

W. J. O. a.

AGENDA COVER MEMO

DATE: August 28, 2009 (Date of Memo)
September 16, 2009 (Date of First Reading)
September 30, 2009 (Date of Second Reading/Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: Public Works Department/Land Management Division

PRESENTED BY: Rafael Sebba/Land Management Division

AGENDA ITEM TITLE: ORDINANCE NO. PA 1263 -- IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "RESIDENTIAL" AND "COMMERCIAL" TO "INDUSTRIAL" AND REZONING THAT LAND FROM "RR-2/RCP, RURAL RESIDENTIAL" AND "RC/RCP, RURAL COMMERCIAL" TO "RI/RCP, RURAL INDUSTRIAL"; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (File PA 07-5430: Swanson Group)

I. MOTION

1. September 16, 2009: I MOVE APPROVAL OF THE FIRST READING OF ORDINANCE PA 1263 AND SETTING THE SECOND READING AND PUBLIC HEARING FOR SEPTEMBER 30, 2009, AT 1:30 P.M. IN HARRIS HALL, PUBLIC SERVICES BUILDING.
2. September 30, 2009: ALTERNATIVE MOTIONS AFTER THE SECOND READING/PUBLIC HEARING:
 - A. I MOVE TO SET A THIRD READING AND DIRECT THE APPLICANT TO REVISE THE PROPOSED FINDINGS TO ADEQUATELY ADDRESS APPLICABLE APPROVAL CRITERIA, AND DIRECT STAFF TO RETURN WITH THE REVISED ORDINANCE FOR THE BOARD'S ADOPTION, ONCE THE FINDINGS HAVE BEEN DETERMINED TO BE SUFFICIENT.

OR

- B. I MOVE TO APPROVE THE APPLICATION AND ENACT ORDINANCE NO. PA 1263 BASED ON THE APPLICANT'S MAY 29, 2009 FINDINGS.

OR

- C. I MOVE TO TENTATIVELY DENY THE APPLICATION AND DIRECT STAFF TO PREPARE AN ORDER WITH FINDINGS FOR FINAL ACTION, SETTING FORTH THE BOARD'S REASONS FOR DENYING THE APPLICATION.

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, modification, or denial.

III. DISCUSSION

A. Background

In March of 2007, application was made to amending the Rural Comprehensive Plan to re-designate 15 parcels totaling 4.04 acres from "Residential" and "Commercial" to "Industrial" and to rezone those parcels from "RR-2/RCP, Rural Residential" and "RC/RCP, Rural Commercial" to "RI/RCP, Rural Industrial".

On July 15, 2008, the Lane County Planning Commission held a public hearing on the proposal. The Commission forwarded a recommendation for approval by a 7:0 vote.

A complete copy of the file record will be available at the Board of Commissioners' office for review.

B. Subject Properties

The subject properties include Assessor's Map and Taxlots 17-06-30 # 2100 & 2200 and 17-06-29-30 # 3200, 3300, 3500-3900, 4100-4300, 4500, 4600 & 5100. Together, these parcels total 4.04 acres. The subject properties are located within the Rural Unincorporated Community of Noti, on the southwest side of Noti Loop Road, on either side of the intersection of Fir Street and Noti Loop Road. All of the subject properties have frontage along Noti Loop Road, which is classified as a Rural Major Collector Road.

The Applicant owns approximately 33 acres of land comprised of taxlots 17-06-31 #101, 17-06-30 #1600, 2100, & 2200, 17-06-29-30 #3200-4600, 5100, & 5200. Taxlots 1600, 4400, 101, and 5200 are not part of this request as they currently have a plan designation of Industrial land (I) and are zoned Rural Industrial (RI/RCP). The subject parcels are adjacent to the Swanson-Superior lumber mill's log storage yard.

Current improvements include nine (9) single family dwellings on multiple taxlots. Taxlots 2100, 2200, and 3200 are currently used for the Church of Christ Noti and parking for the church. Swanson Group has made an agreement to swap these three taxlots with land across Noti Loops Road for a new church. Swanson Group stated in their application that they will secure a special use permit for the new church on taxlot 1002. The special use permit is not part of this application

As shown on the zoning map attached to this report, RR-2 zoned land is found across Noti Loop Road to the north, with F2 zoning to the east and south of taxlot 2100, with RC zoning adjacent between taxlots 4600 and 5100, and with RI zoning adjacent on the southern side. The nearest resource land is adjacent to taxlot 2100 to the west, which is zoned F2. The zone boundary is also the boundary of the unincorporated community of Noti.

Please refer to the attached Planning Commission staff report for additional details. Also attached as Exhibit "C" to the ordinance is the applicant's draft Findings dated May 29, 2009. These Findings also include a discussion of the subject properties.

C. Analysis

Plan Amendment and Zone Change Criteria

The application is being made pursuant to Lane Code (LC) 16.400, which governs amendments to the Rural Comprehensive Plan (RCP), and Lane Code (LC) 16.252, which governs rezoning actions.

The proposal is subject to compliance with the Statewide Planning Goals and related Oregon Administrative Rules, Rural Comprehensive Plan (RCP) goals and policies, the General Purpose Statement of Lane Code (LC) 16.003, as well as the purpose of the Rural Industrial ordinance, LC 16.292. No exceptions to resource goals are required, as such was taken in 1984 during the acknowledgement process.

There is potential support for the proposal in Statewide Planning Goal 9 (Economic Development) and Lane County Rural Comprehensive Plan (RCP) Goal 9 (Economic Development). The strongest support comes from RCP Policy 8, which supports routine expansion of existing industrial uses, provided significant conflicts with other land uses do not result.

Staff believes the issue of significant conflicts with other land uses is an important one for this proposal, as it was raised at the Planning Commission's public hearing. The most recent findings provided by the applicant do not adequately demonstrate that significant conflicts with other land uses will not result from the proposal. More detailed discussions of this issue are included below under Planning Commission Action and under Applicant's May 29, 2009 Proposed Findings.

Rural Comprehensive Plan Goal 12 (Transportation) Policy 1.a may also lend a degree of support for the proposed expansion, given that part of the purpose of the proposed expansion is to improve traffic ingress to and egress from the site.

The proposed plan amendment and zone change do not appear to be contrary to Statewide Planning Goals, and appear to be consistent with applicable Oregon Administrative Rules.

While the proposal may be consistent with the General Purpose Statement of LC 16.003 and the purpose of the Rural Industrial zone (LC 16.292), the applicant's May 29, 2009 findings do not address either of these.

Between January and April 2009, staff had a number of detailed conversations with the applicant's agent in an attempt to bolster the findings in support of the proposed plan amendment and zone change. Staff has reviewed in depth at least three drafts, the most recent of which was submitted May 29, 2009. Staff is hesitant to forward findings to the Board that do not adequately address the criteria for approval; however, it is unclear that any additional attempt by staff to assist the applicant's agent in strengthening the proposed findings will be productive. Consequently, the ordinance includes the latest findings from the applicant.

Staff's specific concerns with the proposed findings are discussed in greater detail below.

Lane County Planning Commission Action

On July 15, 2008, the Lane County Planning Commission held a public hearing on the proposal. The Commission forwarded a recommendation for approval by a 7:0 vote. Commission reasoning is set forth in the Minutes of the meetings, attached to this packet. The Board should review the Planning Commission record (Minutes) and reach its own conclusion on the issues.

At the time the Planning Commission Staff Report was prepared, staff was unable to make a recommendation because the applicant had not addressed the "Unincorporated Community" rule in OAR 660-022-0030(3), (6), (7), (8), and (11). Additional information was submitted prior to the hearing addressing the OARs. At the hearing, staff concluded that the application, though not as robust as would be preferred, essentially could meet all of the criteria.

At the public hearing, one nearby property owner expressed concern about impacts on quality of life and property values from the proposed expansion. Issues such as noise, light, dust, and water use were mentioned. Concern was also expressed over the removal of trees on the subject properties that may act as a buffer. Another nearby resident expressed concern regarding notification requirements, though these comments were not related to the approval criteria for the proposed plan amendment zone change.

Commissioners Dignam, Siekiel-Zdzienicki, and Sullivan expressed an interest in seeing the concerns of neighbors addressed. However, this did not preclude the Planning Commission from unanimously forwarding a recommendation for approval. Staff is unaware of any subsequent meetings between the applicant and the concerned neighboring property owner or other attempts to resolve concerns. The findings submitted by the applicant only briefly mention the concerns raised by the property owner and do not discuss or address potential significant conflicts that may result from the proposed expansion or mitigation of potential conflicts.

Applicant's May 29, 2009 Proposed Findings

Staff has four main concerns with the applicant's May 29, 2009 findings.

First, the applicant's findings do not establish consistency with the General Purpose Statement of LC 16.003 and the purpose statement of the Rural Industrial zone in LC 16.292(1). This basic requirement for all plan amendments and zone changes is established by LC 16.252(2). It may be that the proposal meets these criteria, but this should be demonstrated in the findings adopted by the Board. The proposed findings do not accomplish this in their present state.

Second, the findings do not adequately address the issue of significant conflicts. As stated above, the strongest policy support for the proposal comes from RCP Goal 9 Policy 8, which supports routine expansion of existing industrial uses, provided significant conflicts with other land uses do not result. This is an important finding given the concerns raised at the Planning Commission public hearing. These concerns included quality of life and property value impacts, noise, light, dust, water use, as well as concern over the removal of trees on the subject properties that may act as a buffer.

It may be that the applicant can sufficiently address the potential conflicts that may result from the proposed expansion, but the most recent findings do not speak to them at all. The applicant need not necessarily provide specific solutions to all of these issues and concerns. However, the findings should at least include some analysis and discussion in order to demonstrate that significant conflicts with other land uses will not result. This, in turn, would establish RCP Goal 9 Policy 8 support for the proposal.

Third, some of the findings do not relate to the specific goal, rule, or criterion they are intended to address. While these errors may not be substantial enough to preclude adoption, it is highly desirable for any findings adopted by the Board to focus on and be relevant to the applicable approval criteria.

Fourth, a number of extraneous findings are provided for rules or criteria that either do not apply or do not need to be addressed. These inclusions may not, in themselves, preclude adoption; however, it is desirable for any findings adopted by the Board to be relevant to the applicable approval criteria.

As stated earlier in this report, between January and April 2009, staff had a number of detailed conversations with the applicant's agent in an attempt to bolster the findings in support of the proposed plan amendment and zone change. These include at least three extensive emails outlining staff's concerns, and an April 3, 2009 meeting, in which staff reviewed and commented on the findings point by point. At that time, many of the aforementioned issues were brought to the attention of the applicant's agent. The most recent findings were submitted May 29, 2009, in partial response to the issues raised during the April 3 meeting.

Staff is hesitant to forward a recommendation of approval to the Board for findings that do not adequately address the criteria for approval. Staff cannot, at this time, recommend adoption of the applicant's findings in support of the proposed plan amendment zone change because of the basic deficiencies concerning LC 16.003, LC 16.292(1), and RCP Goal 9 Policy 8, as well as the more general problems relating to applicability.

The applicant 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.

D. Alternatives/Options

- A. Direct the applicant to revise the proposed findings to adequately address applicable approval criteria, and direct staff to return with the ordinance for the Board's adoption, once the findings have been determined to be sufficient.
- B. Approve the application based on the applicant's May 29, 2009 findings.
- C. Tentatively deny the application and direct staff to prepare an Order with findings for final action, setting forth the Board's reasons for denying the application.

E. Recommendations

Staff recommends Option #1.

If the Board believes the applicant's proposed findings are adequate and agree with the reasoning set forth therein, then Option #2 is recommended.

If the Board is inclined to deny the application, then Option #3 is recommended.

F. Timing

The Ordinance will not contain an emergency clause.

IV. IMPLEMENTATION/FOLLOW-UP

If the Board directs the applicant to revise the proposed findings, staff will, upon receipt of adequate findings, send the Ordinance to the Board for final action.

Once adopted, Notice of Board action will be provided to DLCD and all parties.

ATTACHMENTS

1. Ordinance No. PA 1263

Exhibit "A" – Existing/Proposed Plan Map

Exhibit "B" – Existing/Proposed Zone Map

Exhibit "C" – Applicant's May 29, 2009, Findings – 25 pg.

2. Vicinity Map and 2008 Aerial Photo

3. LCPC Staff Report for July 15, 2008 (includes original submittal) – 112 pg.

4. Supplemental Report from Applicant's Agent dated July 9, 2008 – 6 pg.

5. Minutes of LCPC meeting of July 15, 2008 – 10 pg.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 1263

IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "RESIDENTIAL" AND "COMMERCIAL" TO "INDUSTRIAL" AND REZONING THAT LAND FROM "RR-2/RCP, RURAL RESIDENTIAL" AND "RC/RCP, RURAL COMMERCIAL" TO "RI/RCP, RURAL INDUSTRIAL"; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (File PA 07-5430: Swanson Group)

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 April 2007, application no. PA 07-5430 was made for a minor amendment to redesignate tax lots 2100 and 2200 of map 17-06-30 and tax lots 3200, 3300, 3500-3900, 4100-4300, 4500, 4600, and 5100 of map 17-06-29-30 from "Residential" and "Commercial" to "Industrial" and to rezone those parcels from "RR-2/RCP, Rural Residential" and "RC/RCP, Rural Commercial" to "RI/RCP, Rural Industrial"; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearing of July 15, 2008, recommended approval of the proposed plan designation amendment and rezoning; and

WHEREAS, evidence exists within the record indicating that the proposal meets the requirements of Lane Code Chapter 16, and the requirements of applicable state and local law; and

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

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

Section 1. The Lane County Rural Comprehensive Plan is amended by the redesignation of tax lots 2100 and 2200 of map 17-06-30 and tax lots 3200, 3300, 3500-3900, 4100-4300, 4500, 4600, and 5100 of map 17-06-29-30 from "Residential" and "Commercial" to "Industrial", such territory depicted on Official Lane County Plan Map 1706 and further identified on a portion of that map in Exhibit "A" attached and incorporated herein.

Section 2. Tax lots 2100 and 2200 of map 17-06-30 and tax lots 3200, 3300, 3500-3900, 4100-4300, 4500, 4600, and 5100 of map 17-06-29-30 are rezoned from "RR-2/RCP, Rural Residential" and "RC/RCP, Rural Commercial" to "RI/RCP, Rural Industrial", such territory depicted on Official Lane County Zoning Map 1706 and further identified on a portion of that map in 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 of the remaining portions hereof.

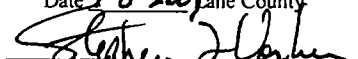
ENACTED this _____ day of _____, 2008.

Pete Sorenson, Chair
Lane County Board of County Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

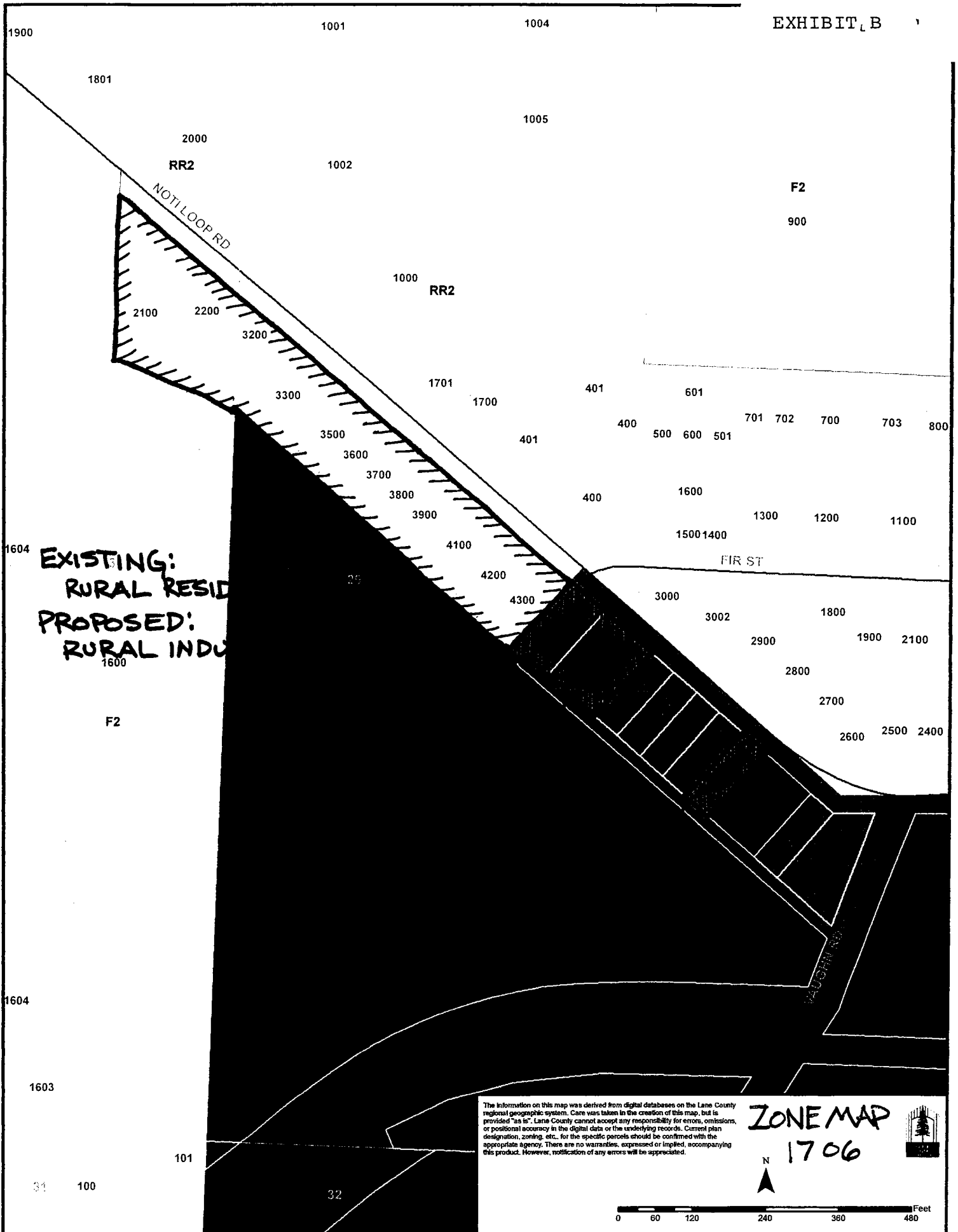
Date 9-8-2009 Lane County


OFFICE OF LEGAL COUNSEL

PLAN MAP
1706



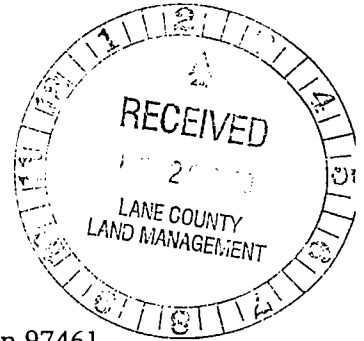
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May 29, 2009

BOARD OF COUNTY COMMISSIONERS
FINDINGS FOR
A RURAL COMPREHENSIVE PLAN DIAGRAM AMENDMENT
AND ZONE CHANGE with NO EXCEPTION
FOR SPECIFIC PARCELS
IN NOTI, OREGON

PA 07-5430

**Subject properties:**

Fifteen parcels along the south side of Noti Loop Road, Noti, Oregon 97461.

Owner #1: Swanson Group; Inc, aka Swanson Superior, LLC
Address: Main Office P.O. Box 250 Glendale, Oregon 97442
Local Office P.O. Box 459, 22476 Fir St., Noti, Oregon 97461

Twelve parcels

Owner #2: Noti Christian Church, aka Church of Christ at Noti
Address: 89043 Poodle Creek Rd. Noti, OR 97461

Three parcels

Agent: Custom Planning Services & Associates, LLC. Ron R. Funke, AICP
2595 Charnelton St. (541) 302-4993 *phone*
Eugene, Oregon 97405 (541) 302-3300 *fax*

Background:

Finding 1: Swanson Group has operated a dimensional lumber mill in Noti since 1974 and manages extensive logging and reforestation activities through the central portion of the Coast Range from their plant in Noti, Oregon. Over the years, Swanson Group has consistently re-invested and modernized their Noti-based operation, resulting in a state of the art timber manufacturing plant that utilizes virtually all of the raw logs brought to the mill.

Finding 2: The Plat of Portola, on the site where Noti on resides, was originally platted and recorded on January 25, 1912 by Phillip Thomas, civil engineer. It is recorded in Book 4, page 105 and as such, all original parcels (which the subject parcels are part of) are legal lots.

Finding 3: All parcels are in the unincorporated rural community of Noti, as established under Ordinance No. 884, Lane County's Rural Comprehensive Plan in 1984.

Finding 4: The Rural Comprehensive Plan was amended on May 12, 2004 by Ordinance PA 1203, which provided for five (5) parcels owned by Swanson Group to be rezoned from RR-2 and RC to RI, as part of the "Siuslaw Watershed Periodic Review,." (a)(iii).

Finding 5: Swanson's adjacent lumber manufacturing operations are currently zoned Rural Industrial (RI) and the addition of these 4.04 acres expand the manufacturing site by about 12 percent, up from the 29 ½ acres currently used. This figure does not include approximately 5.5 acres of forested lands along the east side of Poodle Creek, that serves as a buffer from the manufacturing facilities. This existing buffer in a minimum width of 100 feet wide for the length of Poodle Creek.

Finding 6: Swanson Group is asking for a changing in zoning designation from RR & RC to RI (Rural Industrial) to expand their existing log storage yard to allow for more log storage capacity and to provide for safer ingress and egress on to the site, as well as internal traffic circulation.

Finding 7: These parcels are contiguous with the operating log storage yard and do not cross other private or public property.

Purpose:

Finding 8: In order to continue successfully operating as an economically viable timber resource management facility and to continue to re-invest in the rural community of Noti and the surrounding area, Swanson Group finds it desirable to rezone the 15 parcels along the south side of Noti Loop from Rural Residential – 2 acre (RR-2) and Rural Commercial (RC) to Rural Industrial (RI). Swanson currently owns the majority of these parcels and plans to purchase the remaining three parcels from their current owner, the Church of Christ At Noti (Map 17-06-29-3, lot 3200 and Map 17-06-30, lots 2100, 2200), with the successful completion of the Map Amendment and Zone Change.

The expansion of the log yard is necessary for two important reasons.

Finding 9: First: it will provide a much safer ingress and egress to and from the Swanson manufacturing site for trucks and other vehicles using the site and passing by on Noti Loop. Log trucks, with a successful rezone will be able to “stack” in the area where the Noti Church of Christ currently resides, rather than sometimes overflowing onto Noti Loop.

Finding 10: Second: it will provide for the fuller utilization of the existing improvements Swanson Group has already invested in this site and provide a basis for continued investment in western Lane County. More efficient and safer processing and storage on site will be the result as well as better onsite traffic flow.

Finding 11: In preparation for this rezone and map request, Swanson Group provided three new residential lots on the north side of Noti Loop, a new site for the Noti Church of Christ (and provided all of the attendant land use planning and building design), as well as created a new location for the East Lane Fire Station.

11a: Three parcels (TL 1001, TL 1003, parcels 1 & 2) are reserved for rural residences (RR-2).

11b: Parcel TL 1002 will be exchanged with The Church of Christ in Noti for their parcels on the south side of Noti Loop with the successful completion of the rezone request. Additionally, Swanson Group designed a new building for the congregation and secured a Special Use Permit which allows the church to relocate across the street from their current site.

11c: TL 1000 has been sold to the East Lane Fire District for use as their new Station #1 in Noti. Swanson Group has shown an unusually thoughtful approach to the needs of the Noti community and their role as a leader in their community.

Description:

Finding 12: The subject properties have a combined total of 4.40 acres. 3.31 acres (12 parcels) are zoned RR-2 and 0.73 acres (three parcels) are RC.

Finding 13 Swanson Group, LLC owns Map 17-06-29-3, lots 3300, 3500, 3600, 3700, 3800, 3900, 4100, 4200, 4300, 4500, 4600 and 5100 for a total of 2.67 acres.

Finding 14 The Noti Church of Christ owns Map 17-06-30 lots 2100 and 2200 and Map 17-06-29-3, lot 3200 for a total of 1.73 acres.

Finding 15 Lots 4500, 4600 and 5400 are currently zoned RC, while the 12 remaining parcels are RR-2.

Finding 16 All lots are vacant, with the exception of residential structures currently reside on lots 3300, 3900, 4100 and 4600. Only one residence, on lot 3300 is currently inhabited.

Comment: Historically, some of the houses date back into the fifties and earlier. In the fairly distant past (1960s through the 1970s), these properties were at the center of the thriving community of Noti. As timber harvesting declined over the years and as Highway 126 was rerouted around Noti, and the Noti School closed Noti lost nearly all of its commercial vitality.

Finding 17: Swanson Group currently employs about 80 people at the Noti Manufacturing Facility.

Finding 18: Swanson Group has a peak employment of approximately 140 people working from the Noti Manufacturing Plant.

Finding 19: Parcels to the northwest of Fir Street on Noti Loop will have all structures removed and septic drainfields decommissioned to make room for the expansion of the existing log storage yard and expanded truck stacking and parking. These are tax lots numbered 2100, 2200, 3200, 3300, 3500, 3600, 3700, 3800, 3900, 4100, 4200 and 4300.

Finding 20: Parcels to the southeast of Fir Street, tax lots 4500, 4600 and 5100 (numbers 13 through 15) will not be redeveloped at the current time.

Statement of Criteria

Section

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| 1. | State Wide & Lane Planning Goals (addressed concurrently) | Page 4 |
| 2. | OAR 660-022-0330 | Page 10 |
| 3 | 16.400 Rural Comprehensive Plan Amendments | Page 15 |
| 4. | Lane County Rural Comprehensive Plan | Page 21 |
| 5. | 16.252 Procedures for Amendments | Page 22 |

Section 1

FINDINGS RELATING TO STATE & LANE PLANNING GOALS

For purposes of the analysis of this section the following applicable Statewide and Lane County 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.

Finding #21 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.

Finding #22 Additionally, Swanson Group, in the representation of Dale Claassen and Pat Dodge along with Marty Nelson of Lane County Fire District #1, held an open question and answer session at the old Noti School on July 8, 2008. No one showed up with any questions or concerns. However, Swanson management had previously held several informal discussions with neighbors on a casual basis.

Finding #23 At the Planning Commission Meeting, July 15th, 2008 a neighbor from the north side of Noti Loop, James Huckins, raised concern about increases in noise and light at night. Dale Claassen and Swanson Group have agreed to continue discussing mitigating the problems with Mr. Huckins. Mr. Claassen also noted Swanson has a long-established history of working with the community of Noti.

Finding #24 Swanson Group will continue to work with Mr. Huckins to mitigate Mr. Huckins concerns to the greatest degree possible.

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.

Finding #25 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 16.252 and ORS 660-022-00030 will constitute compliance with Goal 2.

Goal 3: Agricultural Lands

Finding #26 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.

Finding #27 As of February 29, 1984 (Ordinance No. PA 884), Noti is an acknowledged Rural Community and as such is exempt from Goal 3 requirements.

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.

Finding #28 As of February 29, 1984 (Ordinance No. PA 884), Noti is an acknowledged Rural Community and as such is exempt from Goal 4 requirements.

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

Finding #29 There are no recognized Goal 5 lands on or near the proposed rezone properties.

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.

Finding #30 Swanson Group has a permitted waste disposal system on map 17-06-29-30-00 lots 1600 and 4400. They also operate a water recirculation system from their retention and filtration ponds that supplies water for keeping the log decks and yard moist and dust free. This water pond also serves as the backbone of their fire suppression systems though out the site.

Goal 7: Areas Subject to Natural Disasters and Hazards

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

Finding #31 Properties adjacent to these parcels along Poodle Creek to the west are identified by FEMA as potential 100 year flood areas. Small sections of map 17-06-30-00, lots 2100, 2200 and 3300 are also with the "A" flood zone. However, the affected areas are only designated for ingress an ingress driveway. No structures will be located near the 100 year flood zone.

Goal 8: Recreational Needs

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

Finding #32 The lands being requested for rezoning are not recognized in State or County planning documents as meeting the needs as described in Goal 8.

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.

Finding #33 Swanson Group is a major employer in Noti and western Lane County, employing in the neighborhood of 80 people with primarily fulltime, living wage jobs. The continued upgrading of resource management capacity and modernization of Swanson investment in Noti is critical to the health of the rural economy of Noti and the surrounding communities. Upwards of 140 fulltime, family wage jobs with benefits could be seen at Swanson's Noti Plant with "*scale of efficiency improvements*" over time.

Policies 7 & 8: from the Lane County Rural Comprehensive Plan states:

7. New industrial development shall normally take place within adopted Urban Growth Boundaries, unless such development:

a. Is clearly rural oriented (e.g., canneries, logging operations, processing of resource material);

Finding #34 This is clearly an appropriate use for these parcels and is encouraged under Lane County Rural Comprehensive Plan (RCP).

b. Is necessary for the continuation of existing industrial operations, including plan or site expansion;

Finding #35 This mill site went into operation in 1974 and for Swanson Group to remain competitive and profitable with this rural resource manufacturing plant it is necessary for them to create economies of scale and efficiency where ever possible.

c. Will be located in an area either built upon or committed to non-resource use where necessary services can be provided;

Finding #36 The parcels being requested for rezone have been previously built upon, and those uses are no longer appropriate for the area.

d. The industrial activity is dependent on a unique site-specific resource;

Finding #37 Timber resource extraction and manufacturing is dependant on being close to the resources being utilized.

e. The use is too hazardous or is incompatible in densely populated areas;

Finding #38 Log storage yards and lumber mills in general, even when fenced from the public, constitute an "attractive nuisance," and would be inappropriate in an urban setting.

f. The industrial activity creates by-products which are used to a significant level in resource activities in the immediate area; or g. Where a significant comparative advantage could be gained in locating in a rural area. Any development approved under this policy that requires a plan amendment shall be justified by an exception to applicable Statewide Planning Goals.

Finding #39 No exception to Lane County's RCP or to the Statewide planning goals are required to implement this zone change and Map Amendment. Noti has been designated by the DLCD as Exceptions Areas 141-1 and 142-1.

Policy 8 (Rural Comprehensive Plan)

8. Existing industrial and commercial uses shall be designated on the plan diagram. Uses so identified shall be zoned to allow for continued operation and routine expansion commensurate with their character, provided significant conflicts with other land uses (existing and planned) do not result.

Finding #40 Swanson's adjacent timber manufacturing is currently zoned Rural Industrial (RI) and the addition of these four-plus acres simply expands by a small percentage the area they have to conduct their operations on.

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.

Finding #41 No dwellings are proposed or required by this request. Swanson Group, as noted elsewhere went to considerable expense to create three dedicated Rural Residential – 2 (RR-2) lots across Noti Loop as new housing to replace some of the housing stock being removed by this zoning adjustment.

Finding #42 Demand for housing in Noti is minimal at best, but this is difficult to quantify. Neither Lane County, Lane Council of Governments, nor the Population Research Center at Portland State University compile housing, employment or economic statistics or projections on areas as small as "Unincorporated Rural Communities." This appears to be true of 'geo - economic units' of this size throughout the State.

Finding #43 However; a long term observation of the Community of Noti cannot help but notice that with;

- the re-routing of Highway 126 to the north of the community,
- the closure of the Noti School,
- the closure of all retail business with the exception of a grocery store and a restaurant / tavern and
- the sluggishness of the timber industry;

demand for housing stock in Noti is slight, at best.

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.

Finding #44 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.

Finding #45 Swanson Group recognizes their role as a leader and member of the community of Noti. In this capacity Swanson has created a new location for the Church of Christ of Noti on Map 17-06-29-00 lot 1002, on the north side of Noti Loop.

Finding #46 On Map 17-06-29-00 lot 1003, on the north side of Noti Loop, Swanson has provided for a new location for the Lane County Fire District #1 Noti Station. .

Goal 12: Transportation

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

Finding #47 Minimal transportation impacts will occur as a result of the storage yard expansion. The number of log trucks accessing the site will increase by a small percentage as the timber industry recovers. The expansion will incorporate improvements to the flow of truck traffic in and out of the facility by allowing all of the projected truck traffic to “stack” on the Swanson site, rather than overflowing on Noti Loop during busy times. The existing west entryway (northwest end of rezone area) will be widened slightly to create a perpendicular approach and provide for truck “stacking.”

Finding #48 A new exit for log trucks only will also be created to separate this traffic from other vehicles entering and leaving the site during the course of business.

Goal 13: Energy Conservation

The main purpose of Goal 13 is to conserve energy.

Finding #49 GOAL 13 has no direct bearing on this application. Other than providing for more efficient use of the log storage yard, there will be no great energy savings or losses.

Goal 14: Urbanization

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

Finding #50 Not applicable to this request. No density increase is proposed or other urban uses.

Finding #51 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	Not Applicable
Goal 16: Estuarine Resources	Not Applicable
Goal 17: Coastal Shorelands	Not Applicable
Goal 18: Beaches and Dunes	Not Applicable
Goal 19: Ocean Resources	Not Applicable

Section 2

OARS 660-022-0030

Planning and Zoning of Unincorporated Communities

(1) For rural communities, resort communities and urban unincorporated communities, counties shall adopt individual plan and zone designations reflecting the projected use for each property (e.g., residential, commercial, industrial, public) for all land in each community. Changes in plan or zone designation shall follow the requirements to the applicable post-acknowledgment provisions of ORS 197.610 through 197.625.

Finding #52 Swanson Group is asking for a changing in zoning designation from RR & RC to RI (Rural Industrial) to expand their existing log storage yard to allow for more log storage capacity and to provide for safer ingress and egress on to the site, as well as internal traffic circulation. The 4.04 acres requested for rezoning will add about 12 percent to the existing manufacturing facility, for a total of about 33.5 acre site. It should be noted that, however that approximately 5.5 acres along the western property line are maintained in forested land and serves as a buffer between Poodle Creek and the storage and manufacturing activities that occur on the rest of site proper.

(2) County plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this division.

Finding #53 Not Applicable, no residential uses are planned.

(3) County plans and land use regulations may authorize only the following new or expanded industrial uses in unincorporated communities:

(a) Uses authorized under Goals 3 and 4;

Finding #54 As a **Permitted Use** under 16.211 (2) (a) ("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.") the expansion of Swanson's log yard is clearly within the parameters allowed in OAR 660-022-0030 (3) (a).

(b) Expansion of a use existing on the date of this rule;

Finding #55 Swanson Groups' log yard was built, substantial in its current configuration, in 1974 and this request qualifies as an expansion of the existing and historical use of the site.

(c) Small-scale, low impact uses;

Finding #56 Not Applicable

(d) Uses that require proximity to rural resource, as defined in OAR 660-004-0022(3)(a);

Finding #57 The location of Swanson's timber manufacturing facility, essentially in the middle of the coast range and its plentiful stands of timber, is crucial to its operations.

(e) New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage;

Finding #58 Swanson Group has several wells, three water ponds which supplies Swanson's water total needs on this site. Sanitation is handled by an on-site septic system. The log pond also provides the fire suppression and irrigation equipment that serves this site. No additional services will be required by this addition.

(f) New uses more intensive than those allowed under subsection (a) through (e) of this section, provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure:

Finding #59 Not Applicable. The proposed log yard expansion is a slight increase in log storage capacity. However, no new uses more intensive than is currently allowed will take place.

(A) That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;

Finding #60 No additional jobs are planned as a result of the proposed expansion of the log yard. Future employment at the Noti manufacturing facilities may increase over time as the timber manufacturing industry recovers from its current slump, but this will be in the manufacturing facilities rather than in the log yard.

(B) That such uses would not rely upon a work force employed by uses within urban growth boundaries; and

Finding #61 Most Swanson Group employees live in the surrounding rural area, and no new employees are planned as a result of the log yard expansion.

(C) That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.;

Finding #62 Not Applicable. The number of people employed by Swanson Group and surrounding business is well below the number of local residents that would enjoy working closer to home, rather than a 45 to 55 mile commute that many currently do to work at jobs in the Eugene/Springfield area.

Finding #63 No employment projections are provided by Lane County, Lane Council of Governments, or by the Population Research Center at Portland State University for unincorporated communities such as Noti.

(g) Industrial uses, including accessory uses subordinate to industrial development, as provided under either paragraph (A) or (B) of this subsection:

Finding #64 Not Applicable. The parcels requested for rezoning are contiguous to Swanson owned industrial land that was zoned Rural Industrial though the RPC plan in 1984.

(A) Industrial developments sited on an abandoned or diminished industrial mill site, as defined in ORS 197.719 that was engaged in the processing or manufacturing of wood products, provided the uses will be located only on the portion of the mill site that is zoned for industrial uses; or

Finding #65 Not Applicable

(B) Industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, in an area planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.

Finding #66 Not Applicable. As an expansion of an existing industrial use in existence from 1974 and subordinate to this activities, this request is consistent with this section of OARS 660-022-0030.

(4) County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities:

Finding #67 Not Applicable. No new uses are planned.

(a) Uses authorized under Goals 3 and 4;

Finding #68 This log yard expansion is clearly a Goal 4 oriented activity, and very dependant on being located in a rural area or in a rural community.

(b) Small-scale, low impact uses;

Finding #69 Not Applicable. Swanson's forest resource manufacturing practices cannot be considered *small-scale, low impact*, but are fully support by the State and County Goal 4 Policies.

(c) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

Finding #70 Not Applicable, no other uses are planned.

(5) County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as provided in subsections (a) through (c) of this section:

Finding #71 Not Applicable, no other uses are planned.

(6) County plans and land use regulations shall ensure that new or expanded uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.

Finding #72 Swanson Groups use of this property is integral in supporting forest products manufacturing. No agricultural activities exist in the immediate area.

(7) County plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c).

Finding #73 Lane County Transportation Planning has examined Access Engineering's Traffic Impact Analysis (June 9, 2008) and has determined that there will be no negative impacts as a result of this expansion. In fact, part of the rationale for this expansion is to improve traffic ingress and egress.

(8) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:

(A) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and

Finding #74 Swanson Group operates within "Best Practices" philosophy for forest and lumber manufacturing practices in the state of Oregon. Within this capacity, Swanson's operational practices exceed what may otherwise be allowed by law.

(B) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

Finding #75 As noted above, Swanson Group has extensive water resources and fire protection / suppression capacity on this site, enough to suppress significant potential fires on and around the mill site.

(9) County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts.

Finding #76 Not Applicable. The proposed expansion of an existing use is consistent with adopted Lane County's Rural Comprehensive Plan.

(10) For purposes of subsection (b) of section (4) of this rule, a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or building not exceeding 8,000 square feet of floor space,

or in any other type of unincorporated community in a building or buildings not exceeding 4, 000 square feet of floor space.

Finding #77 Not Applicable. Swanson Group's manufacturing facility is an existing rural industrial facility and is outside of the scope of (4)(b)."

(11) For purposes of subsection (c) of section (3) of this rule, a small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 60,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 40,000 square feet of floor space.

Finding #78 Not Applicable. Swanson Group has no plans to use this site for anything other than forest products manufacturing.

Section 3

16.400 Rural Comprehensive Plan Amendments.

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

(2) Scope and Organization. The Rural Comprehensive Plan shall conform to the requirements of Statewide Planning Goals. The Rural Comprehensive Plan shall consist of components which shall be organized into categories by Plan type or geographic area as described in LC 16.400(3) below.

(3) Plan Categories.

(a) Rural Comprehensive Plan. This category includes all plans relating to lands beyond the Eugene-Springfield Metropolitan Area General Plan boundary and the urban growth boundaries of the cities within Lane County.

Finding #79 This rezone request falls within the scope of Lane County's Rural Comprehensive Plan and the Rural Community of Noti is designated as Developed and Committed Exception Areas 141-1 and 142-1 by the Land Conservation and Development Department.

(b) Special Purpose Plan. This category includes Plans addressing a single or special need. The Plans may apply Countywide or to a limited area.

Finding #80 There are no Special Purpose Plans affecting the area of this request.

(4) Rural Comprehensive Plan Described. The Rural Comprehensive Plan of Lane County shall consist of the following components:

(a) Rural Comprehensive Plan.

(i) General Plan Policies and Plan Designations applying throughout Lane County outside of the Metropolitan Area General Plan and outside of all urban growth boundaries (Adopted by Ordinance No. 883).

Finding #81 The Community of Noti is recognized as a Rural Community in Lane County's Rural Comprehensive Plan, and this rezone and map amendment request complies with the procedures for rezoning within the context of the Plan and for applicable Zone Changes and Map Amendments with a Rural Community.

(b) Special Purpose Plans.

Finding #82 There are no other Special Purpose Plans affecting the area of this request.

(5) Interrelationship of Plan Components. New Comprehensive Plan components shall include a description of relationship to other Plan components within the respective Plan category and to the overall Rural Comprehensive Plan. Existing Plan components not containing such a description of relationship shall, at the next update of that Plan, be amended to include such a description.

Finding #83 Approval of this rezone and map amendment is in line with the stated policies of Lane County's Rural Comprehensive Plan.

Finding #84 As a request to rezone parcels in a designated Rural Community Goal 9 (Economy of the State) Policy 7 applies specifically to the proposed action.

Policy 7 . New industrial development shall normally take place within adopted Urban Growth Boundaries, unless such development:

a. Is clearly rural oriented (e.g., canneries, logging operations, processing of resource material);

Finding #85 This is clearly an appropriate use for these parcels and is encouraged under Lane County Rural Comprehensive Plan (RCP).

b. Is necessary for the continuation of existing industrial operations, including plan or site expansion;

Finding #86 For Swanson Group to remain competitive and profitable it is necessary for them to create economies of scale and efficiency where possible. Expanding the log storage yard meets this criteria.

c. Will be located in an area either built upon or committed to non-resource use where necessary services can be provided;

Finding #87 The parcels being requested for rezone have been previously built upon, and those uses (primarily residential) are no longer appropriate for the area. Only one of the four remaining dwellings is currently occupied.

d. The industrial activity is dependent on a unique site-specific resource;

Finding #88 Timber resource extraction and manufacturing is dependant on being close to the resources being utilized.

e. The use is too hazardous or is incompatible in densely populated areas;

Finding #89 Log storage yards, and lumber mills in general, even when fenced from the public, constitute an "attractive nuisance," and would be inappropriate in an urban setting.

f. The industrial activity creates by-products which are used to a significant level in resource activities in the immediate area; or g. Where a significant comparative advantage could be gained in locating in a rural area. Any development approved under this policy that requires a plan amendment shall be justified by an exception to applicable Statewide Planning Goals.

Finding #90 No exception to Lane County's RCP or to the State wide planning goals are required to implement this zone change and Map Amendment.

Policy 8

8. Existing industrial and commercial uses shall be designated on the

plan diagram. Uses so identified shall be zoned to allow for continued operation and routine expansion commensurate with their character, provided significant conflicts with other land uses (existing and planned) do not result.

Finding #91 Swanson's adjacent lumber operations are currently zoned Rural Industrial (RI) and the addition of these four plus acres expands by a small percentage (0.023%) the 176 acres they currently utilize for their operations.

(6) Plan Adoption or Amendment - General Procedures. The Rural Comprehensive Plan, or any component of such Plan, shall be adopted or amended in accordance with the following procedures:

(a) Referral to Planning Commission. Before the Board takes any action on a Rural Comprehensive Plan component, or an amendment to such Plan component, a report and recommendation thereon shall be requested from the County Planning Commission and a reasonable time allowed for the submission of such report and recommendation. In the event the Rural Comprehensive Plan component, or amendment applies to a limited geographic area, only the Planning Commission having jurisdiction of that area need receive such referral.

(b) Planning Commission - Hearing and Notice.

(i) The Planning Commission shall hold at least one public hearing before making a recommendation to the Board on a Rural Comprehensive Plan component, or an amendment to such Plan component, and the hearing shall be conducted pursuant to LC 14.300.

(ii) Notice of the time and place of hearing shall be given, pursuant to LC 14.300.

(iii) If an exception to State Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notices of such hearing.

Finding #92 No Exception is needed or being sought. The parcels requested, as noted above, are part of existing Exception Areas.

(iv) The proposed Rural Comprehensive Plan component, or an amendment to such Plan component, shall be on file with the Director and available for public examination for at least 10 days prior to the time set for hearing thereon.

(c) Planning Commission - Consideration With Other Agencies.

(i) In considering a Rural Comprehensive Plan component, or an amendment to such Plan component, the Planning Commission shall take account of and seek to harmonize, within the framework of the needs of the County, the Comprehensive Plans of cities, and the Plans and planning activities of local, state, federal and other public agencies, organizations and bodies within the County and adjacent to it.

(ii) The Planning Commission, during consideration of a Rural Comprehensive Plan component or an amendment to such Plan component, shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally to the end that maximum coordination of Plans may be secured.

(iii) Whenever the Planning Commission is considering a Rural Comprehensive Plan component, or an amendment to such Plan component, it shall

be referred to the planning agency of every city and county affected to inform them and solicit their comments.

(iv) The provisions of this subsection are directory, not mandatory, and the failure to refer such Plan, or an amendment to such Plan, shall not in any manner affect its validity.

(d) Planning Commission - Recommendation and Record.

(i) Recommendation of the Planning Commission on a Rural Comprehensive Plan component, or an amendment to a Plan component, shall be by resolution of the Commission and carried by the affirmative vote of not less than a majority of its total voting members.

(ii) The record made at the Planning Commission hearings on a Rural Comprehensive Plan component, or an amendment to such Plan component and all materials submitted to or gathered by the Planning Commission for its consideration, shall be forwarded to the Board along with the recommendation.

(e) Board Action - Hearing and Notice.

(i) After a recommendation has been submitted to the Board by the Planning Commission on the Rural Comprehensive Plan component, or an amendment to such Plan component, all interested persons shall have an opportunity to be heard thereon at a public hearing before the Board conducted pursuant to LC 14.300.

(ii) Notice of the time and place of the hearing shall be given pursuant to LC 14.300.

(iii) If an exception to Statewide Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notice of such hearing.

(iv) Hearings to consider amendments of the Plan Diagram that affect a single property, small group of properties or have other characteristics of a quasi-judicial proceeding shall be noticed pursuant to LC 14.300.

(f) Concurrent Consideration. The Board and Planning Commission may hold a single joint meeting to consider the proposed Plan amendment consistent with the requirements of LC 16.400(6)(e)(ii), (iii) and (iv) above.

Finding #93 Swanson Group and Noti Church of Christ had initially requested a single joint meeting, but this request was not approved. For Swanson to complete the log yard expansion this summer, time is of the essence.

(g) Board Referral. Before the Board makes any change or addition to a Plan component, or Plan component amendment recommended by the Planning Commission, it may first refer the proposed change or addition to the Planning Commission for an additional recommendation. Failure of the Planning Commission to report within 21 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Planning Commission to hold a public hearing on such change or addition.

(h) Method of Adoption and Amendment.

(i) The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.

(ii) The adoption or amendment shall be concurrent with an amendment to LC 16.400(4) above. In the case of a Rural Comprehensive Plan adoption, the Code amendment shall place such Plan in the appropriate category. In the case of a

Rural Comprehensive Plan amendment, the Code amendment shall insert the number of the amending Ordinance.

(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.

(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

Finding #94 Not Applicable

(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or

Finding #95 Swanson Group is the economic and community center of Noti. Without Swanson's anchoring this community, Noti and the surrounding area would become even more impoverished than it currently is.

(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; or

Finding #96 Not Applicable

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

Finding #97 The proposed amendment supports appropriate rural economic development.

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

Finding #98 It is desirable to support rural, resourced based industries in rural areas.

(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.

Finding #99 The proposed amendments are supported by the Rural Comprehensive Plan policies, as indicated above.

(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.

Finding #100 This request is compatible and the Code allows for minor expansion of existing industrial uses. As noted above, this expands Swanson's Rural Industrial zoning by 12%. It is, also, for safer traffic flow both on and off the site and for increased efficiency through greater log storage.

- (i) *A change of zoning to implement a proposed Plan amendment may be considered concurrently with such amendment. In such case, the Board shall also make the final zone change decision, and the Hearings Official's consideration need not occur.*

Finding #101 A Zone Change and a Map Amendment is the basis for this request.

(7) *Validation of Prior Action. The adoption of a Rural Comprehensive Plan component, or an amendment to such Plan component under the authority of prior acts, is hereby validated and shall continue in effect until changed or amended under the authority of these provisions.*

(8) *Additional Amendment Provisions. In addition to the general procedures set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components.*

(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.*

Finding #102 This proposed amendment is limited to the Plan Diagram and does not require an exception to the State-wide planning goals. This is a reallocation of land that has already been taken out of the rural resource lands and is irrevocably committed to rural community economic uses.

(ii) *Major Amendment. Any amendment that is not classified as a minor amendment.*

Finding #103 Not Applicable.

(b) *Amendment proposals, either minor or major, may be initiated by the County or by individual application. Individual applications shall be subject to a fee established by the Board and submitted pursuant to LC 14.050.*

Finding #104 This Map Amendment and Zone Change request is at the behest of the property owners, Swanson Group and The Church of Christ at Noti.

(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.*

Finding #105 A narrative of the Zone Change and Map Amendment was placed at the beginning of this document, explaining the general nature and purpose of this proposal.

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

Finding #106 As noted in 16.400(6)(h)(ii), this is a request both a minor Rural Comprehensive Plan Amendment and a Corresponding Map Amendment,

(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;*

Finding #107 Swanson Group owns 31 parcels in the contiguous area for a combined total of approximately 202 acres. Six other property owners (including Lane County) own 10 separate parcels for a combined approximate total of 3 acres on the north side of Noti Loop.

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

Finding #108 No new public or private services will be required by granting this request. Neither will there be new water supply impacts or sewage disposal impacts.

(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;*

Finding #109 None, no Goal 5 lands are identified on these parcels.

(dd) *Natural hazards affecting or affected by the proposal:*

Finding #110 No Flood designations, steep or unstable slopes are identified on any of these parcels.

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

Finding #111 The expanded log storage yard will probably, by itself, have no immediate impact on the current staffing levels at Swanson's Noti timber manufacturing facility. However, planned continued modernization and expansion over time could result in up to 140 employees in the next few years, providing the economy turns around.

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

Finding #112 Since the remaining residences on these parcels will ultimately be razed to accommodate Swanson's continued investment in its Noti operations, property tax revenue may decline very slightly.

Finding #113 Most of the planned improvements to the log yard have a low "Assessed Valuation." However, increased income tax, both by Swanson Group and its employees will grow substantially as the economy recovers.

(gg) *For a proposed amendment to a Nonresource designation or a Marginal Land designation, an analysis responding to the criteria for the*

respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983).

Finding #114 Not Applicable, a non-resources designation is not being sought.

(9) Addition Amendment Provisions - Special Purpose Plans. In addition to the general provisions set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components classified in LC 16.400(4) above as Special Purpose Plans. Amendments to Special Purpose Plans may only be initiated by the County. Any individual, however, may request the Board to initiate such amendment. Requests must set forth compelling reasons as to why the amendment should be considered at this time, rather than in conjunction with a periodic Plan update. An offer to participate in costs incurred by the County shall accompany the request.

Finding #115 Not Applicable

(10) Designation of Abandoned or Diminished Mill Sites. A minor plan amendment pursuant to LC 16.400(8)(a)(i), to the Rural Comprehensive Plan for an abandoned or diminished mill site on a lot or parcel zoned Nonimpacted Forest Lands Zone (F-1, RCP), Impacted Forest Lands Zone (F2, RCP) or Exclusive Farm Use Zone (E-RCP) to Rural Industrial Zone (RI, RCP) without taking an exception to Statewide Goal 3 (Agricultural Lands), Goal 4 (Forest Land), Goal 11 (Public Facilities and Services), or Goal 14 (Urbanization) may be allowed after submittal of an application pursuant to LC 14.050 and after review and approval of the application pursuant to LC 16.400(6) and (10).

Finding #116 Not Applicable

(11) Periodic Review of Plan Components. All components of the Rural Comprehensive Plan shall contain a provision requiring the Plan be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances. Any Plan component adopted under the authority of prior acts can be assumed to require a review every five years.

Finding #117 Not Applicable. A Periodic Review, know as the "Siuslaw Watershed Periodic Review," Ordinance PA1203 went into effect on May 13, 2004. Swanson owned parcels Map 17-06-29.3 lots 5200 & 10200, and 17-06-32, lots 400, 600 & 601 (for a total of 10.38 acres) were rezoned from Rural Residential and Rural Commercial to Rural Industrial or Rural Industrial – Commercial.

Section 4

PROCEDURES FOR ZONING, REZONING AND AMENDMENTS TO REQUIREMENTS RURAL COMPREHENSIVE PLAN

16.252 Procedures for Zoning, Rezoning and Amendments to Requirements.

(1) Purpose. As the Rural Comprehensive Plan for Lane County is implemented, changes in zone and other requirements of this chapter will be required. Such Amendments shall be made in accordance with the procedures of this section.

Finding #118 This application for a Rezoning and Map Amendment was made on behalf of Swanson Group, parent company for Swanson Superior, LLC, the listed property holder of twelve of the fifteen (15) parcels listed in this request.

Finding #119 Church of Christ at Noti, co-applicant and the owner of three requested properties, will ultimately transfer all three parcels to Swanson Group for the planned future expansion of Swanson's log yard, immediately to the southwest of these parcels.

Finding #120 This rezone request complies with the specific procedures and requirements of Lane Code 16.252.

Finding #121 Custom Planning Services & Assoc LLC (CPS), Ron R. Funke, AICP, is their designated representative. CPS's offices are located at 2595 Charnelton St. Eugene, OR 97405.

(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.

Finding #122 This application for rezoning complies with State-Wide Planning Goals and with Lane County's Rural Comprehensive Plan elements and components as they apply to unincorporated Rural Communities and for land already zoned as Rural (R), rather than Farm (EFU) or Farm (F).

Finding #123 This zone and map amendment request, aimed at increasing the size of the raw log storage capacity at the Noti facility, is part of Swanson Group's policy of continuing re-investment and upgrades to its timber reforestation and production facilities to keep them modern and economically viable. Swanson Group employs around 80 people on a fulltime basis at its Noti facility. Swanson Group has additional facilities in Glendale, Roseburg and Glide.

(3) Initiation/Application.

(a) By Planning Commission.

Finding #124 Not Applicable

(b) By Board.

Finding #125 Not Applicable

(c) By Applicant. Application for the zoning or rezoning of properties may be made by any person as provided in LC 14.050.

Finding #126 Swanson Group and the Noti Church of Christ, as allowed under 14.050, jointly requested a rezoning of the listed property and an accompanying Map Amendment to reflect the requested changes on the official Zoning Map for the affected properties.

(4) Moratorium on Permits and Applications -- Legislative Matters.

Finding #127 Not Applicable to this land use application. None of the parcels have any other planning actions pending at this time.

*(5) Planning Commission Public Hearing and Notice -- Legislative Matters.
hearing.*

Finding #128 A Planning Commission hearing was held on July 15, 2008, and the Commission was unanimous in recommending approval to Board of County Commissioners.

(6) Review Procedures. Applications for zoning or rezoning of specific properties shall be heard by the Hearings Official pursuant to LC 14.300.

(7) Action by the Board.

(8) Conditional Approval. The approving authority may impose reasonable conditions if the application is approved to be completed within one year.

(9) Official Zoning Map.

(a) The location and boundaries of the various zones established by this chapter shall be shown and delineated on maps covering portions of the County. These maps, upon their final adoption, shall be known as the Official Zoning Map.

(b) The Zoning Map shall be established by ordinance. Subsequent amendments, either for establishing zoning for previously unzoned property or for rezoning may be made by Ordinance or Order of the Hearing Authority in accordance with the provisions of this section. Upon final adoption, the Zoning Map and all subsequent amendments thereto shall be filed with the County Recorder.

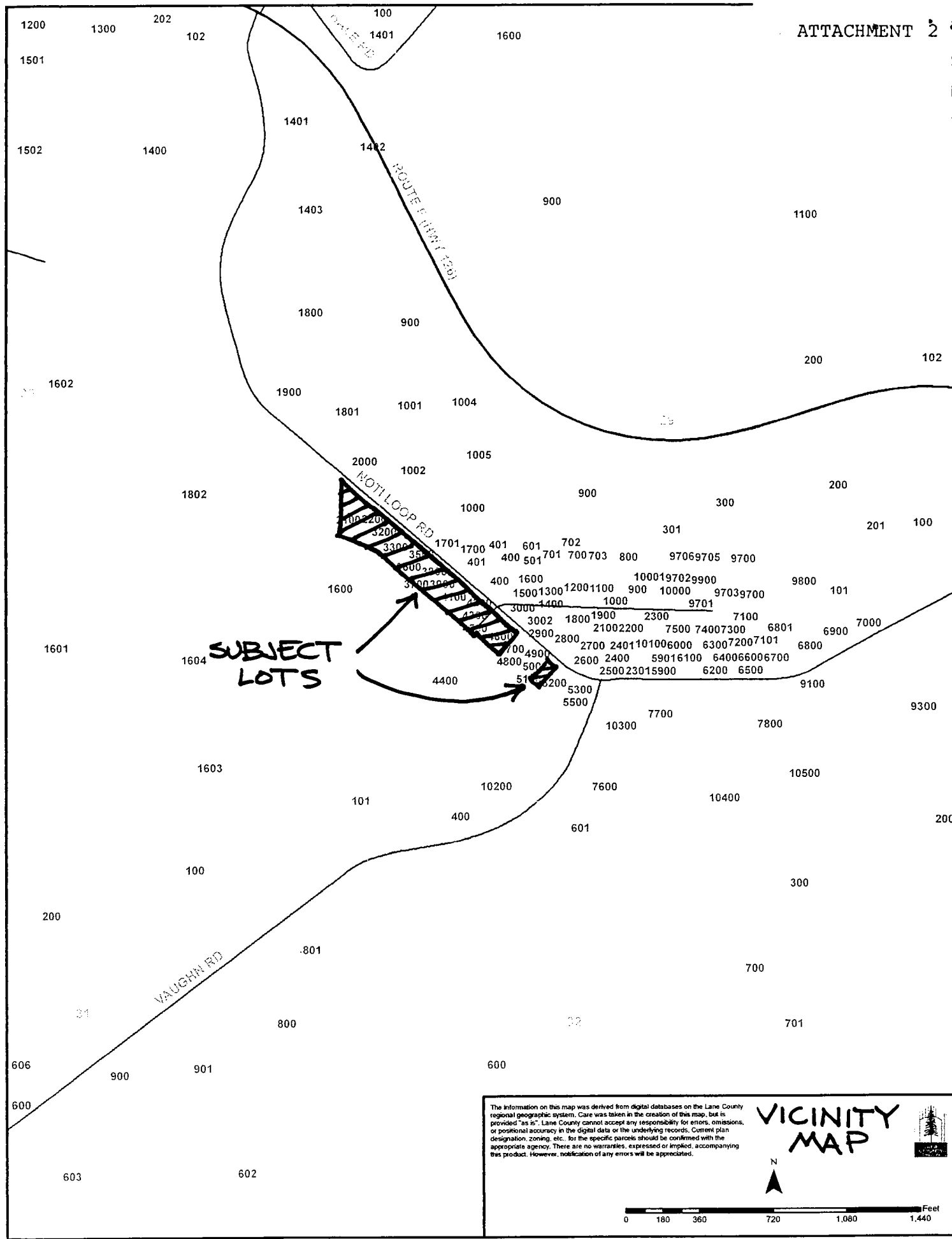
Finding #129 Recognized parcel boundaries and street center lines are the proposed boundaries requested in this application.

(10) Treatment of Vacated Property. Where a public street or alley is officially vacated, the Zone requirements applicable to the property to which the vacated area becomes a part shall apply to the vacated property.

Finding #130 Not Applicable

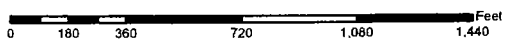
(11) Error in Legal Description. Notwithstanding any other provision in this chapter, where the sole basis for a zoning or rezoning, whether initiated by Application, the Planning Commission or the Board, is in error in a legal description, if applicable in the Ordinance or Order zoning or intended to zone the property, the zoning or rezoning shall be referred to the Planning Director for investigation and a report. After such investigation and report, the zoning or rezoning shall be considered in accordance with the procedures for hearings provided in LC 16.252(5) and (6) above. (Revised by Ordinance No. 7-87, Effective 6.17.87)

Finding #131 Not Applicable



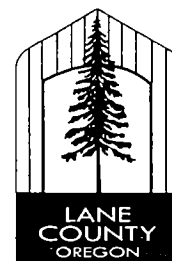
The information on this map was derived from digital databases on the Lane County regional geographic system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for the specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.

**VICINITY
MAP**





LANE COUNTY PLANNING COMMISSION
STAFF REPORT



HEARING DATE: July 15, 2008

FILE No.: PA 07-5430

REPORT DATE: July 8, 2008

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

I. APPLICATION DESCRIPTION

- A. Owner #1/Applicant: Owner #2: Agent:**
- | | | |
|---|---|--|
| Swanson Group
PO Box 250
Glendale, Oregon 97422 | Noti Christian Church
aka Church of Christ at Noti
89043 Poodle Ck Rd
Noti, Oregon 97461 | Ron R. Funke,
Custom Planning Services
99 West 10th, Ste 119
Eugene, Oregon 97401 |
|---|---|--|
- B. Proposal**
- Proposed Minor Amendment to the Rural Comprehensive Plan:
- From Residential Land (R) and Commercial Land (C) plan designation to Industrial Land (I) plan designation, and
 - Rezone from Rural Residential (RR-2/RCP) Zone and Rural Commercial (RC/RCP) Zone to Rural Industrial (RI/RCP) Zone, pursuant to Rural Comprehensive Plan Goal 2 Policy 14 and LC 16.400.

II. RECOMMENDATION

No recommendation can be made at this time, as the Applicant has not addressed the "Unincorporated Community" rule, OAR 660-022-0030(3), (6), (7), (8), & (11).

III. SITE AND PLANNING PROFILE

- A. Subject Property**
- Assessor's Map and Taxlots 17-06-30 # 2100 & 2200; 17-06-29-30 # 3200, 3300, 3500-3900, 4100-4300, 4500, 4600 & 5100; 4.04 acres in total.
- The subject properties are located within the Rural Unincorporated Community of Noti, northwest of the intersection of Noti Loop Rd and Vaughn Rd, south of Noti Loop Rd. Please refer to the attached Applicant's submittal for various maps and photos of the properties.

B. Zoning

Located on Plot Map 136 & 141. Currently is Rural Residential Zone (RR-2/RCP), and Rural Commercial Zone (RC/RCP).

A copy of a GIS generated color zoning map is included as an attachment to this report.

C. Site Characteristics

The Applicant owns approximately 33 acres of land comprised of taxlots 17-06-31 #101, 17-06-30 #1600, 2100, & 2200, 17-06-29-30 #3200-4600, 5100, & 5200. Taxlots 1600, 4400, 101, and 5200 are not part of this request as they currently have a plan designation of Industrial land (I) and zoned Rural Industrial (RI/RCP). The subject parcels are adjacent to the Swanson-Superior lumber mill's log storage yard.

Current improvements include nine (9) single family dwellings on multiple taxlots, refer to Applicant's Narrative document for the spreadsheet of taxlots, dwellings, and addresses. The subject properties front Noti Loop Road, which is classified as a Rural Major Collector Road and connects with Vaughn Road and State Hwy 126. This property is located within the Rural Unincorporated Community of Noti.

Taxlots 2100, 2200, and 3200 are currently used for the Church of Christ Noti and parking for the church. Swanson Group has made the agreement to swap these three taxlots with land across Noti Loops Road for a new church. Swanson Group stated in their application that they will secure a special use permit for the new church on taxlot 1002. The special use permit is not part of this application.

D. Surrounding Area

As shown on the color GIS generated zoning map attached to this report, RR-2 zoned land is found across Noti Loop Road to the north, with F2 zoning to the east and south of taxlot 2100, with RC zoning adjacent between taxlots 4600 and 5100, and with RI zoning adjacent on the southern side.

The nearest resource land is adjacent to taxlot 2100 to the west, which is zoned F2. The zone boundary is also the boundary of the unincorporated community of Noti.

E. Services

Fire:	Lane County FD #1
Police:	Lane County Sheriff
School:	Fern Ridge - 28J
Access:	Noti Loop Rd, Lane County road

F. Referral Comments Received:

Lane County Transportation Planning, 07/03/2008

Transportation Planning (TP) required a limited traffic impact analysis to be completed by the Applicant. As of July 3, 2008, TP approved the limited traffic impact analysis, but stated that improvements may be required if a facility permit process finds such need. TP's comments are attached to this report as Attachment 3.

IV. APPROVAL CRITERIA & ANALYSES

A. Character of the Request

The proposal is a Minor Amendment pursuant to Lane Code 16.400(6)(h) and involve 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.

B. Evaluation

This request proposes to convert 4.04 acres from Residential and Commercial lands into Industrial lands and rezoning that land from Rural Residential (RR-2/RCP) and Rural Commercial (RC/RCP) to Rural Industrial (RI/RCP). Doing so would enable development of the parcels to this uses allowable in the Rural Industrial Zone, LC 16.292. The objective is to expand the existing log storage yard (on taxlots 1600 & 4400) onto the subject properties in the near future. Such use is allowed by director approval pursuant to LC 16.292(3)(j), that request has not been made at this time and is not part of this application.

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 analysis and arguments, except as noted below.

Finding 1. Goal 2 Policy 14 requires consistency findings with OAR 660-022-0000. The applicant did not address the "Unincorporated Communities" rule, OAR 660-022-0030(3), (6), (7), (8), & (11):

660-022-0030

Planning and Zoning of Unincorporated Communities

(3) County plans and land use regulations may authorize only the following new or expanded industrial uses in unincorporated communities:

- (a) Uses authorized under Goals 3 and 4;**
- (b) Expansion of a use existing on the date of this rule;**
- (c) Small-scale, low impact uses;**
- (d) Uses that require proximity to rural resource, as defined in OAR 660-004-0022(3)(a);**
- (e) New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage;**
- (f) New uses more intensive than those allowed under subsection (a) through (e) of this section, provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure:**
 - (A) That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;**

- (B) That such uses would not rely upon a work force employed by uses within urban growth boundaries; and**
- (C) That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.;**
- (g) Industrial uses, including accessory uses subordinate to industrial development, as provided under either paragraph (A) or (B) of this subsection:**
 - (A) Industrial developments sited on an abandoned or diminished industrial mill site, as defined in ORS 197.719 that was engaged in the processing or manufacturing of wood products, provided the uses will be located only on the portion of the mill site that is zoned for industrial uses; or**
 - (B) Industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, in an area planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.**
- (6) County plans and land use regulations shall ensure that new or expanded uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.**
- (7) County plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c).**
- (8) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:**
 - (A) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and**
 - (B) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.**
- (11) For purposes of subsection (c) of section (3) of this rule, a small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 60,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 40,000 square feet of floor space.**

The Applicant will need to address the above referenced OAR at the Hearing. If that occurs, staff will most likely need a continuance to review the supplemental information.

V. CONCLUSIONS

A. Summary and Recommendation

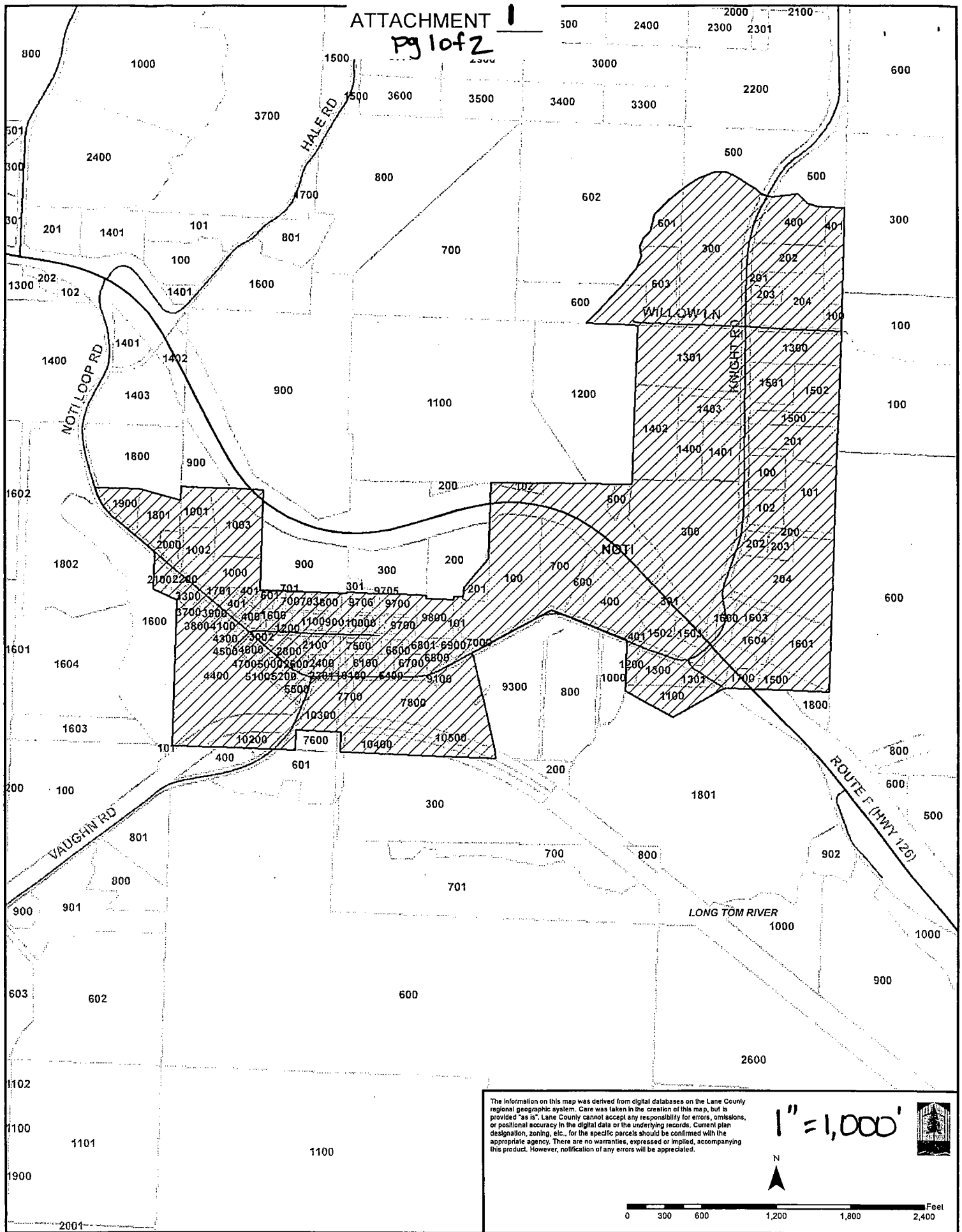
The subject properties are located within a Development and Committed area and are adjacent to an existing industrial use, which combine to lend support for the proposal. However, OAR 660-022-0030 has yet to be addressed as of the writing of this report. As such, staff withholds advising approval of the request until that issue is resolved.

B. Attachments to Staff Report

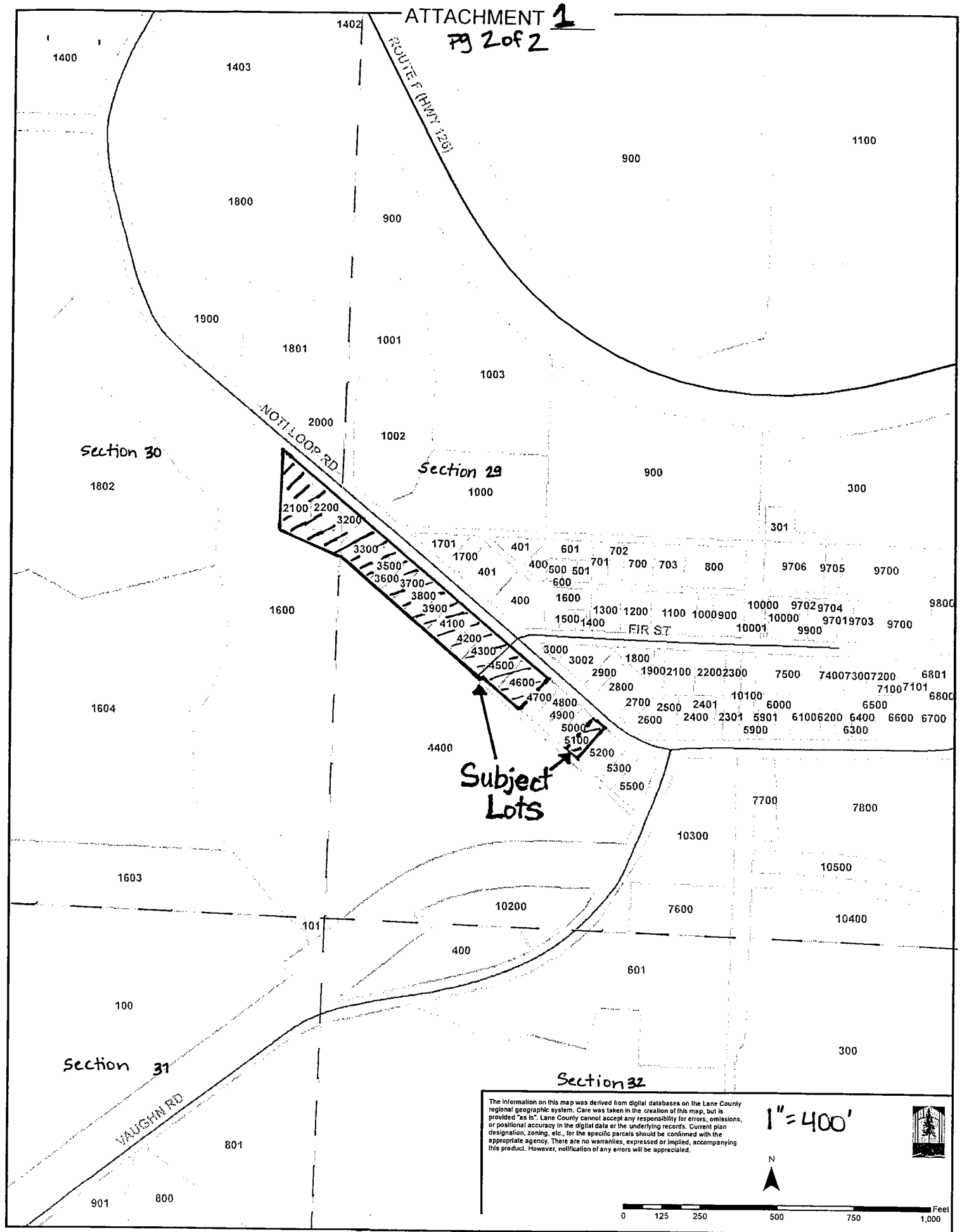
1. Vicinity Maps of subject parcels (2 pages)
2. Colored GIS plan and zone maps (2 pages)
3. Transportation Planning Comments (11 pages)
4. Applicant's statement with exhibits

C. Materials to be Part of the Record

1. Staff Report and attachments
2. Applicant's statement with all exhibits
3. File PA 07-5430
4. Ordinance PA1194 (signed February 18, 2004)
5. Lane Code Chapter 14 and Sections 16.290, 16.291, 16.292, 16.252, and 16.400
6. OAR 660-022-0030



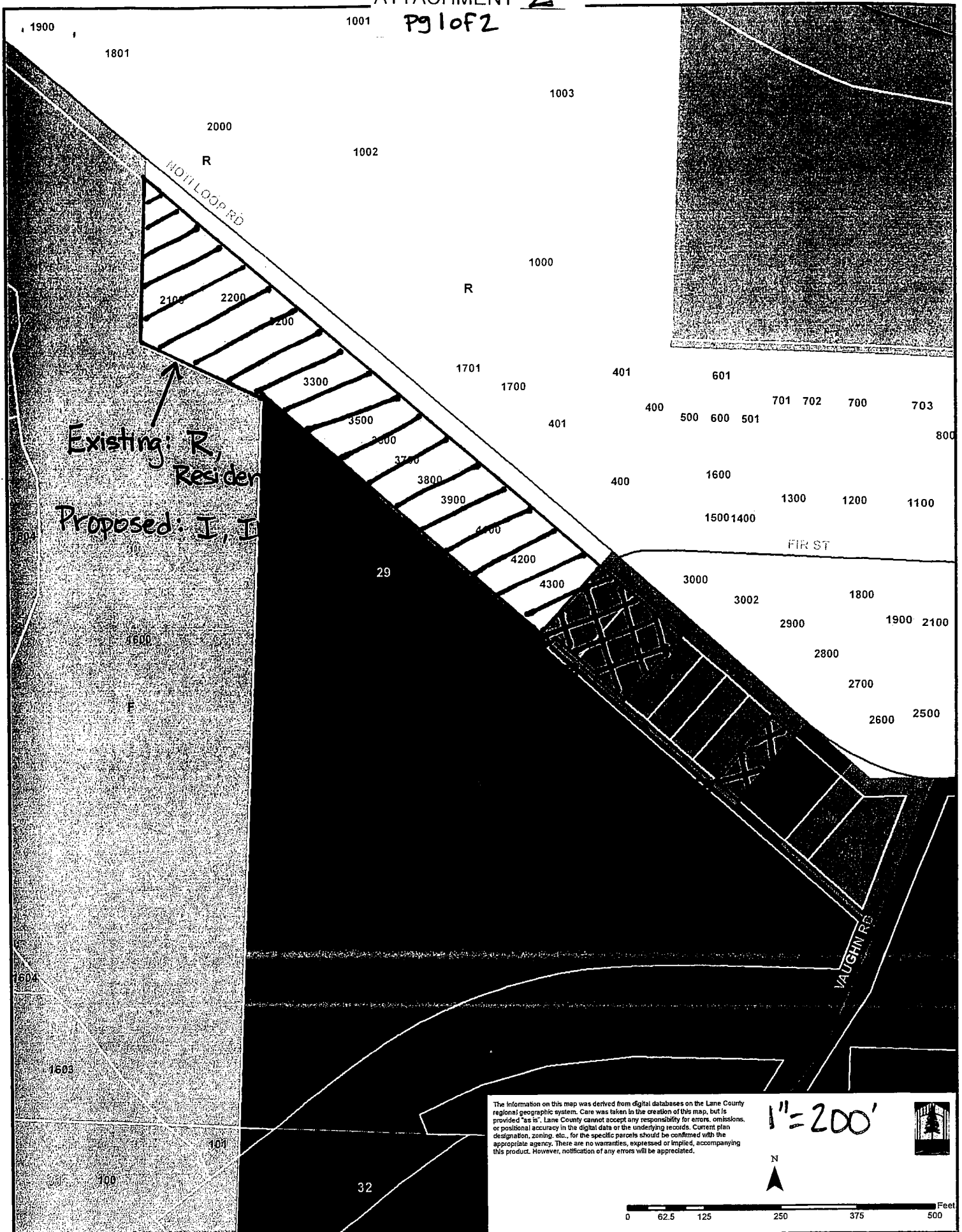
The Unincorporated Community of Noti



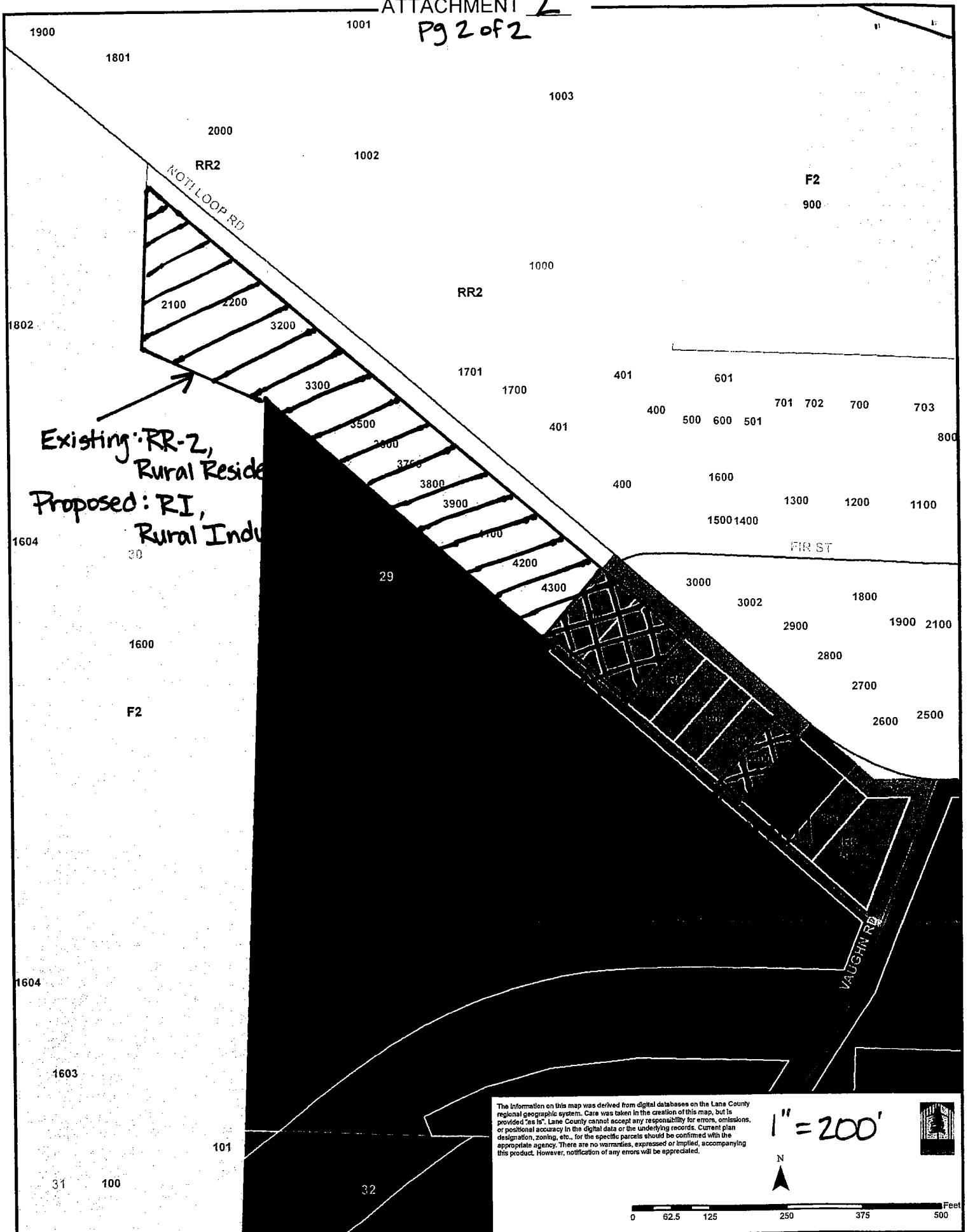
-- Section Line

VICINITY MAP

Township 17
Range 6W



Current RCP Plan Map



Current Zone Map

EICHNER Lindsey A

From: EICHNER Lindsey A
Sent: Tuesday, May 06, 2008 4:55 PM
To: 'Ron Funke'
Cc: BAJRACHARYA Shashi
Subject: RE: Swanson Noti Loop Rezone

Ron,

Shashi emailed me the letter he sent you yesterday. He stated that you are required to complete a limited traffic impact analysis rather than a full blown traffic impact analysis. I am going to add to that, it must be completed and submitted to Lane County on or before June 16th, 2008, in order for the results to be incorporated into the record and the staff report for the Planning Commission.

The Planning Commission meeting is tentatively scheduled for July 15, 2008. I cannot give you a specific date for the Board of Commissioners 1st reading at this point, but it will be roughly 2 months later. That date really depends on what the LCPC does and how long they take to make a decision.

I also want to let it be know that any future development on the properties could require a director approval special use permit, depending on where it falls in LC 16.292. Even if you think it falls under LC 16.292(2)(b), it will at minimum require a Land Use Compatibility Statement to be applied for in order for a Planner to review the Application and determine that the proposed development meets that criteria.

I hope this information helps. I will be in contact if I need further information while processing your application.

Sincerely,

Lindsey Eichner
Planner
Lane County Public Works
125 E 8th Avenue
Eugene, OR 97401
(541) 682-3998 Fax (541) 682-3947
lindsey.eichner@co.lane.or.us

-----Original Message-----

From: Ron Funke [mailto:ronfunke@customplanningservices.com]
Sent: Tuesday, May 06, 2008 12:04 PM
To: EICHNER Lindsey A
Cc: BAJRACHARYA Shashi; Dale Claassen
Subject: Swanson Noti Loop Rezone

Lindsey & Sashi,

I will be meeting Swanson Group management on next Thursday morning (the 8th), and would like to know - as best as you can predict - when we are likely to have a hearing before the Planning Commission. And also the probable time line between the Planning Commission meeting and the First reading of the "New Ordinance" before the County Commissioners. My understand is that there needs to be at least a 30 day comment period between the first and second reading before the Commissioners and after that the Ordinance becomes effective in 12 days (?).

This will probably eliminate Swanson ability to complete the construction this summer as they had hope, but we can still hope. Maybe we will have a dry fall.

I am including a copy of the letter the Swanson's General Counsel, Cameron Krauss sent to Sashi. I suspect that you have received a copy, but just in case, here it is. Cameron's points are, I think, well made and will, hopefully compel Transportation Planning to not require a study, which will do nothing but add cost and more time to an already lengthy process.

Thank You,

Ron Funke

cc: Dale Claassen

--

Ron R. Funke, AICP
Custom Planning Services
2595 Charnelton St.
Eugene, Oregon 97405
(541) 302-4993 phone
(541) 302-3300 fax



LANE COUNTY

PUBLIC WORKS DEPARTMENT / TRANSPORTATION PLANNING DIVISION
3040 North Delta Hwy. / Eugene, OR 97408
Phone: (541) 682-6932/ Fax: (541) 682-8554

Date: May 5, 2008

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

RE: PA07-5430, Traffic Impact Analysis for Plan Amendment and Rezone for Swanson Group

Dear Ron:

Lane County Transportation Planning (TP) reviewed your request for a waiver to the Traffic Impact Analysis requirement under LC 15.697(1) in connection with your Plan Amendment and Zone Change proposal. After reviewing submitted documents, TP determines that a limited traffic impact analysis may be submitted instead of a full blown traffic impact analysis.

We concur with you that the proposed plan change is not likely to add a significant traffic to the transportation system. Considering the existing land use mostly as an industrial zone and the current intensity of heavy vehicles uses in the vicinity, the impact due to the zone change may be insignificant to require a full pavement structural analysis. However, the new zone is likely to provide uncontrolled truck access to Noti Loop Road. Hence, the mill expansion proposal needs to address other traffic issues, other than congestion and pavement structural capacity.

While the zone change proposal provides safe site circulations inside the property, it also poses safety concerns on Noti Loop Road as new truck access points are created. For this reason, TP requires a limited traffic impact analysis that focuses on truck traffic safety at the existing and proposed intersections with Noti Loop Road. The following are the requirements of the study:

- (a) The study must be prepared by an Oregon-registered engineer with expertise in transportation.
- (b) The study shall analyze movements of log trucks at the existing and proposed intersections.
- (c) The study shall discuss what intersection improvements are being proposed and how they meet safety standards.

If you have any questions regarding the requirement, please feel free to contact me. I can be reached at 682 6932 or by email shashi.bajracharya@co.lane.or.us. Thank you.

Sincerely,

Shashi Bajracharya

cc: Cameron L. Krauss

EICHNER Lindsey A

From: BAJRACHARYA Shashi
Sent: Wednesday, May 07, 2008 8:37 AM
To: 'Ron Funke'
Cc: EICHNER Lindsey A
Subject: RE: Swanson Noti Loop Rezone

Ron,
I would like to add a comment on your statement, "Cameron's points are, I think, well made and will, hopefully compel Transportation Planning to not require a study, which will do nothing but add cost and more time to an already lengthy process."

TP has been considerate on time and economy of applicants; this is true in your case as well. By code requirement based on the land use proposal, the zone change proposal can require you a full pavement analysis due to the heavy truck uses. Such analyses are costly and require field surveys, laboratory analysis, and the general outcome is often a pavement overlay. TP considered your application and waived this requirement, and required a Limited Traffic Analysis only. Your comment that the traffic operation study will do nothing but add cost and time is not true. This is the opportunity for traffic improvements if there exist any traffic problem which can stop future mishaps from occurring. Thanks for understanding the purpose of the traffic study requirement.

-Shashi

-----Original Message-----

From: EICHNER Lindsey A
Sent: Tuesday, May 06, 2008 4:55 PM
To: 'Ron Funke'
Cc: BAJRACHARYA Shashi
Subject: RE: Swanson Noti Loop Rezone

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I hope this information helps. I will be in contact if I need further information while processing your application.

Sincerely,

Lindsey Eichner
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lindsey.eichner@co.lane.or.us

-----Original Message-----

From: Ron Funke [mailto:ronfunke@customplanningservices.com]
Sent: Tuesday, May 06, 2008 12:04 PM
To: EICHNER Lindsey A
Cc: BAJRACHARYA Shashi; Dale Claassen
Subject: Swanson Noti Loop Rezone

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Thank You,

Ron Funke

cc: Dale Claassen

--

Ron R. Funke, AICP
Custom Planning Services
2595 Charnelton St.
Eugene, Oregon 97405
(541) 302-4993 phone
(541) 302-3300 fax

EICHNER Lindsey A

From: BAJRACHARYA Shashi
Sent: Monday, June 16, 2008 8:31 AM
To: EICHNER Lindsey A
Subject: RE: Swanson Zone Change

Hi Lindsey,
I received a copy of the TIA last Wednesday. I have checked the report for its content. It appears to be prepared according to our scope. The only deficiency is recommendation for improvements. We will have several comments on the deficiencies that needs to be corrected. I guess for your notification purposes we are fine. When do you need my comments by?

-Shashi

From: EICHNER Lindsey A
Sent: Monday, June 16, 2008 8:15 AM
To: BAJRACHARYA Shashi
Subject: Swanson Zone Change

Shashi,

So I am getting the public notice ready today for the Swanson Group Zone Change. Ron Funke said he delivered a limited traffic impact analysis to you last week and I am just checking in to see if you think it will suffice. All I need at this point is to know if you think it looks good or it is completely wrong. If it looks okay then I will get the public notice to the neighbors out this week. Feel free to call me if you have any questions or would rather not put it in writing before you give me your official comments.

thanks a bunch,

Lindsey

EICHNER Lindsey A

From: BAJRACHARYA Shashi
Sent: Thursday, July 03, 2008 11:29 AM
To: BAJRACHARYA Shashi; EICHNER Lindsey A
Cc: RANDALL Darrell L; FIELDS Phil; LEMHOUSE Brad; PETSCH John S
Subject: RE: PA07-5430, zone change, Swanson Group, Noti Lp Rd

Attachments: [Fwd: FW: Swanson Noti TIA grade %]

TP File No.: 9377
LMD File No.: PA 07-5430
Applicant: Swanson Group
Agent: Ron Funke
Location: Noti Loop Rd
TRS: 17-06-30, 17-06-30-03
Tax Lot: 2100,2200
3200,3300,3500,3600,3700,3800,3900,4100,4200,4300,4500,4600,5100

Proposal: Plan amendment from Residential Zone to Industrial Zone

Supplemental Comments From Transportation Planning (TP)

Transportation Planning received a response to the TP comments below from the agent. In the previous comments TP expressed safety concerns for future use of the subject property due to inadequacy of the westerly access. The response letter provided additional field data on the road grade and updated vehicle turning simulation. After reviewing the submittal, TP reconsidered the previous comments and determines that the issues are not as pronounced as previously thought. TP approved the TIA as it is. However, the improvements may be required if a facility permit process finds the issues valid.

The analyst response letter and the updated Fig 5 are attached.



[Fwd: FW:
vanson Noti TIA gra

Shashi Bajracharya, P.E.

Sr. Engineering Associate
Transportation Planning Division
Lane County PWD,
3040 North Delta Highway
Eugene, OR 97408
(541) 682 6932

From: BAJRACHARYA Shashi
Sent: Friday, June 27, 2008 11:27 AM
To: EICHNER Lindsey A
Cc: RANDALL Darrell L; BAJRACHARYA Shashi; FIELDS Phil; LEMHOUSE Brad; PETSCH John S
Subject: PA07-5430, zone change, Swanson Group, Noti Lp Rd

TP File No.: 9377
LMD File No.: PA 07-5430
Applicant: Swanson Group

Agent: Ron Funke
Location: Noti Loop Rd
TRS: 17-06-30, 17-06-30-03
Tax Lot: 2100,2200
3200,3300,3500,3600,3700,3800,3900,4100,4200,4300,4500,4600,5100

Proposal: Plan amendment from Residential Zone to Industrial Zone

Comments from Lane County Transportation Planning

Transportation Planning reviewed the Swanson Group Site Traffic Impact Analysis prepared by Access Engineering. The TIA is prepared as part of the zone change proposal to the Swanson Group property on Noti Loop Rd. The proposal is to change residential zone to industrial zone of the parcels abutting Noti Loop. The zone change proposal would allow the group to expand the saw mill, relocate one of the existing driveways on Noti Loop Rd. The residential property accesses are proposed for closing.

Transportation Planning concurs with the approach of analysis. The analysis points out two transportation safety issues. However, we did not find recommendations to improve safety conditions in the analysis.

(1) The road condition does not provide enough sight distance for left-turn maneuvers from Noti Lp to the property. The proposed ingress location provides only 500 feet of sight distance when 551 feet sight distance is required, according to the AASHTO Exhibits 9-66 (Case F). The analyst applied a reduction in sight distance which is not applicable when the grade is 3% or less. The road needs to be improved to operate long truck on Noti Loop ingress.

(2) The new westerly access proposal does not provide safe intersection geometry. Figure 5 in the analysis report shows the travel path simulation of the design vehicle WB-67. Transportation Planning does not agree with the analyst conclusion that the wheel path trace on the driveway intersection facilitates safe access for truck uses. It is evident from figure 5 that the geometrical constraint does not provide the throat length and radius required for safe ingress. The deficiency has potential safety impact to Noti Loop Road operation.

Transportation Planning will recommend the zone change proposal only when improvements addressing the two safety issues are performed to TP's satisfaction.

A Facility Permit shall be required for placement of facilities within the right-of-way of Noti Loop Rd. Facilities and development includes, but is not limited to, road improvements, sidewalks, new or reconstructed driveway or road approach intersections, utility placements, excavation, clearing, grading, culvert placement or replacement, storm water facilities, or any other facility, thing, or appurtenance [LC 15.205(1)]. A facility permit is also required for closing the existing driveways.

Thanks for providing us the opportunity to comment on the proposal. Please contact 682-6902 or visit <http://www.lanecounty.org/RightOfWay> for information about facility permits and associated fees.

Shashi Bajracharya, P.E.

Sr. Engineering Associate
Transportation Planning Division
Lane County PWD,
3040 North Delta Highway
Eugene, OR 97408
(541) 682 6932

EICHNER Lindsey A

From: BAJRACHARYA Shashi
Sent: Thursday, July 03, 2008 8:34 AM
To: EICHNER Lindsey A
Subject: FW: [Fwd: FW: Swanson Noti TIA grade %]

Attachments: Fig-5-Rev.pdf; Sashi_ResponseLetter.pdf; ronfunke.vcf



Fig-5-Rev.pdf (116 KB)



Sashi_ResponseLetter.pdf (1 MB...)



ronfunke.vcf (413 B)

-FYI

-----Original Message-----

From: Ron Funke [mailto:ronfunke@customplanningservices.com]
Sent: Thursday, July 03, 2008 8:29 AM
To: BAJRACHARYA Shashi
Subject: [Fwd: FW: Swanson Noti TIA grade %]

Sashi,

I am forwarding Mike Weisher's (Access Engineering) letter in response to your concerns about Swanson's plans for redesigning their ingress and egress designs for their log yard on Noti Loop Rd.

I would appreciate it if you to re-evaluate Swanson's designs with these clarifications in mind.

Thank You,

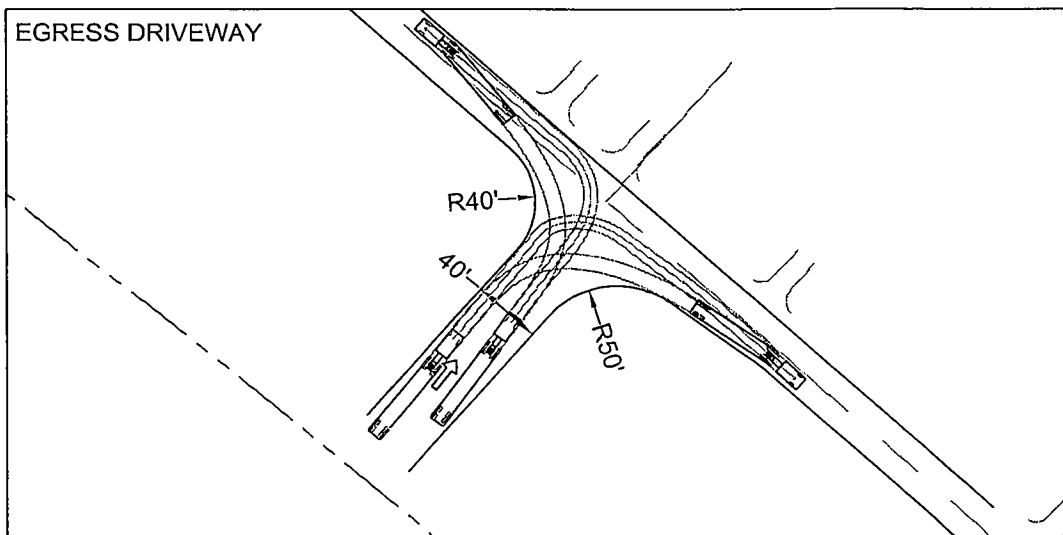
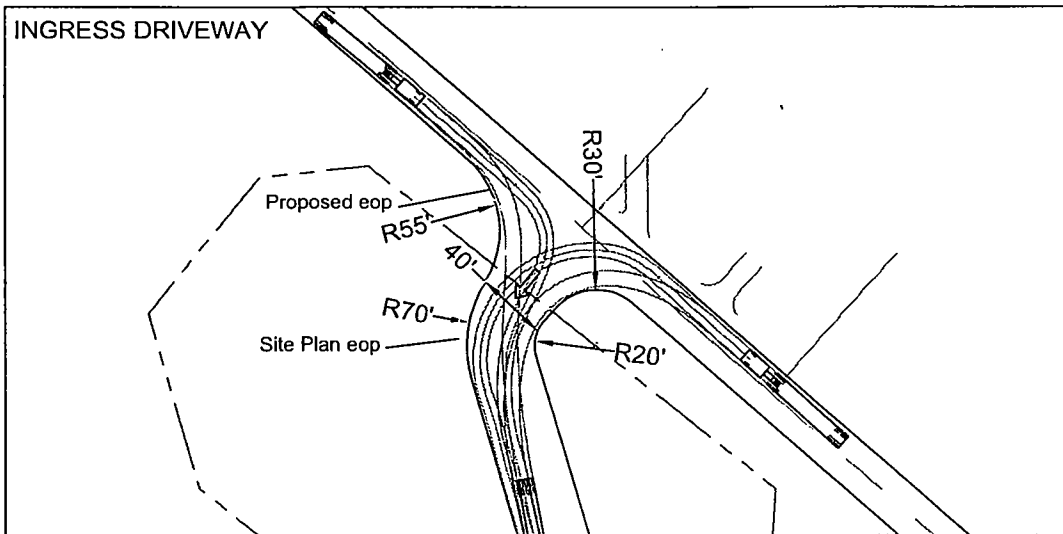
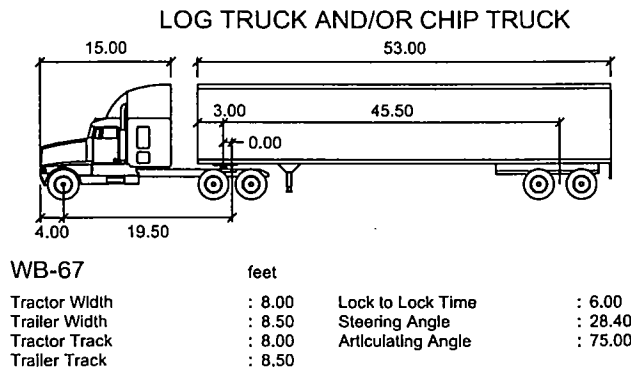
Ron

--

Ron R. Funke, AICP
Custom Planning Services
2595 Charnelton St.
Eugene, Oregon 97405
(541) 302-4993 phone
(541) 302-3300 fax

Figure 5

Swanson Group Mill Expansion Traffic Impact Study
Truck Turning Requirements





Access Engineering LLC

July 2, 2008

Shashi Bajracharya, PE
Lane County Public Works
3040 North Delta Highway
Eugene, OR 97408

RE: TP File: 9377 - Swanson Group Site TIA Response to County Comments

Thank you for your review of the Swanson Group Site TIA. However, we disagree with the two safety issues asserted in your email response to Ron Funke.

The first issue raised was the required sight distance at the proposed entrance driveway. You did not allow the distance reduction factor of 0.9 and said this reduction is not applicable when the grade is 3% or less. Grade measurements were made by staff using an Abney level. Measurements were taken every 100 feet for the grade on Noti Loop Road from the curve eastbound toward the Existing log yard entrance. The results were as follows:

First 100' @ 7%

100' @ 4.5%

100' @ 5.5%

100' @ 7.5%

100' @ 7.0% (proposed entrance in the middle of this segment)

100' @ 5.5%, ending at Center Line of the existing log yard entrance.

The data clearly shows that the grade is greater than 3%, therefore the reduction is valid and the sight distance is adequate for Case F.

The second issue results from poor labeling and too large a viewport in Figure 5. I believe the line you identified outside the edge of pavement (eop) is the original eop line proposed on the site plan. A revised figure is attached and shows that all wheel paths (red) are contained in the proposed throat pavement with at least 2 feet of clearance to the eop (black). The original eop from the site plan is shown dashed (green). The truck turns were made using AutoTurn at 10 MPH. Based on this information we are confident that the truck can enter the site safely and efficiently.

Please take this information into account in your review. I believe that you will find that the safety issues are satisfied and you will approve this zone change.

Sincerely,



Renews: 6/30/10

Michael Weishar, PE
Access Engineering LLC

114 E. 13th Ave, Suite 2

Eugene, Oregon 97401

Phone & Fax

541-485-3215

info@accesseng.com

Transportation Engineering

Traffic Design

Trip Generation

Access Management

Traffic Counts