

W. g. a.

AGENDA COVER MEMO



DATE: March 26, 2010 (Date of Memo)
April 14, 2010 (Date of First Reading)
April 28, 2010 (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

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

AGENDA ITEM TITLE: ORDINANCE NO. PA 1269 -- IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "INDUSTRIAL" TO "RESIDENTIAL" AND REZONING THAT LAND FROM "RI/RCP, RURAL INDUSTRIAL" TO "RR-5/RCP, RURAL RESIDENTIAL"; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (File PA 08-5793: Hastings)

I. MOTION

1. **April 14, 2010:** I MOVE APPROVAL OF THE FIRST READING OF ORDINANCE PA 1269 AND SETTING THE SECOND READING AND PUBLIC HEARING FOR APRIL 28, 2010, AT 1:30 P.M. IN HARRIS HALL, PUBLIC SERVICES BUILDING.
2. **April 28, 2010:** ALTERNATIVE MOTIONS AFTER THE PUBLIC HEARING:
 - A. I MOVE TO APPROVE ORDINANCE NO. PA 1269.

OR

- B. I MOVE TO TENTATIVELY APPROVE ORDINANCE NO. PA 1269 SUBJECT TO REVISED FINDINGS.

OR

- C. I MOVE TO TENTATIVELY DENY THE APPLICATION IN FILE PA 08-5793 AND DIRECT STAFF TO PREPARE AN ORDER WITH APPROPRIATE FINDINGS FOR FINAL ACTION.

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 June of 2008, application was made to redesignate a 0.9 acre parcel from "Industrial" to "Residential" and rezone it from "RI/RCP, Rural Industrial" to "RR-5/RCP, Rural Residential". The property is identified as Assessor's Map 17-02-03, tax lot 900.

On February 2, 2010, the Lane County Planning Commission held a public hearing on the proposal. The Commission forwarded a unanimous recommendation for approval, by an 8:0 vote. No parties objected to the request.

B. Analysis

The application is being made pursuant to Lane Code 16.400, which governs amendments to the Rural Comprehensive Plan, and LC 16.252, which governs rezoning actions. The proposal is also subject to compliance with the Statewide Planning Goals, RCP Goals and policies, the General Purpose Statements of LC 16.003, as well as the purpose of the Rural Residential ordinance, LC 16.290. No exceptions to resource goals are required, as such was taken in 1984 during the acknowledgement process.

The property has been used intermittently as a small cabinet manufacturing shop and residence for the shop owner. Lane County Building Permit 1307-70 (for an addition to a shop) documents the existence of a cabinet shop and residence (trailer) on the property as of August 17, 1970. The applicant purchased the property from the previous shop owner and currently uses the entire structure as a residential dwelling, and makes no industrial use of the property.

Please refer to the attached Planning Commission staff report for further details. Also attached is Ordinance No. PA 1269 with exhibits, including the applicant's draft findings. The applicant's draft findings also include a more detailed discussion of the property.

If the Board agrees with the applicant's draft findings, the proposal is justified in that the plan amendment is desirable, appropriate, and proper, in light of the existing rural residential use on the property and the character of the surrounding area. The rezone appears to achieve the general purpose of LC Chapter 16, is not contrary to the public interest, and is consistent with the purpose statement of the RR zone. Please refer to the findings for further details.

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 submitted concerning this item, it will be delivered to the Board in a supplement or delivered at the hearing.

Lane County Planning Commission Action

The issues were presented to LCPC for its evaluation in a public hearing on February 2, 2010. The Commission deliberated the proposal, and forwarded a unanimous recommendation for approval, by an 8:0 vote. Commission reasoning is set forth in the Minutes of the meetings, which are attached to this packet. Staff suggests the Board review the Planning Commission record (Minutes) and reach its own conclusion on the issues.

C. Alternatives/Options

1. Adopt the Ordinance as presented.
2. Adopt the Ordinance with enhanced findings.
3. Do not adopt the Ordinance and deny the application.

D. Recommendations

Staff recommends adoption of alternative #1.

E. Timing

The Ordinance does not contain an emergency clause.

IV. IMPLEMENTATION/FOLLOW-UP

Should the Board decide against the proposal (Alternative 3), an Order with findings setting forth the Board's reasons for denying the Ordinance will need to be prepared and returned to the Board for adoption. Notice of Board action will be provided to DLCD, and all parties. If the Board adopts the Ordinance as presented or modified, notice will also be provided.

V. ATTACHMENTS

1. Ordinance PA 1269 with Exhibits "A" through "C" (22 pages)
2. LCPC Staff Report for February 2, 2010 public hearing, including original submittal (32 pages)
3. Minutes of LCPC meeting of February 2, 2010, including exhibits introduced at hearing (7 pages)

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 1269) IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO
) REDESIGNATE LAND FROM "INDUSTRIAL" TO "RESIDENTIAL" AND
) REZONING THAT LAND FROM "RI/RCP, RURAL INDUSTRIAL" TO "RR-5/RCP,
) RURAL RESIDENTIAL"; AND ADOPTING SAVINGS AND SEVERABILITY
) CLAUSES (File PA 08-5793: Hastings)

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 June 2008, application no. PA 08-5793 was made for a minor amendment to redesignate tax lot 900 of map 17-02-03 from "Industrial" to "Residential" and concurrently rezone the property from "RI/Rural Industrial" to "RR-5/Rural Residential"; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearing of February 2, 2010, and 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 lot 900 of Assessor's Map 17-02-03 from "Industrial" to "Residential", such territory depicted on Official Lane County Plan Map 1702 and further identified in Exhibit "A" attached and incorporated herein.

Section 2. Tax lot 900 of Assessor's Map 17-02-03 is rezoned from "RI/Rural Industrial" (Lane Code 16.291) to "RR-5/Rural Residential" (Lane Code 16.290), such territory depicted on Official Lane County Zoning Map 1702 and further identified 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.

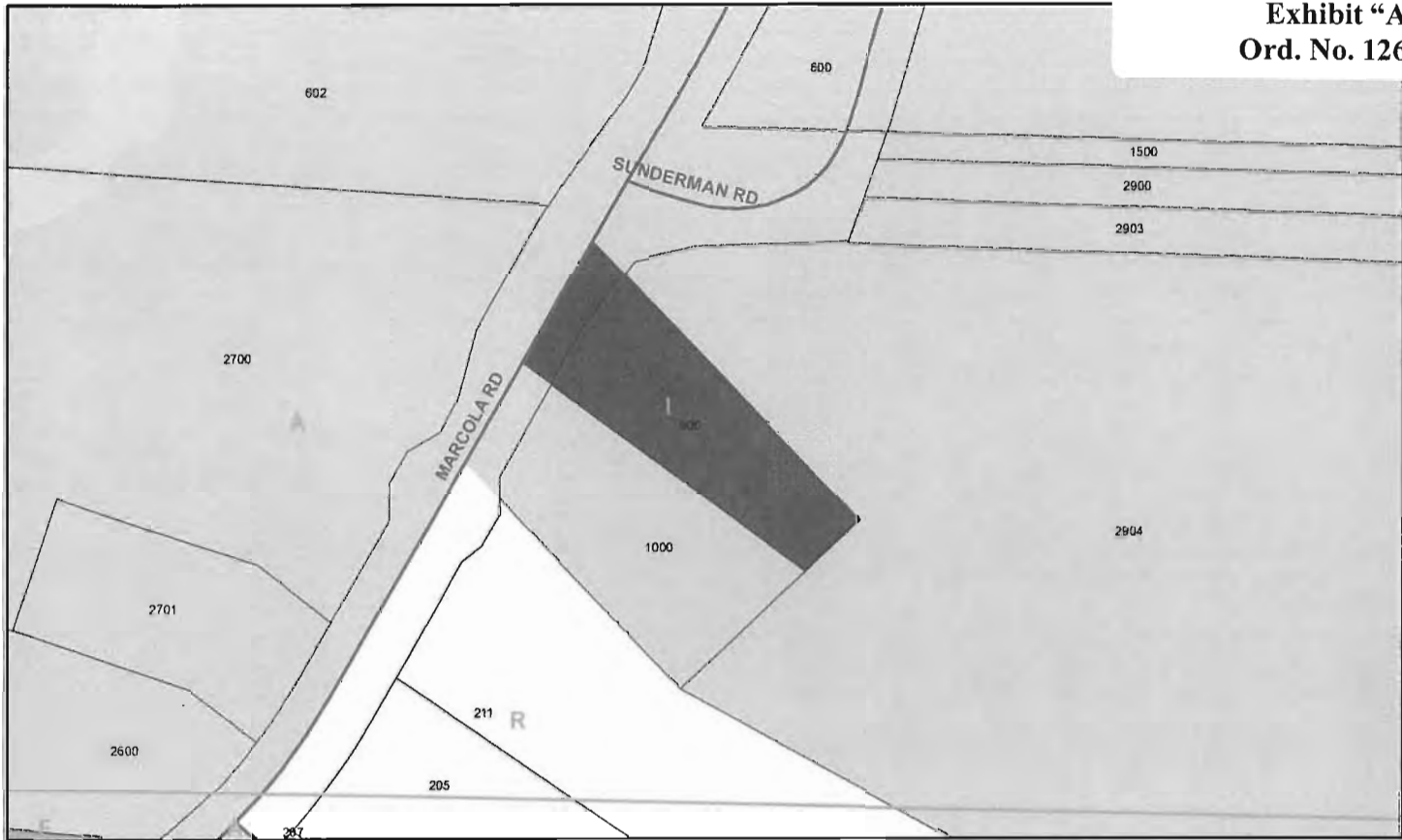
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity to the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

ENACTED this ____ day of _____, 2010.

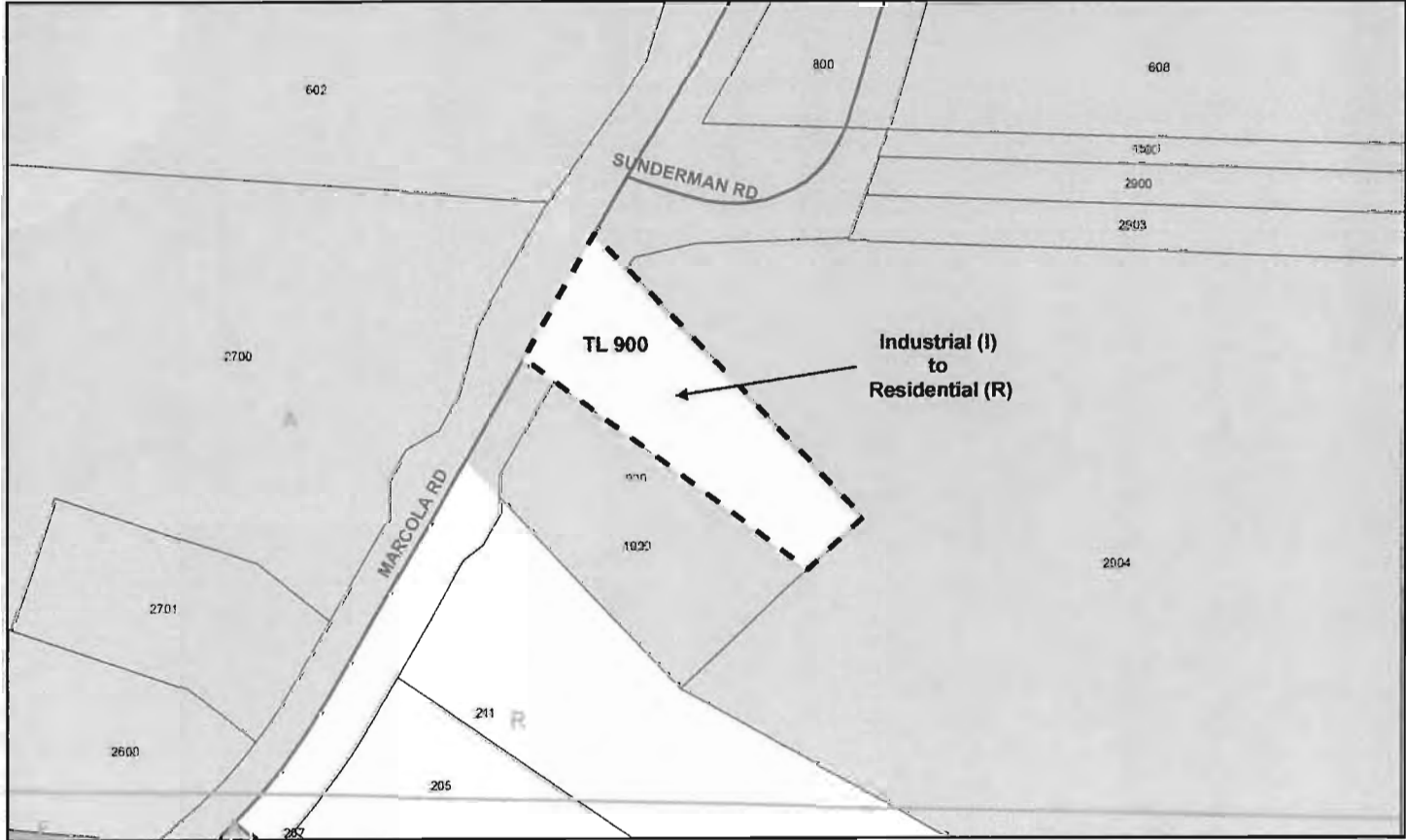
Chair, Lane County Board of County Commissioners

Recording Secretary for this Meeting of the Board

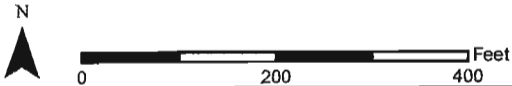
APPROVED AS TO FORM
DATE 4-14-2010
Stephen J. Lahee
CLERK OF COUNTY COMMISSIONERS

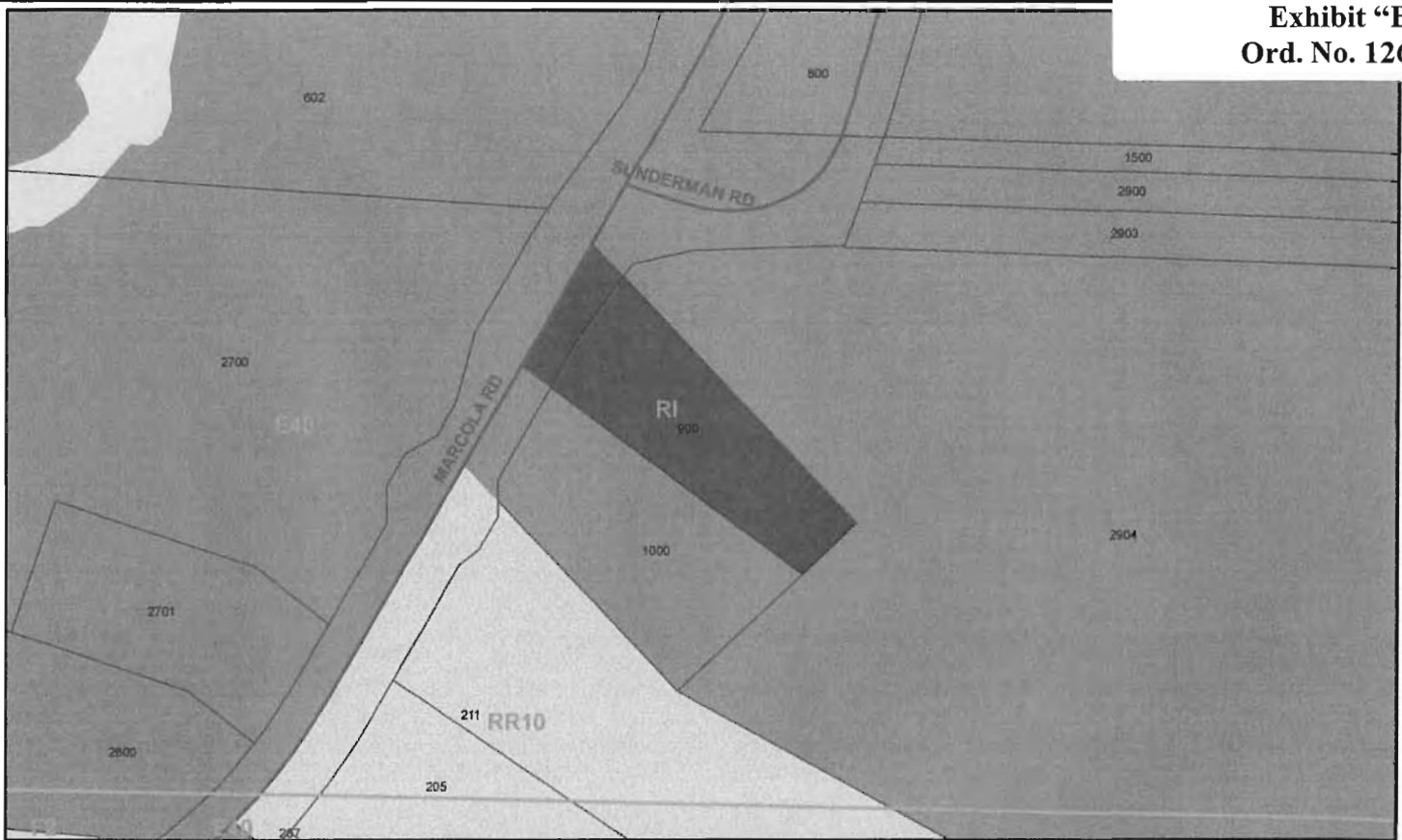


Existing Plan Designation

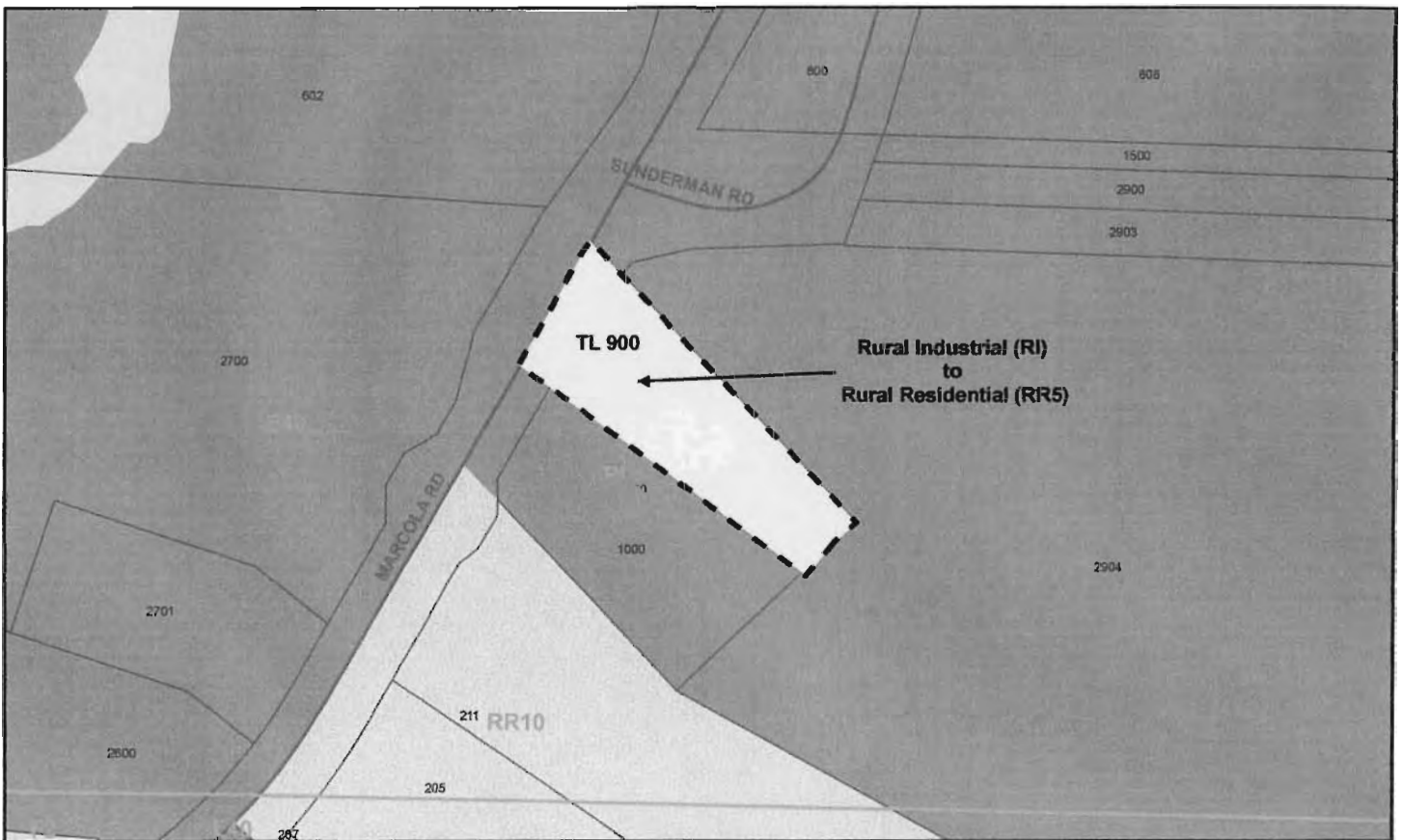


Change being enacted by PA 08-5793 on Official Plan Map 1702

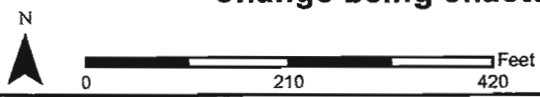




Existing Zoning



Change being enacted by PA 08-5793 on Official Zone Map 1702



FINDINGS OF FACT AND CONCLUSIONS OF LAW

for

MINOR AMENDMENT OF THE LANE COUNTY

RURAL COMPREHENSIVE PLAN

and

ZONE CHANGE FROM RURAL INDUSTRIAL

to

RURAL RESIDENTIAL

PA 08-5793

DEBRA C. HASTINGS

**90149 Marcola Road
SPRINGFIELD, OR 97478**

**Submitted by:
P. STEVEN CORNACCHIA
HERSHNER HUNTER, LLP**

Applicant: Debra C. Hastings
P.O. Box 61
Eugene, OR 97440

Property Owner: Debra C. Hastings

Property Location: Located on east side of Marcola Road and
Approximately 100 from the intersection
of Marcola Road and Sunderman Road in
Springfield, Lane County, Oregon

Assessor's Map and Lot: Assessor's Map No. 17-02-03, Tax Lot 900

Current County Zoning: Rural Industrial

Attorney-Consultant: P. Steven Cornacchia
Hershner Hunter
180 E. 11th Avenue
Eugene, Oregon 97401

1. INTRODUCTION.

The applicant is requesting approval of an amendment of the Lane County Rural Comprehensive Plan (RCP) to re-designate the subject property from Rural Industrial (RI) to Rural Residential (RR5) and an amendment of the RCP map to re-designate the subject property from Industrial to Rural Residential.

The applicant seeks an amendment of the Lane County Rural Comprehensive Plan (RCP) Map to change the designation of 0.91 acres of land from Rural Industrial to Rural Residential. The applicant also seeks a concurrent rezone of that land from Rural Industrial (RI) to Rural Residential (RR5). The subject property is located just south of the intersection of Marcola Road and Sunderman Road in Springfield, Oregon.

Approval of the application will result in a reduction in the intensity of uses that can occur on the subject property and will bring use of the subject property into consistency with the rural residential and agricultural uses in the nearby area of the lower Mohawk Valley.

All requests for RCP amendments must comply with the RCP, Lane Code and the Statewide Planning Goals.

The Lane County Planning Commission held a public hearing on the application on February 2, 2010, and following the close of that hearing, voted unanimously to recommend to the Lane County Board of Commissioners that the application be approved.

Based upon the evidence and testimony contained in the application and public hearings, the Lane County Board of Commissioners makes the following findings of fact and conclusions of law to support its decision that this application demonstrates that a change in the use of the subject property pursuant to a change in the planning and zoning designation of the property, from industrial to residential, complies with the RCP, Lane Code and the Statewide Planning Goals. Furthermore, the Board of County Commissions finds as follows in support of approval of the subject application.

2. BACKGROUND INFORMATION

2.1 GENERAL SITE DESCRIPTION

The property that is the subject of this application contains approximately 0.91 acres and is located immediately south of the intersection of Marcola Road and Sunderman Road in Springfield Oregon. The subject property is located outside of the Springfield Urban Growth Boundary. The property is zoned Rural Residential (RI). The property is the only land designated for industrial use in the immediate vicinity and in the lower Mohawk Valley. All other land in the vicinity is designated for agricultural and rural residential use.

The property is described as Tax Lot 900 of Lane County Assessor's Map No. 170203. A copy of that map is attached to the application as Exhibit A. The subject property is a legal lot,

created in 1959 by deed recorded at R120 Reception No. 47247. A copy of that deed is attached to the application as Exhibit C. A copy of the Lane County Official Record of Descriptions of Real Properties, which states that the parcel was created by the 1959 deed, is attached to the application as Exhibit D. The property is bounded on the north and east by a 21.69 acre parcel zoned Exclusive Farm Use and by the Springfield Country Club, on the west by Marcola Road, and on the south by small parcels of rural residential and agricultural land. Lands located west of the subject property across Marcola Road are zoned for agricultural use. The parcel adjacent to the subject property on its southern boundary is a 1.12-acre parcel that is zoned agricultural but is used exclusively for residential purposes.

The site is relatively flat, and has been developed with a structure that meets Lane County requirements for residential use. The subject property has been used intermittently over the past 30 years as a small one-person cabinet manufacturing shop and a residence for the owner of the shop. The applicant purchased the subject property from the prior shop owner. The applicant currently uses the entire structure as a residential dwelling and makes no industrial use of the property and has no need for industrial zoning. The applicant desires rural residential zoning that would be consistent with current and future use of the property.

2.2. DESCRIPTION OF PROPOSED AMENDMENTS: The application before Lane County seeks approval of the following:

- a. An amendment to the RCP diagram designating the subject property as Residential;
- b. A change in the zoning of the subject property from Rural Industrial (RI) to Rural Residential (RR5).

2. COMPLIANCE WITH STATEWIDE PLANNING GOALS

2.1 GOAL 1 - CITIZEN INVOLVEMENT

To ensure the opportunity for citizen involvement in all phases of the planning process.

Chapter Fourteen of the Lane Code provides for a notification and participation process for all quasi-judicial land use matters. Notices of public evidentiary hearings are required to be published in a newspaper of general circulation in the county in conformance with ORS 197.763. By providing the notices required by state law and the Lane Code and the public evidentiary hearings before its planning commission and board of commissioners, Lane County satisfies the requirements and intent of Goal 1.

2.2 GOAL 2 - LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

Goal 2 establishes a land use planning process and policy framework as a basis for all land use

decisions, and requires development of an adequate factual base to support those decisions. A minor change is one that does not have significant effects beyond the immediate area of change, and is based on special studies or information. The justification for the specific change must be established by substantial evidence in support of the conclusion that the applicable criteria have been met.

This application complies with Goal 2. It will be processed pursuant to the requirements of the RCP and Lane Code. Application approval does not require that an additional exception be taken to any resource goal. Lane County took a “physically developed and irrevocably committed” exception to the resource goals when the subject property was originally designated as Rural Industrial. The subject property is currently zoned Rural Industrial, a Lane County non-resource zone, and that Lane County zoning decision (and its requisite exception to resource goals) was acknowledged by the State of Oregon at the time that the Oregon Land Conservation and Development Commission acknowledged Lane County’s comprehensive plan. The Rural Industrial zoning designation allows for residential use in concert with an industrial use. Accordingly, certain provisions of OAR 660-04-0018 and OAR 660-04-0040 are applicable to this application (see Section 3.13 discussion of Goal 14 for attention to OAR 660-04-0040).

The existing residential use of the subject property will continue following approval of the application. OAR 660-004-0018(2) requires that for “physically developed” and “irrevocably committed” exceptions to goals that residential plan and zone designations shall limit uses, density and public facilities to those:

(a) That are the same as the existing land uses on the exception site. The subject property is currently in residential use and approval of the application would continue that use;

(b) That the rural uses, density and public facilities and services will maintain the land as “Rural Land” as defined by the goals. Approval of the application will result in the continuation of the existing rural residential use of the subject property. Structures cover the majority of the .91 acres of the subject property. Those structures are currently used for residential uses. The size of the subject property dictates that it cannot be further divided or developed for more intense use. The subject property will undergo no physical change and no change will occur to the existing use of the property. Therefore, the subject property will be maintained as rural land;

(c) That the rural uses, density and public facilities will not commit adjacent or nearby resource land to nonresource use. The subject property will remain in its .91 acre size and the existing residential use will continue on it. The existing use of the subject property has not had any effect on alternating the resource use of adjacent or nearby property. No rational reason has been identified to demonstrate that continued use of the subject property will commit that adjacent property to non-resource use;

(d) That the rural uses, density and public facilities and services are compatible with adjacent or nearby resources uses. The use of the subject property since its designation as rural industrial has produced no known conflicts with adjacent or nearby resource uses. The subject property will remain the same size and will harbor the same residential use as currently exists. No rational reason has been identified to demonstrate that continued use of the subject property

will conflict with resource uses in the vicinity.

Approval of the application will be consistent with OAR 660-004-0018.

2.3 GOAL 3 - AGRICULTURAL LAND

To preserve and maintain agricultural lands.

Goal 3 provides for the protection of agricultural lands as those are defined under the goal. Goal 3 is not applicable to this application. There has previously been a legislative determination by Lane County, as embodied in the acknowledged Rural Comprehensive Plan, that the subject property is not agricultural land (pursuant to the exceptions discussed hereinabove). The subject property was zoned for industrial use in 1984 and that zoning was acknowledged by LCDC at the time the State of Oregon acknowledged Lane County's Rural Comprehensive Plan. The property has been zoned for industrial use thereafter to the present time. Approval of the application will continue the allowed and existing residential use authorized by the exception.

Approval of the application will be consistent with the purpose and intent of Goal 3.

2.4 GOAL 4 - FOREST LANDS

To preserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Goal 4 provides for the protection of forest lands as those lands are defined under the goal. Goal 4 defines "Forest Lands. Goal 4 is not applicable to this application. There has previously been a legislative determination by Lane County, as embodied in the acknowledged Rural Comprehensive Plan, that the subject property is not forest land (pursuant to the exceptions discussed hereinabove). The subject property was zoned for industrial use in 1984 and that zoning was acknowledged by LCDC at the time the State of Oregon acknowledged Lane County's Rural Comprehensive Plan. The property has been zoned for industrial use thereafter to the present time. Approval of the application will continue the allowed and existing residential use authorized by the exception.

Accordingly, application approval is consistent with Goal 4.

2.5 GOAL 5 - OPEN SPACE, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

To conserve open space and protect natural and scenic resources.

There has previously been a legislative determination by Lane County that no Goal 5 resources exist on the subject site. The subject property has not been included in any inventory of needed

open space or scenic areas defined by Goal 5, nor has it been identified in the RCP as having any historic, cultural or natural resources which need to be preserved and/or protected. The proposed amendments will not conflict with any Goal 5 resources.

2.6 GOAL 6 - AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

Goal 6 requires that air, land and water resources of the state be maintained and improved by assuring that future development, in conjunction with existing development, does not violate applicable state and federal environmental quality standards, and does not exceed the carrying capacity of local airsheds, degrade land resources or threaten the availability of such resources. The State of Oregon and Lane County have sufficient regulatory measures in place so as to ensure that existing land use activities, as well as any future development on the site, will not produce any unanticipated impacts resulting from the proposed amendments.

The proposed amendments will not produce results that will be in conflict with or inconsistent with the purpose and intent of Goal 6.

2.7 GOAL 7 AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

To protect life and property from natural disasters and hazards.

The phrase “areas of natural disasters and hazards” means “areas that are subject to natural events that are known to result in death or endanger the works of man, such as stream flood, in ocean flooding, ground water, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.” OAR 660-015-0000. There are no such areas known on the subject property. The proposed use of the expansion area will be consistent with the purpose and intent of Goal 7.

2.8 GOAL 8 - RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state.

There has been a legislative determination by Lane County through its comprehensive planning process, as implemented by the RCP diagram, that the subject property is not needed for recreational facilities or opportunities. Identified recreational needs have been provided for on other sites within Lane County. The proposed amendments are therefore consistent with Goal 8.

2.9 GOAL 9 - ECONOMY OF THE STATE

To diversify and improve the economy of the state.

Goal 9 is primarily focused on commercial and industrial development within urban areas. OAR 660-009-0010(1) specifically limits the application of Goal 9 to comprehensive plans for areas within urban growth boundaries. Goal 9 is not directly applicable to rural residential use in a non-resource designation.

Approval of the application will be consistent with the intent and purpose of Goal 9.

2.10 GOAL 10 – HOUSING

To provide for the housing needs of the citizens of the state.

The primary purpose of Goal 10 is to ensure that sufficient buildable land is available to provide for a full range of housing needs within urban areas and to avoid creating shortages of residential land which would artificially restrict market choices in housing type, price range or location. The goal's definition of "buildable land," for example, is limited to lands in urban and urbanizable areas. The subject property is outside any urban growth boundary. To the extent that Goal 10 is applicable or relevant to rural areas, application approval will comply with the goal because it will result in the potential for additional dwelling units.

2.11 GOAL 11 - PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

Goal 11 addresses facilities and services in urban and rural areas. The subject property is "rural" land and will remain rural after application approval, as discussed in connection with Goal 14. RCP Policies describe the minimum level of services for non-resource areas in rural Lane County. Those services are: schools, on-site sewage disposal, individual water supply system, electrical service, telephone service, rural level fire and police protection and reasonable access to solid waste disposal. See Goal 11, Policy 6.e., k. The services now available to the subject property, or proposed to be developed, include: Schools - Springfield No. 19; On-site sewage disposal - individual septic systems; Water supply – individual wells; electrical system – Emerald People's Utility District; Telephone service - Qwest; Fire protection – Springfield Department of Fire and Life Safety; Police protection - Lane County Sheriff and Oregon State Police; Solid waste disposal – County Refuse and Transfer Co.

To the extent that Goal 11 is applicable to the application, approval of the application will be consistent with the intent and purpose of the goal.

2.12 GOAL 12 – TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

The intent of Goal 12 is implemented through the provisions of the State Transportation Planning Rule (TPR) (OAR 660, Division 12), which was adopted by LCDC in 1991. OAR 660-012-0060(1) requires that "amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility." The rule specifies what constitutes a "significant affect." OAR 660-012-0060(1) provides:

"A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.”

The proposed development of the subject property will not trigger this section of the rule. It will not have a significant affect on Marcola Road as measured by any of the standards listed above. Lane Code 15.697(1) provides that a traffic impact analysis may be required for any plan amendment proposal, unless waived by the County Engineer as specified in Lane Code 15.697(2). Lane Code 15.697(2) provides that the County Engineer may waive traffic impact analysis requirements specified in LC 15.697(1) when, in the case of a plan amendment, the scale and size of the proposal is insignificant, eliminating the need for detailed traffic analysis of the performance of roadway facilities for the 20-year planning horizon. Lane Code 15.697(2)(b) provides that, generally, a waiver of a Traffic Impact Analysis will be approved when the plan designation or zoning that results will be entirely residential and the allowed density is not likely to result in creation of more than 50 lots and there is adequate information for the County Engineer to determine that a transportation facility is not significantly affected as defined in Lane County Transportation System Plan Policy 20-d.

The Lane County Transportation Division, for the County Engineer, has determined that no traffic impact analysis is required for approval of the application.

Application approval will result in a rural residential designation and zoning for the subject property that will result in the development of no more than one lot.

Application approval will result in the subject property generating approximately 10 residential trips per day. Those anticipated trips will be a reduction in the approximate amount of potential trips per day generated by industrial and residential uses allowed under the current zoning. The traffic impact on Marcola Road from use of the subject property following application approval will be reduced. The scale and size of the proposed residential use is insignificant from a traffic

perspective. Since the proposed use is insignificant, no detailed traffic analysis of the performance of roadway facilities is needed or warranted. Accordingly, the County Engineer has determined that a traffic impact analysis is not needed or warranted and that Marcola Road will not be significantly affected by the exchange of a single family residence for the entire range of industrial and residential uses that could occur on the subject property pursuant to its existing industrial zoning.

Approval of the application is consistent with the intent and purpose of Goal 12.

2.13 GOAL 13 - ENERGY CONSERVATION

To conserve energy

This goal is not directly applicable to individual land use decisions. Rather, its focus is on the adoption and the amendment of land use regulations.

2.14 GOAL 14 – URBANIZATION

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

OAR 660-004-0040 specifically exempts the subject property from the provisions of Goal 14 and its implementing rules. The rule specifically states that it does not apply to “Land planned and zoned primarily for rural industrial, commercial or public use.” The subject property is currently planned and zoned for rural industrial use, with exceptions to the resource goals taken by Lane County in the decision to designate the property as rural industrial. Therefore, Goal 14 is not applicable to this application.

To the extent that Goal 14 is applicable to the application, approval of the application would be consistent with its purpose and intent.

2.15 GOAL 15 - WILLAMETTE RIVER GREENWAY

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

The subject property is not located within the Willamette River Greenway. Accordingly, Goal 15 is not applicable.

2.16 GOAL 16 - ESTUARINE RESOURCES

To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and

To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon’s estuaries.

The subject property contains no estuarine resources.

2.17 GOAL 17 - COASTAL SHORELINES

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelines, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics.

The subject property contains no coastal shorelines.

2.18 GOAL 18 - BEACHES AND DUNES

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas.

The subject property does not contain beaches and dunes that are described in this goal.

Application approval is consistent with this goal.

2.19 GOAL 19 - OCEAN RESOURCES

To conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.

The subject property contains no ocean resources.

3. COMPLIANCE WITH RURAL COMPREHENSIVE PLAN POLICIES

All plan amendments and zone changes must comply with the RCP and its relevant policies.¹ This section addresses the relevant plan policies and is organized by Goal.

Goal Two: Land Use Planning

Policy 11:

Land use designations and densities appropriate for developed and committed areas shall be determined through compliance with other plan policies and the following criteria:

- i. Existing development pattern and density;

Approval of the application will result in no change in the existing size, density or use of the subject property. The existing residential use of the subject property will be continued in the existing structures located on it.

Residential use of adjacent and nearby property exists in primarily small-acreage

¹ See ORS 197.175(2)(d) and LC 16.400(6)(h).

parcels. Many of those parcels are well below five acres in size. A 16-lot rural subdivision is situated just south of the subject property off Alder Branch Road. The majority of those lots are in the 5-acre range in size. The majority of agriculture-zoned land to the north of the subject property is developed with the Springfield County Club and golf course. Agricultural parcels to the west and east are in sizes usually less than 100 acres.

While the subject property is only .91 acres in size, it would, nonetheless, be consistent and compatible with adjacent uses of residential or agricultural use. Obviously, only one single family parcel and one single family residence would be allowed pursuant to the Lane Code five-acre limitation of the proposed zone.

ii. On-site sewage disposal suitability;

The subject property has previously received septic system approval from Lane County and is currently served by an individual septic system located on the property.

iii. Domestic water supply availability;

All domestic water requirements for the property can be adequately provided by the existing well on the property.

iv. Access;

The subject property has an existing access from Marcola Road that was adequate to serve industrial use of the property and is more than adequate to serve the reduced traffic of the proposed residential use.

v. Public services;

The subject property is .91 acres in size and is currently served by all required public services.

vi. Lack of natural hazards;

The lack of natural hazards has been addressed in other sections of these findings.

vii. Effect on resource lands.

Because the subject property is .91 acres in size, its change in allowed uses from industrial to residential will reduce potential adverse impacts on resource lands that could have caused by a variety of industrial uses. The property has been used for non-resource uses since its zoning in 1984 and no documented incidents of

adverse impacts to resource lands have been found. Exchanging residential use for potential industrial uses will have a positive effect on nearby resource lands with the elimination of various industrial processes and materials that would be allowed under an industrial zone.

Compliance is further demonstrated under the previous discussion of Goal 3 and Goal 4.

Goal Three: Agricultural Lands

Policy 8:

Provide maximum protection to agricultural activities by minimizing activities, particularly residential, that conflict with such use. Whenever possible planning goals, policies and regulations should be interpreted in favor of agricultural activities.

It has been demonstrated earlier in this application that removing industrial uses and supplanting them with the existing single family residence use only on .91 acres will have a positive effect on agricultural activities in the lower Mohawk valley.

Goal Four: Forest Lands

Policy 1:

Conserve forest lands by maintaining the forest land base and protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use of forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.

This policy is consistent with Statewide Planning Goal 4 by defining "forest lands" and requiring that they be used consistent with the goal. The subject property is not "forest land" as demonstrated in the previous discussion of Statewide Planning Goal 4.

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

Water Resources Policy 3:

Adequacy of water supply, particularly those relying on groundwater sources, shall be a major concern in reviewing major land use changes. For the purpose of applying this policy, major land use change shall be any application reviewed by the Hearings Official or the Planning Commission.

Water Resources Policy 5:

Land use designations in the Comprehensive Plan and implementing zoning shall be commensurate with groundwater aquifer capabilities.

The availability of well water for domestic purposes from an existing well has been demonstrated in other sections of this application.

Goal Seven: Areas Subject to Natural Disasters and Hazards

Policy 1:

The Natural Hazards Inventory, as contained in the 1982 Natural Hazards Working Paper and associated materials, shall be used as a guide for general land use decisions. Specific land use decisions shall be based upon the inventory and upon on-site or other evaluation as appropriate.

The subject property is not inventoried in the Natural Hazards Working Paper as a site containing natural hazards.

Goal Eleven: Public Facilities and Services

Policy 1:

Lane County shall provide an orderly and efficient arrangement for the provision of public facilities, services and utilities. Designation of land into any given use category either initially or by subsequent plan amendment, shall be consistent with the minimum level of services established for that category.

Policy 6:

Land designations and service levels:

* * * *

e. Rural Residential

Description: Lands outside communities and not identified as Forest Land, Agricultural Land or Natural Resource: Mineral. These lands may have

some productive capability, however, not to the degree warranting designation as resource land. This land can be used for low-density rural residences, part-time farming and similar activities. Settlement patterns will be primarily a factor of on-site conditions. The subject property meets the description and a further discussion is held hereinabove in Goal 2, Policy 11.

Service Level: The subject property has all of the required services: schools, on-site sewage disposal, individual water supply system, electrical service, telephone service, rural level fire and police protection, reasonable access to solid waste disposal facility.

These policies are addressed in connection with the discussion of Statewide Planning Goal 11. As demonstrated in that discussion, application approval will result in a development that is served consistent with the service levels described for rural, non-community areas.

4. COMPLIANCE WITH LANE CODE CRITERIA FOR PLAN CHANGES

Lane Code 16.400(6)(h) provides the criteria for amending the RCP designation:

LC 16.400(6)(h): Method of Plan Adoption and Amendment.

- (iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings”
 - (aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all the applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

This criterion references other criteria that apply to plan changes. Those criteria are addressed in other sections of this application.

- (bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:
 - (i-i) necessary to correct an identified error in the application of the Plan; OR
 - (ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR
 - (iii-iii) necessary to comply with the mandate of local, state or federal policy or law; OR

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

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

At least two of the five criteria are relevant to this application. Section (iv-iv) provides for plan change if it implements the RCP policies. Compliance with and implementation of those policies are discussed hereinabove. As demonstrated in that earlier discussion, application approval would implement those policies.

Section (v-v) allows the county to make plan changes that are desirable, appropriate or proper. Application approval would meet that criteria. In situations where land is not suitable for farm or forest use, as determined through the exception process, and is not needed to protect natural resources or to allow farm or forest use on adjacent or nearby land, it is desirable, appropriate and proper to allow that land to be put to other productive use, including residential use, consistent with other goals and policies. Replacing industrial uses with residential use in an area that has no other industrial use and that is primarily rural residential and small farms acreages in nature would reduce the intensity of use in the area that would result in enhanced compatibility of uses of adjacent and nearby properties.

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

The compliance of this application with individual RCP policies is addressed earlier in this application.

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

The existing structure of the RCP provides for rural residential designations. A rural residential designation for the subject property is consistent with the relevant RCP policies as demonstrated throughout this application.

LC 16.400(8): Additional Amendment Provisions.

- (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(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.

The proposal has been completely described throughout this application.

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

The required analysis is provided earlier in this application.

- (iii) As assessment of the probable impact of implementing the proposed amendment, including the following:
 - (aa) Evaluation of land use and patterns of the area of the amendment;
 - (bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply, and sewage;
 - (cc) Impact of the amendment on proximate natural resources, resource lands or resource sites including a Statewide Planning Goal 5 “ESEE” conflict analysis where applicable;
 - (dd) Natural hazards affecting or affected by the proposal;
 - (gg) For a proposed amendment to a nonresource designation or a Marginal Lands 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).

The required assessments, except for the Marginal Lands Working Paper criteria, are provided in earlier sections of this application. Because the subject property is currently designated with a non-resource designation, the Marginal Land Working Paper criteria are not applicable to this application.

5. COMPLIANCE WITH LANE CODE CRITERIA FOR ZONE CHANGES

LC 16.252(2): Criteria.

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

GENERAL PURPOSES OF CHAPTER 16:

LC 16.003 provides 14 broadly-worded purpose statements that include a provision to ensure

that development is commensurate with the character and physical limitations of the land. Rezoning the subject property from RI to RR5 implements the proposed plan amendment from industrial to residential. The public interest is served by recognizing that use of the subject property as residential will reduce the intensity of use in a primarily rural residential and agricultural area and will be compatible with neighboring land uses.

LC 16.003(3) provides that the purpose of LC Chapter 16 includes the conservation of the limited supply of prime Lane County rural industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth. The subject property should not be considered prime industrial land. It is only one acre in size and cannot be combined with any adjacent property to provide for an industrial footprint larger than one acre in size. Its industrial use, a one-person cabinet shop and residence, ceased years ago and no industrial use has been made of the property thereafter. It is surrounded by rural resource and rural residential uses which provide conflicting uses to industrial uses in this area (and which industrial uses could conflict with such uses). As compared to other rural industrial areas of Lane County, particularly in the Eugene-Springfield outlying areas, the subject one-acre property, as an industrial site, is insignificant in its contribution to the industrial needs of the county. As examples, the Hwy 126 corridor contains substantial acres of industrial properties of varying sizes, including one and two-acre parcels used for small industrial enterprises, and hundreds of acres of industrially-zoned property currently exist in the Goshen area, much of it unused and lying vacant. The loss of this one-acre property to the industrial lands inventory of Lane County will not have any significant effect on that inventory or the ability of Lane County to site or maintain a small industrial use somewhere within that inventory.

PURPOSE OF RURAL RESIDENTIAL ZONE:

The Rural Residential Zone is intended to provide opportunities for people to live in a rural area, allow primary and accessory residential uses that are compatible with primary residential uses, and implement the RCP Policies related to rural residential lands. The proposed zoning is consistent with those stated purposes of the zone.

RURAL COMPREHENSIVE PLAN CRITERIA:

Goal 2, Policy 17:

Residential densities for nonresource lands shall be one residence per five or ten acres and shall be determined through consistency with other plan policies and the following criteria:

- a. Existing development pattern and density of any adjacent committed areas;
- b. Subsurface sewage disposal suitability;
- c. Domestic water supply availability;
- d. Access;
- e. Public service;

- f. Lack of natural hazards;
- g. Effect on resource lands.

See discussion of RCP Goal 2 Policy 17 earlier in this application.

LANE CODE CRITERIA:

LC 16.004(4):

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

The availability of public water for domestic purposes has been demonstrated in other sections of this application. The subject property has a well that provides domestic water supply for it. Approval of the application will result in a reduction in the intensity (rather than intensification of uses beyond normal singly-family residential usage). Because the size of the property is .9 acres and the requested residential designation contains a five-acre limitation on parcel size, no additional parcelization or subdivision of the property can occur as a result of approval of the application.

CONCLUSION

This application has addressed the applicable criteria, shown consistency with that criteria, has demonstrated good public policy through the public and private benefits accruing from its proposals.

Based on the substantial evidence presented above and included in the record of this decision, the Board of County Commissioners finds and concludes that the subject application for plan amendment and zone change meets and satisfies all of the relevant criteria and hereby is granted approval.

LANE COUNTY PLANNING COMMISSION
STAFF REPORT



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

HEARING DATE: February 2, 2010

FILE No. PA 08-5793

REPORT DATE: January 22, 2010

I. APPLICATION DESCRIPTION

A. Owner/Applicant:

Debra C. Hastings
P.O. Box 61
Eugene, OR 97440

Agent:

Steve Cornacchia / Hershner Hunter
180 E. 11th Ave.
Eugene, OR 97401

B. Proposal

To amend the Rural Comprehensive Plan to redesignate a 0.9 acre parcel from Industrial (I) to Residential (R) and to change the zoning of the parcel from Rural Industrial (RI) to Rural Residential (RR-5).

II. RECOMMENDATION

Staff recommends:

- Approval of the Plan Amendment to "Residential"; and
- Approval of the rezone to "Rural Residential", "RR-5/RCP"

III. SITE AND PLANNING PROFILE

A. Subject Property

Assessor's Map 17-02-03, tax lot 900

B. Zoning

Zoned Rural Industrial, RI/RCP; Map 1702

C. Site Characteristics

The subject property is 0.9 acres in size and is located immediately south of the intersection of Marcola Road and Sunderman Road, approximately three mile north of Springfield. The property

is relatively flat, and is developed with a structure roughly 5,600 square feet in size. Refer to page 1 of the applicant's submittal for further site details.

D. Background

The property has been used intermittently as a small cabinet manufacturing shop and residence for the shop owner. Lane County Building Permit 1307-70 (for an addition to a shop) documents the existence of a cabinet shop and residence (trailer) on the property as of August 17, 1970. The applicant purchased the property from the previous shop owner and currently uses the entire structure as a residential dwelling, and makes no industrial use of the property. Refer to page 1 of the applicant's submittal for additional background.

E. Surrounding Area

The Subject Property is surrounded on all sides by land zoned Exclusive Farm Use (E-40). Just south of the subject property is a residentially zoned area (RR-5 and RR-10), consisting of 21 parcels between one and ten acres in size. Approximately ¼ mile to the north is Mountain Shadows subdivision, which is zoned RR-2. The nearest Rural Industrial property is approximately two miles to the north and five acres in size. There is a cluster of Rural Industrial parcels, roughly 30 acres in size, further to the north in the community of Marcola. There is another cluster approximately three miles to the south, near the Eugene/Springfield Urban Growth Boundary, about 58 acres in size. Refer to page 1 of the applicant's submittal for additional discussion of the surrounding area.

F. Services

Fire: Mohawk Valley FD
Police: Lane County Sheriff, Oregon State Police
Water & Sewer: On site well and septic systems
School: Springfield No. 19
Telephone: Qwest
Power: Emerald People's Utility District
Access: Marcola Road

G. Referral Comments Received:

As of the date of this report, no comments on the proposed plan amendment and zone change have been received. Any incoming referrals received after this report will be introduced at the hearing.

IV. APPROVAL CRITERIA & ANALYSES

A. Character of the Request

The proposal is a Minor Amendment pursuant to Lane Code 16.400(6)(h) and involves a rezoning subject to LC 16.252. No exception to resource goals is required, as the property is already within a "Developed and Committed" area.

The current application, if approved with the requested "Residential" and "Rural Residential RR-5/RCP" designations, would enable any uses allowed in the Rural Residential ordinance, (LC 16.290).

B. Statement of Criteria

Lane Code 16.400(8)(a) 'Major' and 'Minor' Amendments
Lane Code 16.400(6)(h) Method of Adoption and Amendment
Lane Code 16.400(8)(c) Additional Rural Comprehensive Plan Amendment Provisions
Lane Code 16.252 Procedures for Zoning, Rezoning and Amendments to Requirements
Statewide Planning Goals
Lane County Rural Comprehensive Plan

C. Evaluation

The application is thorough and accurate, and staff agrees with the assertions made therein. Below is a breakdown of the components, with reference to the pages within the application text in which they are successfully addressed.

1. Lane Code 16.400(8)(a) 'Major' and 'Minor' Amendments

LC 16.400(8)(a) defines a 'Minor Amendment' as, "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 uses not allowed by the applicable goal."

The subject property is zoned RI. As such, Lane County has already adopted an exception for the property and received acknowledgement of the exception. Because this amendment would be "limited to the Plan Diagram", it constitutes a 'minor amendment' as this term is defined by LC 16.400(8)(a).

2. Lane Code 16.400(6)(h) Method of Adoption and Amendment

The requirements of Lane Code 16.400(6)(h) are addressed on pages 13 through 15 of the submittal. Lane Code 16.400(6)(h)(iii)(aa) requires compliance with the Statewide Planning Goals and applicable Oregon Administrative Rules. These are addressed on pages 2 through 9 of the submittal.

3. Lane Code 16.400(8)(c) Additional Rural Comprehensive Plan Amendment Provisions

Lane Code 16.400(8)(c) requires the applicant to provide information on the items listed in LC 16.400(8)(c)(i)-(iii). These are addressed on pages 14 and 15 of the submittal. These items elicit a description of the proposal and characteristics of the site and surrounding area, as well as services available.

4. Lane Code 16.252 Procedures for Zoning, Rezoning and Amendments to Requirements

This criterion requires a rezoning to comply with the criteria mentioned below. These are addressed on pages 15 through 17 of the submittal.

The rezoning must achieve the purpose of LC Chapter 16 and not be contrary to the public interest.

The "purpose" of Chapter 16 is specified in Lane Code 16.003, which is actually a list of 14 broadly worded goals and policy statements. Of these, LC 16.003(3) is most relevant, in that it

speaks to conserving prime industrial lands. The application addresses the Chapter 16 purpose statements on pages 15 and 16, and includes a thorough discussion of LC 16.003(3).

The rezoning must be consistent with specific purposes of the zone proposed.

The Rural Residential Zone, LC 16.290, contains four purpose statements: to implement the policies found in the RCP goals; to insure that residential zone land is protected from incompatible uses; to protect Class I streams on or near residential properties; and to insure that the zoning is not retroactively applied to lawful uses and development established prior to the application of the zoning to a property. The Rural Residential purpose statements are addressed on page 16 of the submittal.

The proposal meets these statements in that there is no conflict with RCP policies, that this rezone would have the effect of permitting residential rather than industrial uses on the subject property, that any development will need to comply with the riparian setbacks and vegetation removal limitations of LC 16.253, and that the zone will not be retroactively applied to lawfully established uses.

The rezoning must be consistent with the applicable RCP elements and components.

The RCP policies applicable to residential designations are discussed on pages 9 through 13 of the submittal. After review of the RCP goals, staff found no conflicts between the RCP with the proposal.

5. Lane County Rural Comprehensive Plan

The RCP is composed of various elements, including goals, policies, and ordinances, all of which have been discussed above and/or in the submittal.

V. CONCLUSION

A. Summary and Recommendation

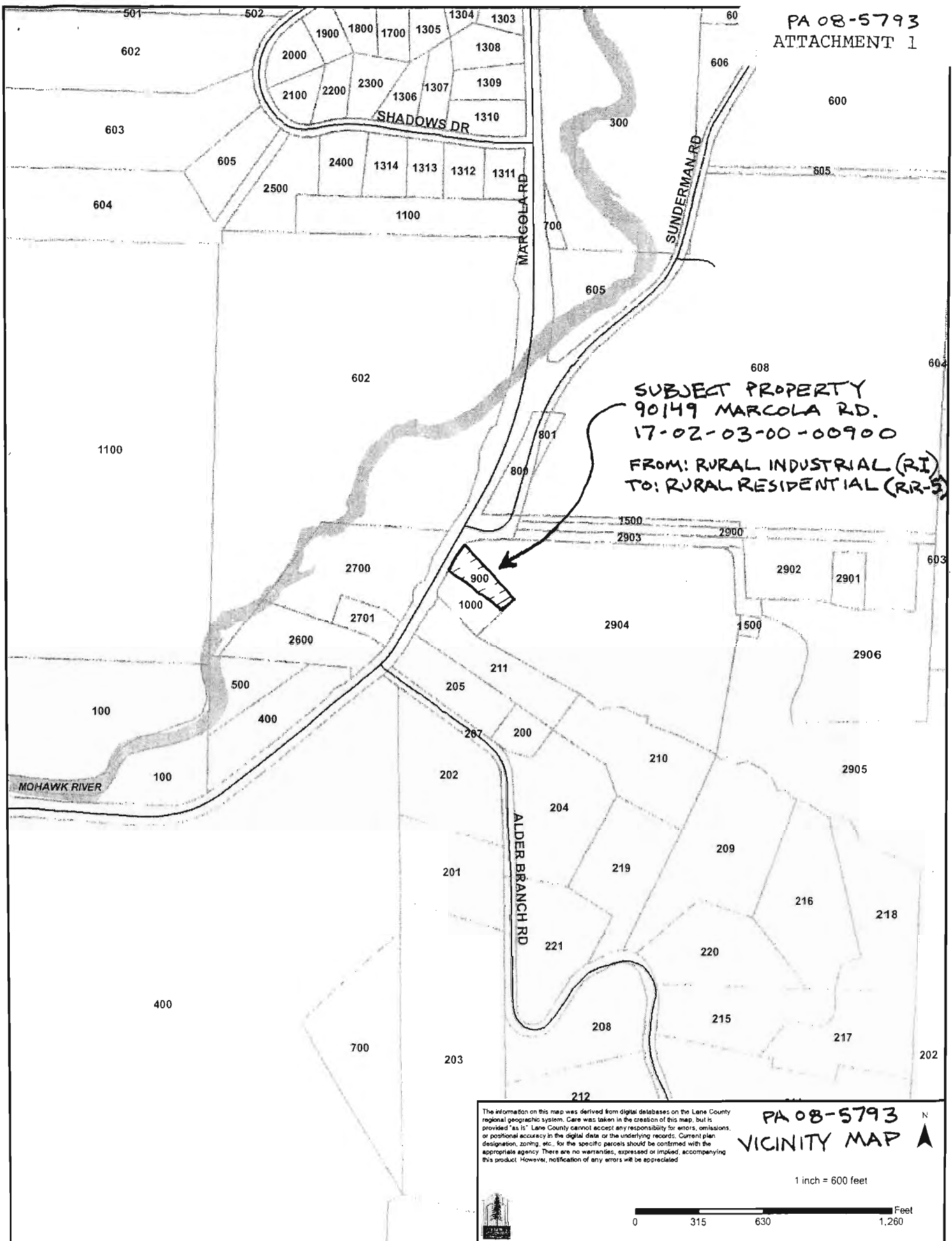
The proposal to convert the 0.9 acre property from an industrial to a residential designation is supported, or in the least, raises no conflicts with, state and local goals. Approval of the request is recommended.

B. Attachments to Staff Report

1. Vicinity Map
2. Plan and Zone maps
3. Application including Applicant's statement and exhibits, 24 pages

C. Materials to be Part of the Record

1. Staff Report
2. Applicant's statement with all exhibits
3. File PA 08-5793
4. Lane Code Chapter 14 and sections 16.252, 16.400, 16.290, and 16.292
5. Property file for 17-02-03-00-00900

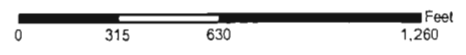


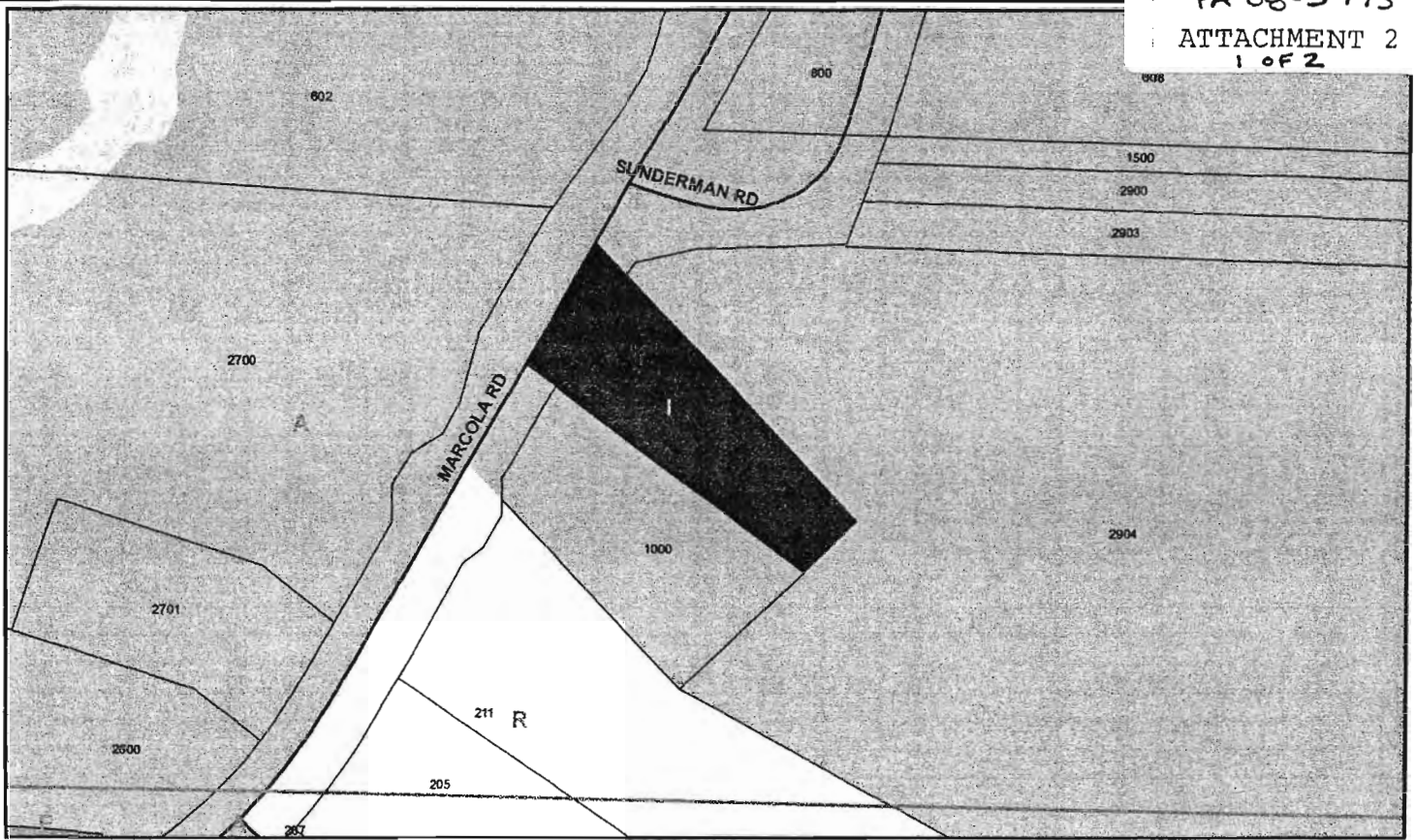
SUBJECT PROPERTY
90149 MARCOLA RD.
17-02-03-00-00900
FROM: RURAL INDUSTRIAL (RI)
TO: RURAL RESIDENTIAL (RR-5)

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.

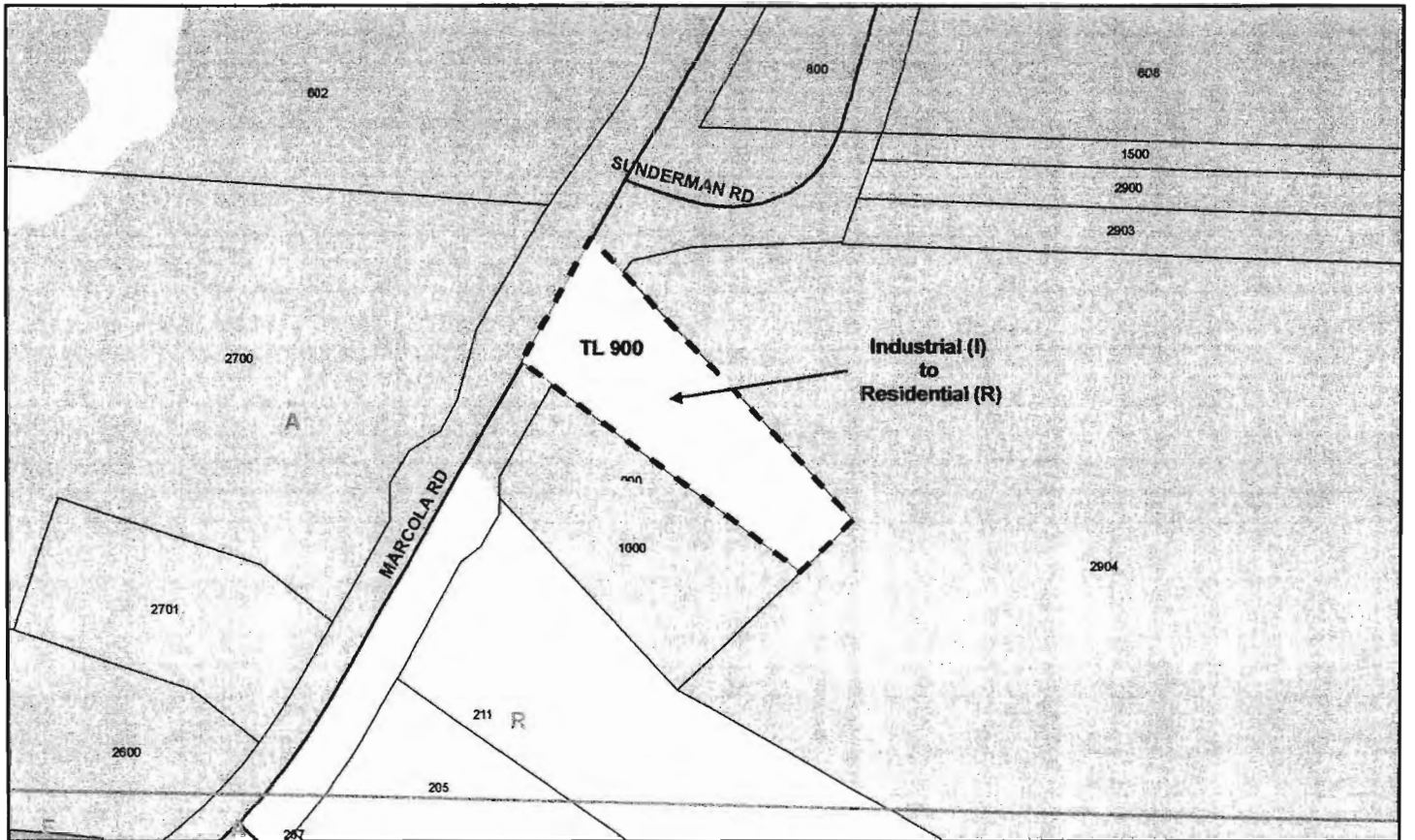
PA 08-5793
VICINITY MAP

1 inch = 600 feet



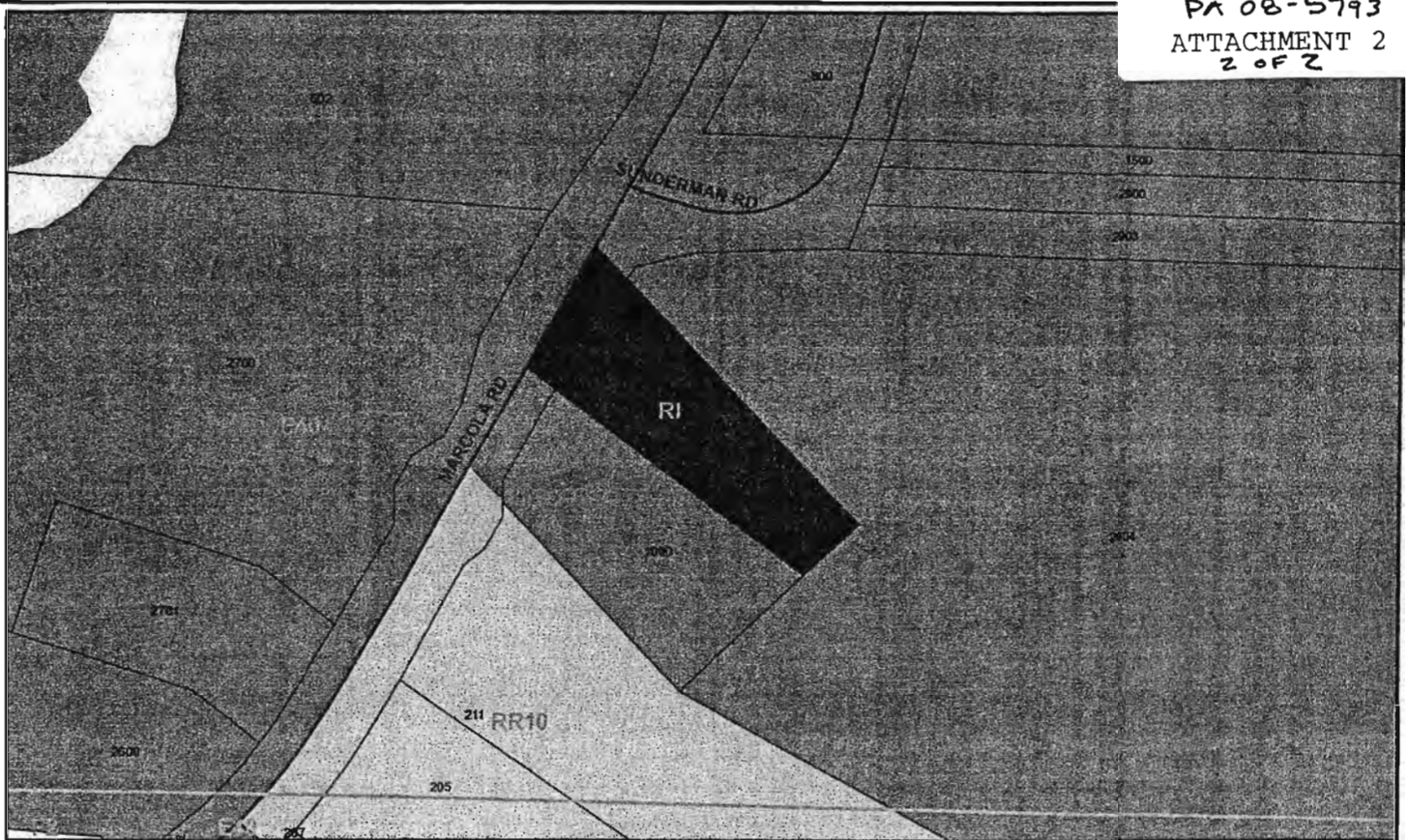


Existing Plan Designation

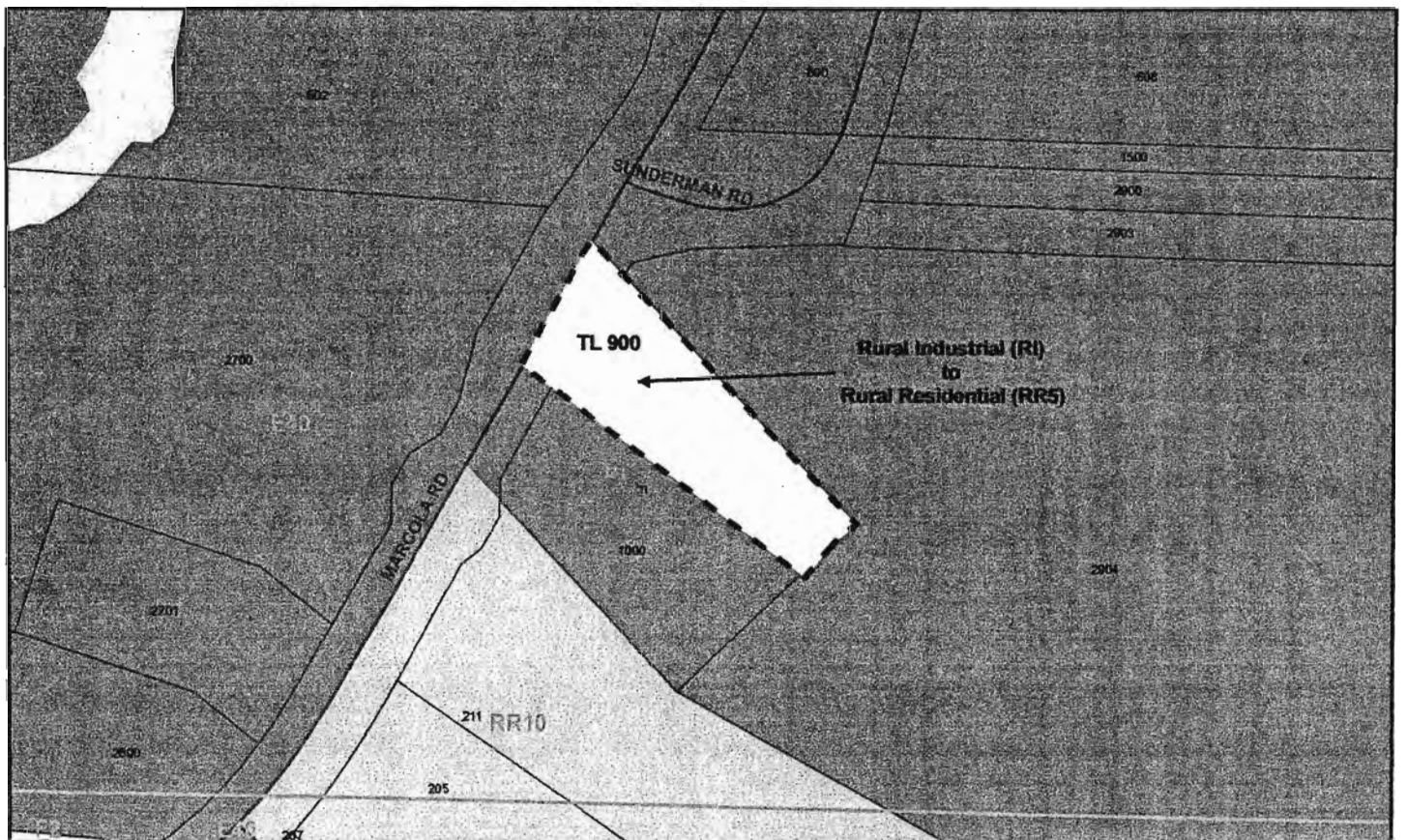


Change being enacted by PA 08-5793 on Official Plan Map 1702

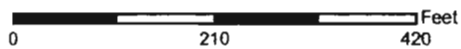




Existing Zoning



Change being enacted by PA 08-5793 on Official Zone Map 1702



LAND MANAGEMENT DIVISION



GENERAL LAND USE APPLICATION

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

For Office Use Only: FILE # 085793 CODE: PAZC FEE: 7735⁰⁰
SLP

Applicant (print name): Debra C. Hastings

Mailing address: P.O. Box 61, Eugene, OR 97440

Phone: (541) 746-6102 Email: _____

Applicant Signature: *Debra C Hastings*

Agent (print name): Steve Cornacchia

Mailing address: Hershner Hunter 180 E. 11th Avenue, Eugene, OR 97401

Phone: (541) 686-8511 Email: scornacchia@hershnerhunter.com

Agent Signature: *Steve Cornacchia*

Land Owner (print name): Same as Applicant.

Mailing address: _____

Phone: _____ Email: _____

Land Owner Signature: *Debra C Hastings*

LOCATION

17 02 03 900
Township Range Section Taxlot

90149 Marcola Road, Springfield, OR 97478
Site address

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

Amendment of RCP map and Lane County zoning map from Rural Industrial to Rural Residential (RR5).

ADJOINING OWNERSHIP Is any adjacent property under the same ownership as the subject property? List the map and tax lot(s).

No

SITE PLAN A site plan must be included. Refer to the handout entitled "How to prepare your plot plan". Identify nearby driveways. Driveways spacing standards are contained in Lane Code 15.138.

ACREAGE: 0.09 acres

DESCRIBE THE ACCESS TO THE PROPERTY (circle the answer): Marcola Road
State Hwy County Rd Public Rd Private Easement

GENERAL ACCESS REQUIREMENTS

Access to the site must comply with Lane Code Chapter 15. All lots, parcels, or building sites shall have reasonably safe and usable vehicular access either directly to a Public Road, County Road, State Road or an approved Private Access Easement. The access to the site must past a two part test. First, the site must have legal access. Second, that access must be reasonably safe and useable.

First: A lot or parcel shall be considered as having legal access for the purposes of development when the lot or parcel: (check the one that applies)

- (A) Was created in an approved and recorded land division; or
- (B) Is part of an unrecorded subdivision filed with the County as a survey recorded prior to January 1, 1955, and the roads in the unrecorded subdivision were dedicated to the County but may not have been accepted as Public Roads as defined in LC 15.010(35); or
- (C) Is adjacent to a Public Road or County Road, and meets the frontage requirements of LC 15.120; or
- (D) Is served by a Private Access Easement meeting the requirements of LC 15.055; or
- (E) Is adjacent to a state road and meets any applicable state access and permit requirements.

Second: A lot or parcel shall be considered as having reasonably safe and usable vehicular access for purposes of development if the road providing access to the lot or parcel is: (check the one that applies)

- (A) a County-maintained road or State-maintained road; or
- (B) a Public Road, Local Access Road, or Private Access Easement physically constructed and maintained to the requirements specified in this chapter; and any applicable dedication and improvement requirements of this chapter are met.

EXISTING IMPROVEMENTS Does the property contain any roads, structures, etc.?

Several small structures and driveway.

PHYSICAL FEATURES: Describe the site. Identify any steep slopes, water bodies (creeks, ponds, etc.) or other significant features. Include additional pages if necessary.

See attached narrative titled "APPLICATION."

APPROVAL CRITERIA

What criteria are applicable to this application? List the Chapter, Sections(s) and Subsection(s) from the Lane Code. For example: F2 (Impacted Forest) LC 16.211.

Base Zone: See attached narrative titled "APPLICATION."

Approval Criteria: See attached narrative titled "APPLICATION."

Combining Zone(s): None

WRITTEN STATEMENT

Explain your proposal. Attach additional pages if necessary. See attached narrative titled "application."

APPLICATION

APPLICATION: Debra C. Hastings
P.O. Box 61
Eugene, OR 97440

PROPERTY OWNER: Debra C. Hastings

PROPERTY LOCATION: Located on the east side Marcola Road and approximately 100 feet from the intersection of Marcola Road and Sunderman Road in Springfield, Lane County, Oregon.

ASSESSOR'S MAP AND LOT: Assessor's Map 17-02-03, Tax Lot 900. A copy of the Assessor's map is attached as Exhibit A. The legal description of the subject property is attached as Exhibit B.

CURRENT COUNTY ZONING: Rural Industrial

ATTORNEY – CONSULTANT: P. Steven Cornacchia
Hershner Hunter, LLP
180 E. 11th Avenue
Eugene, Oregon 97401.

SUBMISSION DATE: June 25, 2008

1. INTRODUCTION

The applicant seeks an amendment of the Lane County Rural Comprehensive Plan (RCP) Map to change the designation of 0.91 acres of land from Rural Industrial to Rural Residential. The applicant also seeks a concurrent rezone of that land from Rural Industrial (RI) to Rural Residential (RR5). The subject property is located just south of the intersection of Marcola Road and Sunderman Road in Springfield, Oregon.

Approval of the application will result in a reduction in the intensity of uses that can occur on the subject property and will bring use of the subject property into consistency with the rural residential and agricultural uses in the nearby area of the lower Mohawk Valley.

All requests for RCP amendments must comply with the RCP, Lane Code and the Statewide Planning Goals.

This application demonstrates that a change in the use of the subject property pursuant to a change in the planning and zoning designation of the property, from industrial to residential, complies with the RCP, Lane Code and the Statewide Planning Goals.

2. BACKGROUND INFORMATION

2.1. GENERAL SITE DESCRIPTION

The property that is the subject of this application contains approximately 0.91 acres and is located immediately south of the intersection of Marcola Road and Sunderman Road in Springfield Oregon. The subject property is located outside of the Springfield Urban Growth Boundary. The property is zoned Rural Residential (RI). The property is the only land designated for industrial use in the immediate vicinity and in the lower Mohawk Valley. All other land in the vicinity is designated for agricultural and rural residential use.

The property is described as Tax Lot 900 of Lane County Assessor's Map No. 170203. A copy of that map is attached as Exhibit A. The subject property is a legal lot, created in 1959 by deed recorded at R120 Reception No. 47247. A copy of that deed is attached as Exhibit C. A copy of the Lane County Official Record of Descriptions of Real Properties, which states that the parcel was created by the 1959 deed, is attached as Exhibit D. The property is bounded on the north and east by a 21.69 acre parcel zoned Exclusive Farm Use and by the Springfield Country Club, on the west by Marcola Road, and on the south by small parcels of rural residential and agricultural land. Lands located west of the subject property across Marcola Road are zoned for agricultural use. The parcel adjacent to the subject property on its southern boundary is a 1.12-acre parcel that is zoned agricultural but is used exclusively for residential purposes.

The site is relatively flat, and has been developed with a structure that meets Lane County requirements for residential use. The subject property has been used intermittently over the past 30 years as a small one-person cabinet manufacturing shop and a residence for the owner of the shop. The applicant purchased the subject property from the prior shop owner. The applicant currently uses the entire structure as a residential dwelling and makes no industrial use of the property and has no need for industrial zoning. The applicant desires rural residential zoning that would be consistent with current and future use of the property.

2.2. DESCRIPTION OF PROPOSED AMENDMENTS: The application before Lane County seeks approval of the following:

a. An amendment to the RCP diagram designating the subject property as Residential;

b. A change in the zoning of the subject property from Rural Industrial (RI) to Rural Residential (RR5).

2.3. LIST OF EXHIBITS:

Exhibit A - Assessor's Map

Exhibit B - Legal Description

Exhibit C - 1959 Prouty Warranty Deed

Exhibit D - Official Record of Descriptions of Real Properties 170203 900

3. COMPLIANCE WITH STATEWIDE PLANNING GOALS

3.1. GOAL 1 - CITIZEN INVOLVEMENT

To ensure the opportunity for citizen involvement in all phases of the planning process.

Chapter Fourteen of the Lane Code provides for a notification and participation process for all quasi-judicial land use matters. Notices of public evidentiary hearings are required to be published in a newspaper of general circulation in the county in conformance with ORS 197.763. By providing the notices required by state law and the Lane Code and the public evidentiary hearings before its planning commission and board of commissioners, Lane County satisfies the requirements and intent of Goal 1.

3.2. GOAL 2 - LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

Goal 2 establishes a land use planning process and policy framework as a basis for all land use decisions, and requires development of an adequate factual base to support those decisions. A minor change is one that does not have significant effects beyond the immediate area of change, and is based on special studies or information. The justification for the specific change must be established by substantial evidence in support of the conclusion that the applicable criteria have been met.

This application complies with Goal 2. It will be processed pursuant to the requirements of the RCP and Lane Code. Application approval does not require that an additional exception be taken to any resource goal. Lane County took a "physically developed and irrevocably committed" exception to the resource goals when the subject property was originally designated as Rural Industrial. The subject property is currently zoned Rural Industrial, a Lane County non-resource zone, and that Lane County zoning decision (and its requisite exception to resource goals) was acknowledged by the State of Oregon at the time that the Oregon Land

Conservation and Development Commission acknowledged Lane County's comprehensive plan. The Rural Industrial zoning designation allows for residential use in concert with an industrial use. Accordingly, certain provisions of OAR 660-04-0018 and OAR 660-04-0040 are applicable to this application (see Section 3.13 discussion of Goal 14 for attention to OAR 660-004-0040).

The existing residential use of the subject property will continue following approval of the application. OAR 660-004-0018(2) requires that for "physically developed" and "irrevocably committed" exceptions to goals that residential plan and zone designations shall limit uses, density and public facilities to those:

(a) That are the same as the existing land uses on the exception site. The subject property is currently in residential use and approval of the application would continue that use;

(b) That the rural uses, density and public facilities and services will maintain the land as "Rural Land" as defined by the goals. Approval of the application will result in the continuation of the existing rural residential use of the subject property. Structures cover the majority of the .91 acres of the subject property. Those structures are currently used for residential uses. The size of the subject property dictates that it cannot be further divided or developed for more intense use. The subject property will undergo no physical change and no change will occur to the existing use of the property. Therefore, the subject property will be maintained as rural land;

(c) That the rural uses, density and public facilities will not commit adjacent or nearby resource land to nonresource use. The subject property will remain in its .91 acre size and the existing residential use will continue on it. The existing use of the subject property has not had any effect on altering the resource use of adjacent or nearby property. No rational reason has been identified to demonstrate that continued use of the subject property will commit that adjacent property to non-resource use;

(d) That the rural uses, density and public facilities and services are compatible with adjacent or nearby resources uses. The use of the subject property since its designation as rural industrial has produced no known conflicts with adjacent or nearby resource uses. The subject property will remain the same size and will harbor the same residential use as currently exists. No rational reason has been identified to demonstrate that continued use of the subject property will conflict with resource uses in the vicinity.

Approval of the application will be consistent with OAR 660-004-0018.

3.3 GOAL 3 - AGRICULTURAL LAND

To preserve and maintain agricultural lands.

Goal 3 provides for the protection of agricultural lands as those are defined under the goal. Goal 3 is not applicable to this application. There has previously been a legislative determination by Lane County, as embodied in the acknowledged Rural Comprehensive Plan, that the subject property is not agricultural land (pursuant to the exceptions discussed hereinabove). The subject property was zoned for industrial use in 1984 and that zoning was acknowledged by

LCDC at the time the State of Oregon acknowledged Lane County's Rural Comprehensive Plan. The property has been zoned for industrial use thereafter to the present time. Approval of the application will continue the allowed and existing residential use authorized by the exception.

Approval of the application will be consistent with the purpose and intent of Goal 3.

3.3. GOAL 4 - FOREST LANDS

To preserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Goal 4 provides for the protection of forest lands as those lands are defined under the goal. Goal 4 defines "Forest Lands. Goal 4 is not applicable to this application. There has previously been a legislative determination by Lane County, as embodied in the acknowledged Rural Comprehensive Plan, that the subject property is not forest land (pursuant to the exceptions discussed hereinabove). The subject property was zoned for industrial use in 1984 and that zoning was acknowledged by LCDC at the time the State of Oregon acknowledged Lane County's Rural Comprehensive Plan. The property has been zoned for industrial use thereafter to the present time. Approval of the application will continue the allowed and existing residential use authorized by the exception.

Accordingly, application approval is consistent with Goal 4.

3.4. GOAL 5 - OPEN SPACE, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

To conserve open space and protect natural and scenic resources.

There has previously been a legislative determination by Lane County that no Goal 5 resources exist on the subject site. The subject property has not been included in any inventory of needed open space or scenic areas defined by Goal 5, nor has it been identified in the RCP as having any historic, cultural or natural resources which need to be preserved and/or protected. The proposed amendments will not conflict with any Goal 5 resources.

3.5. GOAL 6 - AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

Goal 6 requires that air, land and water resources of the state be maintained and improved by assuring that future development, in conjunction with existing development, does not violate applicable state and federal environmental quality standards, and does not exceed the carrying capacity of local airsheds, degrade land resources or threaten the availability of such resources. The State of Oregon and Lane County have sufficient regulatory measures in place so as to ensure that existing land use activities, as well as any future development on the site, will not produce any unanticipated impacts resulting from the proposed amendments.

The proposed amendments will not produce results that will be in conflict with or inconsistent with the purpose and intent of Goal 6.

3.6. GOAL 7 AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

To protect life and property from natural disasters and hazards.

The phrase “areas of natural disasters and hazards” means “areas that are subject to natural events that are known to result in death or endanger the works of man, such as stream flood, in ocean flooding, ground water, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.” OAR 660-015-0000. There are no such areas known on the subject property. The proposed use of the expansion area will be consistent with the purpose and intent of Goal 7.

3.7. GOAL 8 - RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state.

There has been a legislative determination by Lane County through its comprehensive planning process, as implemented by the RCP diagram, that the subject property is not needed for recreational facilities or opportunities. Identified recreational needs have been provided for on other sites within Lane County. The proposed amendments are therefore consistent with Goal 8.

3.8. GOAL 9 - ECONOMY OF THE STATE

To diversify and improve the economy of the state.

Goal 9 is primarily focused on commercial and industrial development within urban areas. OAR 660-009-0010(1) specifically limits the application of Goal 9 to comprehensive plans for areas within urban growth boundaries. Goal 9 is not directly applicable to rural residential use in a non-resource designation.

Approval of the application will be consistent with the intent and purpose of Goal 9.

3.9. GOAL 10 – HOUSING

To provide for the housing needs of the citizens of the state.

The primary purpose of Goal 10 is to ensure that sufficient buildable land is available to provide for a full range of housing needs within urban areas and to avoid creating shortages of residential land which would artificially restrict market choices in housing type, price range or location. The goal’s definition of “buildable land,” for example, is limited to lands in urban and urbanizable areas. The subject property is outside any urban growth boundary. To the extent that Goal 10 is applicable or relevant to rural areas, application approval will comply with the goal because it will result in the potential for additional dwelling units.

3.10. GOAL 11 - PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

Goal 11 addresses facilities and services in urban and rural areas. The subject property is “rural” land and will remain rural after application approval, as discussed in connection with Goal 14. RCP Policies describe the minimum level of services for non-resource areas in rural Lane County. Those services are: schools, on-site sewage disposal, individual water supply system, electrical service, telephone service, rural level fire and police protection and reasonable access to solid waste disposal. See Goal 11, Policy 6.e., k. The services now available to the subject property, or proposed to be developed, include: Schools - Springfield No. 19; On-site sewage disposal - individual septic systems; Water supply – individual wells; electrical system – Emerald People’s Utility District; Telephone service - Qwest; Fire protection – Springfield Department of Fire and Life Safety; Police protection - Lane County Sheriff and Oregon State Police; Solid waste disposal – County Refuse and Transfer Co.

To the extent that Goal 11 is applicable to the application, approval of the application will be consistent with the intent and purpose of the goal.

3.11. GOAL 12 – TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

The intent of Goal 12 is implemented through the provisions of the State Transportation Planning Rule (TPR) (OAR 660, Division 12), which was adopted by LCDC in 1991. OAR 660-012-0060(1) requires that “amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.” The rule specifies what constitutes a “significant affect.” OAR 660-012-0060(1) provides:

“A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.”

The proposed development of the subject property will not trigger this section of the rule. It will not have a significant affect on Marcola Road as measured by any of the standards listed above. Lane Code 15.697(1) provides that a traffic impact analysis may be required for any plan amendment proposal, unless waived by the County Engineer as specified in Lane Code 15.697(2). Lane Code 15.697(2) provides that the County Engineer may waive traffic impact analysis requirements specified in LC 15.697(1) when, in the case of a plan amendment, the scale and size of the proposal is insignificant, eliminating the need for detailed traffic analysis of the performance of roadway facilities for the 20-year planning horizon. Lane Code 15.697(2)(b) provides that, generally, a waiver of a Traffic Impact Analysis will be approved when the plan designation or zoning that results will be entirely residential and the allowed density is not likely to result in creation of more than 50 lots and there is adequate information for the County Engineer to determine that a transportation facility is not significantly affected as defined in Lane County Transportation System Plan Policy 20-d.

Application approval will result in a rural residential designation and zoning for the subject property that will result in the development of no more than one lot.

Application approval will result in the subject property generating approximately 10 residential trips per day. Those anticipated trips will be a reduction in the approximate amount of potential trips per day generated by industrial and residential uses allowed under the current zoning. The traffic impact on Marcola Road from use of the subject property following application approval will be reduced. The scale and size of the proposed residential use is insignificant from a traffic perspective. Since the proposed use is insignificant, no detailed traffic analysis of the performance of roadway facilities is needed or warranted. Accordingly, the County Engineer should determine that a traffic impact analysis is not needed or warranted and that Marcola Road will not be significantly affected by the exchange of a single family residence for the entire range of industrial and residential uses that could occur on the subject property pursuant to its existing industrial zoning.

Approval of the application is consistent with the intent and purpose of Goal 12.

3.12. GOAL 13 - ENERGY CONSERVATION

To conserve energy

This goal is not directly applicable to individual land use decisions. Rather, its focus is on the adoption and the amendment of land use regulations.

3.13. GOAL 14 – URBANIZATION

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

OAR 660-004-0040 specifically exempts the subject property from the provisions of Goal 14 and its implementing rules. The rule specifically states that it does not apply to “Land planned and zoned primarily for rural industrial, commercial or public use.” The subject property is currently planned and zoned for rural industrial use, with exceptions to the resource goals taken by Lane County in the decision to designate the property as rural industrial. Therefore, Goal 14 is not applicable to this application.

To the extent that Goal 14 is applicable to the application, approval of the application would be consistent with its purpose and intent.

3.14. GOAL 15 - WILLAMETTE RIVER GREENWAY

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

The subject property is not located within the Willamette River Greenway. Accordingly, Goal 15 is not applicable.

3.15. GOAL 16 - ESTUARINE RESOURCES

To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and

To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon’s estuaries.

The subject property contains no estuarine resources.

3.16. GOAL 17 - COASTAL SHORELINES

To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelines, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics.

The subject property contains no coastal shorelines.

3.17. GOAL 18 - BEACHES AND DUNES

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas.

The subject property does not contain beaches and dunes that are described in this goal.

Application approval is consistent with this goal.

3.18. GOAL 19 - OCEAN RESOURCES

To conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.

The subject property contains no ocean resources.

4. COMPLIANCE WITH RURAL COMPREHENSIVE PLAN POLICIES

All plan amendments and zone changes must comply with the RCP and its relevant policies.¹ This section addresses the relevant plan policies and is organized by Goal.

Goal Two: Land Use Planning

Policy 11:

Land use designations and densities appropriate for developed and committed areas shall be determined through compliance with other plan policies and the following criteria:

i. Existing development pattern and density;

Approval of the application will result in no change in the existing size, density or use of the subject property. The existing residential use of the subject property will be continued in the existing structures located on it. (Furthermore, see discussion of Goal Two, Policy 19 hereinbelow).

ii. On-site sewage disposal suitability;

See discussion of Policy 19 hereinbelow.

iii. Domestic water supply availability;

See discussion of Policy 19 hereinbelow.

iv. Access;

See discussion of Policy 19 hereinbelow.

v. Public services;

See discussion of Policy 19 hereinbelow.

vi. Lack of natural hazards;

See discussion of Policy 19 hereinbelow.

¹ See ORS 197.175(2)(d) and LC 16.400(6)(h).

vii. Effect on resource lands.

See discussion of Policy 19 hereinbelow.

Compliance is demonstrated under the previous discussion of Goal 3 and Goal 4

Policy 19:

Rural Residential Designations for non-resource lands shall be one residence per five or ten acres and shall be determined through consistency with other plan policies and the following criteria:

- a. Existing development pattern and density of any adjacent committed area.

Residential use of adjacent and nearby property exists in primarily small-acreage parcels. Many of those parcels are well below five acres in size. A 16-lot rural subdivision is situated just south of the subject property off Alder Branch Road. The majority of those lots are in the 5-acre range in size. The majority of agriculture-zoned land to the north of the subject property is developed with the Springfield County Club and golf course. Agricultural parcels to the west and east are in sizes usually less than 100 acres.

While the subject property is only .91 acres in size, it would, nonetheless, be consistent and compatible with adjacent uses of residential or agricultural use. Obviously, only one single family parcel and one single family residence would be allowed pursuant to the Lane Code five-acre limitation of the proposed zone.

- b. Subsurface sewage disposal suitability.

The subject property has previously received septic system approval from Lane County and is currently served by an individual septic system located on the property.

- c. Domestic water supply suitability.

All domestic water requirements for the property can be adequately provided by the existing well on the property.

- d. Access.

The subject property has an existing access from Marcola Road that was adequate to serve industrial use of the property and is more than adequate to serve the reduced traffic of the proposed residential use.

- e. Public services.

The subject property is .91 acres in size and is currently served by all required public services.

- f. Lack of natural hazards.

The lack of natural hazards has been addressed in other sections of this application.

- g. Effect on resource lands.

Because the subject property is .91 acres in size, its change in allowed uses from industrial to residential will reduce potential adverse impacts on resource lands that could have caused by a variety of industrial uses. The property has been used for non-resource uses since its zoning in 1984 and no documented incidents of adverse impacts to resource lands have been found. Exchanging residential use for potential industrial uses will have a positive effect on nearby resource lands with the elimination of various industrial processes and materials that would be allowed under an industrial zone.

Goal Three: Agricultural Lands

Policy 8:

Provide maximum protection to agricultural activities by minimizing activities, particularly residential, that conflict with such use. Whenever possible planning goals, policies and regulations should be interpreted in favor of agricultural activities.

It has been demonstrated earlier in this application that removing industrial uses and supplanting them with the existing single family residence use only on .91 acres will have a positive effect on agricultural activities in the lower Mohawk valley.

Goal Four: Forest Lands

Policy 1:

Conserve forest lands by maintaining the forest land base and protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use of forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.

This policy is consistent with Statewide Planning Goal 4 by defining "forest lands" and requiring that they be used consistent with the goal. The subject property is not "forest land" as demonstrated in the previous discussion of Statewide Planning Goal 4.

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

Water Resources Policy 3:

Adequacy of water supply, particularly those relying on groundwater sources, shall be a major concern in reviewing major land use changes. For the purpose of applying this policy, major land use change shall be any application reviewed by the Hearings Official or the Planning Commission.

Water Resources Policy 5:

Land use designations in the Comprehensive Plan and implementing zoning shall be commensurate with groundwater aquifer capabilities.

The availability of well water for domestic purposes from an existing well has been demonstrated in other sections of this application.

Goal Seven: Areas Subject to Natural Disasters and Hazards

Policy 1:

The Natural Hazards Inventory, as contained in the 1982 Natural Hazards Working Paper and associated materials, shall be used as a guide for general land use decisions. Specific land use decisions shall be based upon the inventory and upon on-site or other evaluation as appropriate.

The subject property is not inventoried in the Natural Hazards Working Paper as a site containing natural hazards.

Goal Eleven: Public Facilities and Services

Policy 1:

Lane County shall provide an orderly and efficient arrangement for the provision of public facilities, services and utilities. Designation of land into any given use category either initially or by subsequent plan amendment, shall be consistent with the minimum level of services established for that category.

Policy 6:

Land designations and service levels:

* * * *

k. Non-resource Lands (NRES)

Description: Lands that are not farm or forest lands as defined by Statewide Planning Goals #3 and #4. (Refer to Goal #2, Policy 16.)

Service Level: Consistent with service levels for Rural Residential outside a Community designation. The service level for cluster subdivisions or nonresource shall be consistent with Goal #2, Policy 24.)

These policies are addressed in connection with the discussion of Statewide Planning Goal 11. As demonstrated in that discussion, application approval will result in a development that is served consistent with the service levels described for rural, non-community areas.

5. COMPLIANCE WITH LANE CODE CRITERIA FOR PLAN CHANGES

Lane Code 16.400(6)(h) provides the criteria for amending the RCP designation:

LC 16.400(6)(h): Method of Plan Adoption and Amendment.

- (iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings”
- (aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all the applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

This criterion references other criteria that apply to plan changes. Those criteria are addressed in other sections of this application.

- (bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:
 - (i-i) necessary to correct an identified error in the application of the Plan; OR
 - (ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR
 - (iii-iii) necessary to comply with the mandate of local, state or federal policy or law; OR
 - (iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; OR
 - (v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

At least two of the five criteria are relevant to this application. Section (iv-iv) provides for plan change if it implements the RCP policies. In addition to the other RCP policies discussed herein, Goal Two, Policy 16 of the RCP provides that lands that do not meet the Agricultural or Forest Lands definitions may be designated as Non-resource Lands. Application approval would implement that policy.

Section (v-v) allows the county to make plan changes that are desirable, appropriate or proper. Application approval would meet that criteria. In situations where land is not suitable for farm or forest use, and is not needed to protect natural resources or to allow farm or forest use on adjacent or nearby land, it is desirable, appropriate and proper to allow that land to be put to other productive use, including residential use, consistent with other goals and policies. Replacing industrial uses with residential use in an area that has no other industrial use and that is primarily rural residential and small farms acreages in nature would reduce the intensity of use in the area that would result in enhanced compatibility of uses of adjacent and nearby properties.

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

The compliance of this application with individual RCP policies is addressed earlier in this application.

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

The existing structure of the RCP provides for non-resource designations. A non-resource designation for the subject property is consistent with the relevant RCP policies as demonstrated throughout this application.

LC 16.400(8): Additional Amendment Provisions.

- (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(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.

The proposal has been completely described throughout this application.

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

The required analysis is provided earlier in this application.

- (iii) As assessment of the probable impact of implementing the proposed amendment, including the following:
 - (aa) Evaluation of land use and patterns of the area of the amendment;

- (bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply, and sewage;
- (cc) Impact of the amendment on proximate natural resources, resource lands or resource sites including a Statewide Planning Goal 5 “ESEE” conflict analysis where applicable;
- (dd) Natural hazards affecting or affected by the proposal;
- (gg) For a proposed amendment to a nonresource designation or a Marginal Lands 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).

The required assessments, except for the Marginal Lands Working Paper criteria, are provided in earlier sections of this application. Because the subject property is currently designated with a non-resource designation, the Marginal Land Working Paper criteria are not applicable to this application.

6. COMPLIANCE WITH LANE CODE CRITERIA FOR ZONE CHANGES

LC 16.252(2): Criteria.

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

GENERAL PURPOSES OF CHAPTER 16:

LC 16.003 provides 14 broadly-worded purpose statements that include a provision to ensure that development is commensurate with the character and physical limitations of the land. Rezoning the subject property from RI to RR5 implements the proposed plan amendment from industrial to residential. The public interest is served by recognizing that use of the subject property as residential will reduce the intensity of use in a primarily rural residential and agricultural area and will be compatible with neighboring land uses.

LC 16.003(3) provides that the purpose of LC Chapter 16 includes the conservation of the limited supply of prime Lane County rural industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth. The subject property should not be considered prime industrial land. It is only one acre in size and cannot be combined with any adjacent property to provide for an industrial footprint larger than one acre in size. Its industrial use, a one-person cabinet shop and residence, ceased years ago and no industrial use has been made of the property thereafter. It is surrounded by rural resource and rural residential uses which provide conflicting uses to industrial uses in this area (and which industrial uses could

conflict with such uses). As compared to other rural industrial areas of Lane County, particularly in the Eugene-Springfield outlying areas, the subject one-acre property, as an industrial site, is insignificant in its contribution to the industrial needs of the county. As examples, the Hwy 126 corridor contains substantial acres of industrial properties of varying sizes, including one and two-acre parcels used for small industrial enterprises, and hundreds of acres of industrially-zoned property currently exist in the Goshen area, much of it unused and lying vacant. The loss of this one-acre property to the industrial lands inventory of Lane County will not have any significant effect on that inventory or the ability of Lane County to site or maintain a small industrial use somewhere within that inventory.

PURPOSE OF RURAL RESIDENTIAL ZONE:

The Rural Residential Zone is intended to provide opportunities for people to live in a rural area, allow primary and accessory residential uses that are compatible with primary residential uses, and implement the RCP Policies related to non-resource lands. The proposed zoning is consistent with those stated purposes of the zone.

RURAL COMPREHENSIVE PLAN CRITERIA:

Goal 2, Policy 17:

Residential densities for nonresource lands shall be one residence per five or ten acres and shall be determined through consistency with other plan policies and the following criteria:

- a. Existing development pattern and density of any adjacent committed areas;
- b. Subsurface sewage disposal suitability;
- c. Domestic water supply availability;
- d. Access;
- e. Public service;
- f. Lack of natural hazards;
- g. Effect on resource lands.

See discussion of RCP Goal 2 Policy 17 earlier in this application.

LANE CODE CRITERIA:

LC 16.004(4):

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

The availability of public water for domestic purposes has been demonstrated in other sections of this application. The subject property has a well that provides domestic water supply for it.

Approval of the application will result in a reduction in the intensity (rather than intensification of uses beyond normal singly-family residential usage). Because the size of the property is .09 acres and the requested residential designation contains a five-acre limitation on parcel size, no additional parcelization or subdivision of the property can occur as a result of approval of the application.

7. CONCLUSION

This application to (i) amend the RCP to designate the subject property as residential land and (ii) to change the zoning of the property to the Rural Residential zone (RR-5) consistent with the amended RCP designation, demonstrates that all applicable Lane County criteria have been addressed and met. This application also demonstrates that the proposed amendments are consistent with applicable Statewide Planning Goals and the administrative rules implementing those Goals. Accordingly, the application should be approved.

Respectfully submitted,

HERSHNER HUNTER, LLP

By: _____
Steve Cornacchia

Exhibit A

FOR ASSESSMENT
AND TAXATION
ONLY

SEC. 3 T.17S. R.2W. W.M.
LANE COUNTY

SCALE 1" = 400'

DATE	REVISION	EMPLOYEE
02/28/82	REVISED MAP BY CDR YETTER	LEAFYER
02/28/82	RETRACTED L.L.A. TO S. 300 & 401	LEAFYER
02/28/82	RETRACTED P.M. 203 BRIDGE	LEAFYER
02/28/82	RETRACTED P.M. 202 BRIDGE TO 1/4 MILE NORTH ROAD	LEAFYER
02/28/82	RETRACTED P.M. TO E. 825 COR. TO 1/4 MILE NORTH ROAD	LEAFYER
02/28/82	RETRACTED REVISIONS	LEAFYER
02/28/82	RETRACTED P.M. TO 1/4 MILE NORTH MARCOLA ROAD	LEAFYER
02/28/82	RETRACTED L.L.A. BETWEEN P.M. 100 & 105	LEAFYER

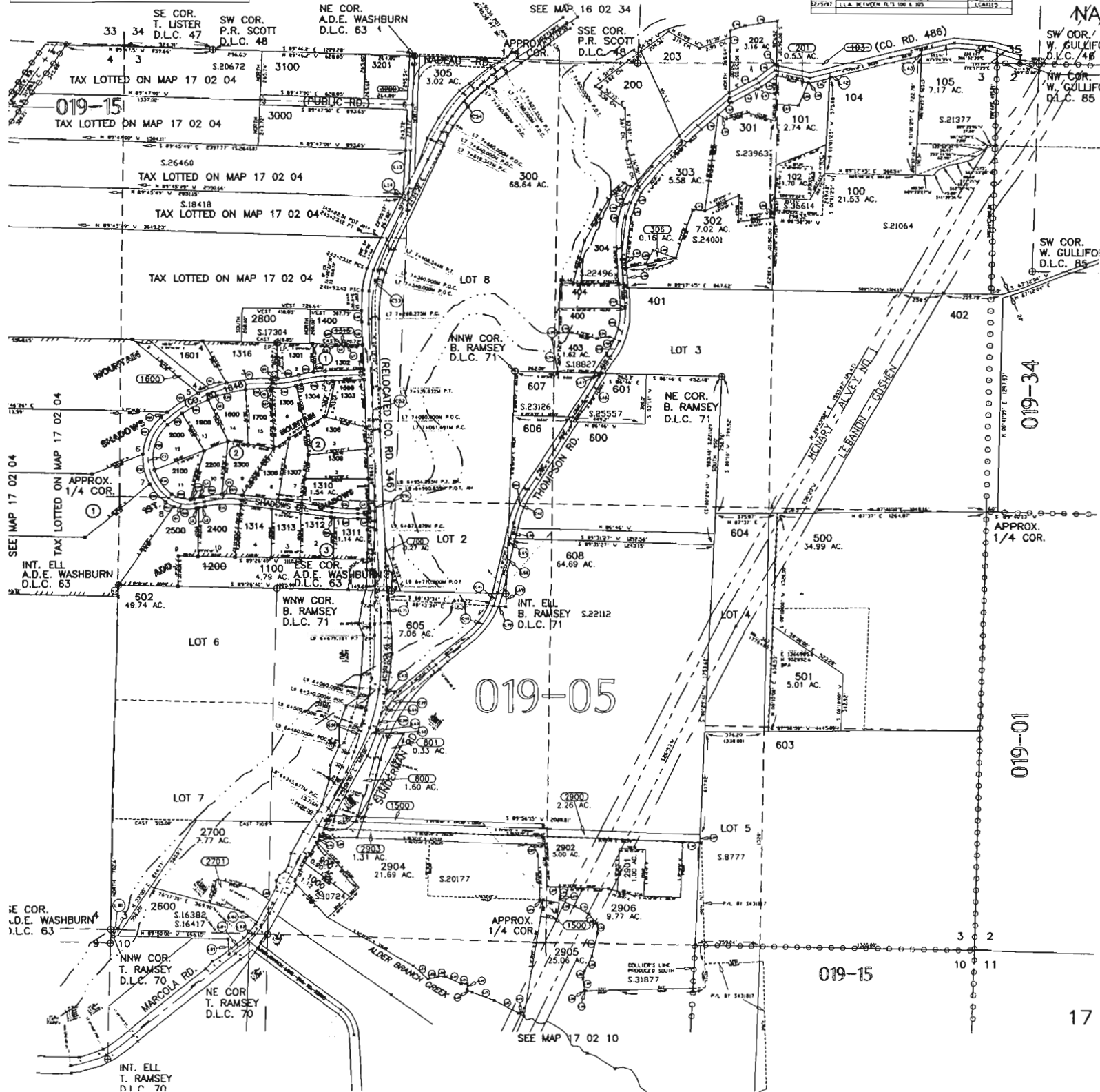


Exhibit B

LEGAL DESCRIPTION

Beginning at a point on the Easterly line of Marcola Road, 131.6 feet North $31^{\circ}20'05''$ East from a point which is 1163.58 feet East and 1027.63 feet North from the re-entrant angle in the North line of the Thomas L. Ramsey Donation Land Claim No. 70, in Township 17 South, Range 2 West of the Willamette Meridian; run thence along the Easterly line of said road, North $31^{\circ}20'05''$ East 145.6 feet; thence South $41^{\circ}38'$ East 375.39 feet; thence South $48^{\circ}09'$ West 80.24 feet; thence North $51^{\circ}39'$ West 388.06 feet to the place of beginning, in Lane County, Oregon.

Except 0.01 acres out to Marcola Road by R1993/9466491 for 1995.

NO VALUE RECEIVED

WESLEY B. PROUTY and WINIFRED I. PROUTY, husband and wife.

herein referred to as grantors, hereby grant, bargain, sell and convey unto

WESLEY B. PROUTY,

herein referred to as grantees, the following described real property, with tenements, hereditaments and appurtenances, to wit:

Beginning at a point on the Easterly line of Marcola Road, 131.6 feet North 31° 20' 05" East from a point which is 1163.58 feet East and 1027.63 feet North from the re-entrant angle in the North line of the Thomas L. Ramsey Donation Land Claim No. 70, in Township 17 South, Range 2 West of the Willamette Meridian; run thence along the Easterly line of said road, North 31° 20' 05" East 145.6 feet, thence South 41° 38' East 375.39 feet, thence South 43° 09' West 20.24 feet; thence North 51° 39' West 388.06 feet to the place of beginning, in Lane County, Oregon.



TO HAVE AND TO HOLD the said premises unto said Grantees, their heirs and assigns forever. And the said Grantors hereby covenant that they are lawfully seized in fee simple of said premises; that they are free from all incumbrances, except conditions, restrictions and easements of record,

and that they will warrant and defend the abovegranted premises against all lawful claims whatsoever, except as above stated.

Dated ^{Sept} August 3 1958.

Wesley B. Prouty (Seal)
Winifred I. Prouty (Seal)

STATE OF OREGON, County of Lane

On this ^{Sept} day of August, 19 58, before me, the undersigned, a Notary Public in and for said State, personally appeared the within named

W. Prouty and Winifred I. Prouty, husband and wife, who

known to me to be the identical individual as described in and who executed the within and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this day and year last above written.

Notary Public for Oregon

My Commission Expires 2-2-1961

DEED COMPANY

PROPERTY DEED

33918

WESLEY B. PROUTY

County Clerk

10 02

58 D

Notary Public

PROUTY

OREGON

Exhibit D

FOR ASSESSMENT
AND TAXATION
USE ONLY

6122-1

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON

CODE NO. 19-01

OLD NUMBER		MAP NO. 17.02.03		TAX LOT NO. (5-1-1-1) 900		SECTION 3		TOWNSHIP 17		RANGE 2 W.		AERIAL PHOTO	
ACCOUNT		NUMBER		SECTION		TOWNSHIP		RANGE		W.M.			
LOT NO.		BLOCK NO.		ADDITION				CITY					

INDENT EACH NEW COURSE TO THIS POINT	LEGAL DESCRIPTION	DEED RECORD		ACRES REMAINING
		DATE OF ENTRY	DEED NUMBER	
	Beginning at a point on the Easterly line of Marcola Road, 131.6 feet North 31° 20' 05" East from a point which is 1163.58 feet East and 1027.63 feet North from the re-entrant angle in the North line of the Thomas L. Ramsey Donation Land Claim No. 70, in Township 17 South, Range 2 West of the Willamette Meridian; run thence along the Easterly line of said road	1959	R-120 47247	
	North 31° 20' 05" East 145.6 feet; thence South 41° 38' East 375.39 feet; thence South 48° 09' West 80.24 feet; thence North 51° 39' West 388.06 feet to the place of beginning, in Lane County, Oregon	1997 WD	R 2346/9770476	1.00
	Acreage correction for 1972 by DMD cont m/1	2002 WD	2002/025565	0.91
	EXCEPT: 0.01 ac out to Marcola Rd by R1993/9466491 for 1995.			
	Containing more or less			0.90

MINUTES

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

February 2, 2010
7:00 p.m.

PRESENT: Robert Noble, Chair; Tony McCown, Vice Chair; Lisa Arkin, Steve Dignam, George Goldstein, Nancy Nichols, Jozef Siekiel-Zdzienicki, John Sullivan, Lane County Planning Commissioners; Kent Howe, Rafael Sebba, Lane County Land Management Division.

ABSENT: Dennis Sandow, Lane County Planning Commissioners.

PUBLIC HEARING

FILE: PA 08-5793: A request to amend the Rural Comprehensive Plan to re-designate a 0.9 acre property from “Industrial (I)” to “Residential (R)” and to change the zoning from “Rural Industrial (RI)” to “Rural Residential (RR-5)”.

Applicant: Debra Hastings

Agent: Steve Cornacchia

Mr. Noble convened the Lane County Planning Commission (LCPC) at 7:30 p.m. He called for declaration of *ex parte* contacts or conflicts of interest on the part of commissioners. There were no affirmative responses.

Mr. Sebba offered the staff report. He distributed a packet of information containing the following documents:

- Lane County Transportation Planning's comments on the proposal.
- A 2008 aerial photo of the subject property.
- A zoning map of the surrounding area.

The subject property was 0.9 acres in size and was located immediately south of the intersection of Marcola Road and Sunderman Road, approximately three miles north of Springfield. The subject property had historically been used as a cabinet shop. The applicant purchased the property from the previous shop owner and currently used the entire structure as a residential dwelling, and made no industrial use of the property. Lane County documented the existence of a cabinet shop and residence (trailer) on the property as evidenced by a building permit as of August 17, 1970. The N-2, Light Industrial Zone, was first applied to property in 1980, presumably based on the existing shop. The property remained N-2 until 2002, when the zoning was changed to Rural Industrial during the County's Rural Comprehensive Plan Periodic Review program. The applicant proposed

changing the plan designation and zoning from industrial to residential to reflect the current residential use of the property.

Mr. Sebba said since the staff report was written, Lane County Transportation Planning provided comment on the proposal. They found a Traffic Impact Analysis (TIA) was unnecessary because the proposed zone would generate no more traffic than the existing zone. Transportation Planning also requested a facility permit should the zone change be approved. The proposed plan amendment and zone change did not include new development, but was a response to existing circumstances. If the property owner proposed new development that would trigger the need, a facility permit would be required. It was a tenuous requirement for the proposal at this time since no new development was proposed. No other comments on the proposal had been submitted.

Mr. Sebba said after review the proposal appeared to meet the criteria for a minor rural comprehensive plan amendment and zone change and did not raise conflicts with state and local goals. Staff supported a recommendation of approval of the proposed plan amendment and zone change.

Mr. Noble called for questions from commissioners.

In response to Mr. Dignam, Mr. Sebba explained the rural residential zone had a provision for home occupation/home office of less than 1,000 square feet in which no clients came to the property. The rural home business provision required a special use permit. Through a rural home business application, a property owner could use between 3,500 and 4,000 square feet for the business and have clients come to the property. This provision would allow a more intense home business use. Transportation Planning was concerned that they have an opportunity to comment if a rural home business was proposed for the site. The special use permit would include a referral and appeal period, and Transportation Planning would be allowed to comment on the proposal. This could trigger the need for either a facility permit or a TIA.

Ms. Nichols asked how many dwelling units could be placed on 0.9 acres.

Mr. Sebba said in rural residential zone, a property owner was entitled to a single dwelling and a temporary medical hardship dwelling.

In response to a question from Ms. Arkin, Mr. Sebba stated he did not know if a special permit was required for a bed and breakfast business.

Responding to Mr. Noble, Mr. Sebba said a facility permit was required under LC 15.205 specifically for new development under one of the following categories: a new structure on a vacant property; a new dwelling; or in conjunction with a special use permit or land use approval. He added that the property file contained no indication that building permits were obtained to convert the use the shop to residential use.

In response to Mr. Siekiel-Zdzienicki, Mr. Sebba said the property would no be grandfathered in with no permitting because the rural residential zone would only allow a dwelling.

Mr. Noble called for testimony from the applicant.

Steve Cornacchia, 180 East Eleventh Avenue, Eugene, identified himself as the applicant's representative. He explained the rural industrial zone currently allowed both industrial and residential, or caretaker use, as an outright permitted use. There was an unspoken caveat, and that was, to allow the residence, the industrial use needed to be present. Debra Hastings, the applicant, was concerned the residential use and her home could be challenged since the cabinet shop was no longer in operation. The applicant had lived on the site since 2002. He said an exception was taken on the property in 1984 when the entire county was zoned and the Comprehensive Plan and zoning map were acknowledged by the State Land Conservation and Development Commission (LCDC). The exception said this less than one acre site was already developed and it was not a candidate for resource use. The property owners would like to live on the property without a threat of possibly losing their home. The proposed redesignation and zoning use would keep the developed and committed use while lowering the intensity of use in a rural and somewhat resource based area. He averred that the proposed use was more consistent with the surrounding area. He believed the applicant had met all of the criteria and provided all of the evidence needed by the commission to issue a recommendation to the Board of County Commissioners to approve the application.

Mr. Noble called for testimony in favor of the application. There was no one who wished to speak.

Mr. Noble called for testimony in opposition to the application.

Charlie Warzecha, 90137 Marcola Road, identified himself as the owner of property adjacent to the subject property. Mr. Warzecha said before the property fell into foreclosure, it was two acres in size. It was subsequently divided. He said he was not against a zone change and asked if rezoning Ms. Hastings property would affect the value of his property.

Mr. Noble asked if tax lot 900 was part of a property partition.

Mr. Sebba said the applicant submitted the property description card that included the deed for the property and he did not recall a property partition being included in that information. It appeared in the evidence provided by the applicant that the site was created in 1959 through a deed.

Mr. Noble said the Planning Commission was not in a position to respond to Mr. Warzecha's question regarding property values.

Mr. Sebba said the property under its current rural industrial zoning allowed for intense uses, such as a small scale auto body shop. The proposed zone change would change that so the primary use of the property would be residential, and any more intense use would require a land use permit which would require that Mr. Warzecha be noticed thus providing him an opportunity to comment, and appeal a decision if he disagreed with it.

Mr. McCown, seconded by Ms. Nichols, moved to close the public hearing. The motion passed unanimously, 8:0.

Mr. Sullivan asked if there was a public safety issue in changing the property from industrial to residential.

Mr. Howe said the issue before the commission was what was appropriate for the plan designation and zoning. If there was a structure that did not meet building code requirements and there was a change of occupancy or change of use, the process would require the property to be brought up to code requirements and the building code. This however, was irrelevant to the zone change before the commission.

Mr. Dignam, seconded by Mr. McCown, moved for approval of PA 08-5793: A request to amend the Rural Comprehensive Plan to re-designate a 0.9 acre property from “Industrial (I)” to “Residential (R)” and to change the zoning from “Rural Industrial (RI)” to “Rural Residential (RR-5)”.

Mr. Dignam would vote in favor of the motion, noting the applicant summed up the request saying, “Approval of the application will result in a reduction in intensity of uses that can occur on the subject property and will bring use of the property into consistency with the nearby area.”

In response to a question from Mr. Siekiel-Zdzienicki, Mr. Cornacchia said 4,000 of the 5,000 square foot structure was used for residential, while the remainder was used for storage.

Ms. Arkin would support the motion because she believed the zone change would better match the current zoning of the use of the property.

Mr. Noble would support the motion. He thought the application was appropriate. He added the applicant’s remarks related to the facility permit for the driveway made sense. He asked staff to better address the issue in the future if they chose to raise the issue.

The motion passed unanimously, 8:0.

Mr. Noble adjourned the meeting at 8:00 p.m.

(Recorded by Linda Henry)

SEBBA Rafael

From: BAJRACHARYA Shashi
 Sent: Friday, January 22, 2010 11:10 AM
 To: SEBBA Rafael
 Cc: BAJRACHARYA Shashi; BARRY Celia; BERNARD Mark A; FIELDS Phil; LEMHOUSE Brad; PETSCH John S
 Subject: PA 08-5793, PA/ZC, Hastings, Marcola Road

TP File No.: 9878
 LMD File No.: PA 08-5793
 Applicant: Debra Hastings
 Agent: Steven Cornacchia / Hershner Hunter, LLP
 Location: 90149 Marcola Road, approx 4 mile north of Springfield UGB
 TRS: 17-02-03
 Tax Lot: 900

Proposal: Plan amendment and zone change from Industrial Zone to Rural Residential Zone

Comments from Lane County Transportation Planning (TP)

The subject property abuts Marcola Road, a county road functionally classified as a Major Collector Road. It is a 2-lane, 34 foot wide paved road at this location.

The applicant is proposing to amend the Rural Comprehensive Plan to re-designate the 0.9-acre property from Industrial to Residential plan designation and change the existing zoning from Rural Industrial (RI) to Rural Residential (RR-5). A plan amendment proposal is subject to a traffic impact review in Lane Code Chapter 15. LC 15.697(1)(c) requires a Traffic Impact Analysis as part of a plan amendment or zone change proposal.

The zone change would allow the property to create a single-family dwelling, which is estimated to generate about same level of traffic or less than the existing zoning. The size of the property would not allow further partition of the land; traffic is not expected to increase because of this proposal. In the worse case scenario, the subject property could be used as a rural home business as a special use where traffic generation would be different from a dwelling unit. However, such a proposal will need a special use permit in which a traffic impact analysis may be required. LC 15.697(2)(b) allows the County Engineer or designee to waive traffic impact analysis when the scale and size of the proposal is insignificant. With the understanding that the subject property is not approved for a rural home business use, staff waives the traffic impact analysis requirement based on the criteria set forth in LC 15.697(2)(b)(ii).

The property is served by an existing driveway, apparently paved and over 32 feet wide as measured on an aerial photo. No facility permit for the existing driveway is found in file. A facility permit is required pursuant to LC15.205. TP requests that the driveway approach be reviewed for LC 15.139 Standards for Culverts and Private Approaches on County Roads in a facility permit application, should the zone change application be approved. Please contact 682-6902 or visit <http://www.lanecounty.org/RightOfWay/rowPermits.htm> for information about facility permits.

Thanks for providing the opportunity to comment on this proposal.

Shashi Bajracharya, P.E.
 Engineering Analyst
 Transportation Planning Division
 Lane County PWD,

RECEIVED AT HEARING

P.A. NO. 08-5793

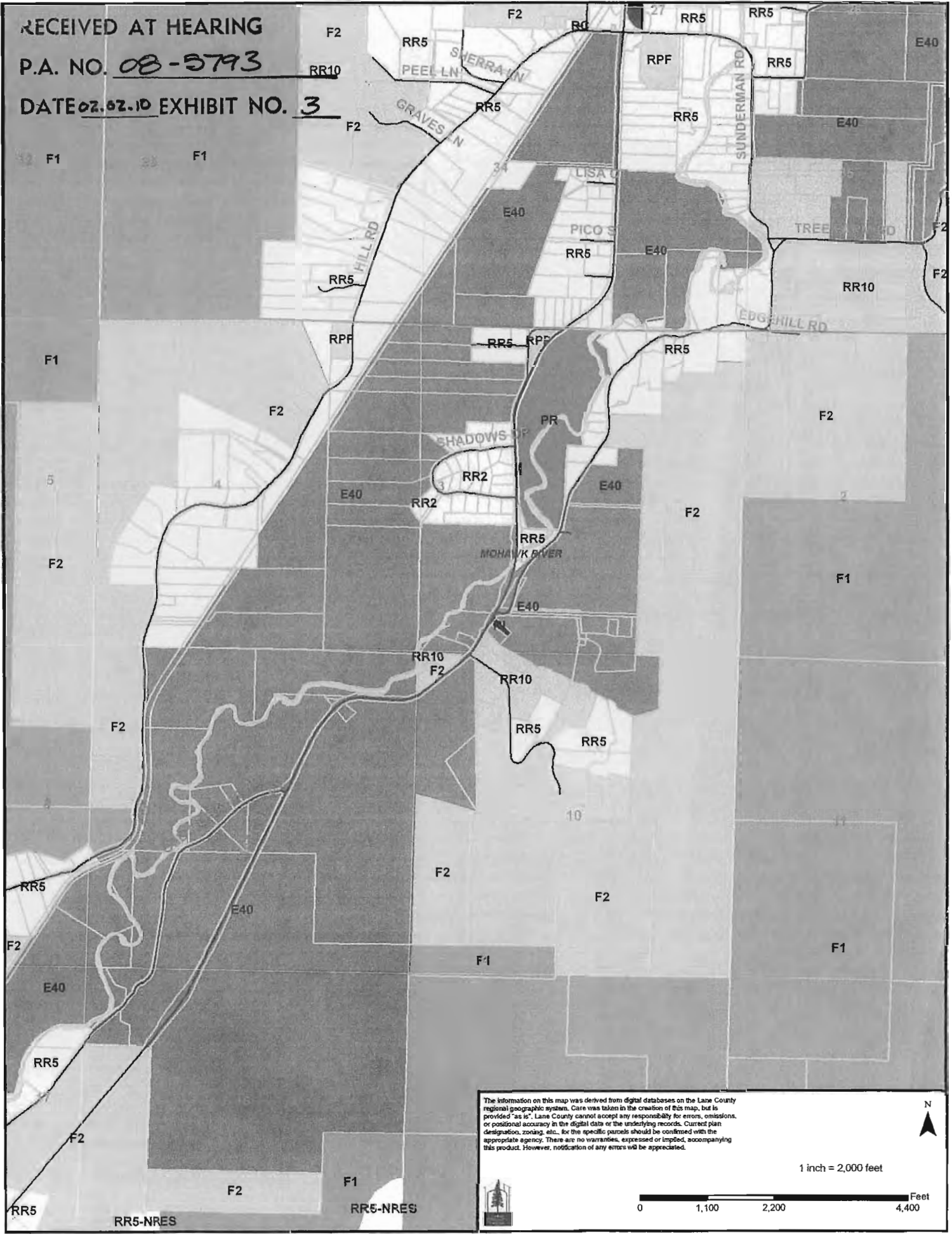
DATE 02.02.10 EXHIBIT NO. 2



RECEIVED AT HEARING

P.A. NO. 08-5793

DATE 02.02.10 EXHIBIT NO. 3



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.



1 inch = 2,000 feet

