



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

11/17/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Lane County Plan Amendment
DLCD File Number 006-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, December 08, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Lindsey Eichner, Lane County
Gloria Gardiner, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Rafael Sebba, Lane County

<paa> YA/

PROF 2

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DATE
STAMP

DEPT OF
NOV 10 2009
**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: **Lane County**

Local file number: **PA 07-5430**

Date of Adoption: **10/28/2009**

Date Mailed: **11/09/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 06/25/2008

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input checked="" type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend the Lane County Rural Comprehensive Plan and Rezone 15 parcels from Rural Residential/RR2 and Rural Commercial/RC to Rural Industrial/RI, with the intent of expanding the log storage area associated with Swanson's existing timber manufacturing and reforestation activities. All of the 15 parcels are located in the Rural Unincorporated Community of Noti.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Residential & Commercial** to: **Industrial**

Zone Map Changed from: **RR-2 & RC** to: **RI**

Location: **Noti, OR**

Acres Involved: **4.4**

Specify Density: Previous: **N/A**

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 006-08(16917) [15818]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Lane County

Local Contact: **Rafael Sebba**

Phone: (541) 682-4620 Extension:

Address: **125 E 8th Ave**

Fax Number: **541-682-3947**

City: **Eugene**

Zip: **97401**

E-mail Address: **Rafael.Sebba@co.lane.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist**.

Updated March 17, 2009

PASSED

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 1263 **IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "RESIDENTIAL" AND "COMMERCIAL" TO "INDUSTRIAL" AND REZONING THAT LAND FROM "RR-2/RCP, RURAL RESIDENTIAL" AND "RC/RCP, RURAL COMMERCIAL" TO "RI/RCP, RURAL INDUSTRIAL"; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (File PA 07-5430: Swanson Group)**

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 884, has adopted Land Use Designations and Zoning for lands within the planning jurisdiction of the Lane County Rural Comprehensive Plan; and

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

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

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

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

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

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

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

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

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

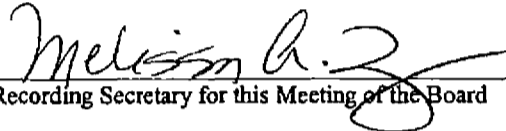
The prior designation and zone repealed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

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

ENACTED this 28th day of OCTOBER, 2008.



Pete Sorenson, Chair
Lane County Board of County Commissioners



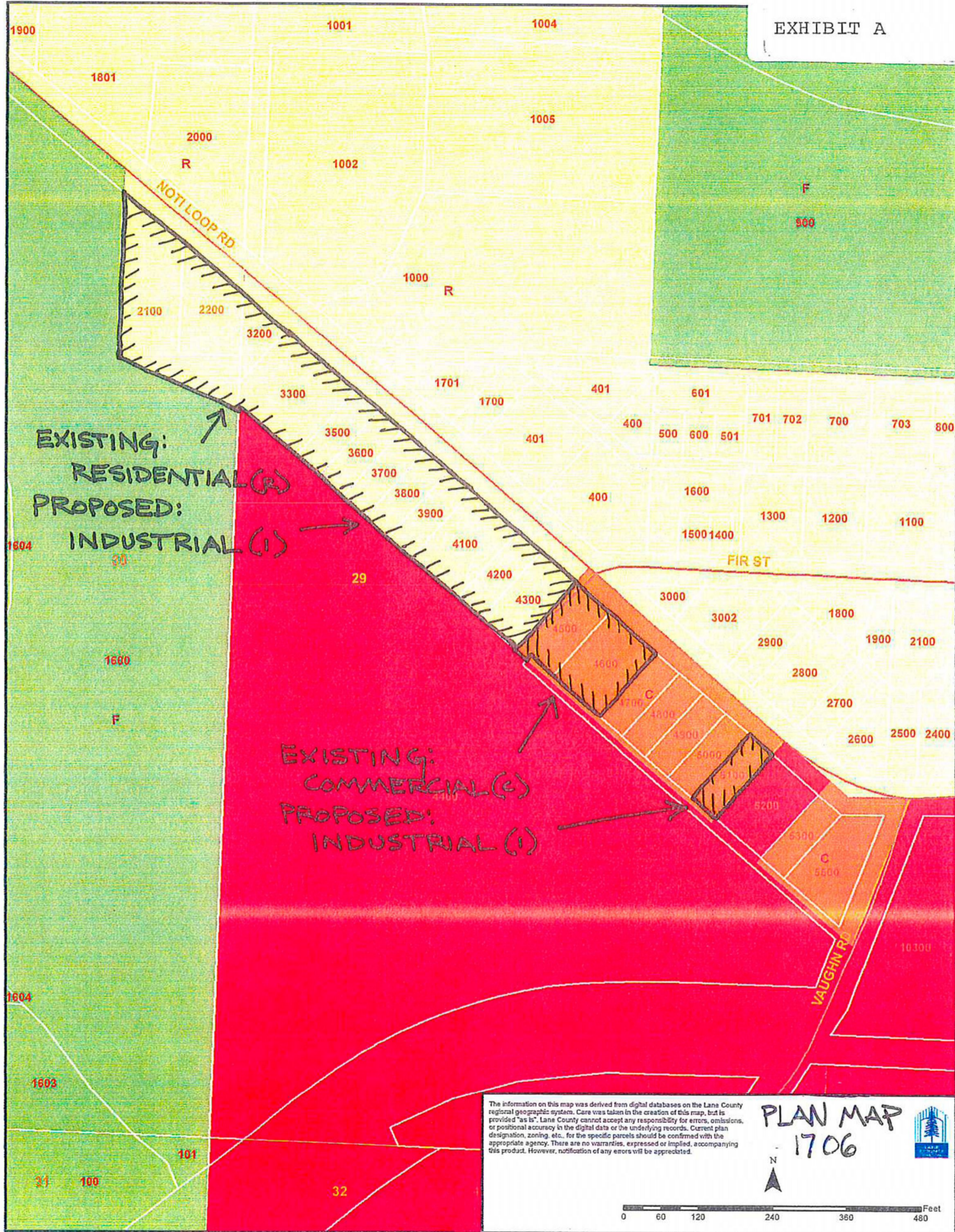
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 9-8-2009 Lane County


OFFICE OF LEGAL COUNSEL

EXHIBIT A

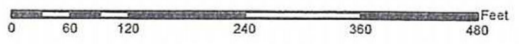


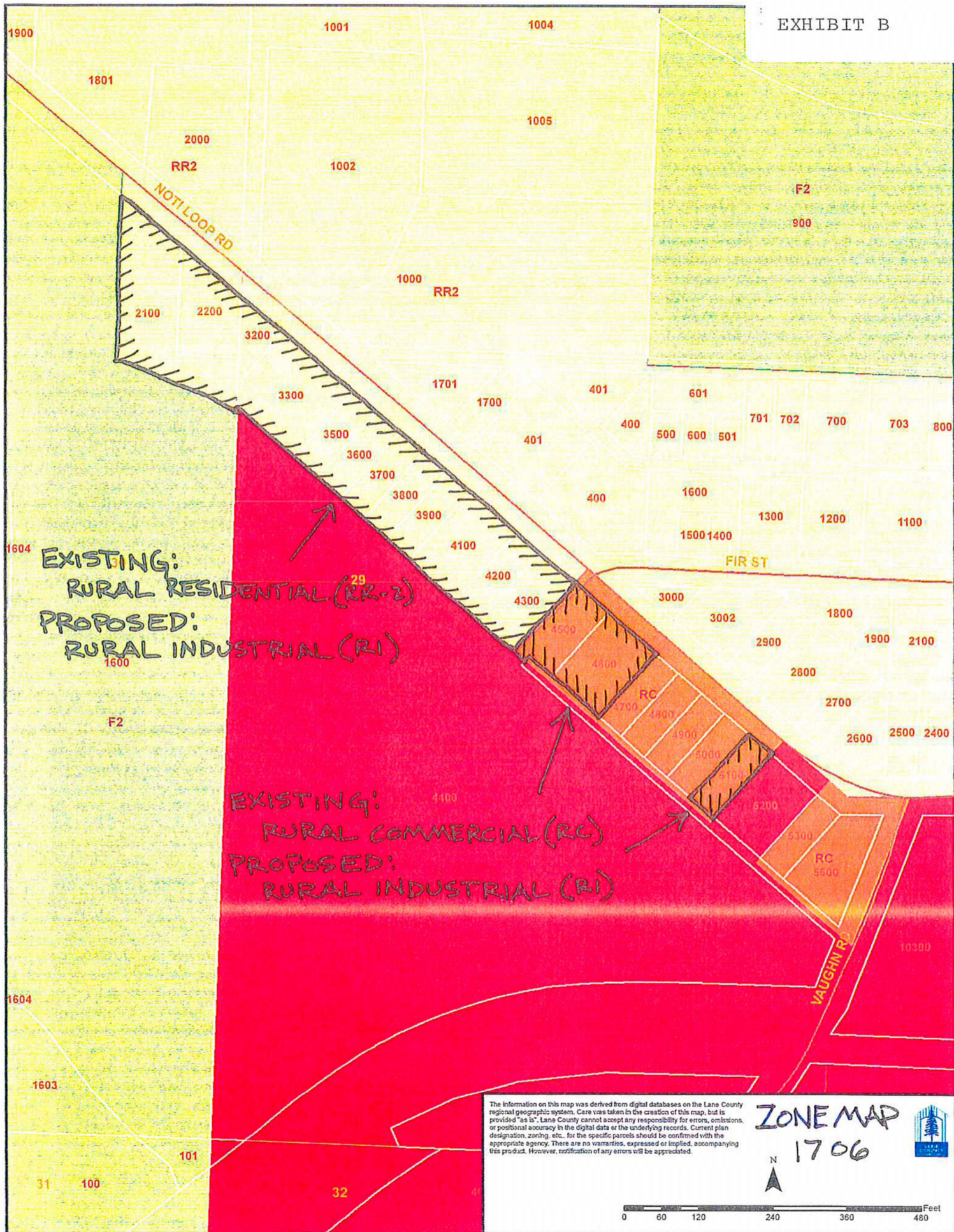
EXISTING:
RESIDENTIAL (R)
PROPOSED:
INDUSTRIAL (I)

EXISTING:
COMMERCIAL (C)
PROPOSED:
INDUSTRIAL (I)

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.

PLAN MAP
1706





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.

ZONE MAP
1706

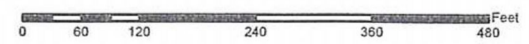


Exhibit C

October 23, 2009

BOARD OF COUNTY COMMISSIONERS
FINDINGS FOR
A RURAL COMPREHENSIVE PLAN DIAGRAM AMENDMENT
AND ZONE CHANGE with NO EXCEPTION
FOR SPECIFIC PARCELS
IN NOTI, OREGON
PA 07-5430

Subject properties:

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

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

Twelve parcels

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

Three parcels

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

Background:

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

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

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

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

Finding 5: Swanson's adjacent lumber manufacturing operations are currently zoned Rural Industrial (RI) and the addition of these 4.04 acres expand the manufacturing site by

about 12 percent, up from the 29 ½ acres currently used. This figure does not include approximately 5.5 acres of forested lands along the east side of Poodle Creek, that serves as a buffer from the manufacturing facilities. This existing buffer is a minimum width of 100 feet wide for the length of Poodle Creek.

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

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

Purpose:

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

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

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

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

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

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

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

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

Description:

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

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

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

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

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

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

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

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

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

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

Statement of Criteria

Section

1. State Wide & Lane Planning Goals (addressed concurrently) Page 4
2. OAR 660-022-0330 Page 10
3. 16.400 Rural Comprehensive Plan Amendments Page 15

4.	Lane County Rural Comprehensive Plan	Page 21
5.	16.252 Procedures for Amendments	Page 22

Section 1

FINDINGS RELATING TO STATE & LANE PLANNING GOALS

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

Goal 1: Citizen Involvement

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

Finding #21 Public notification in the form of mailed public notice has been sent by Lane County to affected agencies, including the Department of Land Conservation and Development, and owners of record within 750 feet of the subject property.

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

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

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

Goal 2: Land Use Planning

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

Finding #25 Lane County has adopted a comprehensive land use plan amendment process with specific criteria that must be addressed to justify a minor amendment. Compliance with the procedural aspects of Lane Code 16.252 and ORS 660-022-00030 will constitute compliance with Goal 2.

Goal 3: Agricultural Lands

Finding #26 Goal 3 is to preserve and maintain agricultural lands.

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

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

Goal 4: Forest Lands

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

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

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

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

Goal 6: Air, Water and Land Resources Quality

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

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

Goal 7: Areas Subject to Natural Disasters and Hazards

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

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

Goal 8: Recreational Needs

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

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

Goal 9: Economic Development

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

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

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

7. New industrial development shall normally take place within adopted Urban Growth Boundaries, unless such development:
a. Is clearly rural oriented (e.g., canneries, logging operations, processing of resource material);

Finding #34 Since the manufacturing plant has been in operation since 1974 this is clearly an appropriate use for these parcels and is encouraged under Lane County Rural Comprehensive Plan (RCP).

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

Finding #35 This mill site went into operation in 1974 and as such qualifies under 7(b).

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

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

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

Finding #37 Swanson Group owns significant stands of timber in the central portion of the Coast range and in the Noti area. Timber resource extraction and manufacturing is dependant on being close to the resources being utilized.

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

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

f. The industrial activity creates by-products which are used to a significant level in resource activities in the immediate area; or

Finding #39 Log storage yards and lumber mills in general, even when fenced from the public, constitute an "attractive nuisance," and would be inappropriate in an urban setting.

g. Where a significant comparative advantage could be gained in locating in a rural area. Any development approved under this policy that requires a plan amendment shall be justified by an exception to applicable Statewide Planning Goals.

Finding #39 Not Applicable.

Policy 8 (Rural Comprehensive Plan)

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

Finding #40 Swanson Group will create no new adverse impacts on the neighbors surrounding the mill site with this expansion. In reality, plans that are a part of planned rezone will help mitigate conditions that have been part of the conditions of the site for many years. This rezone and map amendment will address most of the existing conditions that neighbors have registered as complaints.

A planned five to six feet tall berm, capped with a six to eight foot chain link fence on top will provide a primary safety barrier between the log yard and Noti Loop.

Additionally; facing Noti Loop, north of the fencing will likely be two rows of trees. First, a row deciduous trees (Lombardi Poplar?) closest to Noti Loop and a row of evergreens (Cedars?) behind, providing a year round light and to a lesser extent, a sound barrier to the current operating conditions of the site. As the trees mature, the sound absorbing nature of the foliage will become more effective.

Yard lights; required for on-site safety, will be redirected into the scaling and log deck areas and away from the street.

The overall effect - in time - will provide for an attractive visual and noise screen between Swanson Group, LLC and the neighbors on the north side of the Loop. Swanson Group, through Dale Claassen, is continuing to hold conversations with the neighbors who is concerned about the potential impact, and intends to do everything they can to minimize impacts.

Log trucks; currently required to wait on the sides of Noti Loop, will now have a safe place inside the log yard to wait for unloading inside the log yard, thereby eliminating a safety issue on the road.

All in all, this rezone and map amendment request will allow Swanson Group, LLC. to be a better community member and to improve the safety and efficiency of their operations on this site.

Goal 10: Housing

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

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

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

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

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

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

Goal 11: Public Facilities and Services

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

Finding #44 All of the rural services necessary are in existence; this amendment will not require any increase in the public services beyond the level that exists.

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

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

Goal 12: Transportation

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

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

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

Goal 13: Energy Conservation

The main purpose of Goal 13 is to conserve energy.

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

Goal 14: Urbanization

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

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

Finding #51 The following **Goals** are not applicable to this application as they are geographically oriented and apply to the Willamette River Greenway and coastal resources.

Goal 15: Willamette River Greenway	Not Applicable
Goal 16: Estuarine Resources	Not Applicable
Goal 17: Coastal Shorelands	Not Applicable
Goal 18: Beaches and Dunes	Not Applicable
Goal 19: Ocean Resources	Not Applicable

Section 2

OARS 660-022-0030 Planning and Zoning of Unincorporated Communities

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

Finding #52 Lane County Land Management will submit this request to the Department of Land Conservation and Development for final approval in accordance with ORS 197.610 through 197.625.

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

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

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

(a) Uses authorized under Goals 3 and 4;

Finding #54 As a **Permitted Use** under 16.211 (2) (a) ("*Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.*") the expansion of Swanson's log yard is clearly within the parameters allowed in OAR 660-022-0030 (3) (a).

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

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

(c) Small-scale, low impact uses;

Finding #56 Not Applicable

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Finding #65 Not Applicable

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

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

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

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

(a) Uses authorized under Goals 3 and 4:

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

(b) Small-scale, low impact uses:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Swanson Group has acquired three sanitation installation permits for two lots north of Noti Loop (map 170629, lots 1002 & 003), and all of the former residences on the south side of Noti Loop were served by approved septic tanks (which will be decommissioned). There is every reason to believe that a septic installation permit can be established for the proposed scaling shack, if needed. The soil type on this site, Veneta Loam (#128B), is very well drained.

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

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

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

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

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

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

Section 3

16.400 Rural Comprehensive Plan Amendments.

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

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

(3) Plan Categories.

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

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

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

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

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

(a) Rural Comprehensive Plan.

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

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

(b) Special Purpose Plans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy 8

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

Finding #91 Swanson's adjacent lumber operations are currently zoned Rural Industrial (RI) and the addition of these four plus acres expands by a small percentage (0.023%) the 176 acres they currently utilize for their operations. This should be considered a routine expansion of the existing facility as expressed in Policy #8 (above) of Goal 9 of the Rural Comprehensive Plan.

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

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

(b) Planning Commission - Hearing and Notice.

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

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

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

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

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

(c) Planning Commission - Consideration With Other Agencies.

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

(ii) The Planning Commission, during consideration of a Rural Comprehensive Plan component or an amendment to such Plan component, shall consult and advise with public officials and agencies, public utility companies, civic,

educational, professional and other organizations, and citizens generally to the end that maximum coordination of Plans may be secured.

(iii) Whenever the Planning Commission is considering a Rural Comprehensive Plan component, or an amendment to such Plan component, it shall be referred to the planning agency of every city and county affected to inform them and solicit their comments.

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

(d) *Planning Commission - Recommendation and Record.*

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

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

(e) *Board Action - Hearing and Notice.*

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

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

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

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

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

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

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

(h) *Method of Adoption and Amendment.*

- (i) *The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.*
- (ii) *The adoption or amendment shall be concurrent with an amendment to LC 16.400(4) above. In the case of a Rural Comprehensive Plan adoption, the Code amendment shall place such Plan in the appropriate category. In the case of a Rural Comprehensive Plan amendment, the Code amendment shall insert the number of the amending Ordinance.*
- (iii) *The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:*
 - (aa) *For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.*
 - (bb) *For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:*
 - (i-i) *necessary to correct an identified error in the application of the Plan; or*

Finding #94 Not Applicable.

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

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

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

Finding #96 Not Applicable

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

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

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

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

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

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

- (dd) *For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is compatible with the existing*

structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.

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

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

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

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

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

(a) Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:

(i) Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.

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

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

Finding #103 Not Applicable.

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

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

(c) Minor amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(iii) above can be affirmatively made. Unless waived in writing by the Planning Director, the applicant shall supply documentation concerning the following:

(i) A complete description of the proposal and its relationship to the Plan.

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

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

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

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

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

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

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

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

(cc) Impact of the amendment on proximate natural resources, resource lands or resource sites, including a Statewide Planning Goal 5 "ESEE" conflict analysis where applicable;

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

(dd) Natural hazards affecting or affected by the proposal;

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

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

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

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

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

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

(gg) *For a proposed amendment to a Nonresource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983).*

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

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

Finding #115 Not Applicable

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

Finding #116 Not Applicable

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

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

Section 4

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

16.252 Procedures for Zoning, Rezoning and Amendments to Requirements.

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

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

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

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

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

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

Finding #122 This application for rezoning complies with State-Wide Planning Goals and with Lane County's Rural Comprehensive Plan elements and components as they apply to unincorporated Rural Communities and for land already zoned as Rural (R), rather than Farm (EFU) or Farm (F). Specifically, LC 16.003(2) "*Protect and diversify the economy of the county*" and (3) "*Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth.*" Applies directly to the application for rezoning.

Finding #123 This zone and map amendment request, is a minor addition to Swanson Groups' existing manufacturing facilities as required by LC 16.292(ii). Most of the additional 4.04 acres will be utilized for log truck parking and additional log storage capacity. An approximately 600 Sq. Ft. "Scaling Shack" will be built, but the final design is not complete and the contemplated structure will be less than 0.015 percent of the original 43,030 Sq.Ft. building.

Finding #124 LC 16.292(3)(j) "*Expansion of an industrial use that is lawfully existing with the zone on the date that LC 16.264 is applied to the property*" applies directly to Swanson

Groups' Noti manufacturing facility, which was established in 1974, twelve years before the Rural Comprehensive Plan was adopted.

- (3) *Initiation/ Application.*
(a) *By Planning Commission.*

Finding #12x Not Applicable

- (b) *By Board.*

Finding #125 Not Applicable

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

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

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

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

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

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

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

- (7) *Action by the Board.*

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

- (9) *Official Zoning Map.*

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

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

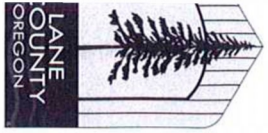
Finding #129 Recognized parcel boundaries and street center lines are the proposed boundaries requested in this application.

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

Finding #130 Not Applicable

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

Finding #131 Not Applicable



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