

T. J. O.

AGENDA COVER MEMO

DATE: August 4, 2008 (Date of Memo)
August 20, 2008 (Date of First Reading)
September 3, 2008 (Date of Second Reading/Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: Public Works Department/Land Management Division

PRESENTED BY: Jerry Kendall^{JK}/Land Management Division

AGENDA ITEM TITLE: ORDINANCE PA 1252 -- IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "FOREST" TO "AGRICULTURAL" AND REZONING THAT LAND FROM "F-2/IMPACTED FOREST LANDS" TO "E-40/EXCLUSIVE FARM USE"; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (FILE PA 07-6555; Pfeiffer) Second Reading and Public Hearing 9/3/08.

I. MOTION

MOVE ADOPTION OF ORDINANCE PA 1252 WITH EXHIBITS "A" AND "B", AND ADOPTION OF EXHIBIT "C" (Findings).

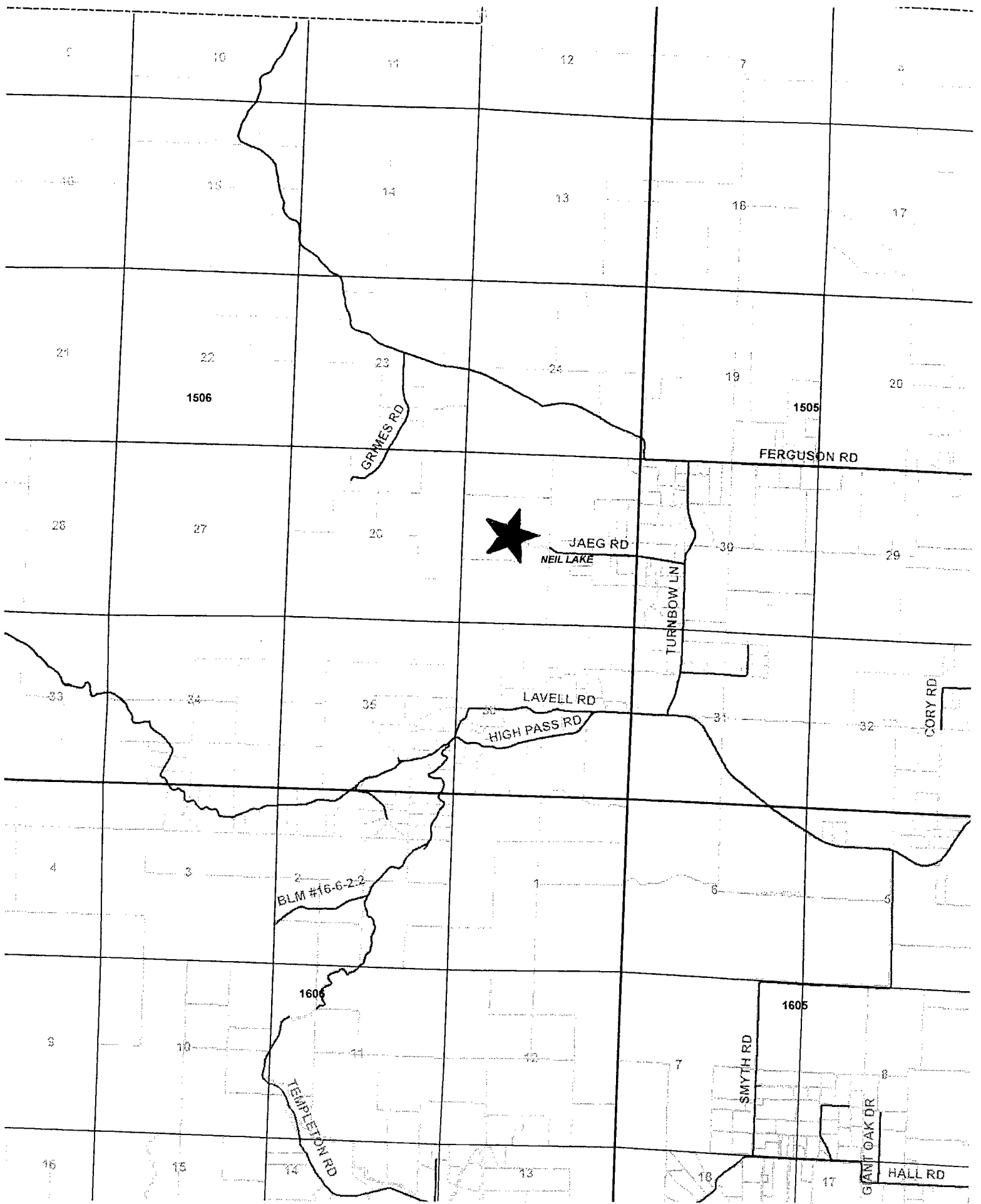
II. ISSUE OR PROBLEM

A privately-initiated minor amendment to the Rural Comprehensive Plan (RCP), and companion rezoning request, has been recommended for approval by the Lane County Planning Commission. This Ordinance sets the matter before the Board for adoption or denial.

III. DISCUSSION

A. Background

In October of 2007, application was made to redesignate 111.8 acres of land, located at 25040 Jaeg Road, Junction City, from "Forest Land" to "Agricultural Land" and rezone it from "F-2/Impacted Forest Lands" to "E-40/Exclusive Farm Use". The property is identified as tax lots 502 and 500 of Map 15-06-25. Tax lot 502 has been planted in vineyards for 30 years, covering approximately 80 acres.



The Lane County Planning Commission unanimously recommended approval of the request, following public hearing on July 1, 2008. The matter has been referred to DLCD for comment. None have been received.

B. Analysis

The application is being made pursuant to Lane Code 16.400, which governs amendments to the RCP, and LC 16.252, which governs rezoning actions. The proposal is also subject to compliance with the Statewide Planning Goals, RCP Goals and policies, the General Purpose Statements of LC 16.003, as well as the purpose of the EFU ordinance, LC 16.212. Since the proposal replaces one resource designation for another, no exceptions to any of the statewide goals is required.

This request proposes to convert 111.8 acres of land from Impacted Forest Lands to Agricultural land. Doing so would enable development of the parcel to those uses allowable in the E-40 zone, LC 16.212, and OAR 660-33-120. Specifically, the Applicants seek to build and conduct a winery business, a permitted use in the Exclusive Farm Use Zone.

This application appears necessary in that it provides for the implementation of adopted Plan policies, and is desirable and appropriate (LC 16.400(6)(h)(iii)(bb)(iv-iv) & (v-v)). Approval of the request to an agricultural designation would properly reflect a 70-year history of farm use on tax lot 502, from sheep grazing in the 1930's to the conversion to grape vineyards in the 1970's. The proposal has Plan policy support, including Goal 3 (Agriculture) and Goal 9 (Economy). Specifically, Goal 3, policy #5:

"Use planning and implementation techniques that reflect appropriate uses and treatment for each type of land".

Redesignation to Agricultural land is responsive to the unique soil type and topography of the property. The High Value Bellpine Silty Clay Loam soils and slope aspects combine to produce vintage wine grapes.

Furthermore, Goal 9, policy #9, reads:

"Tourism shall be considered as a base industry having high potential for growth throughout the County. Development of facilities oriented towards tourists shall be given maximum support within the framework of these policies".

A letter of concern from a neighboring property owner was received. Seneca Jones Timber Company owns the adjoining F-1 zoned land to the north and west of the subject property. The letter is found as Attachment 3 of this memo. While the transportation issues have been resolved to the county's satisfaction (no traffic study was required), Seneca Jones expressed concern over the potential effects of the proposal on their timber management. They requested that a forest management

easement be recorded by the Applicants. This document would protect the timber company from nuisance lawsuits filed against standard forest practices, which can include chemical spraying. Staff discussion with Mr. Pfeiffer indicate that such document will be executed by the time of the Board hearing.

Approval of the request will allow the Applicants to establish an on-site winery and tasting room, with the facility drawing the growing tourist trade associated with local wineries.

Concerning the Lane Code Plan amendment and rezoning criteria, the applicant recites the appropriate standards and responds to them in original statement attached to the Planning Commission staff report, as well in the attached findings prepared for the Board's adoption. Staff concurs with this analyses and arguments as reflected in the findings. As evidenced by the 30-year-old vineyard preceded by 40 years of sheep grazing, historical use of the subject property is clearly farm use. The proposed Plan and zone change to Agricultural land and E-40 more accurately reflects the character of the property and appears warranted.

The applicant's agent is expected to be on hand at the Board hearing to present the proposal and respond to questions. Should additional written materials or testimony be produced concerning this item, it will be delivered to the Board in a supplement or delivered at the hearing.

C. Alternatives/Options

1. Adopt the Ordinance as presented.
2. Do not adopt the Ordinance.

D. Recommendations

Staff recommends alternative 1 above.

E. Timing

The Ordinance does not contain an emergency clause.

IV. IMPLEMENTATION/FOLLOW-UP

Notice of action will be provided to DLCD and the applicant.

V. ATTACHMENTS

1. Ordinance PA 1252 with Exhibits "A" through "C" –13pp.
2. LCPC Staff Report dated June 24, 2008 –32pp.
3. Letter of concern, Seneca Jones Timber Company –2pp.
4. (Minutes of LCPC meeting of July 1, 2008 are still in process and are expected in time for the Board hearing.)

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 1252) IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE
) PLAN TO REDESIGNATE LAND FROM "FOREST" TO "AGRICULTURAL"
) AND REZONING THAT LAND FROM "F-2/IMPACTED FOREST LANDS" TO
) "E-40/EXCLUSIVE FARM USE"; AND ADOPTING SAVINGS AND
) SEVERABILITY CLAUSES (file PA 07-6555; Pfeiffer)

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 October 2007, application no. PA 07-6555 was made for a minor amendment to redesignate tax lots 502 and 500 of map 15-06-25, from "Forest" to "Agriculture" and concurrently rezone the property from "F-2/Impacted Forest Lands" to "E-40/Exclusive Farm Use; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearing of July 1, 2008, and on that date recommended approval 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 to redesignate tax lots 502 and 500 of map 15-06-25, from "Forest Lands" to "Agriculture ", such territory depicted on Plan Plot 171 and further identified as Exhibit "A" attached and incorporated herein.

Section 2. Tax lots 502 and 500 of map 15-06-25, are rezoned from "F-2/Impacted Forest Lands" (Lane Code 16.211) to "E-40/Exclusive Farm Use" (Lane Code 16.212), such territory is depicted on Rural Zoning Plot 171 and further identified as Exhibit "B" attached and incorporated herein.

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

The prior designation and zone repealed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

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

ENACTED this _____ day of _____, 2008.

Chair, Lane County Board of County Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM
8/11/08

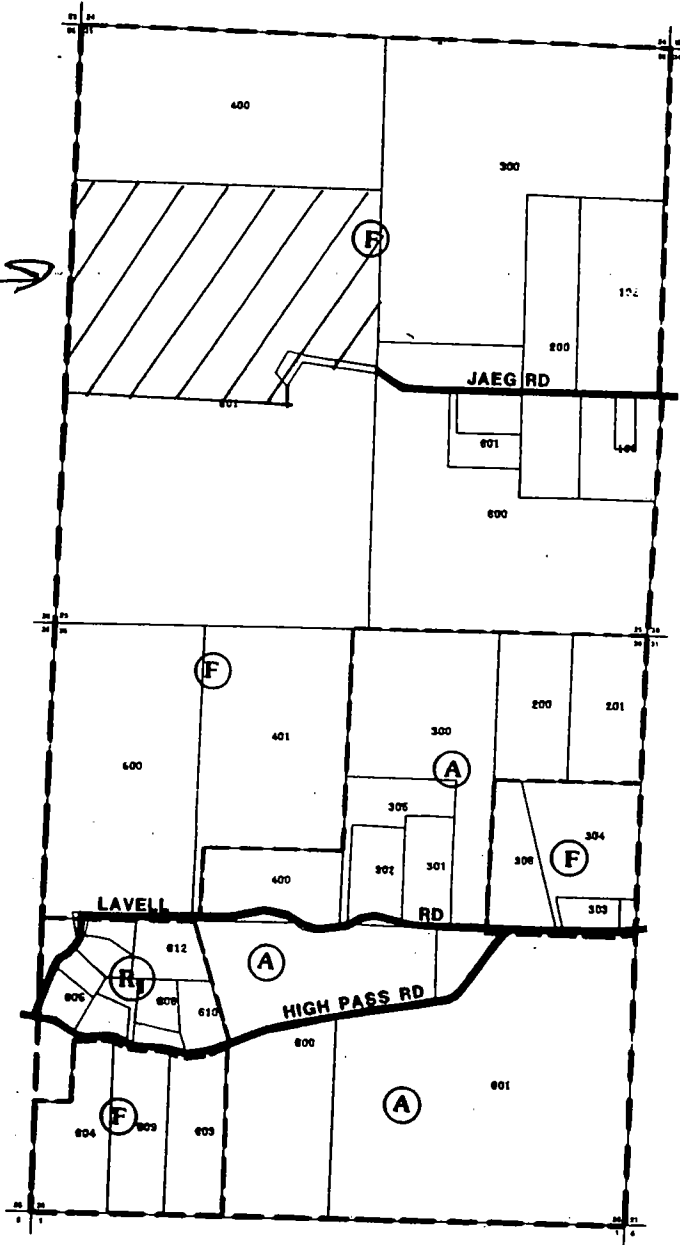
OFFICE OF LEGAL COUNSEL

170A

FROM "FOREST LAND"
TO
"AGRICULTURAL
LAND"

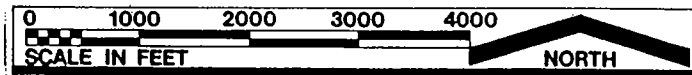
161

182



183

172



lane county



OFFICIAL PLAN MAP

PLOT # 171

Township Range Section

15 06 25

15 06 36

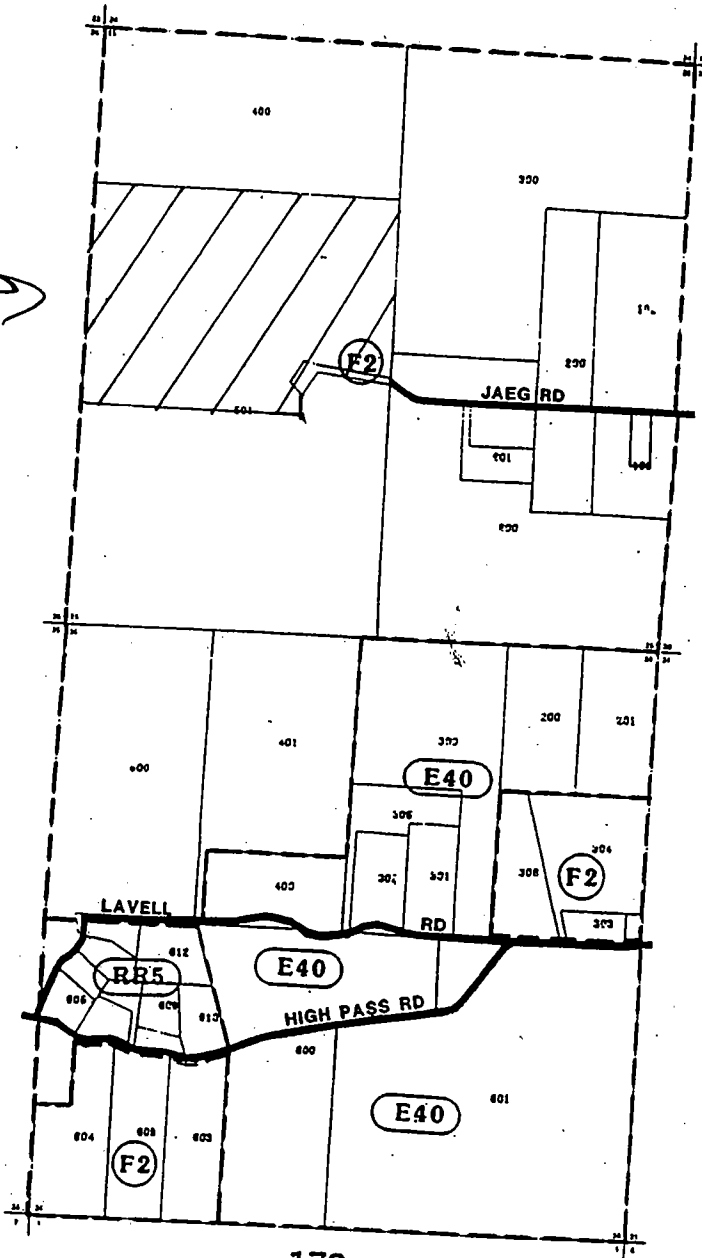
ORIGINAL ORD. # _____ PA 884 _____ DATE 2/29/1984 FILE # _____

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

170A

FROM "F-2/IMPACTED FOREST LAND" TO "E-40/EXCLUSIVE FARM USE"

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.



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161

183

172

The zones on this map are changed as follows: From: RG, 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



one county



OFFICIAL ZONING MAP

PLOT# 171

Township Range Section

15 06 25

15 06 36

ORIGINAL ORD. # PA 884

DATE 2/29/1984

FILE #

REVISION # ORD. #

DATE

**LANE COUNTY BOARD OF COMMISSIONERS
MINOR PLAN AMENDMENT TO THE RURAL COMPREHENSIVE PLAN
FROM FOREST LAND TO AGRICULTURAL
AND REZONE FROM F-2/IMPACTED FOREST LANDS
TO E-40/EXCLUSIVE FARM USE
Map 15-06-25, tax lot 500 & tax lot 502**

FINDINGS

Application Summary

This application, PA 07-6555, is made by Robin & Danuta Pfeiffer, 25040 Jaeg Road, Junction City Oregon, in conjunction with Robin Pfeiffer's siblings, Conrad Albert Pfeifer, Karen Signe Van Dynn, and Eric Nelson Pfeiffer. Robin and Danuta Pfeiffer are the sole owners of Lot 500, while the four Pfeiffer brothers and sister are co-equal owners of Map 15-06-25, Lot 502. These two tax lots comprise the subject property for this application, and total 111.88 acres¹.

The request is for approval of a minor Rural Comprehensive plan diagram amendment from Forest land to Agricultural, concurrent with a zone map amendment from Impacted Forest Lands (F-2) to Exclusive Farm Use (E-40).

Parties of Record

Robin & Danuta Pfeiffer, and Conrad Albert Pfeifer, Karen Signe Van Dynn, and Eric Nelson Pfeiffer

Application History

The Lane County Planning Commission held a public hearing on July 1, 2008, and unanimously voted to recommend approval of the request to the Board.

Statement of Criteria

OAR 660-33-120

Lane Code 16.400

Lane Code 16.252

Finding of Fact

1. The site is located at 25040 Jaeg Rd. Junction City Oregon. Lot 500 contains approximately 1.88 acres; Lot 502 contains approximately 110 acres. About 80 acres of Lot 502 have been in active vineyard production for over 30 years. The

¹ Assessment and Taxation updated the tax maps on 5-27-08 to reflect the completed partition plat. Thus the subject property was formerly identified in the staff report to the Planning Commission as the northern portion of tax lot 501 (i.e., parcel 1 of Plat No. 2008-P2240), now tax lot 502. Tax lot 500 remains unchanged.

property is located off of Turnbow Lane, about 6 miles west of Junction City, on the eastern edge of the Coast Range.

2. Robin Pfeiffer began transitioning Lot 502 from sheep farming to vineyards in the late 1970's, with the grapes being sold to local wineries for use in premium quality Pinot Noir and Pinot Gris. The Pfeiffer's began producing wine from their grapes at other local vineyards several years ago, developing an extremely high quality selection of wines under their Pfeiffer Winery Label. Because of the high quality and low volume, currently less than 1,300 cases per year, the Pfeiffer's marketing strategy, includes direct orders shipped from their Winery to Wine Club member via United Parcel Service. Their marketing strategy also includes the establishment of a tasting room on tax lot 502 for on-site purchasing. The Pfeiffer's plan to vint a maximum of 2,000 cases per year. By 10-year contracts, ninety percent of their grapes are sold to King Estates.
3. The subject property is located on Plot 171 and zoned Impacted Forest Lands, F-2/RCP. Turnbow Creek (a Class I stream) flows along the southern boundary of tax lot 502 and onto the adjoining tax lot 503. A road along the south of the vineyard is the closest approach to Turnbow Creek and it is at least 100 feet north of the creek.
4. The adjacent properties to the west are zoned F-1 and are in active forest management. Contiguous parcels to the north, east and south are zoned F-2, with the parcel directly east also engaged in vineyard production. RR-10 and E-40 zoning are part of the transition zone east and south of the Pfeiffer's properties.
5. Public services for the property are currently provided as follows:

Fire:	Junction City Rural Fire Protection District ²
Police:	County, State
Water & Sewer:	On site septic and well
School:	Junction City
Telephone:	Qwest
Power:	Lane Electric
Access:	Jaeg Road (Lane County), via private easement
6. This application implements Lane County RCP Goal 3 Agricultural lands, Policy 5 which directs use of planning and implementation techniques that reflect appropriate uses and treatment for each type of land. The success of the Pfeiffer Vineyard label attests to the subject property's soil characteristics to produce premium grapes. The Subject property was initially zoned F-2 in the Rural Comprehensive Plan adoption in 1984, appropriate at the time, since the majority of the parent parcel, which included tax lots 502 and 503 combined, was in forest

² Tax lot 500 is within the JCRFPD. Tax lot 502 is not within the district, but the Fire Chief is on record (file record email of 7-24-08) stating that the department would respond to a structural fire on tax lot 502, with costs incurred to be recouped at a later date. The Western Lane Forestry District (ODOF) will respond to any wild land fires (non-structural).

use. However, the northern, smaller section had been in agricultural uses since the Pfeiffer family purchased the property in the 1960's.

Allowing the rezoning from F-2 the E-40 recognizes the established historical farm use of this parcel (the present tax lot 502). Sheep ranching on this parcel has been documented to the 1930's and Robin Pfeiffer began planting wine grapes in the late 1970's.

Furthermore, this proposal allows the establishment of a wine producing facility and a tasting room on tax lot 502, a prohibited use on the present F-2 zone. In this respect, RCP Goal 9, Policy 5, which encourages zoning implementation techniques, which reflect an appropriate use of each type of land, directly supports the rezoning and concurrent map amendment to E-40. In the present case, soils and slope characteristics, which support premium, wine grape production.

7. The proposal is a Minor Amendment pursuant to Lane Code 16.400(6)(h) and involves a rezoning subject to LC 16.252. No exception to any Goal, resource or otherwise, is necessary. The application simply requests a proposed change from one resource zone to another.
8. As noted in Finding 6, the majority of this parcel was in timber production at the time of implementation of the Rural Comprehensive Plan in 1984. The re-designation of this parcel more appropriately classifies Lot 502 in alignment with the historic farm use and current vineyard activities. A redesignation to Exclusive Farm Use will allow the Pfeiffer's to establish a winery on the property, a permitted use in that zone (LC 16.212(3)(g)).

Approval criteria

PLAN AMENDMENT CRITERIA LANE CODE 16.400(6)(h)

Method of Adoption and amendment

(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 component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

This application proposes to amend the Rural Comprehensive Plan from Forest Land to Agricultural land. This application provides evidence that addresses the applicable requirements of the Lane Code, RCP policies, and applicable statewide planning goals and law.

(bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:

(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; OR

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

The Board finds the proposed plan amendment implements RCP policies related to Goal 3 (Agriculture) and Goal 9 (Economy). Specifically, Goal 3, policy #5: “Use planning and implementation techniques that reflect appropriate uses and treatment for each type of land”. As stated under the goal responses later in these findings, the Board finds that a redesignation to Agricultural land is responsive to the unique soil type and topography of the property.

Furthermore, Goal 9, policy #9, reads “Tourism shall be considered as a base industry having high potential for growth throughout the County. Development of facilities oriented towards tourists shall be given maximum support within the framework of these policies”. The Board finds that redesignation of the property to Agricultural land will allow the owners to construct a winery for wine tasting and selling on site, a fast growing tourism related industry in Lane County.

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

The Board finds that this application identifies various policies that provide policy support for this document. No policies have been identified that directly conflict with this request.

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

The plan amendment is consistent with the intent and structure of the RCP to choose between competing uses. As previously indicated, this amendment is consistent with county policies that provide for designating both forest and agriculture lands. Approval of this amendment does not conflict with unamended portions of the plan and is therefore consistent with the plan.

Additionally, Goal 9, promoting the economy of rural areas, directly supports this rezoning and map amendment. A re-designation to E-40 will allow the Pfeiffer’s to operate a winery and tasting room on Lot 502.

2. LANE CODE 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.

This application proposes an amendment to the Plan diagram from Forest land to Agricultural land. Since this action is limited to a plan diagram only, it is a minor amendment. No exception to a Statewide Goal is needed or proposed.

(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.

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

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

The subject portion is bounded on the west by F – 1 land. On the immediate north, east and south the abutting parcels are all F – 2. Slightly further to the east, along the west side of Turnbow Lane RR -10, with substantial amounts of E – 40 north, east and south.

The adjoining F-1 zoned land is owned by the Seneca Jones timber Company, and is actively engaged in forest management activities, including chemical spraying and periodic timber harvesting. The Applicant has recorded a Farm/Forest Management Agreement, reducing the potential for conflict between the subject property and nearby resource-based activities.

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

Ground water

The vineyards and dwelling are supplied by an artesian well on Lot 502. There are three ponds near the existing agricultural buildings that are used for irrigation. Turnbow Creek flows along the south side of Lot 502, but it not utilized by the Pfeiffer's.

Sewage Disposal

The dwelling on Lot 500 is served by an existing sewage system. A sanitary evaluation (SI 08-9048) was approved on 6/10/2008 for Lot 502 to service the proposed bathrooms that will serve the planned tasting room.

Transportation

Jaeg Road provides access, a County road classified as a Local Road in the Lane County Transportation System Plan.

Fire protection and others

The Western Lane Forestry District provides fire protection for structural fires by the Junction City Rural Fire Department, and for wild land fires.

(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 Board finds that the approval of the amendment would cause no substantial impacts to proximate natural resources or resource lands. In addition, there are no inventoried resource sites in the vicinity. Turnbow Creek, a Class 1 stream and inventoried wetland, is located the southern boundary of the subject property. The Applicants have no plans for any development within 100 feet of this creek.

3. STATEWIDE PLANNING GOALS

For purposes of the analysis of this section the following applicable statewide planning goal statements have been summarized. The Oregon land conservation and Development commission Goals and Guidelines are incorporated herein by reference, except as noted.

Goal 1: Citizen Involvement

Goal 1 requires citizens and affected public agencies be provided an opportunity to comment on the proposed amendment and zone change.

Public notification in the form of mailed public notice has been sent by Lane County to affected agencies, including the Department of Land Conservation and Development, and owners of record within 750 feet of the subject property.

Goal 2: Land Use Planning

Goal 2 establishes a land use planning process and policy framework as a basis for all land use decisions and requires an adequate factual base be developed to support such decisions. A minor amendment is one that does not have significant effect beyond the immediate area of change and is based on a site-specific analysis. The public need and justification for the particular change must be established.

Lane County has adopted a comprehensive land use plan amendment process with specific criteria that must be addressed to justify a minor amendment. Compliance with the procedural aspects of Lane Code 16.400 will constitute compliance with Goal 2.

Goal 3: Agricultural Lands

Goal 3 is to preserve and maintain agricultural lands.

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700.

Approval of this request will preserve the subject property as agricultural land, such use having been established since the 1930's. The farm use has changed over time, from sheep grazing to vineyards, reflecting in part the changing farm economy.

Goal 4: Forest Lands

The purpose of Goal 4 is to conserve and maintain the forest land base and to protect the states forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land. Goal 4 requires sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

There are no forest resources located on the subject property.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

The only Goal 5 use on the property is Turnbow Creek, a Class 1 stream. It is unaffected by this action, as all activity takes place a minimum of 100' from it.

Goal 6: Air, Water and Land Resources Quality

The purpose of Goal 6 is to maintain and improve the quality of the air, water and land resources of the State. The subject property will be served by adequate on-site water and sanitation facilities. The proposal recognizes the historic farm use of the property.

Goal 7: Areas Subject to Natural Disasters and Hazards

The purpose of Goal 7 is to protect life and property from natural hazards.

The property is not inventoried as being subject to any natural disasters or hazards (severe slope, erosion, flood, etc.).

Goal 8: Recreational Needs

The purpose of Goal 8 is to satisfy the recreational needs of the State and visitors.

This goal is not applicable to this application,

Goal 9: Economic Development

The purpose of Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Specifically, Goal 9, Policy 1 (b); *“Recognition of the value of local resources such as timber and agricultural lands as the primary source of raw materials for the manufacturing and processing sectors of the economy.”*

The Pfeiffer’s ability to enhance their “economic resources” will be directly affected by their ability to operate a winery and tasting room with EFU (E – 40) zoning, not allowed under the current F – 2 designation. Additionally, an in-direct boost to other rural, agriculture and craft based home operations in the area will also benefit from the Pfeiffer’s ability to draw people from the urban areas and from tourists traveling through the southern Willamette Valley.

Goal 10: Housing

The main purpose of Goal 10 is to provide for the housing needs of citizens of the state. Build able lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

No dwellings are proposed or required

Goal 11: Public Facilities and Services

The main purpose of Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

All of the rural services necessary are in existence, this amendment will not require any increase in the public services beyond the level that exists.

Goal 12: Transportation

The main purpose of Goal 12 is to provide and encourage a safe, convenient and economic transportation system.

County Transportation Planning has determined that the probable number of trips generated by Pfeiffer Winery will be in the 20 trips per day range on the weekends, well below the “50 or more motor vehicle trips during any one hour (peak hour of use),” that would require a transportation Impact Analysis.

Goal 13: Energy Conservation

The main purpose of Goal 13 is to conserve energy.

Continuing support of locally raised agricultural products limits the energy expenditures in transportation costs. In addition, the Applicants are investing in alternative power supply (solar) for a portion of their energy needs.

Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

Not applicable to this request. No density increase is proposed, or urban uses.

The following Goals are not applicable to this application as they are geographically oriented and apply to the Willamette River Greenway and coastal resources.

Goal 15: Willamette River Greenway

Goal 16: Estuarine Resources

Goal 17: Coastal Shorelands

Goal 18: Beaches and Dunes

Goal 19: Ocean Resources

ZONE CHANGE CRITERIA LC 16.004

(4) (Scope and Compliance) requires;

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).

This application does not seek any change in the current land use which would result in any potential additional parcelization, or increase on the current water demands.

ZONE CHANGE CRITERIA LC 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, the Planning Commission or the Hearings Official in accordance with the procedures in this section.

GENERAL PURPOSE The purpose of Chapter 16 Lane County land Use and Development Code is to provide and coordinate regulations governing development in the county and to implement the Lane County Rural Comprehensive Plan. Lane Code 16.003 sets 14 broadly worded purpose statements that includes a provision to insure development is commensurate with the character and physical limitations of the land.

Rezoning the subject property from F-2 to E-40 implements the proposed plan amendment from Forest Land to Agricultural land. The public interest is appropriately served by recognizing the subject property is not forest land and that the Agricultural designation is orientated to allow that existing adjacent development and land use be maintained and enhanced. The proposed agricultural use of the property implements the general purpose of Lane Code 16.

The application proposes rezoning from F-2 to E-40 to recognize the historic use of the subject property. The proposed E-40 zone is consistent with the existing development and land use in the surrounding area.

Rural Comprehensive Plan: The policies of the RCP serve as the basis of the County Plan and provide the direction for land use decisions and fulfill the mandate of the LCDC Statewide Planning Goals. Goal 2 Land Use Planning Policy 26 specifically provides that land use designations shall be implemented by specific zoning districts. Thus, these policies specifically support adoption of this plan amendment and the implementing zoning. Therefore this application acknowledges the changing agricultural economy and is consistent with the intent and purpose of the Rural Comprehensive Plan and county policies.

CONCLUSION

This application for a minor plan amendment and rezoning addresses and satisfies all applicable criteria. The request is consistent with and receives policy support from the Rural Comprehensive Plan and the implementing E-40 zone. The Board finds the request will have no significant adverse impact on existing or planned uses in the area.

Further, this minor plan amendment and rezoning is specifically supported by RCP Goal 3, policy #5 (designations should reflect appropriate uses and treatment for each type of land), and Goal 9, policy #9 (support tourism as a base industry).

LANE COUNTY PLANNING COMMISSION

STAFF REPORT



HEARING DATE: July 1, 2008

FILE No. 07-6555

REPORT DATE: June 24, 2008

LAND MANAGEMENT DIVISION
http://www.LaneCounty.org/PW_LMD/

I. APPLICATION DESCRIPTION

A. Owner/Applicant:

Robin & Danuta Pfeiffer
25040 Jaeg Rd.
Junction City, Or. 97448

Agent:

Ron R. Funke, AICP
99 W 10th Ave., Suite 119
Eugene, Or. 97401

B. Proposal

Proposed Minor Amendment to the Rural Comprehensive Plan:

- From a Forest Land Designation to Agricultural Land plan designation, and
- Rezone from F-2/RCP Impacted Forest Lands Zone to E-40/RCP Exclusive Farm Use Zone.

II. RECOMMENDATION

The application is currently lacking a proper response to Goal 12 (transportation/traffic). If this item can be resolved by the time of the public hearing, staff would advise approval of the request.

III. SITE AND PLANNING PROFILE

A. Subject Property

Map 15-06-25, tax lot 501 (that northern portion identified as parcel 1 of partition Plat No. 2008-P2240), and tax lot 500; 111.8 a total acres.

Please refer to the attached Applicant's submittal for various maps and photos of the property.

B. Zoning

Located on Plot 171. Zoned Impacted Forest Lands, F-2/RCP.

A copy of a GIS generated color zoning map is included in the Applicant's submittal.

C. Site Characteristics

The Applicants own approximately 240.88 acres of land comprised of tax lots 501 and the much smaller tax lot 500 (1.88 ac.). They recently completed a division of the 239 acre tax lot 501. The northern, parcel 1 of that partition, is the subject of this request, together with tax lot 500. Parcel 2 is not part of this request.

Current improvements include a single family dwelling on tax lot 500, with a site address of 25040 Jaeg Road. Jaeg Road is classified as a Local Road, and connects with Ferguson Road. The property is located approximately 6.3 miles west of Junction City.

Parcel 1 (of tax lot 501) contains 80 acres of grape vineyards, a 3,200 square foot agricultural building, a small tractor shed, pumphouse, and a sheep loading shed.

In June of 2007 the Land Management Division became aware that the large agricultural building had been converted into a winery and tasting room open to the public (enforcement file CA 07-0170). While vineyards are "farm use" allowed in either a farm or forest zone (LC 16.212(3)(a) and LC 16.211(2)(d), respectively), wineries are allowed only in the Exclusive Farm Use Zone (LC 16.212(3)(g)).

In order to remedy the violation, the Applicant's divided tax lot 501, basically drawing a line between the northern portion (parcel 1) planted in vineyards, and the southern portion (parcel 2), in forestland.

The dwelling on tax lot 500 is also to be used for commercial cooking classes. That use will require a Home Occupation approval (per LC 16.212(4)(a)). Since it is somewhat affiliated with the winery activity, it was also brought into the current proposal. The Home Occupation is a separate land use decision, and is not under consideration in this proposal to the Planning Commission.

D. Surrounding Area

As shown on the color GIS generated zoning map included with the Applicant's attached submittal, F-1 zoned land is found adjacent to the subject property on the west, with F-2 zoning adjacent on the remaining three sides.

The nearest EFU zoned land is found approximately 2,200' to the southeast of the subject property. Some Rural Residential zoned land is found 2,600' to the east.

E. Services

Fire: Junction City RFPD
Police: County, State
Water & Sewer: On site septic and well
School: Junction City School District
Power: Lane Electric

Access: Jaeg Rd. (County)

F. Referral Comments Received:

Shashi Bajrachyarya/County Transportation Planning/6-23-08:

The subject property is served by Jaeg Road, a County Road. Jaeg Road is functionally classified as a Local Road in the Lane County Transportation System Plan. It is a 20 feet wide, paved road without shoulders. It has a low traffic volume (110 vpd), and the road is unstriped.

The subject property is proposed for a zone change from the existing Forest zone to Agriculture zone. The applicant's statement does not provide findings for transportation goals. Pursuant to LC 15.697(1)(c), a traffic impact analysis may be required as part of a complete land use application or for any plan amendment proposal unless waived by the County Engineer.

The applicant has not provided the required trip estimates, traffic data to consider a waiver for the traffic impact analysis. Although the new zoning is not expected to add substantial traffic for agricultural uses alone, Transportation Planning is concerned that the winery testing facility proposed and allowed under the new zone may attract more traffic than the existing road can handle safely. Jaeg Road and Turnbow Ln serving the property may be impacted by the external visitors as the roads do not appear to meet standards for high volume traffic. In order to adequately, safely, and equitably serve the property with transportation facilities needed to serve development impacts that will result from approval of the plan amendment/zone change, the applicant should be required to submit an assessment of the existing road, particularly Jaeg Road, prior to any approval of the plan amendment/zone change. Lane Code Chapter 15.705 provides minimum standards for County Local Roads. The applicant should be required to submit stamped documentation from an Oregon-certified engineer addressing adequacy of the existing road geometry at major intersections and road conditions, specifically addressing each of the following requirements in LC 15.705 of the roads serving the property.

15.705(3) Right-of-way width for local roads shall be 50 feet wide.

15.705(4) The minimum roadway (travel surface) width varies with ADT. The applicant shall provide an estimated traffic generated from the proposal and provide finding what should be the appropriate road width to serve the property.

15.705(5) The surface type shall be pavement.

15.705(6) The surface structure should meet the requirements specified in LC 15.707. For uses other than residential, the structure should be at least 2" AC over 15" rock base.

15.705(9) The roadway ditches and side slopes should meet the standards specified in this section.

15.705(11) A clear zone of at least 10 feet wide on each side from the edge of the pavement should be provided.

15.705(14) on-street parking is not allowed.

A facility permit is required for any work within the county road right-of-way. Facility permit requirements are in LC 15.200-210.

Planning Staff Note: This referral was immediately forwarded to the Agent, Mr. Funke, who responded with information related to average trips/day for the visitors to the winery. It is hoped that this issue can be resolved by the date of the hearing.

IV. APPROVAL CRITERIA & ANALYSES

A. Character of the Request

The proposal is a Minor Amendment pursuant to Lane Code 16.400(6)(h) and involves a rezoning subject to LC 16.252.

Rural Comprehensive Plan policies affecting the proposal, as well as Plan amendment and rezoning criteria, are recited and discussed in the applicant's statements attached to this Staff Report, and so will not be repeated here.

No exception to any Goal, resource or otherwise, is necessary. This is simply a proposed change from one resource zone to another.

B. Evaluation

This request proposes to convert 111.8 acres from Impacted Forest Lands to Agricultural Lands. Doing so would enable development of the parcel to those uses allowable in the E-40 zone, LC 16.212, and OAR 660-33-120. As stated previously, the immediate objective is to bring the property in compliance for winery use.

Concerning the Lane Code Plan amendment and rezoning criteria, the applicant recites the appropriate standards and responds to them in his statement. Staff concurs with this analyses and arguments, except as noted below. As evidenced by the existing vineyard, first established in the 1970's, the subject property has historically been engaged in farm use rather than forest use. The proposed Plan and zone change to Agricultural land and E-40 more accurately reflects the character of the property and appears warranted.

Goal 12/Transportation: not met.

As indicated in the referral response from Transportation Planning (TP), more data is needed before the county can make a finding that Goal 12, Transportation, has been met. Because the Applicant is on a tight timeline to completely convert the large agricultural building into a public use tasting room in time for the wine tourist season, it is hoped that their Agent can work out those details with TP staff by this hearing date.

Miscellaneous:

The following items do not present a fatal flaw in the proposal, but are offered for clarification:

- On page 3 of 5 of the submittal, it is stated that "...the soils on this property, particularly on the south sloping Parcel #1, are not considered High Value Soils; they are of the type and quality preferred for vineyards". While the success of the Pfeiffer Vineyards label and that 80 acres of vineyards have historically been planted since the 1970's is proof that the soils are suitable for grapes, the majority of the soils are High Value soils. Both the #11D Bellpine Silty Clay Loam, comprising 45% of the acreage, and the #11E Bellpine Silty Clay Loam, comprising 14% of the acreage, are rated as High Value Soils.¹ Together, they comprise 59% of the parcel. Also worth mention is that 82% of the acreage has a forest productivity rating for Doug fir ranging from 149-184 cubic feet per acre per year².
- The Application claims (on p. 3 of 12) that this Plan Amendment/Zone change is necessary to "...remedy an apparent error in the Plan designation..." per LC 16.400(6)(h)(iii)(bb)(i-i). LC 16.400(6)(h)(iii)(bb) offers five reasons under which a Plan designation may be changed. It reads as follows:

(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; 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.

In the present case, staff does not believe that an error was made in assigning an original Plan designation of Forest Land. The rationale behind this assertion is that in 1984, the time of the Rural Comprehensive Plan acknowledgement process, the subject property was not yet divided by the partition that was completed earlier this year³. Instead, the entire tax lot 501 and tax lot 500 was one tract of land. Prior to partitioning, tax lot 501 was composed of 239 acres. Parcel #2, at 129 acres, "...is heavily forested" (p.3 of 5). Since more than half of the 239 acres was forested, a designation of Forest Land appeared to be appropriate in 1984.

¹ Per "Lane County Soils Ratings for Forestry and Agriculture", Aug. 1997.

² Source same as above. Refer to Applicants soil listing on p. 4 of 5. Soil productivity for each unit: #11D: 163 cu.ft./ac/yr; #45C: not rated; #11E: 163; #104G: 184; #11C: 149; #104E: 184.

³ Land Partition Plat NO. 2008-P2240, a copy of which is in the Applicant's attached submittal.

It appears that the Plan Amendment can be more appropriately justified per LC 16.400(6)(h)(iii)(bb)(iv-iv), as a change to a Farm land designation implements Plan policies, specifically:

RCP Goal 3 (Agricultural Lands), policy #5: *“Use planning and implementation techniques that reflect appropriate uses and treatment for each type of land”* and

RCP Goal 9 (Economy of the State), policy #9: *“Tourism shall be considered as a base industry having high potential for growth throughout the County. Development of facilities oriented towards tourists shall be given maximum support within the framework of these policies.”*

The above two policies support the change in Plan designation to Farm land, as parcel #1 has proven itself capable of raising quality wine grapes, with the necessary south facing slopes. This combination of soils and south facing slope is not common. In addition, wine tasting tours have become an attraction to tourists in Lane County and the Willamette Valley.

- Errata: Page 4 of 12, 2nd last paragraph, Agricultural land is found to the south of the subject property, not to the “East”. Page 10 of 12, under Goal 9, correct code cite is LC 16.212, not LC 16.211.

V. CONCLUSIONS

A. Summary and Recommendation

A history of farm use, farm soils supporting wine grapes, and farm/economic policies supporting unique farm areas and tourism, combine to lend support for the proposal. However, Goal 12/Transportation issues remain unresolved as of the writing of this report. As such, staff withholds advising approval of the request until that issue is resolved.

B. Attachments to Staff Report

1. Applicant's statement with exhibits

C. Materials to be Part of the Record

1. Staff Report and attachments.
2. Applicant's statement with all exhibits.
3. File PA 07-6555
4. Lane Code Chapter 14 and sections 16.211, 16.212, 16.252 and 16.400.



LAND MANAGEMENT DIVISION

GENERAL LAND USE APPLICATION

PUBLIC WORKS DEPARTMENT 125 E 8th AVENUE, EUGENE OR 97401 PLANNING: 682-3807

For Office Use Only: FILE # PA076555 CODE: PANOEXC FEE: \$3,872.50

Plan Amendment / minor / no exception (DH)

Applicant (print name): Robin & Danuta Pfeiffer
Mailing address: 25040 Jaeg Road, Junction City, OR 97448
Phone: (541) 998-2828 Email: info@villaevenings.com

JUN 12 2008

Applicant Signature: [Handwritten Signature]

Agent (print name): Ron R. Funke, AICP
Mailing address: 99 W 10th Ave, Suite 119, Eugene, OR 97401
Phone: (541) 302-4993 Email: ronfunke@customplanningservices.com

Agent Signature: [Handwritten Signature]

Land Owner (print name): Robin & Danuta Pfeiffer
Mailing address: 25040 Jaeg Road, Junction City, OR 97448
Phone: (541) 998-2828 Email: info@villaevenings.com

Land Owner Signature: [Handwritten Signature]

LOCATION

15 Township 06 Range 2500 Section 501 Taxlot

25040 Jaeg Road, Junction City, OR 97448
Site address

PROPOSAL. In one sentence, identify what you are proposing.

Preliminary Partition (PA 07-5875) was applied for on 6/12/07. This Rezone Application is to change the F-2 zoning on Parcel 1 to EFU 60. This 138.12 acre parcel is in active agricultural production and has been since the Pfeiffer family took ownership in the 1960's. The Pfeiffers wish to operate a producing winery on this property, allowable under EFU 60, but not F2 zoning.

August 23, 2007
Revised April 21, 2008

Clients: Robin & Danuta Pfeiffer
25040 Jaeg Road
Junction City, Oregon 97448

Eric Pfeiffer, Conrad Pfeiffer & Karen Signe Van Dynn

**Narrative Overview of Application for
Minor Map Adjustment and Plan Amendment
Map 15-06-25-00, Lots 500 & 501 Parcel #1
Approximate acreage of request is 112 acres**

Purpose

Robin and Danuta Pfeiffer began planting wine grapes and growing a vineyard on the family farm west of Junction City 30 years ago. Prior to beginning the vineyard (which now totals about 80 aces of the total 238.12 acres), Robin's parents, Harold and Signe Pfeiffer, operated a sheep ranch.

The Pfeiffers have been selling their grape production to other local vintners for the last 15 to 20 years. They began producing wine under their own Pfeiffer Winery label, utilizing the King Estate facilities for processing. The Pfeiffers would now like to produce their own wine on their property, but are currently prohibited by the F-2 zoning in place on the property. A rezone and map amendment of the northern portion of Map 15-06-25-00 Lot 500 and Lot 501 Parcel #1 from F-2 to EFU 40 would allow the Pfeiffers to vint their own grapes on their own property, rather than having to truck them to a neighboring winery for processing. It will also allow the Pfeiffers to operate a tasting room and sell their products directly from their winery—something that has become very popular in the last 20 years.

These vineyards were in production at the time of the adoption of Lane County's Rural Comprehensive Plan in 1984 and could have been zoned EFU at that time, rather than F-2. This Map Amendment and Rezone Request is intended to more appropriately apply a zone designation that allows the Pfeiffers to utilize their property in a manner very appropriate to this site.

The Pfeiffers' wish is to bottle up to 2,000 cases of wine per year under their own label on their own property, rather than producing it at King Estates. This amounts to 5,000 gallons of premium quality wine a year. This bottled wine will be sold only at the winery. Ninety percent of the wine grapes produced will continue to be sold to other local vintners.

Parcel #1 (the northern parcel) contains an insulated metal clad building that the Pfeiffers intended to use as their winery and tasting room, not realizing that a building permit was required and that this type of use is not allowed on land zoned F-2. New construction plans have been prepared by Keating Engineering to bring the existing structure into compliance with Oregon's Structural Specialty Codes to allow commercial use of the re-engineered and rebuilt structure. Besides using the building for wine storage, the rebuilt structure will include a tasting room and two restrooms connected to an approved sanitary system (SI 08-9048, applied on 5/16/2008).

The Pfeiffers wish to bring their land use practices and building into compliance as rapidly as possible. We asked for a predevelopment conference to start addressing the compliance issue in cooperation with Lane County (PA 07-6049, filed 7/11/2007). That predevelopment conference was held on February 6th, 2008. As noted above, the Pfeiffers have since hired an engineer to redesign the agriculture building into a structure that will comply with the Oregon Specialty Code for commercial uses on EFU lands. Rebuilding of the existing structure will begin as soon as practical.

Site Description and Current Land Use Process Activity

A Preliminary Legal Lot Verification was completed for this parcel (PA 07-5377.) It was completed by Don Nichell on 4/18/2007. Mr. Nichell determined that this parcel, created by Bargain and Sale Deed 700/R 743, 1919 as a separate parcel from Map 15-06-25 Lot 500, was indeed a legal lot.

A Preliminary Partition (PA 07-5875) was filed with Lane County on June 12, 2007, seeking to partition the existing 238.12 acre parcel into one 110 acre +/- parcel (Parcel #1) and a 128 acre +/- parcel (Parcel #2). The smaller, northern parcel is where the vineyards are located. This parcel, along with Lot 500, is the subject of the rezone request to change to EFU-40. The

southern 128-acre parcel is appropriately zoned F-2 and the Pfeiffers have no wish to change that designation. While the northern portion is nearly fully planted with grapes, the southern parcel is heavily forested.

Location

The Pfeiffer property lies east of the crest of the coast range, and is a transitional area between forest zoning to the west and agricultural zoning to the east. Large tracts of F-1 lands lie immediately to the west and north of the Pfeiffer property. There are parcels zoned EFU-40 in the ¼ section adjacent to and immediately to the east of Map 15-00-25-00, Lot 501. To the south and southeast are a scattering of RR-5 and RR-10 parcels.

Zoning map of surrounding area

Attachments C

Physical Features

The property is substantially hilly, with elevations ranging between 515 and 740 feet above mean sea level. The northern 110 +/- acre portion slopes to the south. The southern 128 +/- acre portion has the peak of a hill in approximately the middle, and the ground slopes away in all directions. This portion of the property is heavily forested and is intended to remain in timber production. The northern portion of the property holds approximately 80 acres of vineyards started by Robin Pfeiffer, beginning about 30 years ago.

Turnbow Creek, a Class - I stream, flows inside the southeast corner of Parcel #1 north of the proposed partition line and is surrounded by heavy timber, a natural buffer at least 100 feet deep from the agricultural activity to the north. No development has occurred or will occur within several hundred feet of Turnbow Creek, with the exception of the existing access road near the eastern edge of Parcel #2. This road was constructed several decades ago as an access to the timber on the south side of Turnbow Creek.

There are no Jurisdictional wetlands on this property.

FEMA does not identify this property as being within a flood zone.

The soils on this property, particularly on the south sloping Parcel #1, are not considered High Value Soils; they are of the type and quality preferred for vineyards.

See chart and attached Soil Map.

Attachment F

<u>Soil Unit #</u>	<u>Class</u>	<u>Soil Type Description, Slope</u>	<u>Percentage of Tax Lot 501</u>
11D	3	Bellpine Silty Clay Loam, 12-20 %	45%
45 C	3	Dupee Silt Loam, 3-20%	19%
11E	4	Bellpine Silty Clay Loam, 20-30%	14%
104G	6	Peavine Silty Clay Loam, 30-60%	13%
11C	3	Bellpine Silty Clay Loam, 3-12%	08%
104E	6	Peavine Silty Clay Loam, 3-20%	02%

Drinking and irrigation water for Lots 500 and 501 is supplied by an artesian well located mid-hill and to the Eastern 1/3 of the property. Water is of sufficient quality and quantity to provide water to the house on Lot 500 and irrigate approximately 80 acres of grape vines.

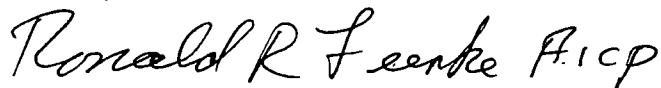
Existing services for the property are provided as follows:

Fire: Junction City Rural Fire Protection District
Police: Lane County Sheriff
School: Junction City School District
Ambulance: Lane Rural Fire & Rescue Ambulance Dept.
Sewer: On-site individual septic new as of 6/06/2000 BP000877
Water: On-site individual artesian well

No additional services will be required by changing the zoning on Parcel 1 to EFU-40 from F-2.

No new dwelling is planned as part of the partition or rezoning of Parcel 1.

Sincerely,



Ron R. Funke, AICP

Custom Planning Services & Associates, LLC

2595 Charnelton St.

Eugene, Oregon 97405

Phone 302-4993

Attachments:

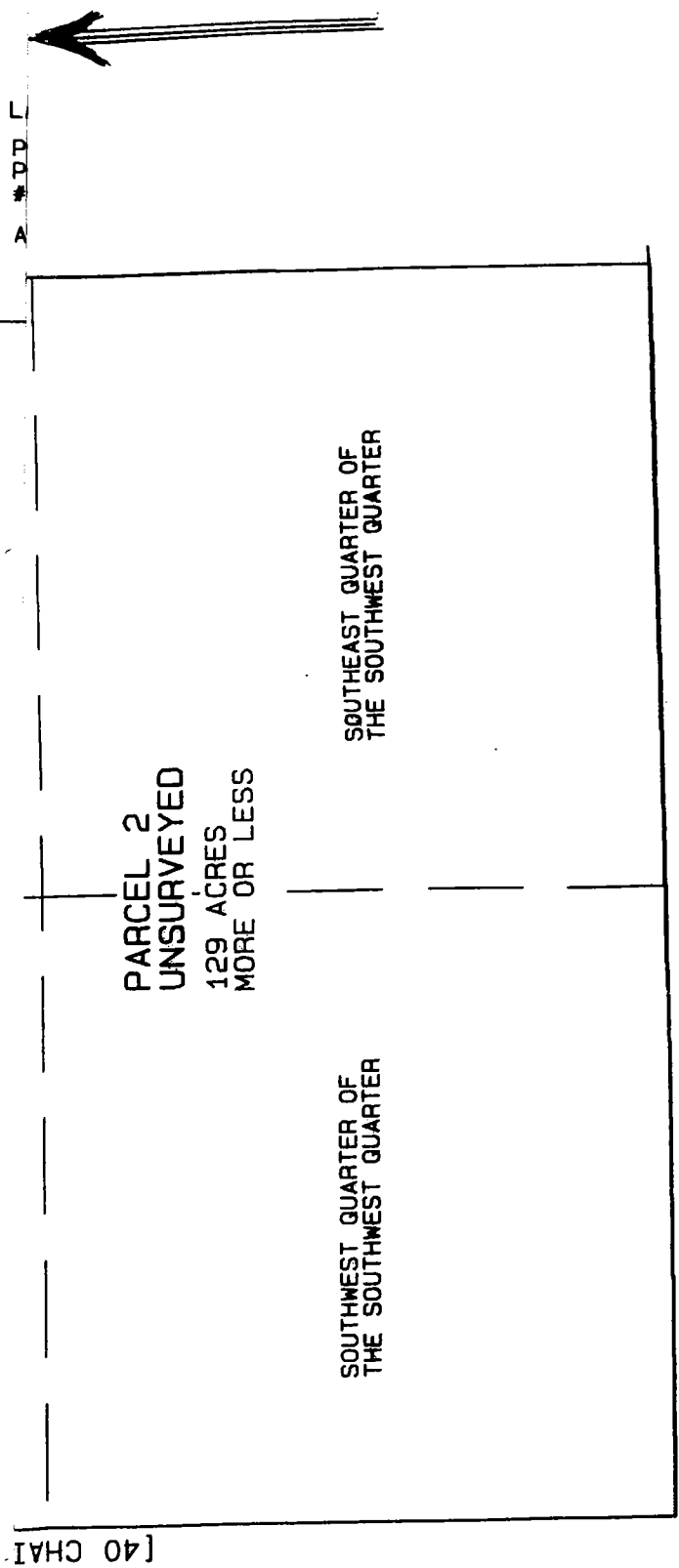
Plot Plan #1 (showing Parcel #1 and Parcel #2 after Partition)	Attachment A – 1
Plot Plan #2 (showing the ‘area of impact – i.e., the proposed winery) <i>Derived from Lane Maps</i>	Attachment A – 2
Zoning Maps for Subject Parcel and Surrounding Areas	Attachment B – 1
Aerial black & white photographs – historic conditions	Attachment C – 1
NRCS Soils Map (from Lane Maps)	Attachment D – 1
Current site photographs	Attachment E – 1 & E – 2

SITE PLAN SUBMITTAL FORM

OWNER NAME: Robin & Doretha Pfeiffer & * PHONE # 978-2828 ADDRESS: 25040 Jase Rd Junction City OR 97448 * Conrad Pfeiffer, Eric Nelson Pfeiffer & Karen Signe Van Dyrn	Map and Taxlot #: 15-06-25 Lots 500 & 501 Parcel 1 Scale: 1" = 400'	APPLICANT NAME: Ron Funke Assoc PHONE # 302-4973 ADDRESS: 2596 Charleston St Eugene OR 97406 Custom Planning Services & Assoc L.L.C.
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[40.24 CHAINS] PAGE 1 of 2 [N89°47'W]

SEE PAGE 2 FOR DISTANCES
between STRUCTURES, NATURAL
FEATURES AND PROPERTY LINES



[40.27 CHAINS]

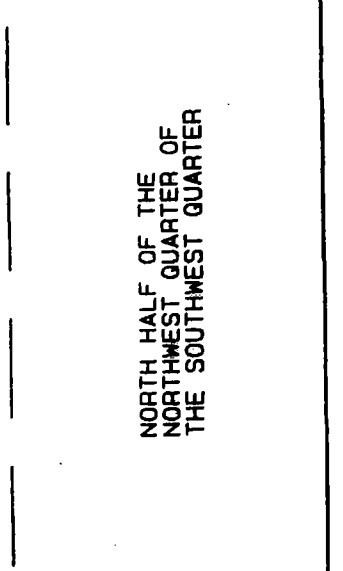
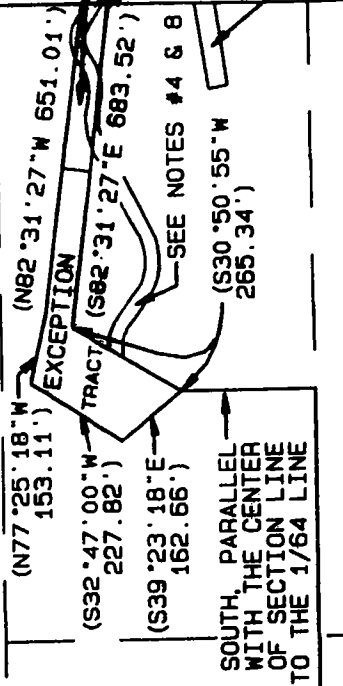
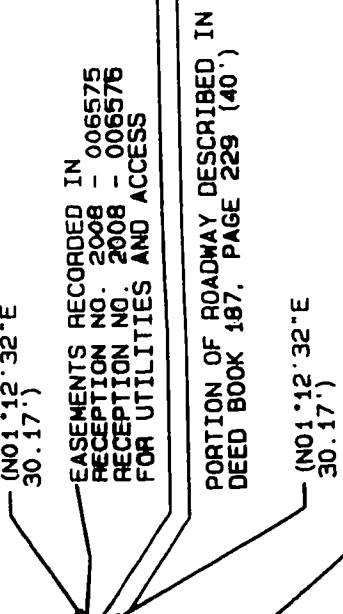
Indicate which direction is north with an arrow

LAND

[40 CHAI

UNSUBVEYED
110 ACRES
MORE OR LESS

SECTION 25



EASEMENTS RECORDED IN RECEPTION NO. 2008 - 006575 RECEPTION NO. 2008 - 006576 FOR UTILITIES AND ACCESS

PORTION OF ROADWAY DESCRIBED IN DEED BOOK 187, PAGE 229 (40')

(N01°12'32"E 30.17')

(N01°12'32"E 30.17')

APPROXIMATE LOCATION OF THE EASEMENT OVER TURNBOW CREEK AS DESCRIBED IN RECEPTION NO. 99432. RECORDED MARCH 20, 1953. SEE NOTE #8

SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER

SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER

PARCEL 2
UNSURVEYED
129 ACRES
MORE OR LESS

SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER

SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER

Indicate which direction is north with an arrow



[40 CHAINS]

[40.27 CHAINS]

SITE PLAN SUBMITTAL FORM

OWNER NAME: <u>Robin & Doretha Pfeiffer & *</u> PHONE #: <u>978-2828</u> ADDRESS: <u>25040 TARA RD</u> <u>Junction City OR 97448</u> <u>* Courard Pfeiffer, Eric Nelson</u> <u>Plummer & Tracy Signe Van Dyke</u>		Map and Taxlot #: <u>15-06-25</u> Lots <u>500 &</u> <u>501 Parcel 1</u>	Scale: <u>1" = 400'</u>
APPLICANT NAME: <u>Ron Funksie Reed</u> PHONE #: <u>302-4993</u> ADDRESS: <u>2595 Charlotte St</u> <u>Eugene OR 97405</u> <u>Custom Planing Services of Reed</u> <u>L.L.C.</u>			

[40.24 CHAINS] PAGE 1 of 2

[N89.47'W]

SEE PAGE 2 FOR DISTANCES
 BETWEEN STRUCTURES, UTILITY
 FEATURES AND PROPERTY LINES

[40 CHAINS]

SOUTH HALF OF THE
 NORTHWEST QUARTER

LANE COUNTY PLANNING CASE FILE NO. PA 07-5875
 PLOTTED ON CONTINENTAL MILANO # JPCAM2
 POLYESTER FILM WITH HP INK CARTRIDGE
 #51645A USING HP DESIGN JET 750C
 ASSESSOR'S MAP NO. 15 06 25 TAX LOT 501

2008-P2240

LAND PARTITION PLAT NO.

1120
NORTH
PROP. LINE

RETENSION
DITCH

5' 3" TO EAST
PROP. LINE

250'
POND 2
312'
POND 3
215'
TO LOT 500
25'

RAINBOW
CREEK

40' 0" RT

100 X

Scale 1: 2,400

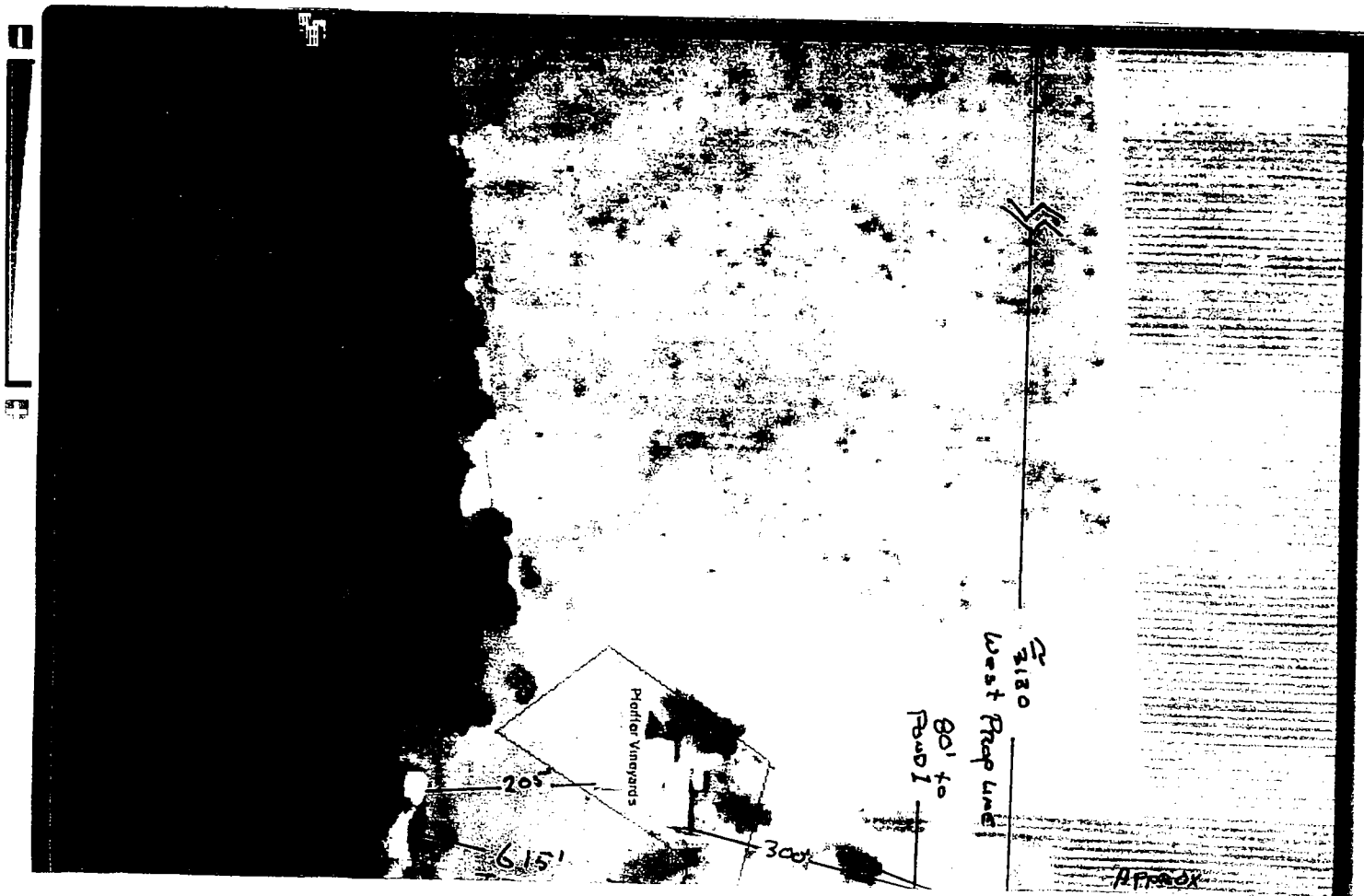
PROVISIONAL SURVEY PLAN FOR THE ...

SITE PLAN SUBMITTAL FORM

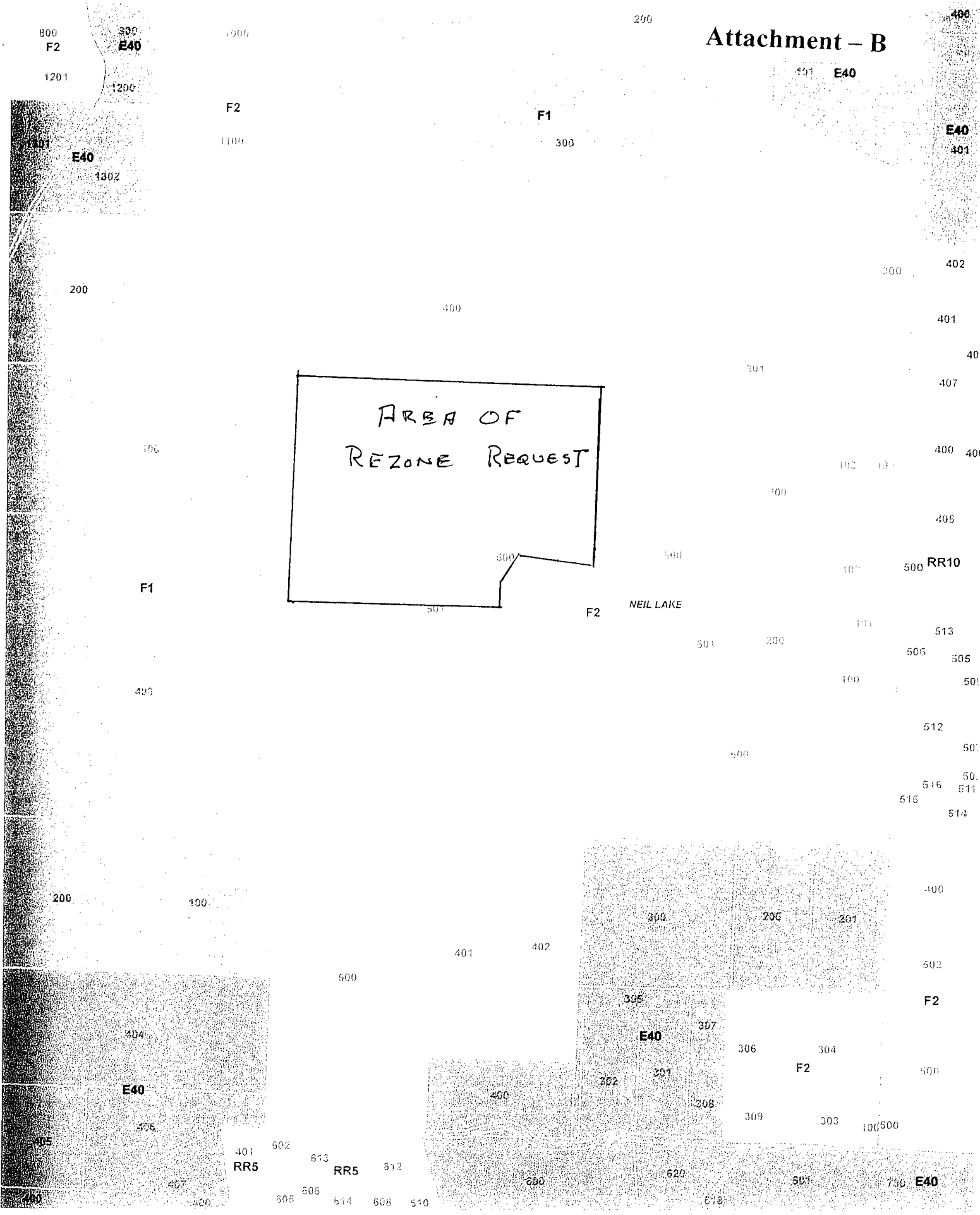
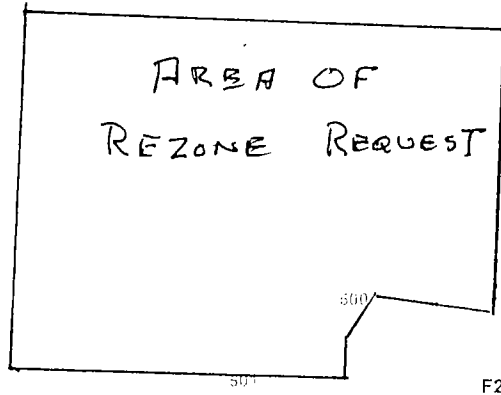
OWNER NAME: <u>The Pfeiffer Family</u>	Map and Taxlot #: <u>15-06-25-00 Lot 500</u> <u>& Lot 501 P-1</u>	APPLICANT NAME: <u>RON R. FUNKE, AICP</u>
PHONE # <u>998-2828</u>		PHONE # <u>302-4993</u>
ADDRESS: <u>25040 JAGG Rd.</u> <u>JUNCTION CITY OR 97448</u>		ADDRESS: <u>2595 Chr</u> <u>EUGENE OR 97401</u>
	Scale: <u>1" = 2,400'</u>	

Page 2 of 2

NORTH



Attachment - B



Attachment C -1

Aerial Photographs of Pfeiffer Property
Map 15-06-25-00, Lots 500 & 501 Parcel #1

1936 - 1990



1936



1944



1950



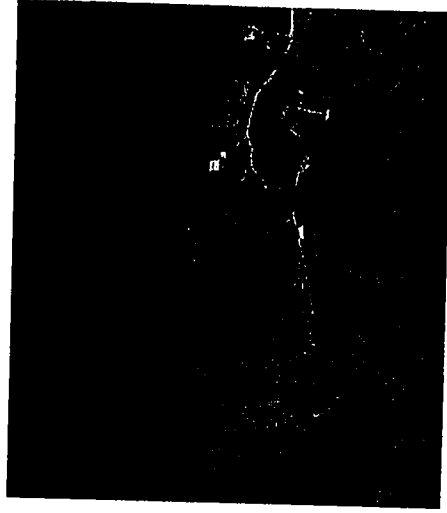
1960



1968



1979



1990

Source: University of Oregon Map Library April 24, 2008

Attachment C -1

Aerial Photographs of Pfeiffer Property
Map 15-06-25-00, Lots 500 & 501 Parcel #1

1936 - 1990



1936



1944



1950



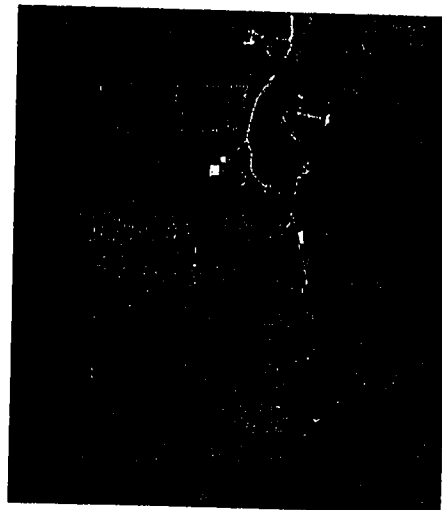
1960



1968



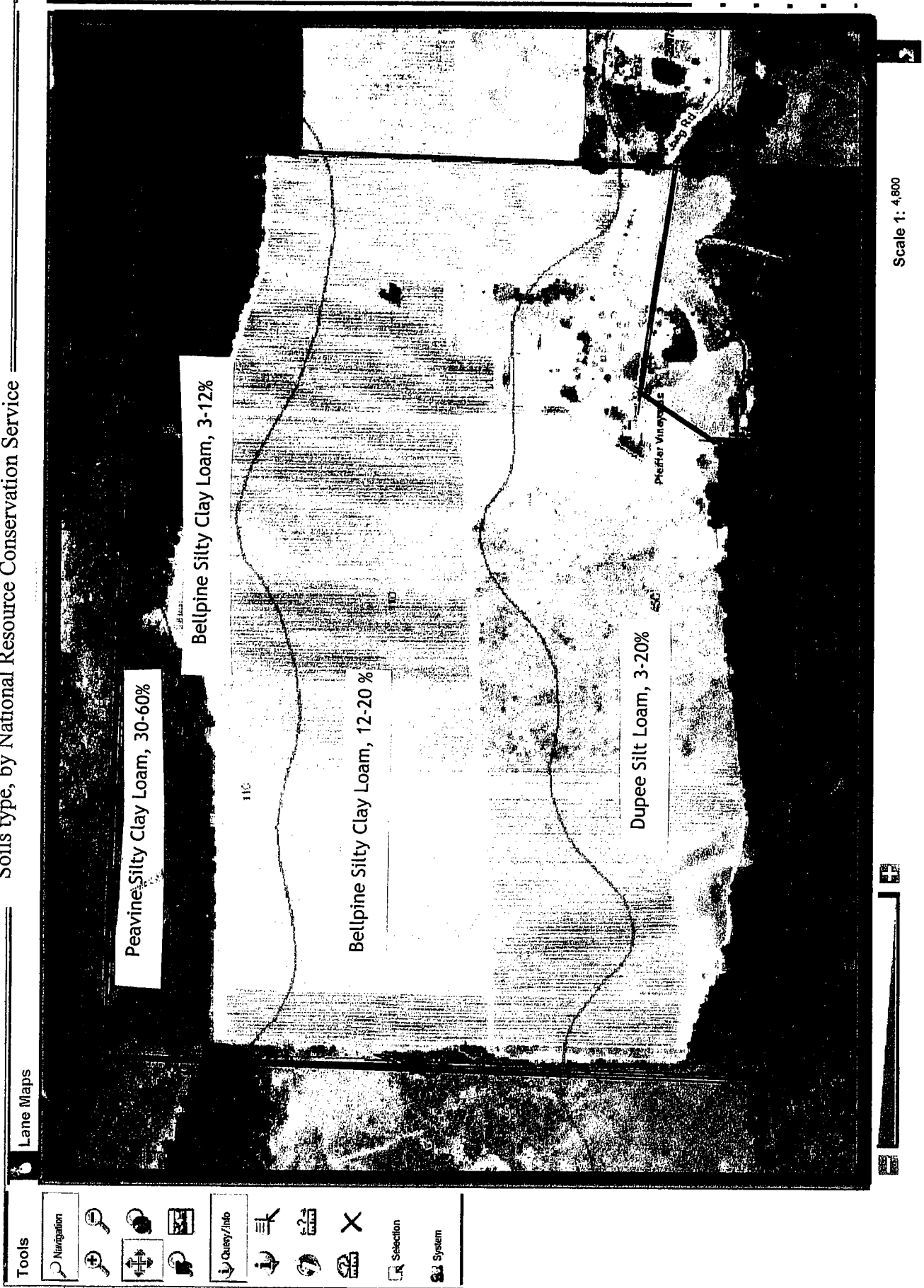
1979



1990

Source: University of Oregon Map Library April 24, 2008

Soils type, by National Resource Conservation Service



Scale 1: 4,800



25040 Jaeg Rd. Junction City Oregon



A few pictures of Pfeiffer Vineyard





**C U S T O M
P L A N N I N G
S E R V I C E S L L C**

**Thoughtful Land Use
Planning & Development
Ron Funke, AICP Princincipal**

**LANE COUNTY PLANNING COMMISSION
REQUEST FOR A MINOR AMENDMENT TO THE RCP
FROM FOREST LAND TO AGRICULTURE
Map 15-06-25-00, Lot 500 & Lot 501, Parcel #1 (PA075875)**

Application Summary

Robin Pfeiffer, along with Conrad Albert Pfeifer, Karen Signe Van Dynn, and Eric Nelson Pfeiffer, are the co-equal owners of Map 15-06-25-00, Lot 501, located at the terminus of Jaeg Road, Junction City, Oregon. Robin and Danuta Pfeiffer are the owners of Map 15-06-25-00, Lot 500, and have a residence on this parcel from which they operate Pfeiffer Winery on the northern portion (Parcel 1) of Lot 501, the "family-owned" parcel.

The Pfeiffers wish to rezone Parcel 1 of Lot 501 to allow for the on-site production of wine from some of the grapes they currently grow on-site. They also wish to rezone Lot 500 as part of the same Map Amendment and Rezone process, since it is most closely associated with the agricultural activities they are engaged in on Parcel 1.

They also hold an occasional cooking class at their residence, which is equipped with a commercial grade kitchen. Rezoning the Pfeiffer residence will allow the Pfeiffers to get conformance to the Oregon Structural Specialty Code and bring this use (currently suspended) into compliance with Lane County and State of Oregon regulations.

Request

Approval of a minor Rural Comprehensive plan diagram amendment from Forest Land to Agriculture Land, concurrent with a zoning map amendment from Impacted Forest Land (F-2) to Exclusive Farm Use (E-40).

Parties of Record

Robin and Danuta Pfeiffer, Conrad Albert Pfeiffer, Karen Signe Van Dynn, and Eric Nelson Pfeiffer.

Agent

Ron R. Funke, AICP, Custom Planning Services & Associates, LLC, 2595 Charnelton St., Eugene, OR 97405

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Application History

Map 15-06-25- 00, Lot 501, was created from Lot 500 by a minor partition in 1974 as noted in the Bargain & Sale Deed 700-R/7431919. The current partitioning of Lot 501 (PA 07-5875) was applied for on 6/12/07 and was recorded as Land Partition Plat No. 2008-O2240 on April 29, 2008.

This Rezone Application is to change the F-2 zoning on Parcel 1 to EFU 40. This 110 +/- acre tract is in active agricultural production and has been since the Pfeiffers' parents, Harold and Signe, took ownership in the 1960s. (The senior Pfeiffers operated a sheep ranch on the subject property.)

The younger Pfeiffers wish to operate Pfeiffer Winery on this property, allowable under EFU (Lane Code 16.212) but not allowed under F2 (LC 16.211) zoning in Lane County. Lot 500 is part of the request, since cooking classes and elegant dinners are planned for the Pfeiffer residence.

Statement of Criteria

OAR 660-33-120

Lane Code 16.004

Lane Code 16.252

Finding of Fact

1. The site, Map 15-06-25- 00, Lot 501, Parcel 1, consists of 110 +/- acres, adjacent to 25040 Jaeg Road, the residence of Robin and Danuta Pfeifer, which is identified as Lot 500. Lot 501, Parcel 1 contains a 40' x 80' agricultural building, a smaller tractor shed, a pump house and an old sheep loading shed. Approximately 80 acres of the site are devoted to growing wine grapes.

Parcel 2, 129 +/- acres, remains in timber production and there are currently no plans to do anything else with the parcel. A zone change and map amendment is not being requested for Map 15-06-25-00, Lot 501, Parcel 2.

Lot 501 has been verified as a legal lot via PA 07-5377.

2. The vineyard was begun in the late 1970s, and as noted above comprises about 80 acres in wine grape production.
3. The subject property is located on Plot 171.
4. It is adjacent to a combination of F-1 and F-2 E 40, with EFU-40 a little further east and RR 5 a little further to the south.

5. Public services for the property are currently provided as follows:

Fire Protection: Junction City Rural Fire Protection District
Police: Lane County Sheriff
Water & Sewer: On-site artesian well located on Parcel 1 and a septic system located of Lot 500.

A new septic system will be installed on Parcel 1, after the Rezone and Map amendment become effective. A new septic will be established on Lot 501, Parcel 1

School: Junction City
Telephone: Qwest
Power: Lane Electric
Access: Jaeg Road (Lane County)

6. This application implements Lane County RCP Goal 3 Agricultural lands, Policy 5, which directs use of planning and implementation techniques that reflect appropriate uses and treatment for each type of land. The Subject property consists of soils, which while not classified as high value, are very desirous for quality wine grape production.
7. The proposal is a Minor Amendment pursuant to Lane Code 16.400(6)(h) and involves a rezoning subject to LC 16.252. No exception to any Goal, resource or otherwise, is necessary. The application simply requests a proposed change from one resource zone to another.
8. This application seeks to remedy an apparent error in the Plan designation (LC 16.400(6)(h)(iii)(bb)(i-i)). The parent parcel, which consisted of tax lots 500 and 501 combined, was zoned F-2 during the implementation of the Rural Comprehensive Plan in 1984. However, the portion of land that is the subject of this request has been in agricultural use since at least the 1960s.
9. While vineyards were allowed in F-2 zoned lands, wineries are prohibited, which is the primary basis of this request. The Pfeiffers have been processing and bottling up 2,000 cases of wine a year at a nearby winery, but wish to be allowed to produce their own "Pfeiffer Winery" label at home. They will continue selling the bulk of their grape production to other vintners for "other label" production. Approximately 15% of their grape production will be vinted on site, or no more than 2,000 cases of premium quality wine, an amount well under what is allowed in Lane County in an EFU zone.
10. Lot 500 contains the Robin and Danuta Pfeiffer residence.

Approval criteria

PLAN AMENDMENT CRITERIA LANE CODE 16.400 (6) (h)

Method of Adoption and amendment

(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 component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

This application proposes to amend the Rural Comprehensive Plan from Forest Land to Agricultural Land for Map 15-06-25-00, Lot 501, Parcel 1 and Map 15-06-25-00, Lot 500. This application provides evidence that addresses the applicable requirements of the Lane Code, RCP policies, statewide planning goal and the OAR.

(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; OR

This plan amendment identifies an error in the RCP, where the subject properties were erroneously designated Forest Land. This application implements Lane County RCP Goal 3 Agricultural Lands, Policy 5, which directs use of planning and implementation techniques that reflect appropriate uses and treatment for the land.

(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; OR

This plan amendment implements RCP Goal 3, Policy 5, which provides for the use of planning and implementation techniques that reflect appropriate uses and treatment of each type of land. As stated above, the historic use of the subject properties as well as the property to the East is Agricultural. Specific evidence; the historic aerial photograph from 1979, suggests that the proposed Agricultural (EFU-40) zoning could have been applicable at the time of adoption of the Rural Comprehensive Plan. The north section, in particular was bare of trees and was in the beginning of the process of the conversion from sheep farming to vineyard production.

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

The Board can find the proposed plan amendment implements certain RCP policies, previously identified, which are appropriate to this request and supportive of changing the designation to Agricultural Land.

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

This application identifies various policies that provide policy support for this document. No policies have been identified that directly conflict with this request.

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

The plan amendment is consistent with the intent and structure of the RCP to choose between competing uses. As previously indicated, this amendment is consistent with county policies that provide for designating both Forest and Agriculture Lands. Approval of this amendment does not conflict with unamended portions of the plan and is therefore consistent with the plan.

LANE CODE 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.

This application proposes an amendment to the Plan diagram from Forest Land to Agriculture Land. NRCS soil mapping indicates that 72 % of the subject property is Class 3 soils (Bellpine Silty Clay Loam), with the remainder being Class 4 & 6. As noted previously, these soils are highly desirable for high quality wine grape production, particularly when situated on a south facing slope.

(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.*
- (ii) An analysis responding to each of the required findings of LC 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;*

Parcel 1 and Lot 500 is bounded on the North and West by F-1 zoned lands, while to the east and south the zoning is predominately E-40, with a smattering of RR-5.

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

Ground water

The artesian well on Parcel 2 has enough capacity to irrigate the vineyards and provide drinking and cleaning water for the house on Lot 500. There are also several ponds on the site that are used for irrigation, and could be utilized for fire suppression if needed.

Sewage Disposal

Parcel 1 is not currently served by a septic system. However, a sanitation inspection permit will be applied for to service the planned tasting room with restrooms that are currently being planned, pending approval of the rezone and map amendment request.

A sanitary system was permitted for Lot 500, the Robin Danuta Pfeiffer residence, in 1999, as part of a building permit to build the current residence (PA 99-0825).

Transportation

Access is provided by Jaeg Road, a Lane County maintained road.

Fire protection and others

Fire protection is provided by the Junction City Rural Fire Protection Department. All other utilities necessary to support agricultural use are present on site now. As noted previously, three ponds, all near the existing structures, could be utilized for fire suppression if needed. The Pfeiffer residence is made of formed and poured concrete and is unlikely burn – at least on the exterior.

- (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 applicant's opinion is that the approval of the amendment would cause no substantial impacts to the Goal 5 resource lands. There are no delineated wetlands directly on the subject property. There are some wetlands immediately to the east. Turnbow Creek, a Class 1 stream, flows through the northern part of Parcel 2, but the Pfeiffers have no plans to do anything except preserve the stream in its natural state. Parcel 2 is not a subject of this rezone and map amendment request.

3. STATEWIDE PLANNING GOALS

For purposes of the analysis of this section the following applicable statewide planning goal statements have been summarized. The Oregon Land Conservation and Development Commission Goals and Guidelines are incorporated herein by reference, except as noted.

Goal 1: Citizen Involvement

Goal 1 requires citizens and affected public agencies be provided an opportunity to comment on the proposed amendment and zone change.

Public notification in the form of mailed public notice will be sent by Lane County to affected agencies, including the Department of Land Conservation and Development, and owners of record within 500 feet of the subject property.

Goal 2: Land Use Planning

Goal 2 establishes a land use planning process and policy framework as a basis for all land use decisions and requires an adequate factual base be developed to support such decisions. A minor change is one that does not have significant effect beyond the immediate area of change and is based on special studies or information. The public need and justification for the particular change must be established.

Lane County has adopted a comprehensive land use plan amendment process with specific criteria that must be addressed to justify a minor change. Substantial compliance with Lane Code 16.400, Rural Comprehensive Plan amendments, will constitute compliance with the applicable provisions of Goal 2.

Goal 3 is to preserve and maintain agricultural lands.

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215.243 and 215.700. The description of the historic use of the subject property provides to this application the evidence that the proposed land use and the existing land use are the same. The application seeks a change on the plan designation, with no modification to the current

agricultural use. This will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use, or increase the cost of accepted farm or forest practices on lands devoted to farm or forest use.

Goal 4: Forest Lands

The purpose of Goal 4 is to conserve and maintain the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land. This coupled with consistent sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Neither county inventories nor policies have identified any watershed, wildlife, or scenic values that would require a Forest designation to protect these specific values.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

The following resources shall be inventoried:

a. Riparian corridors, including water and riparian areas and fish habitat;

Turnbow Creek, a Class I stream, flows through the southern portion of Parcel 1. The structure closest to Turnbow Creek, the Pfeiffer residence is more than 200 feet from the creek. No new development is plan or will be allowed anywhere near the creek. Future reconstruction of the existing agriculture building to accommodate a winery and wine tasting room are the only changes planned. A new septic system is planned to serve the *Pfeiffer Winery*, and it will be located in accordance with Lane County's existing standards.

b. Wetlands;

Turnbow Creek, as a Class I steam, would be considered a Wetland. No development is proposed nearer than .

c. Wildlife Habitat;

There is no significant wildlife habitat identified.

d. Federal Wild and Scenic Rivers;

Turnbow Creek is not considered a "Federal Wild and Scenic River

e. State Scenic Waterways;

Turnbow Creek is not a State Scenic Waterway.

f. Groundwater Resources;

The adequacy of groundwater the groundwater supply is a major factor, land use designations shall be commensurate with ground water aquifer capacities.

This site has been managed predominately for agriculture since at least 1960. No historic concerns exist regarding groundwater supply for this use. This application does not seek any change in the current agricultural use.

g. Approved Oregon Recreation Trails;

None identified

h. Natural Areas;

None identified

i. Wilderness Areas;

None identified

j. Mineral and Aggregate Resources;

None identified

k. Energy sources;

None identified

l. Cultural areas;

None identified

Local governments and state agencies are encouraged to maintain current inventories of the following resources:

a. Historic Resources;

None identified

b. Open Space

None identified

c. Scenic Views and Sites;

None identified

Goal 6: Air, Water and Land Resources Quality

The purpose of Goal 6 is to maintain and improve the quality of the air, water and land resources of the State. This Goal is generally implemented during the comprehensive planning process. As this goal pertains to site specific development, it requires that adequate protection measures are taken to assure the retention of air, water and land quality. The subject property will be served by adequate on-site water and sanitation facilities and be developed Lane County's Land Use Planning, Sanitation and Building Departments.

The Agricultural Land use will not produce or discharge any product or by-product that would degrade such resources.

Goal 7: Areas Subject to Natural Disasters and Hazards

The purpose of Goal 7 is to protect life and property from natural hazards.

The Agricultural Land use will not increase the potential of hazards of natural disasters.

Goal 8: Recreational Needs

The purpose of Goal 8 is to satisfy the recreational needs of the State and visitors.

This goal is not applicable to this application. This property is not identified as part of the State Recreational Needs Inventory.

GOAL 9 - Economy of the State.

To diversify and improve the economy of the state.

The Pfeiffers ultimately plan to operate a winery under Lane County 16.211. The new parcel will remain under ownership of Pfeiffer family. This use is consistent with Lane County goals of enhancing agricultural resources and will add to the economy of the area, Lane County and the state.

Policy 2

The County's primary responsibility in economic development shall be to ensure the necessary land area is available throughout the County and appropriate levels of service can be obtained, consistent with the needs of industry and commerce, the area and other County policy.

Policy 2, encouraging appropriate levels of service seems to bear directly on the Pfeiffer's request. Vineyards and wineries are an inherently rural/agricultural enterprise and have grown and prospered immensely since the adoption of the Rural Comprehensive Plan in 1984. They have provided a significant boost to the rural economy, particularly to the west, south and north of Eugene and Junction City. Pfeiffer Winery will add to this rural economic vitality.

Goal 10: Housing

Not Applicable, no dwellings are proposed or required.

Goal 11: Public Facilities and Services

The main purpose of Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

All of the rural services necessary are now in existence; this amendment will not require any increase in the public services beyond the level that currently exists.

Goal 12: Transportation

The main purpose of Goal 12 is to provide and encourage a safe, convenient and economic transportation system.

This goal is not orientated toward specific land use action such as this. Little change in the level of use of the existing transportation system should occur due to this amendment.

The following Goals are not applicable to this application as they are geographically oriented and apply to the Willamette River Greenway and coastal resources.

Goal 13: Energy Conservation

Goal 14: Urbanization

Goal 15: Willamette River Greenway

Goal 16: Estuarine Resources

Goal 17: Coastal Shorelands

Goal 18: Beaches and Dunes

Goal 19: Ocean Resources

ZONE CHANGE CRITERIA LC 16.004

(4) (Scope and Compliance) requires;

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).

This application does not seek any change in the current land use which would result in any potential additional parcelization, or increase on the current water demands.

ZONE CHANGE CRITERIA LC 16.252

(2) Criteria. Zonings, re-zonings 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 affected by Ordinance or Order of the Board of County Commissioners, the Planning Commission or the Hearings Official in accordance with the procedures in this section.

GENERAL PURPOSE The purpose of Chapter 16 Lane County land Use and Development Code is to provide and coordinate regulations governing development in the county and to implement the Lane County Rural Comprehensive Plan. Lane Code 16.003 sets 14 broadly worded purpose statements that include a provision to insure development is commensurate with the character and physical limitations of the land.

Rezoning the subject property from F-2 to E-40 implements the proposed plan amendment from Forest Land to Agricultural Land. The public interest is appropriately served by recognizing the subject property is not forest land and that the Agricultural designation is orientated to allow that existing adjacent development and land use by maintained and enhanced. The proposed agricultural use of the property implements the general purpose of Lane Code 16.

The application proposes rezoning from F-2 to E-40 to recognize the historic use of the subject property. The proposed E-40 zone is not inconsistent with the Agricultural Lands policy #10 of the Lane County RCP Forest Land Management Plan and is consistent with the existing development and land use in the surrounding area.

Rural Comprehensive Plan: The policies of the RCP serve as the basis of the County Plan and provide the direction for land use decisions and fulfill the mandate of the LCDC Statewide Planning Goals. Goal 2 Land Use Planning Policy 26 specifically provides that land use designations shall be implemented by specific zoning districts. Thus, these policies specifically support adoption of this plan amendment and the implementing zoning. Therefore, this application requests Lane County to adjust a plan judgment decision and is consistent with the intent and purpose of the Rural Comprehensive Plan and county policies.

CONCLUSION

This application for a minor plan amendment and rezoning addresses and satisfies all applicable criteria. The request is consistent with and receives policy support from the Rural Comprehensive Plan and the implementing E-40 zone. The applicant finds the request will have no significant adverse impact on existing or planned uses in the area. The applicant requests the Board approve this application based on the findings provided herein.

Sincerely,

Ron R. Funke, AICP
Custom Planning Services & Associates, LLC.
2595 Charnelton St.,
Eugene, OR 97405 (541) 302-4993

SENECA JONES  TIMBER COMPANY

July 1, 2008

ATTN: Jerry Kendall
Lane County Planning Department
125 East 8th Avenue
Eugene, OR 97401

**Re: PLAN AND ZONE CHANGE – ROBIN AND DANUTA PFEIFER
MAP NUMBER 15062500501 and 15062500500**

Dear Mr. Kendall:

We are in receipt of your recent notice regarding the proposed plan and zone change to modify the above referenced property to be classified as E-40 exclusive farm use and appreciate the opportunity to comment. Seneca Jones Timber Company has timber holdings to the north and west of this tax lot.

Prior to initiating such a redesignation and as provided in subsection 16.400(8)(c)(c)(iii) of the Lane County Code, an assessment of the probable impacts of implementing the proposed amendment will include the following:

- (1) Evaluation of land use and ownership patterns of the area of the amendment;
and
- (2) The impact of the amendment on proximate natural resources, resource lands or resource sites.

The purpose of the F2 zone as stated both in Lane Code 16.211(1)(b) and 10.104-05 is to conserve forest land for uses consistent with Statewide Planning Goal #4. Within this zone and as established under Lane Code 16.211(2)(a) Permitted Uses include forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals and disposal of slash. As a forest landowner in Lane County, we conduct all these permitted uses utilizing seasoned professionals to meet guidelines established in the Oregon Forest Practices Act. Nonetheless, many of our routine activities, can generate noise, dust and other concerns.

As stated in Lane Code 10.104-05(1) the F2 zone is to encourage forestry and agriculture as the dominant uses of such lands, allowing the applicants to continue agricultural use of the property as zoned. The County readily admits in their staff report

Letter to Jerry Kendall
Lane County Land Management Division
July 1, 2008
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that the attributes and characteristics of this tract can in fact support its current zoning. However, to request and receive a zone redesignation to remedy actions taken by the applicant outside current zoning, protection should first be afforded to the existing F1 resource zones. The burden of any mitigation necessary in this case must be the responsibility of the applicant, with Lane County cooperation as supported in Lane County Code 10.104-05(4):

"It is County's policy to protect forestry and agricultural operations from conflicting land uses."

To mitigate these concerns without placing undue restrictions or adding costs to accepted forestry practices, we respectfully request that Lane County:

- (1) Seek the execution of a Forest Management Covenant, recorded with the approval of this redesignation wherein the applicant acknowledges and accepts the occurrence of these activities; and
- (2) That setbacks as established in the F2 zone be maintained for the protection of timber resource land for fire protection purposes; and
- (3) Despite the applicant's tight timeline, we support a transportation study for safety reasons and request that such analysis be expanded to also include the impacts to local County roads that support a variety of traffic, including proposed winery traffic and commercial hauling purposes.

While we have no objection to the approval of this redesignation, we ask that Lane County fully address these compatibility issues with the applicant prior to final approval. Our aspiration would be that both the County and the applicant can develop a "win-win" solution that will not incur added costs to accepted farm or forestry practices on surrounding lands devoted to forest use, nor increase the fire hazard risk to our most valuable resource.

Thank you for the opportunity to comment and please keep us apprised of any additional findings in this process.

Sincerely,


Monica Jelden
Real Properties Coordinator

cc: T. Payne
D. Riddle