAGE 1515



The zones on this map are changed as follows:

From: RG, RA ~~RA~~ **To:** RR2
From: CR, C1, C2, & C3 **To:** RC Rural Commercial
From: M1, M2, & M3 **To:** R1 Rural Industrial
From: PF **To:** RPF Rural Public Facility
From: PR **To:** RPR Rural Park & Recreation



The RR zones on this map are changed as follows:
FROM: RR LC 16.231 **TO:** RR LC 16.290
 The RR zone parcel size remains the same.

lane county



OFFICIAL ZONING MAP

PLOT# 621

Twnshp Range Section

$$16 \quad 45 \quad \overline{21}$$

16 45 28

ORIGINAL ORD. # _____ PA 884

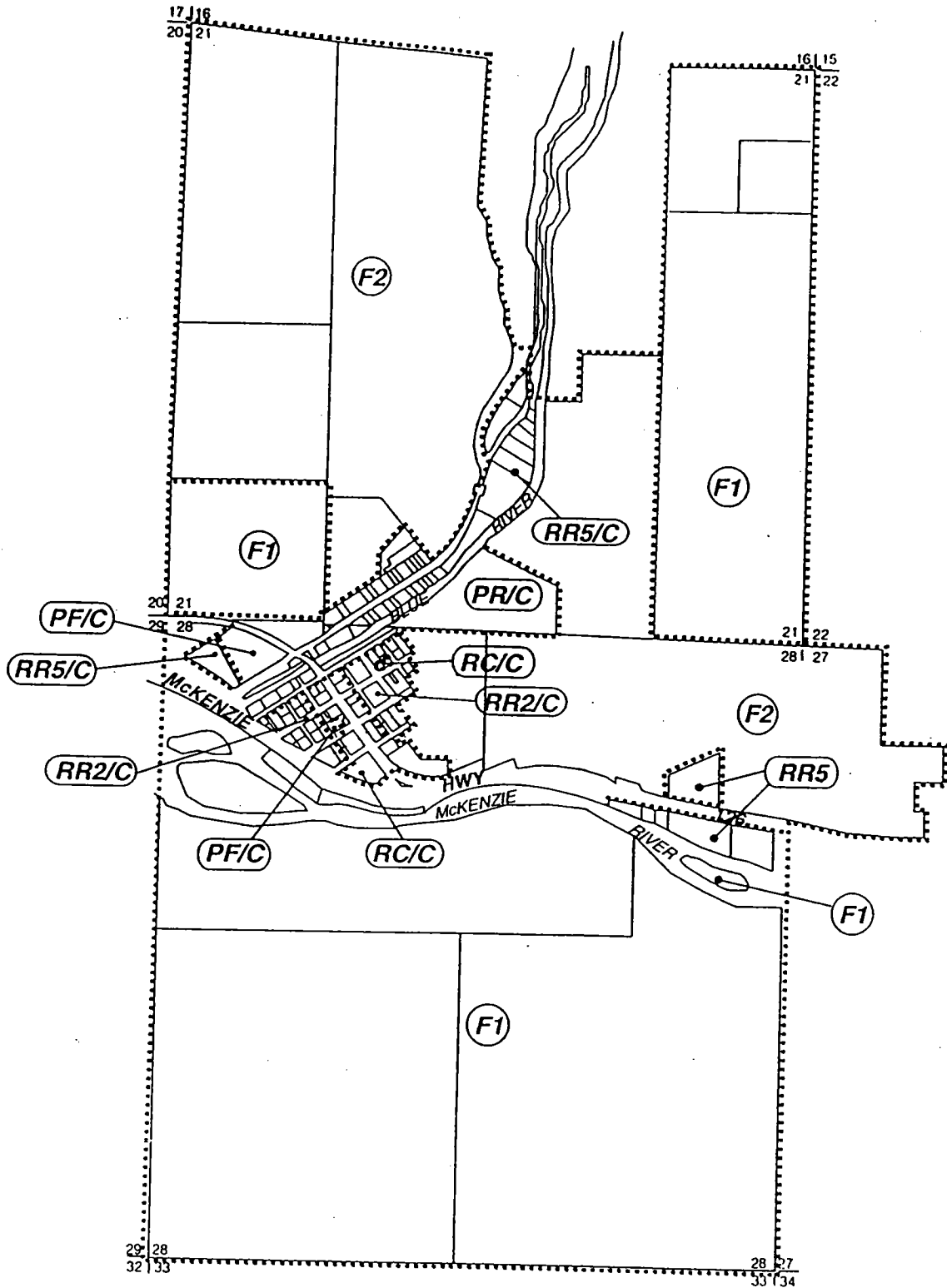
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619

6.

lane county



OFFICIAL ZONING MAP

PLOT #621

Township Range Section

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ORIGINAL ORD. # PA 884

DATE 2/29/1984

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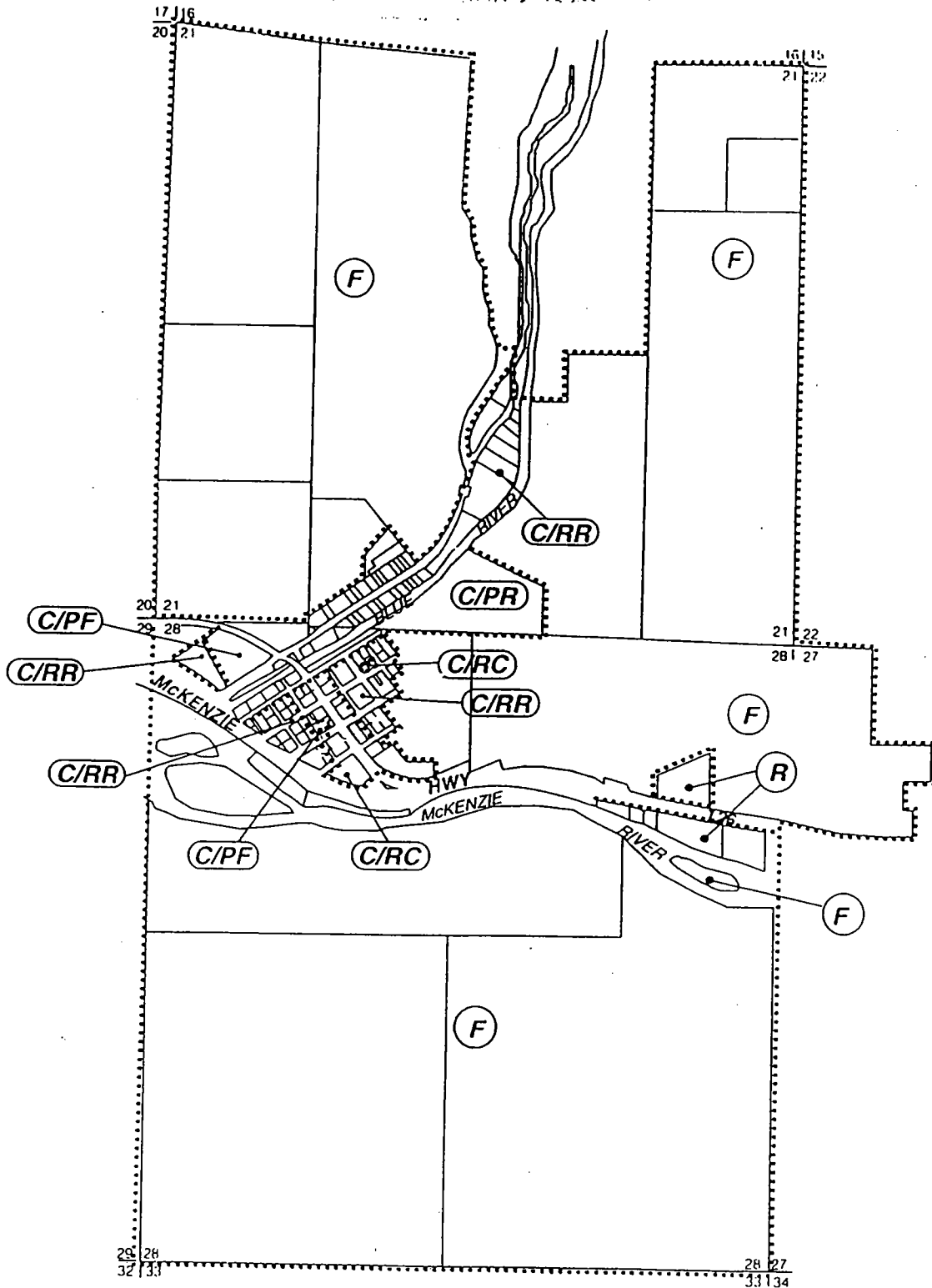
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lane county



OFFICIAL PLAN MAP

PLOT #621

Twnshp Range Section

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ORIGINAL ORD. # PA 884

DATE 2/29/1984

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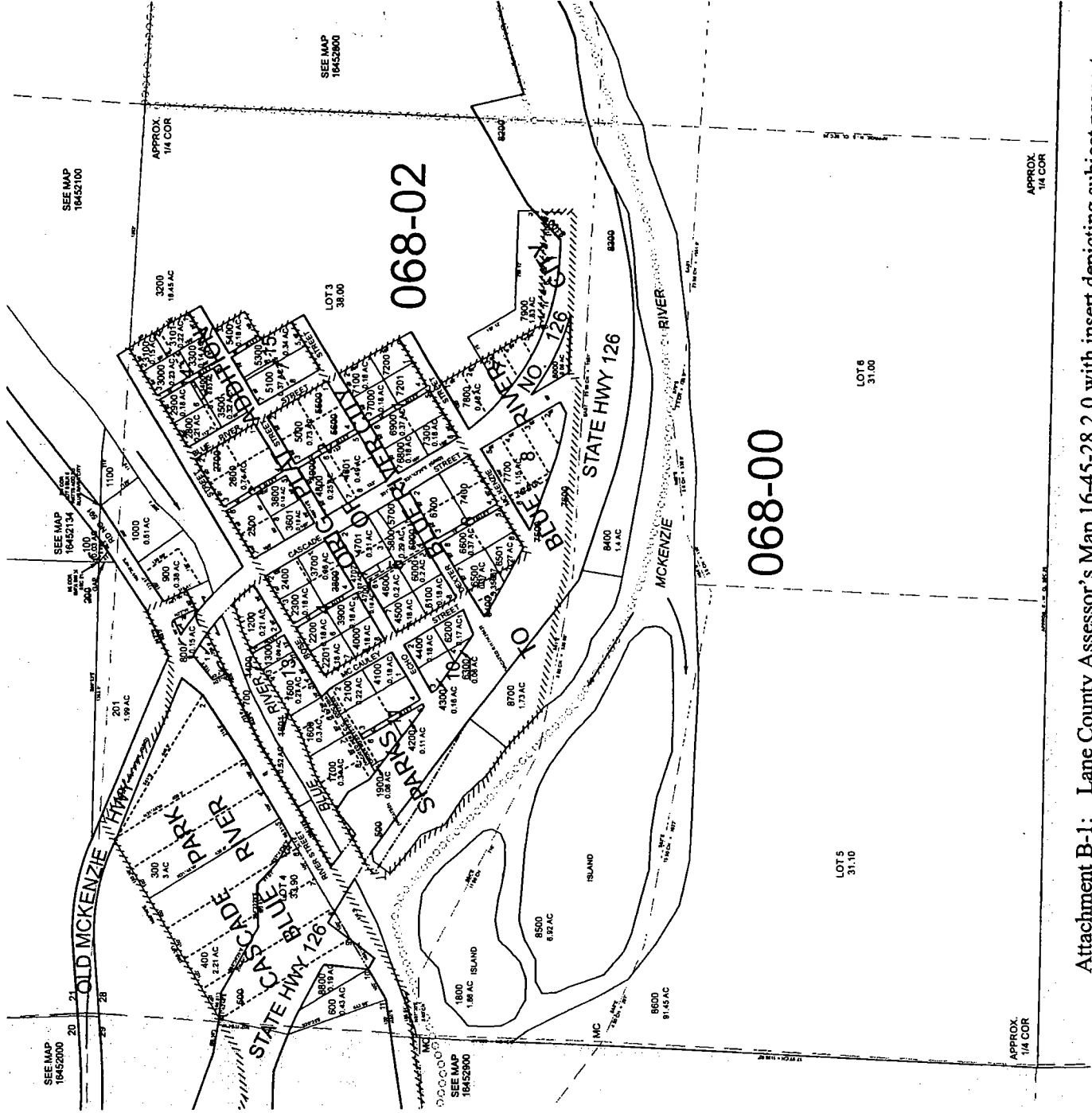
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FOR ASSESSMENT AND
TAXATION ONLY

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SEE MAP
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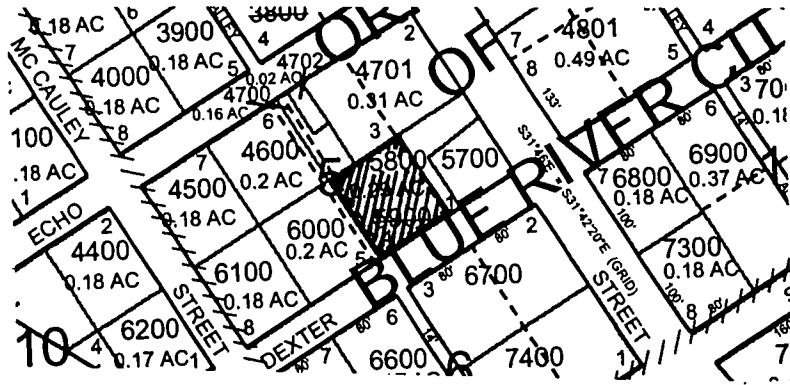
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SEE MAP
16452800

SEE MAP
16452100

APPROX.
1/4 COR.

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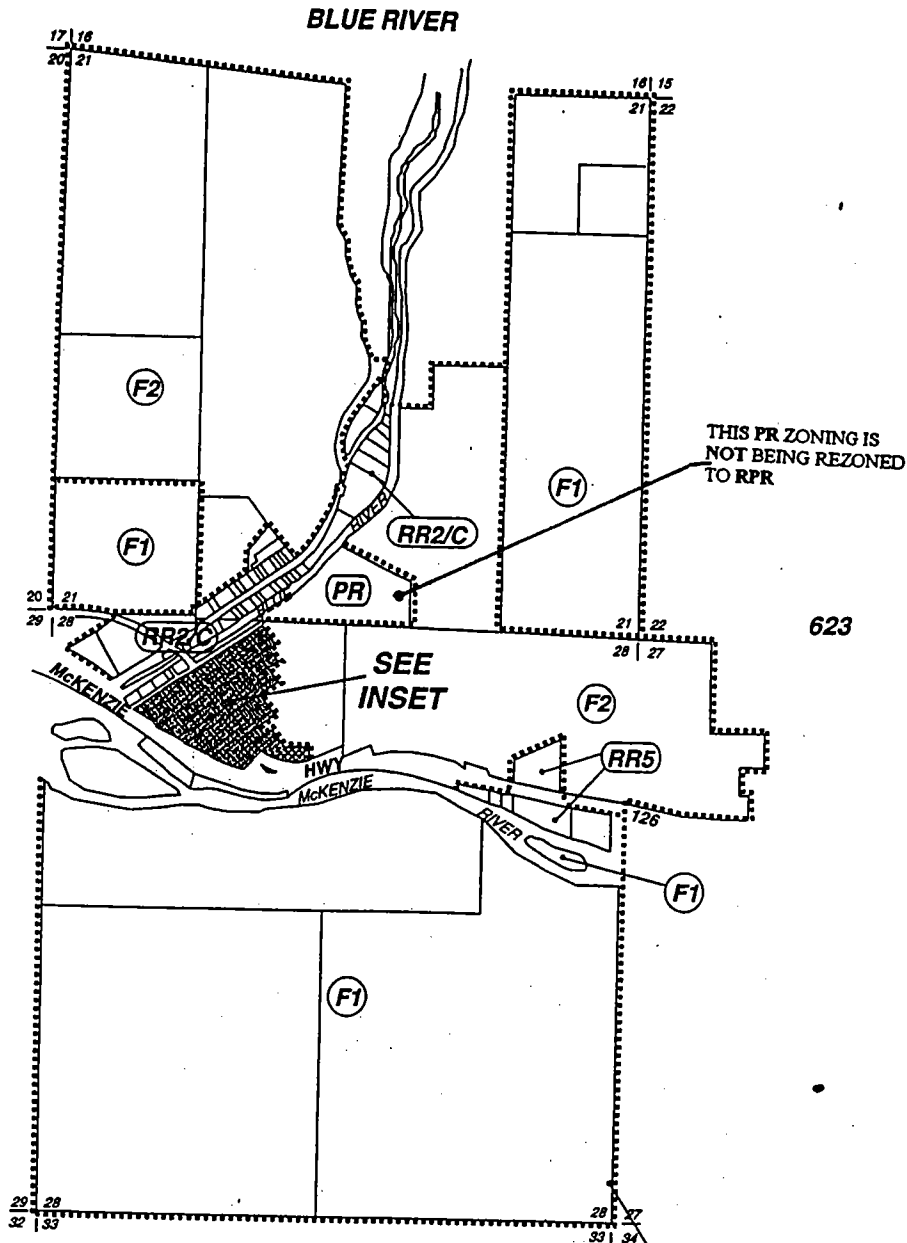
Attachment B-1: Lane County Assessor's Map 16-45-28.2.0 with insert depicting subject property:
western 0.20 of-an-acre of tax lot 5800.

16452820

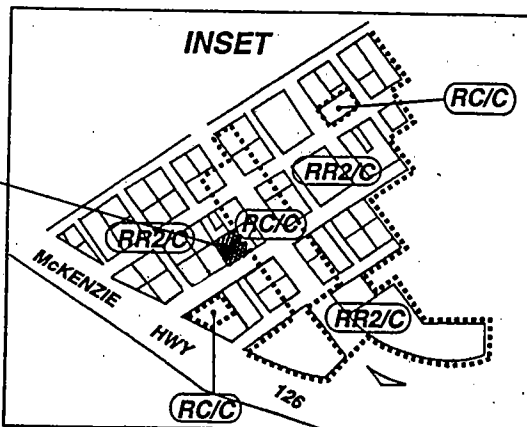
FLOODPLAIN

619

623



Western 0.20 acre
of tax lot 5800 of
Map 16-45-28.2 -
Rezoned from
RPF/C to RR2/C



The RR zones on this map are changed as follows:
FROM: RR LC 16.231 TO: RR LC 16.290
The RR zone parcel size remains the same.

lane county



OFFICIAL ZONING MAP

PLOT #621

Township Range Section

16 45 21

16 45 28

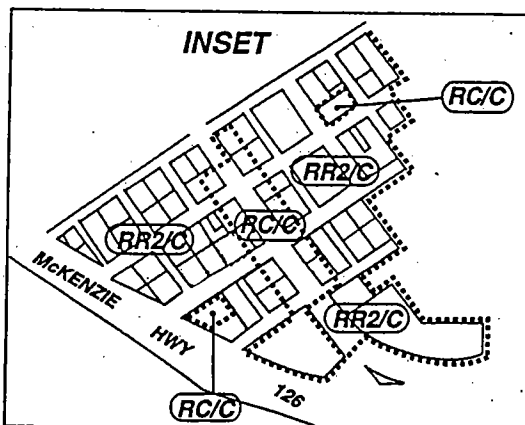
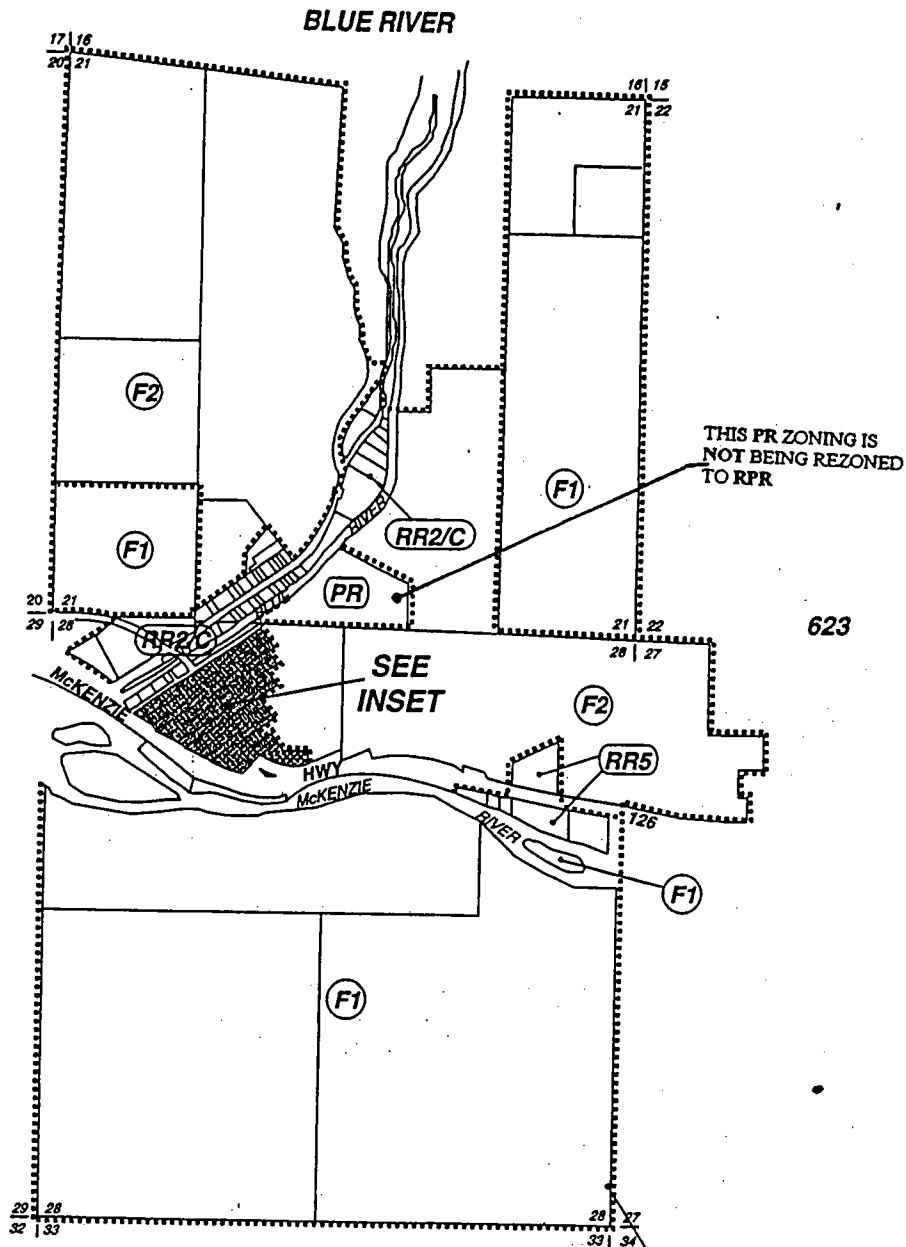
ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE #

REVISION # ORD# PA 1168 DATE 4/17/02 FILE # CN23

FLOODPLAIN

619

623



The RR zones on this map are changed as follows:
FROM: RR LC 16.231 TO: RR LC 16.290
The RR zone parcel size remains the same.

lane county



OFFICIAL ZONING MAP

PLOT #621

Township Range Section

16 45 21

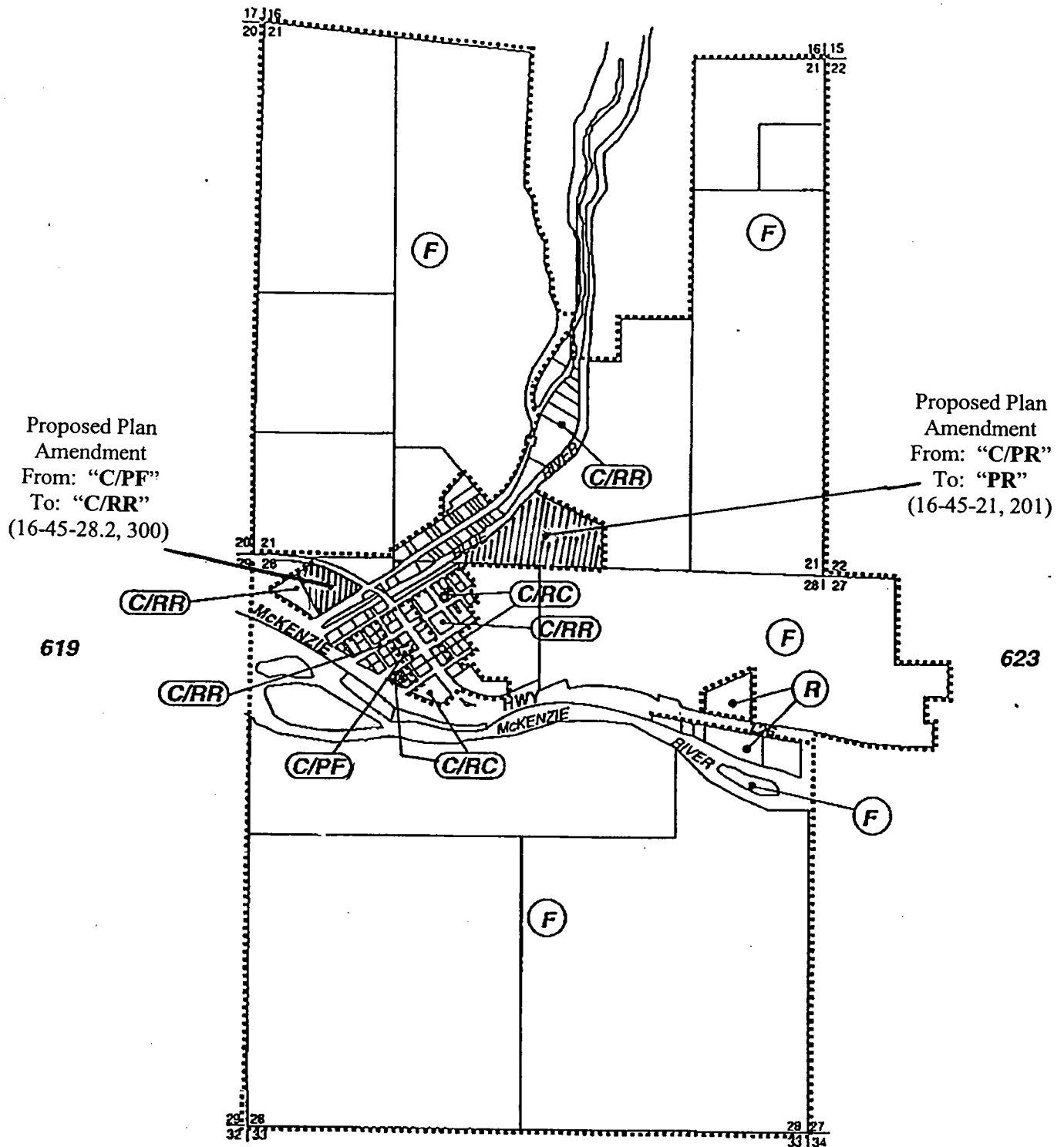
16 45 28

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

REVISION # ORD# PA 1168 DATE 4/17/02 FILE # CN23

Attachment C-1: Proposed Amendment to Official Plan Map – Plot 621
(RE: 18-45-28.2, tax lot 300 and 16-45-21, 201).

BLUE RIVER



lane county



OFFICIAL PLAN MAP

PLOT #621

Township Range Section

16 45 21

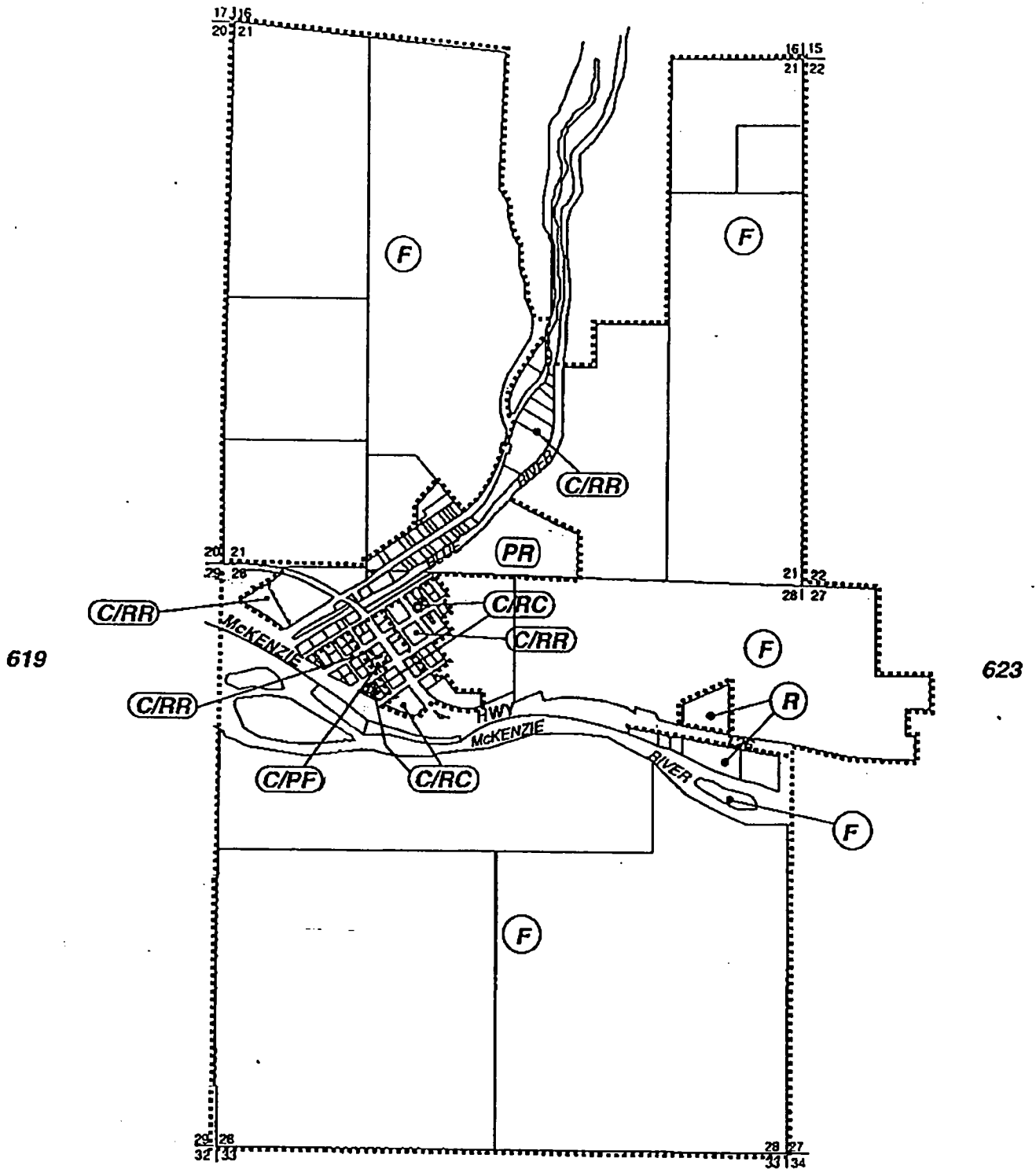
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ORIGINAL ORD. # _____ PA 884 _____ DATE 2/29/1984 _____ FILE # _____

REVISION # _____ ORD# _____ DATE _____ FILE # _____

Attachment C-2.: Official Plan Map – Plot No. 621 – Plan designations for tax lot 300 of map 16-45-28.2.0 and tax lot 201 of map 16-45-21, if proposed amendments were adopted.

BLUE RIVER



lane county



OFFICIAL PLAN MAP

PLOT #621

Township Range Section

16 45 21

16 45 28

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

REVISION # ORD# DATE FILE #

MINUTES

Lane County Planning Commission
Board of Commissioners Conference Room—125 East 8th Avenue
Eugene, Oregon

June 19, 2007
5:30 p.m.

PRESENT: Ed Becker, Lisa Arkin, Jozef Siekiel-Zdzienicki, Nancy Nichols, John Sullivan, Todd Johnston, Lane County Planning Commissioners; Bill Sage, Keir Miller, Lane County Land Management Division; Dave Eisler, guest.

ABSENT: Jim Carmichael, Steve Dignam, Howard Shapiro, Lane County Planning Commissioners.

Mr. Becker convened the meeting of the Lane County Planning Commission.

WORK SESSION: Siuslaw River Dredged Material Disposal Plan (DMDP) Work Project

Mr. Sage offered the staff report, noting this work session was a continuation of the June 5, 2007 work session. He stated that the purpose of the proposed action was not an amendment to the plan but rather adopting an addendum to clarify the 1978 DMDP plots and 1984 Official Coastal Zones plots using 2004 and 2005 aerial photographs, and addressing all of the Lane County Board of County Commission's actions of 1979-1983.

Mr. Sage reviewed the process, noting that the commission was being asked to adopt an addendum to the 1978-79 DMDP to clarify the 1978 metes and bounds of DMDP sites 1-48 on 2005 aerial photographs, and explained the process that had been used to make the proposed corrections.

Ms. Arkin said making decisions based upon looking individually at each map and graphic and considering each disposal site separately was not the same as making decisions regarding the aggregate of all of the potential disposal sites. It was not apparent how all of the identified sites on the river interacted with one another. Citing sites 1A, 2 and 3, which were in close proximity to each other, if all of them were used, dredge sites would be all along the river, which may or may not something the commission could consider. She understood that while some of the dredge spoils had been assessed for toxicity, where those dredge spoils came from was not known and whether they would be placed on parts of the river that were prone to more toxicity due to boat traffic, industrial, residential and wastewater sites. Ms. Arkin said it was important to know the composition of the dredge spoils prior to developing it for wildlife habitat or other uses.

In response to a question from Mr. Johnston, Mr. Sage stated the adoption of an Addendum would not change any diagrams, activate or delete any sites. The action would clarify the boundary discrepancies between two existing sets of documents.

Responding to a question from Mr. Sullivan, Mr. Sage concurred that the intent of the current process was to right a wrong, and not take further action. Mr. Sage added that deletion of Sites 15 and 16, removing them from the inventory, would be forwarded as a recommendation to the Board of County Commissioners based upon action taken by the Planning Commission on June 5, 2007.

Mr. Becker opined the commission was dealing with an old plan from 1978 in a piecemeal manner that needed total revision, adding that a new plan and not addendums was needed.

Mr. Sage said passage of Ballot Measure 37 and the resulting claims had forced all long range planning projects to be put on hold by the Board of Commissioners from November 2006 through June 2007.

Mr. Sage introduced Dave Eisler.

Mr. Eisler stated he was a land owner in Walton and a member of the Siuslaw Watershed Council. He asserted that it was better to preserve and protect than mitigate and reconstruct natural resources. He added the watershed council was looking at the economic health of the community, noting the economy was moving away from some of the functions of the older, industrial sites and moving towards looking at natural resources in a different light in a tourist economy. People were visiting the Siuslaw River as a destination point and preservation of natural resources would provide an economic benefit. He added the impacts of changes to the river were cumulative and any damage could not easily be undone.

In response to Mr. Becker, Mr. Eisler said the watershed council expected to be involved in any planning for the area, adding that the council worked closely with the Siuslaw Soil and Water Conservation District.

Responding to a question from Mr. Sullivan, Mr. Eisler said the technical team envisioned expansion of the existing water and hiking trails, which brought visitors into the area for the natural resource value. Mr. Eisler was also involved in local efforts to find investors in mills to deal with the thinnings coming off of the U.S. Forest Service (USFS) timber properties. Currently those thinnings are being shipped to Coos Bay and Noti, which could be processed in the Siuslaw area mill sites. He added the watershed council had not discussed barging or industrial sites.

Ms. Nichols said she was also on the technical team, and thought that while most people did not want to close the door to dredging there was no strong support for dredging. There was concern for the impact to the environment as a result of dredging.

Mr. Siekiel-Zdzienicki asked if “demotorizing” some of the river for kayaking and canoeing to encourage tourism and economic growth had been considered.

Mr. Sage said the Dredged Materials Disposal Plan was originally adopted for the Port of Siuslaw’s benefit and responsibilities. As such, any amendments to the Plan would need to have the support of the Port and brought as recommendations to the Planning Commission and Board. Lane County, the City of Florence, the Siuslaw Soil and Water Council District and the Army Corps of Engineers (COE) would need to reach an agreement on the work tasks that needed to be completed under a future review.

Ms. Arkin wanted the watershed council to push back of the size of the dredging process and ask new questions that had not previously been asked, including why does the dredging project need to go so far up the river or should it be limited to a specific number of river miles. She suggested if the questions were revised, it may not be necessary to dredge so many miles.

Mr. Sage stated the Siuslaw River was a congressionally authorized area and the COE had responsibility for all navigable rivers and ports in the northwest to determine if and when dredging was needed. In 2004, the initial approach to deposit of spoils was for the three existing large mill sites on the Siuslaw River would be used in cooperation from the property owners. The concept was tabled when Ballot Measure 37 claims were submitted on two of the three sites. He said deposits in dredge sites were not

always considered as bad, noting the COE could undertake enhancement and restoration projects while working in the area.

Mr. Siekiel-Zdzienicki, seconded by Mr. Johnston, moved to recommend that the County Board of Commissioners adopt the July 2007 addendum to the Siuslaw River Dredged Material Disposal Plan to correct errors made on old maps, while not endorsing or opposing any existing sites. The motion passed unanimously, 6:0.

Mr. Sage distributed and asked Planning Commissioners to review the draft minutes from the June 5, 2007 work session and public hearing for adoption on July 10, 2007.

In response to a question from Mr. Siekiel-Zdzienicki, Mr. Becker described how dredging the Umpqua River had been accomplished.

Mr. Siekiel-Zdzienicki stated that none of the material west of the bridge in the Siuslaw River was tested, yet the Planning Commission had approved Site 10, which was west of the bridge. He said it was a big issue if the soils dredged had not been tested.

Mr. Becker explained that the Planning Commission action identified a site that may be available as a possible dredge site to be analyzed prior to any future disposal, but had not approved it for dredging.

Public Hearing Briefing

Mr. Sage explained that the map change and approval process from 1998 through 2000 in the Blue River area. He said the people who donated the property for the Blue River Park to the community of Blue River wanted it to remain as a primitive park and did not want it to be developed for intensive use. At the time one of the Plan maps was amended in 1002, a scrivener error placed the incorrect C/PR zoning designation on the site in indicating it was within the boundaries of the rural community of Blue River which it never was.

Mr. Sage discussed the zoning of a privately-owned Groggins' property in 1984 as Public Facility (PF) as an error needing correction. He also discussed the mistake in applying the Rural Public Facility (RPF) on the old Forest Service Center on one of the Plan maps in 2002 when the property should have been rezoned from RA to RR2 as the property owner supported. Tonight's public hearing would address all of these circumstances.

Mr. Sage said a consortium of Blue River citizens met with Lane County staff (Stewart, MacKenzie-Barr, Towary, Howe and Sage) in May to facilitate a visioning process to develop a potential community plan and identify funding for a sewer district. Additionally, a decision was made to approach the Land Conservation and Development Department (LCDC) during the 2007-2008 grant period to fund a grant for the visioning process. The community also intended to apply for Ford Foundation grants to fund some elements of the study. He said before such action could occur, the scrivener errors needed to be corrected. The county needed to be in position to verify that the zoning was correct. Ms. Sage averred that it was the county's responsibility to rectify the scrivener errors and not place the financial burden on the citizens.

The meeting adjourned at 6:40 p.m.

(Recorded by Linda Henry)

MINUTES

Lane County Planning Commission
Board of Commissioners Conference Room—125 East 8th Avenue
Eugene, Oregon

June 19, 2007
7:00 p.m.

PRESENT: Ed Becker, Lisa Arkin, Jozef Siekiel-Zdzienicki, Nancy Nichols, John Sullivan, Todd Johnston, Lane County Planning Commissioners; Bill Sage, Keir Miller, Lane County Land Management Division.

ABSENT: Jim Carmichael, Steve Dignam, Howard Shapiro, Lane County Planning Commissioners.

Mr. Becker convened the meeting of the Lane County Planning Commission.

PUBLIC HEARING: Ordinance No. PA 1243—In the Matter of Adopting Conformity Determination Amendments to the Rural Comprehensive Plan (RCP) Pursuant to RCP General Plan Policies—Goal 2, Policy 27 a. iv., to Correct Scrivener Errors on the Official Plan and Zoning Maps—Plot No. 619 and No. 621, and Adopting Savings and Severability Clauses. (Lane County LMD)

Mr. Becker reviewed the procedure for the public hearing. He said the Planning Commission's recommendation was subject to findings of fact shown to be in compliance with the applicable comprehensive plan policies and Lane Code criteria provided in the staff report. Evidence and testimony must be directed toward approval criteria. Testimony not directed to the approval criteria was irrelevant to this land use proceeding. No person shall address the Planning Commission without receiving recognition from the chair, and must state their full name and residence address.

Mr. Becker asked if any members of the Planning Commission wished to state any *ex parte* contacts, or abstentions due to conflicts of interest. He noted there were none.

Mr. Becker said this was an opportunity for people to enter verbal or written information into the record. Information related to the application submitted prior to or during the public hearing would be considered a part of the record. Failure to raise an issue to enable a response may preclude appeal to the Land Use Board of Appeals (LUBA).

Mr. Sage offered the staff presentation. He said there were four motions that were necessary to make the corrections proposed by staff and these were outlined in the staff report.

Mr. Becker opened the public hearing at 7:04 p.m. He called for testimony in favor of the proposed changes.

Jim Mann, P.O. Box 51281, Eugene, stated he represented the property owners Chris and Julie LaVoie. He said the property owners were in favor of zoning that conformed to the structures and uses when the site was owned and operated by the U.S. Forest Service (USFS). Rather than zoning the property rural residential, which would make several of the structures non-compliant uses, the owners wished to see

rural commercial zoning applied to the property. He distributed and reviewed handouts to the commissioners and gave a notebook to staff.

Mr. Mann reviewed the history of the property, he said the site consisted of 3.56 acres; with a 9,982 square foot, two story, office building; a 4,500 square foot conference/warehouse building; a 750 square foot gas station; five dwellings in shared areas with parking. He noted all of these former uses were non-conforming to the existing code of rural residential. The Ranger station was established in the 1930's, and the USFS moved its main office facility to this location in 1957. At the height of the activities, the USFS employed 80 full time and over 30 part time and seasonal people during the summer months. When the USFS relocated their facility to Highway 26, they sold the property. Chris and Julie LaVoie purchased the property in 2006.

Mr. Mann asserted that rural commercial zoning allowed offices, conference centers, and gas stations. He said the fact that USFS operated the facility as office and conference center made them no less commercial than they were today. However, a public agency had operated that facility which was no longer practical to use for a public facility and needed to be usable in private ownership. He stated the staff report identified eight criteria for a conformity determination. He asked the commission to attempt to match the zone designation with the existing uses, because it made more sense to zone the site commercial rather than residential. He added that while the notebook he provided to staff did not address the conformity criteria, it did all of the other comprehensive plan criteria in the statewide planning goals.

Mr. Sullivan stated he had not anticipated a potential conflict of interest. He realized he would have a potential conflict of interest in that he had looked at the property as an investment and was very familiar with the site. He did not believe that he had a conflict, if the commission agreed.

Mr. Becker noted the commission concurred with Mr. Sullivan.

Mr. Sullivan asked if commercial/rural gave the property the flexibility needed to be utilized in any vision the owner had, or there was a more in-depth zoning that should be considered allowing the commission to defer a decision.

Mr. Mann replied the commercial zoning provided the best opportunity to full use of the facility, adding there were limits in the commercial zone that for motels and hotels unless there was a commercial sewer system servicing seventeen residences in the area. Some examples of allowable uses included:

- Retail and trade services, including personal finance, insurance, banking and real estate professional and their related office facilities.
- Civic, social and fraternal meeting places.
- Some types of automobile repair/services.

Mr. Mann stated that the commercial zone allowed expansion up to fifty percent for non-conforming use, thus providing adequate zoning for the property.

In response to a question from Mr. Siekiel-Zdzienicki, Mr. Mann said the property owner had considered developing overnight accommodations for up to fifteen rooms during fishing season as well as some retail/commercial uses.

Responding to Ms. Nichols, Mr. Mann said the property was currently used for long and short term rentals, and the existing buildings were being maintained until zoning permitted other uses.

In response to Mr. Becker, Mr. Man said the owners understood the zoning was rural residential when they bought the property. He added the USFS brochure advertised the property as zoned rural residential.

Ms. Arkin asked if a lodge and restaurant would be allowed if the property was rezoned rural commercial.

Mr. Sage said this application was noticed for scrivener errors, not for rezoning to rural commercial. The commission could take testimony but it could not act on it unless the process was started over and staff had an opportunity to review the information submitted at the hearing. The findings for a scrivener error reviewed plan and zoning diagrams only. Errors in the application of a zoning designation under the Policy 27 b. vii. criteria that was noticed for the amendment under consideration only provided for scrivener error corrections. Any new application review by staff and the Planning Commission for a conformity determination under any of the other the remaining seven circumstances would require legal advertising and written notice to surrounding property owners. He added staff would assist the property owner in bringing forward a separate post-acknowledgement plan amendment and zone change request, but the current notice and hearing process did not provide for that this evening.

Lee Weichselbaum, 945 Firacres, Eugene, and 91303 Blue River Dam Road, Blue River. He was speaking on behalf of himself, his wife, and his neighbor, Fred Behm. He was at the public hearing to support adoption of the ordinance as it applied to Blue River Park, to maintain the primitive state of the land as it had appeared when Mr. Behm donated the land for the park to the county in 1952. He commended staff for their work on the project, adding Mr. Sage had been very helpful.

Chris LaVoie, P.O. Box 242, Blue River, said when he purchased the property, his research had indicated that the zoning was inaccurate and non-conforming. Further research revealed that there was "mis-zoning" on the maps, and that the usage of property was non-conforming. He understood there would be a process to correct these issues. He said the area had become blighted due to the drop off in logging and dam construction. His goal in working with the community and the community corporation was to be a good neighbor while providing employment and enable the town to come back so Lane County could be proud of the area. He expressed hope that a way to solve a problem that had existed for years while not "bleeding us dry" following through all the hoops. He iterated that the property had never been zoned appropriately to allow the existing uses on it. He hoped an expedited process would be available.

Eugene Groggins, 51756 Dexter Street, P.O. Box 307, Dexter, addressed zoning on his property. He hoped the mistake would be rectified. He supported the proposal before the commission and hoped the zoning would be changed.

Mr. Becker said changing the zone was a different process, and the purpose of the commission's meeting was to correct a scrivener error.

Mr. Becker closed the public hearing at 7:27 p.m. and opened the floor to deliberation.

Mr. Sullivan said although the issues raised by tonight's speakers needed to be addressed, tonight's action should not influence a future use request that the owners had on the old USFS park. He asserted that by fixing the unintended errors, there was neither a positive nor negative influence on what the current owners of the former USFS property could do.

In response to a question from Mr. Sullivan, Mr. Sage said the issues raised tonight would not be prejudiced by the Commission's action tonight, and a future plan amendment request would not be delayed by ongoing Ballot Measure 37 processing.

Ms. Arkin, seconded by Ms. Nichols, moved to accept the motion as it appeared in the staff note: The Lane County Planning Commission recommends that the Board of County Commissioners approve Ordinance No. PA 1243 to correct scrivener errors on Official Plan and Zoning Maps—Plot No. 621, within and adjacent to the unincorporated rural community of Blue River. The proposed corrections would:

- Amend Official Plan Map—Plot No. 621 to re-designate the western 0.20 of-an-acre of tax lot 5800 of Assessor's map 16-45-28.2 from "C/PF" to "C/RR";
- Amend Official Zoning Map—Plot 621 to re-designate the western 0.20 of-an-acre of tax lot 5800 of Assessor's map 16-45-28.2 from "C/PF" to "C/RR";
- Amend Official Plan Map—Plot No. 621 to re-designate tax lot 300 of Assessor's map 16-45-28.2 from "C/PF" to "C/RR"; and
- Amend Official Plan Map—Plot No. 621 to re-designate tax lot 201 of Assessor's map to 16-45-21 from "C/PR" to "PR".

The motion passed unanimously, 6:0.

The meeting adjourned at 7:29 p.m.

(Recorded by Linda Henry)