



# Oregon

Theodore R. Kubongoski, 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

5/17/2010

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

FROM: Plan Amendment Program Specialis

SUBJECT: Lane County Plan Amendment  
DLCD File Number 008-09

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: Friday, May 28, 2010

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 Acknowledgment or 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 than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged

Cc: Rafael Sebba, Lane County  
Jon Jinings, DLCD Community Services Specialist  
Ed Moore, DLCD Regional Representative

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

In person  electronic  mailed

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DEPT OF

MAY 10 2010

LAND CONSERVATION  
AND DEVELOPMENT  
For Office Use Only

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Lane County**

Local file number: **PA 08-5793**

Date of Adoption: **April 28, 2010**

Date Mailed: **May 7, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 12/14/09

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

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)".

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

Plan Map Changed from: **Industrial**

to: **Residential**

Zone Map Changed from: **Rural Industrial (RI)**

to: **Rural Residential (RR-5)**

Location: **90149 Marcola Road; approx. 4 mi. north of Springfield.**

Acres Involved: **0.9**

Specify Density: Previous: **1 unit**

New: **1 unit**

Applicable statewide planning goals:

**1**  **2**  **3**  **4**  **5**  **6**  **7**  **8**  **9**  **10**  **11**  **12**  **13**  **14**  **15**  **16**  **17**  **18**  **19**

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. 008-09 (18004) [16122]

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

Lane County

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Local Contact: **Rafael Sebba**

Phone: (541) 682-4620 Extension:

Address: 125 E. 8<sup>th</sup> Ave.

Fax Number: 541-682-3947

City: Eugene

Zip: 97401

E-mail Address: [Rafael.Sebba@co.lane.or.us](mailto:Rafael.Sebba@co.lane.or.us)

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## ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp, (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD 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

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

Mailing Date: 5/7/2010



LAND MANAGEMENT DIVISION  
[http://www.LaneCounty.org/PW\\_LMD/](http://www.LaneCounty.org/PW_LMD/)

To: Interested Parties  
From: Rafael Sebba/Associate Planner (541-682-4620)  
Re: PA 08-5793: Plan Amendment & Zone Change (Hastings)

On April 28, 2010, via Ordinance PA 1269 (excerpt enclosed), the Board of Commissioners adopted findings in support of a Plan Amendment and Zone change for the subject property. If you wish a full copy, it is also available on the county's website, at [http://www.lanecounty.org/BCC\\_Info/Meeting\\_Info/2010/BoardOrders/2010.htm](http://www.lanecounty.org/BCC_Info/Meeting_Info/2010/BoardOrders/2010.htm).

Any appeal of this decision must be filed in a timely manner with the Land Use Board of Appeals (LUBA) in Salem. Refer to OAR 661, Division 10, for "Rules of Procedure for Appeals".

For more information on the appeal process, contact LUBA at:

LUBA  
550 Capitol St., NE, Suite 235  
Salem, Or. 97301-2552

Phone: 503-373-1265

Luba's website is: <http://www.oregon.gov/LUBA/index.shtml>

PASSED

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.

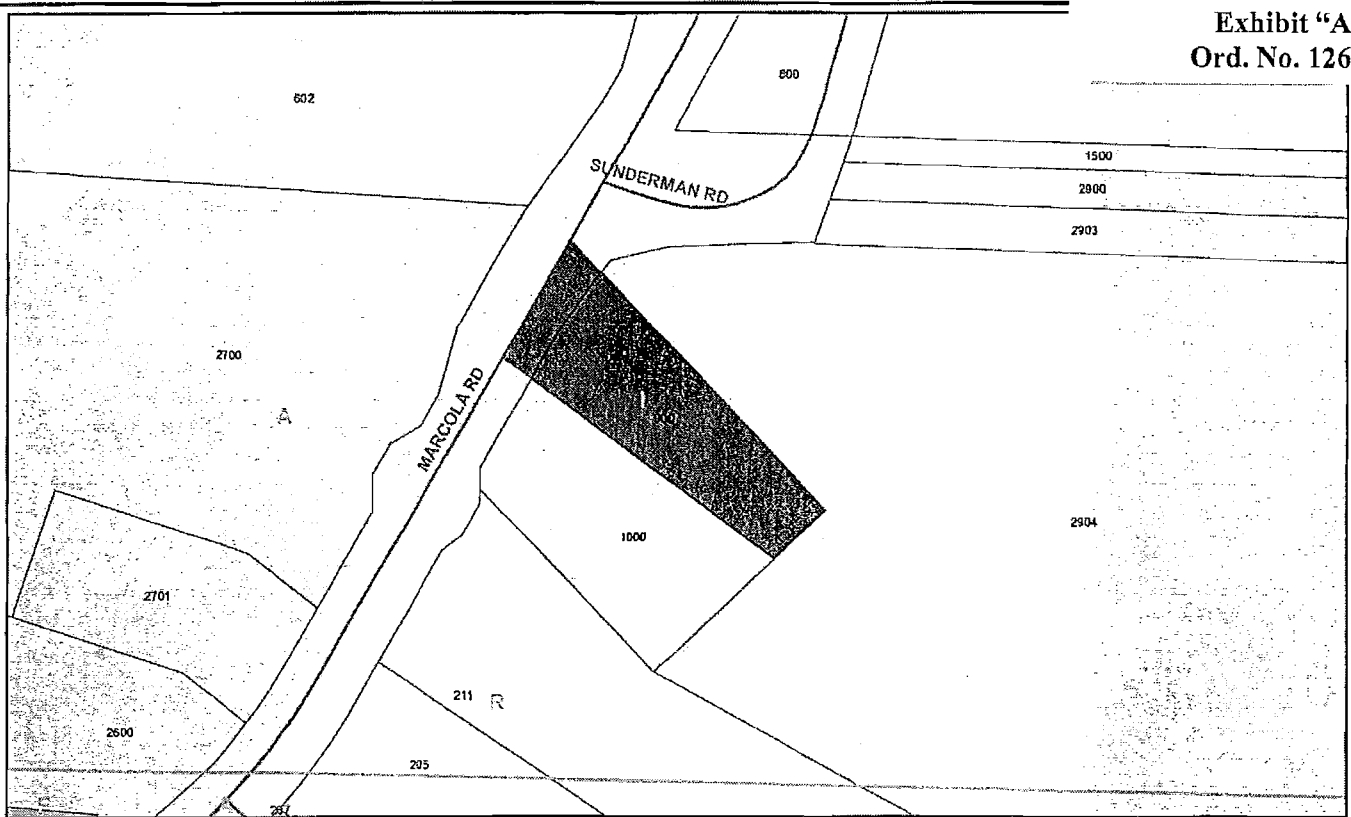
The prior designation and zone repealed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

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.

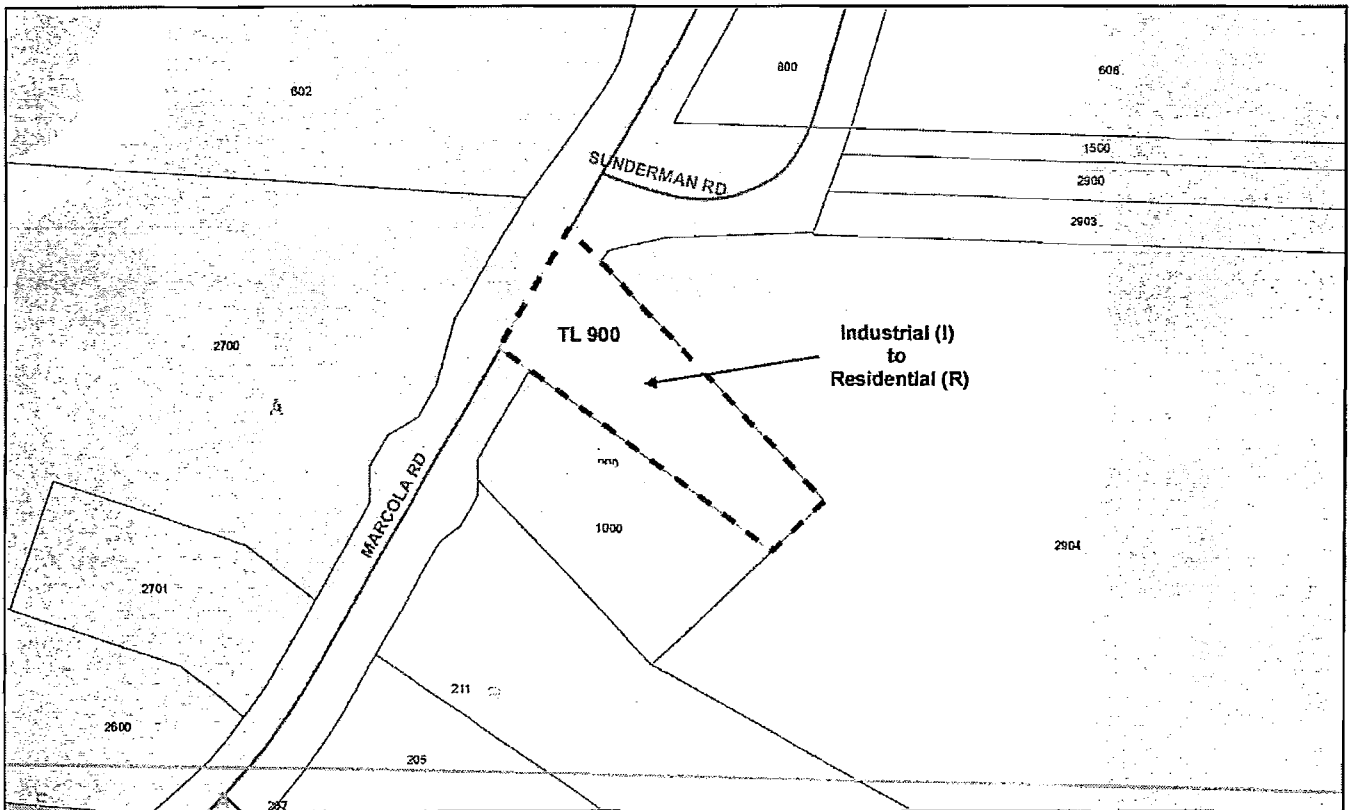
ENACTED this 28th day of April, 2010.

*Wm. A. Fl*  
\_\_\_\_\_  
Chair, Lane County Board of County Commissioners  
*Melissa R. B*  
\_\_\_\_\_  
Recording Secretary for this Meeting of the Board

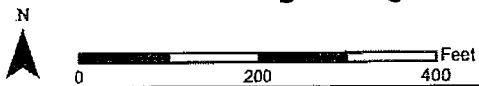
APPROVED AS TO FORM  
DATE 4-16-2010  
*Stephen J. Baker*  
OFFICE OF LEGAL COUNSEL

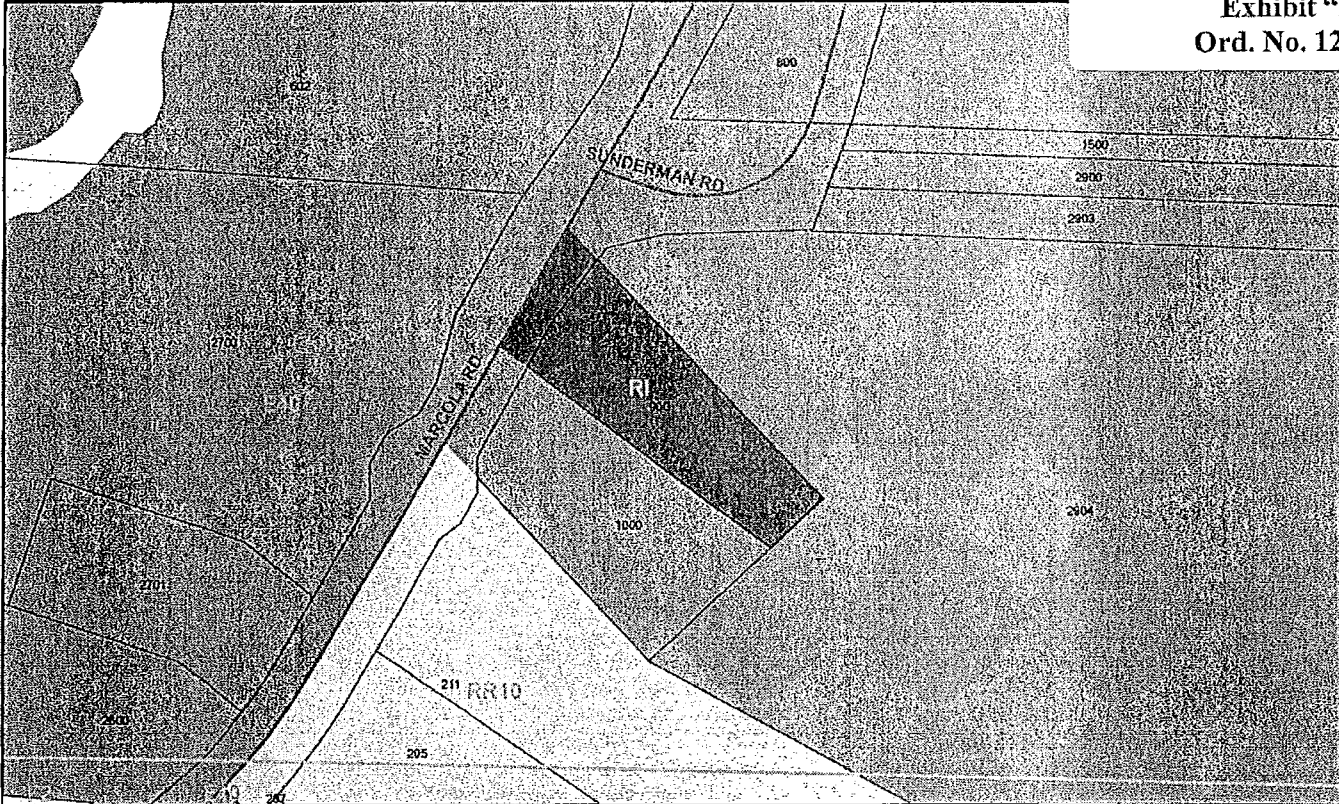


Existing Plan Designation

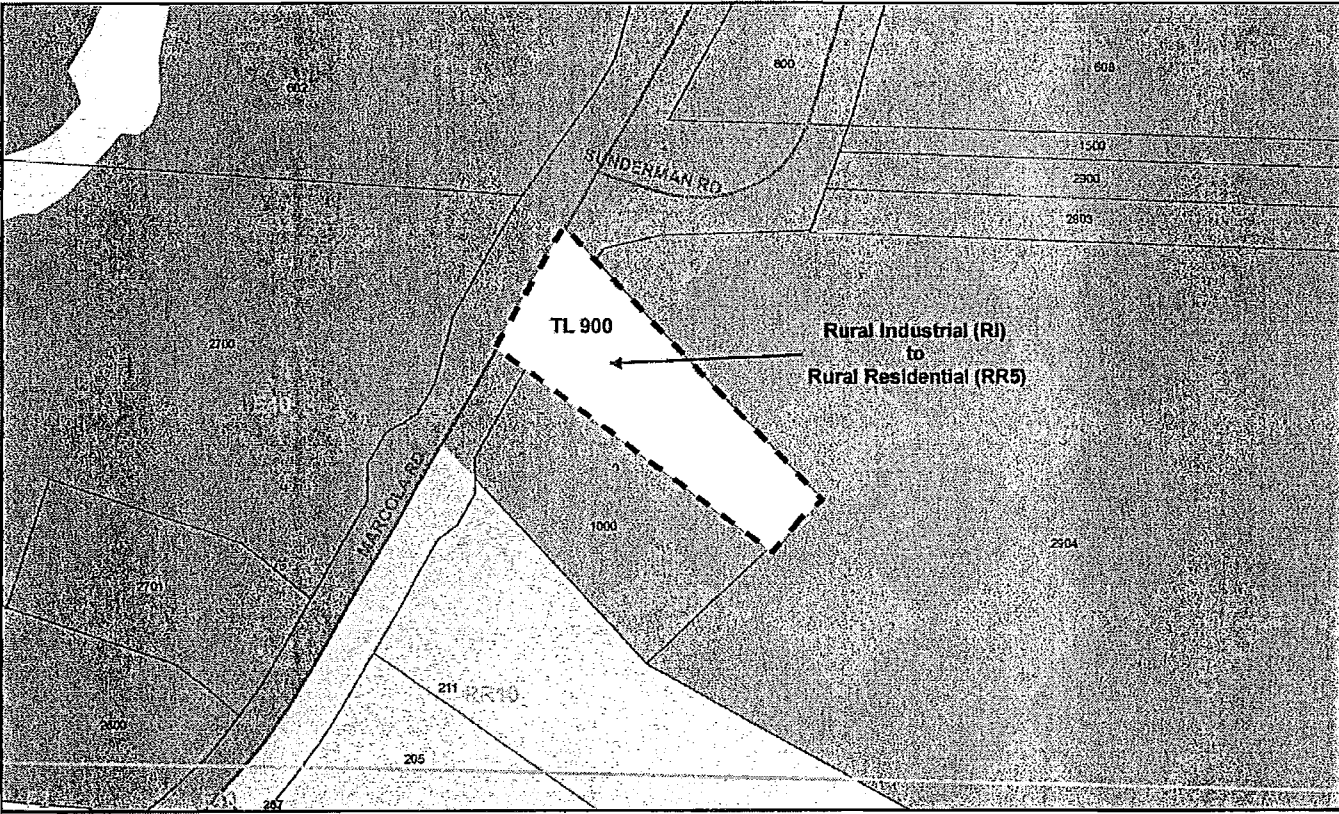


Change being enacted by PA 08-5793 on Official Plan Map 1702

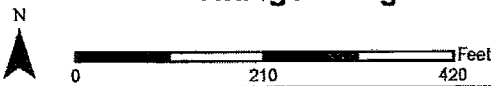




Existing Zoning



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 660-004-0040).

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.

### 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 LCDRC 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.<sup>1</sup> 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

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<sup>1</sup> 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):**

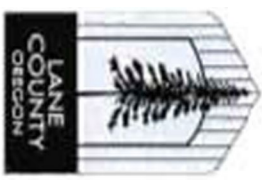
Prior to any rezoning, that will result in the potential for additional parcelization, subdivision or water demands or intensification of uses beyond normal single-family residential usage, all requirements to affirmatively demonstrate adequacy of long-term water supply must be met as described in LC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



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