

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 1094

FILED

JAN 31 1997

COUNTY CLERK

BY *Dorothy Wood*

(I N THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO
(REDESIGNATE LAND FROM "FOREST" TO "INDUSTRIAL" AND
(REZONING THAT LAND FROM "F-2" ("IMPACTED FOREST LAND")
(TO "M-2/SR"("LIGHT INDUSTRIAL/SITE REVIEW"), AND ADOPTING
(EXCEPTIONS TO STATEWIDE PLANNING GOALS 3 AND 4; AND ADOPTING
(SAVINGS AND SEVERABILITY CLAUSES (file PA 1443-95; Big Leaf Timber Corp.)

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 May 1995, application no. PA 1443-95 was made for a minor amendment to redesignate tax lots 1200 and 1300, map 20-03-02, from "Forest" to "Industrial" with a concurrent request to rezone the property from "F-2" ("Impacted Forest Land") to "M-2" ("Light Industrial"); and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearing of June 20, 1995, and on that date recommended approval of the proposed amendment with the addition of a zoning overlay district of "/SR" ("Site Review"), an action agreed to by the applicants at that hearing; 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 1200 and 1300, map 20-03-02, from "Forest" to "Industrial," such territory depicted on Plan Plot 418 and further identified as Exhibit "A" attached and incorporated herein.

Section 2. Tax lots 1200 and 1300, map 20-03-02, are rezoned from "F-2" ("Impacted Forest Land") to "M-2/SR" ("Light Industrial/Site Review), such territory depicted on Rural Zoning Plot 418 and further identified as Exhibit "B" attached and incorporated herein.

Section 3. Developed lands exceptions to statewide planning goals 3 and 4 are adopted for tax lots 1200 and 1300, map 20-03-02. The findings of fact and conclusions of law supporting the exceptions are adopted as part of the Rural Comprehensive Plan and are set forth in Exhibit "C", pages 3-5, attached to this Ordinance.

FURTHER, although not a part of this Ordinance except as described above, 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 29th day of January, 1996.

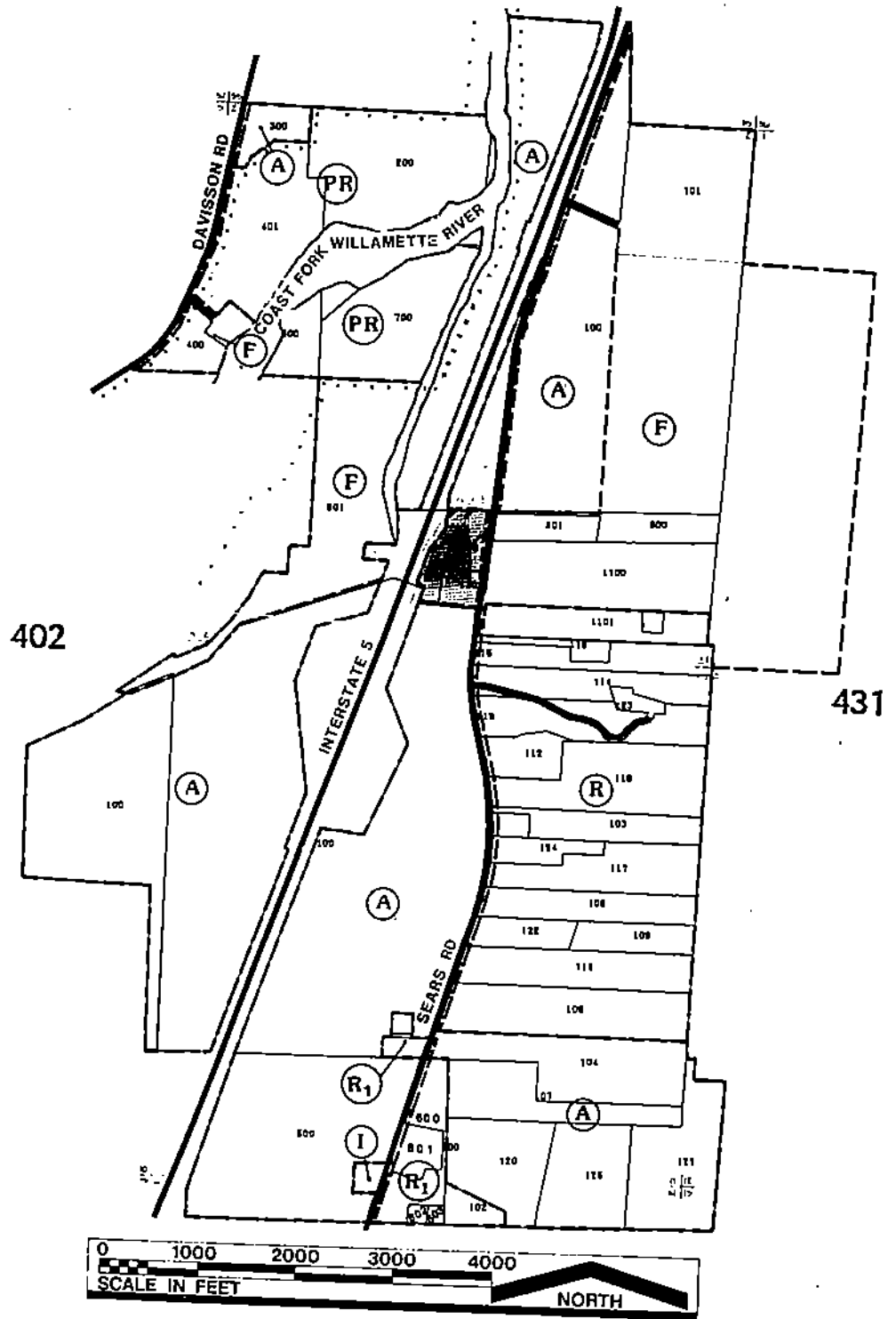
Cindy Weeldreyer
Chair, Lane County Board of County Commissioners

Sharon L. Giles
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 11-19-96 Lane County

Stephen L. Vasher
OFFICE OF LEGAL COUNSEL



419



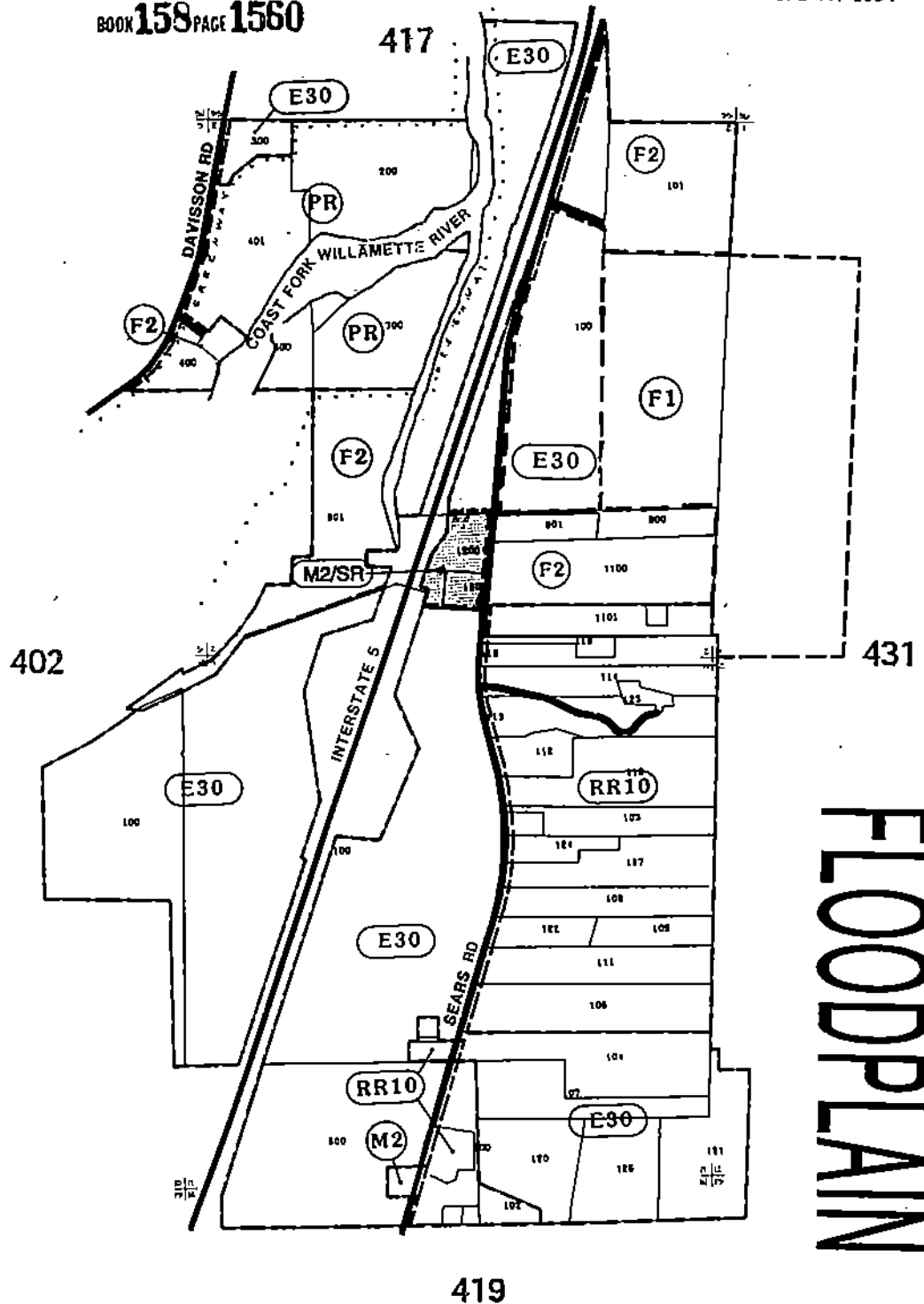
OFFICIAL PLAN MAP

PLOT # 418

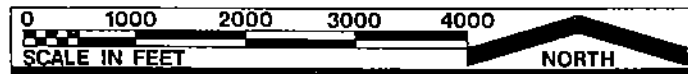
Township Range Section
 20 03 02 / 20 03 11 ()

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

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



FLOODPLAIN



lane county



OFFICIAL ZONING MAP

PLOT# 418

Township Range Section
20 03 02

20 03 11

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

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FINDINGS OF FACT

The following findings of fact and conclusions act to support an affirmative decision by the Board to approve the proposed plan amendment and concurrent zone change. Additional information is provided in the applicant's statement, which is incorporated herein by reference. These findings are divided into the following three sections:

- I. General Findings Relating to the Property and Application
- II. Findings and Conclusions Related to the Lane Code 16.400 Plan Amendment Criteria
- III. Findings and Conclusions Relating to the Lane Code 16.252 Rezoning Criteria

I. General Findings Relating to the Property and Application.

1. The property subject to this application, hereinafter referred to as "the subject property", is identified as Tax Lots 1200 and 1300, Assessor's Map 20-03-02, with a site address of 80614 Sears Road, Cottage Grove, Oregon 97424.

2. The subject property is 11.11 acres in size and is located on the west side of Sears Road with frontage on Interstate 5, about two miles north of the Saginaw/I-5 interchange and six miles south of Creswell. The subject property is level to gradually sloping. Southwell Creek bisects the extreme southwest corner of the property, but its location has no effect on the subject plan amendment and zone change.

3. The applicant is proposing a Minor Plan amendment to the Lane County Rural Comprehensive Plan (RCP) from Forest Land to Industrial Land, with an exception to Statewide Goal 3 - Agricultural Lands and Goal 4 - Forest Lands, concurrent with a zone change from F-2 Impacted Forest Land to M-2 Light Industrial.

4. The applicant proposes to correct an error and omission made by the County during preparation and implementation of the RCP. This request is required to recognize an existing, legally established rural industrial land use of the subject property for the last 20 years, and to remove the nonconforming use status created by the current F-2 zone.

5. The subject property is developed with a 40 x 96 foot industrial shop structure, a 32 x 144 foot storage building, a 1.5 acre graveled parking/vehicle storage area, a mobile home office, a mobile home caretaker's residence, buried fuel tanks, graveled roads, a sanitation drainfield, a well, and underground and overhead utility lines and drainage lines. These improvements impact or occupy approximately 7 acres of the 11.11 acre site. The nonimpacted area of the subject property is located along the

southern portion of the site, adjacent to Southwell Creek, and has moderate slopes covered with deciduous vegetation. This portion of the subject property is not suitable for development.

6. Tax Lot 1300 has been verified as a legal lot by PA 2104-93. Tax Lot 1200 has been determined to qualify as a legal lot by deed conveyances made prior to County land partition or zoning requirements.

7. The Soil Survey of Lane County Area, Oregon on map sheet 133 identifies approximately 5 acres of 52B Hazelair silty clay loam along the eastern portion of the subject property, about 5.5 acres of 113C Ritner cobbly silty clay loam along the western portion, and a small amount (about 0.5 acre) of 79 McBee silty clay loam adjacent to Southwell Creek. The Hazelair unit is listed as having a IIIe agriculture capability and no forest capability. The Ritner unit is listed as having a IVs agriculture capability and a potential forest productivity index of 140 for Douglas fir. The McBee unit is listed as having a IIw agriculture capability and a potential forest productivity index of 173 for Douglas fir.

8. A soil investigation of the subject property, conducted by Joel A. Norgren, Soil Scientist, concluded that 7.1 acres of the site have been significantly disturbed by removal of top soil, extensive deep excavations, and an underlying layer of gravel 1.5 to 2.5 feet thick. Report is attached to these Findings.

9. The subject property has been used for a variety of non-resource uses since the 1950's that include a portable sawmill, construction staging area, gravel stockpile, asphalt and concrete batch plant used in the construction of Interstate 5, truck shop, and heavy equipment storage/staging area.

10. The Cottage Grove SE 1 National Wetlands Inventory map identifies Southwell Creek as a palustrine scrub shrub deciduous broadleaf seasonal wetland. The wetland area is located at the southwest corner of the subject property, separated from the developed portion by moderate slopes with primarily deciduous tree cover.

11. The subject property is located within an area composed of a mixture of rural residential, agriculture and forest land uses. To the north is a vacant 10 acre hay field zoned F-2. To the east, across Sears Road, is a vacant 76 acre forest/grazing tract, and two parcels of 14 and 33 acres in size, respectively. These two parcels are developed with one residence each. All three parcels are zoned F-2. To the south is a portion of a 321 acre tract used as a dairy farm and zoned E-30, and to the west is Interstate 5.

12. The closest residence to the subject property is located

on Tax Lot 901, over 700 feet to the east across Sears Road.

13. The subject property receives all public services required by RCP Goal 11, Policy 6h, including South Lane rural fire protection, police protection by the Lane County Sheriff, individual water and sanitation service, and local utility services.

14. The applicant has owned the property since 1975 and has used the structures and property without interruption as a logging and truck repair shop for contract logging, road construction, general excavation, equipment maintenance, and dispatch of up to 20 employees.

15. The subject property is occupied with contractor's equipment and vehicles, including log skidders, yarders, shovel loaders, front-end loaders, bulldozers, road graders, dump trucks, fuel trucks, fire trucks, trailers, tractor backhoes, and crew cab trucks.

16. In 1974, Lane County approved Unzoned Area Development Permit DP 74-171 for an industrial use on the subject property, and subsequently issued building and sanitation permits for an industrial shop and truck repair facility on the site.

17. The subject property was first zoned FF-20 Farm Forestry in 1976. Subsequent legislative rezoning to F-2 by Lane County in 1984 failed to identify and properly zone the site for its industrial use. RCP Goal 2, Policy 21 provided for citizens to initiate a plan amendment and zone change for identified errors. The applicant has indicated he was unaware of either prior County legislative zoning processes.

18. The applicant has taken a developed lands exception to Statewide Goals 3 and 4, as provided by OAR 660-04-025. An exception is warranted when land subject to an exception is physically developed to the extent it is no longer available for uses allowed by the goal. The applicant's record shows 7 acres, a significant portion, of the subject property is developed or impacted by physical improvements that make either a farm or forest use impracticable. As stated in previous findings, the remainder of the site has topographic, wetland, and/or vegetative constraints that make it unavailable for farm or forest use.

II. Findings and Conclusions Related to Lane Code 16.400 Plan Amendment Criteria

Lane Code 16.400(6)(h)(iii) provides the Board may amend or supplement the RCP 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.

1. The Board finds this plan amendment meets all legal processing requirements of the Lane Code and the acknowledged comprehensive plan, and incorporates by reference the Applicant's Statement and supporting exhibits. This amendment corrects an error in the RCP and recognizes the existing rural industrial use of the subject property. Findings provided in this report address applicable County standards and Statewide planning goals.

2. The Board finds that an exception to Statewide Goal 2, Part II(c) permitting the siting of rural industrial development on the subject property is not required, as the property is presently developed with rural industrial uses which were legally established in 1975 and in continual use since that time. The subject property has a significant comparative advantage over other potential sites because of its existing industrial use which benefits the County economy, and the lack of resource value on the portion of the site available and developed for rural industrial use. Additional detail is provided in the following findings. Approval of the requested RCP amendment and zone change will recognize the existing rural industrial use of the subject property and remove its nonconforming use status.

3. The applicant has taken a physically developed exception to Statewide Goals 3 and 4, as provided by OAR 660-04-018(2). An exception is warranted when the requested plan designation and zoning district limits permitted uses on the site to those which are rural in nature, are consistent with other applicable Statewide Goal requirements, and are compatible with nearby uses and do not commit them to nonresource use.

The Board finds the existing industrial uses of the subject property, as well as others permitted under the proposed M-2/SR zone such as feed and seed stores and recycling facilities, are rural industrial uses that are located on rural land, as they are sited in Lane County outside of urban growth boundaries. Some permitted M-2 industrial uses such as lumberyards are also located in urban areas, but this does not mean they are exclusively urban by this fact. Rural uses are developed at a low density and separated from adjacent uses, require few public facilities and services, and are intended to serve rural populations. These uses are properly sited on rural lands.

The existing industrial uses of the subject property are defined as rural by policies of the RCP (Goal 9, Policy 7a). In addition, the site's characteristics that would apply to other M-2 uses act to make it unsuitable for more intensive uses requiring additional public facilities. These characteristics include the unavailability of public facilities such as water and

sewer service, and the site's limited highway accessibility and highway visibility. The Board finds that the subject property is rural land and is developed with rural uses, is not intended or suitable for more intensive uses requiring additional public facilities, and will be limited to rural land uses upon approval of the proposed RCP amendment and zone change.

The Board finds the proposed RCP amendment and zone change is consistent with other applicable Goal requirements. The Board also finds the existing rural industrial use of the subject property appears to be compatible with neighboring residential and resource uses, as it has been in continuous operation since 1975 with no apparent conflicts. The 20 year history of rural industrial use on the site has not committed nearby properties to nonresource use. The portion of the site used and suitable for rural industrial purposes is located over 700 feet from the nearest residence and screened from I-5 by dense vegetation. The operating characteristics, including noise and traffic, generated by the existing rural industrial uses on the site are among the most obtrusive relative to other permitted uses in the M-2 zone. Since the existing operating characteristics are so intense, approval of the request and applying M-2 zoning on the site will not result in development of new M-2 uses that are any more intensive than those which are and have been on the site.

As discussed during the Planning Commission public hearing on this application, a /SR Site Review subdistrict designation shall be applied to the subject property. Imposition of site review standards as specified in LC 16.257(4) for applicable development on the subject property also acts to ensure its future use will continue to have impacts that are rural in scale and nature, thereby ensuring future compatibility with adjacent or nearby resource uses, and ensuring that future uses will not commit adjacent or nearby resource properties to nonresource use. Site review standards, including those in LC 16.257(4)(a), (b), (c), and (i) require applicable development on the site to be harmonious with surrounding properties, by being "compatible with the surrounding vicinity" (a), by being adequately buffered from neighboring properties through retention of existing trees (b) and construction or planting of new features (c), and by having appropriate signs and lighting (i).

4. The Board finds the rulings related to Statewide Goal 14 expressed by the Oregon Supreme Court in the "Curry County" (1000 Friends of Oregon vs. LCDC) court case do not apply to this application, and that a Goal 14 exception is not required. This decision was issued in 1986 and directed LCDC to prepare standards defining urban uses, which must obtain a Goal 14 exception to be located outside urban growth boundaries. These standards have not been prepared, so no definition exists of urban uses. As discussed in the previous finding, the subject property is presently developed with rural uses, and the proposed

RCP amendment and zone change, in combination with site characteristics, will continue to keep it unsuitable for more intensive uses requiring additional public facilities.

- (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 Plan; 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.

3. The Board finds that this amendment meets criteria (i-i), (iv-iv), and (v-v) above.

(i-i) This plan amendment identifies an error in the RCP, where the subject property was erroneously designated Forest Land. The property has been developed and continuously occupied with rural industrial uses since 1975, prior to initial County zoning. Appropriate County permits for these rural industrial uses were obtained in 1974, as shown in the record. These rural industrial uses involve activities associated with logging and logging road construction and maintenance. They are rural in nature, since resource-related activities such as logging and associated uses are primarily located in rural areas and are encouraged by comprehensive plan policies and zoning regulations in rural areas. Goal 9, Policy 7a of the RCP specifies the rural orientation of one of the industrial uses (logging activities) on the subject property. Evidence in the record shows the present Forest Land designation is inconsistent with County plan policies and Statewide planning goal requirements. The Board finds the existing plan designation is in error and the proposed Industrial Land designation more appropriately identifies the subject property.

(iv-iv) The Board finds that this RCP amendment implements RCP Goal 2, Policy 11c, which permits an Industrial plan designation to be applied for existing uses, such as those existing on the subject property. RCP Goal 2, Policy 21 allowed citizens who identified an error in the Plan designation or zoning to request the County to initiate a correction. The property owner was not aware of legislative zoning actions in 1976 and 1984 which designated and zoned the subject property for nonindustrial use. The correction provided for in RCP Goal 2, Policy 21 will be fulfilled by this proposed amendment.

(v-v) Based upon reasons discussed in this application, the Board finds that it is desirable, appropriate and proper to designate the subject 11.11 acre property as Industrial Land. It

is the desire of the Board to permit existing rural industrial uses such as those located on the subject property to continue in operation, in conformance with appropriate industrial plan and zoning designations.

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

4. The Board finds the proposed amendment conforms with the following applicable RCP Policies:

Goal 2, Policy 11c permits existing industrial uses to receive an Industrial designation, upon consideration of: i) the existing development pattern; ii) on-site sewage disposal; iii) domestic water supply; iv) access; v) public services; vi) lack of natural hazards; and vii) effect on resource lands. Appropriate consideration of the above factors has been made, based on the information provided within the previous findings.

Goal 9, Policy 7 addresses new industrial development, which is not reflected in this application as it involves legally established existing industrial development. However, it does provide general policy guidance applicable to this request. Policy 7a specifies that an existing industrial use of the subject property (logging operations) is rural oriented, and does not need to be located within an urban growth boundary. Policy 7b supports rural industrial designations when they are needed for the continuation of existing operations. This request is needed for the continuation of the existing rural industrial use of the subject property by removing its nonconforming status. Policy 7c supports rural industrial designations when they are located in built-up or nonresource areas which can be served with necessary services. As shown in previous findings, the majority of the subject property is built-up and committed to nonresource use, and is and will continue to be provided with necessary services which are appropriate for rural areas and rural uses.

Goal 9, Policy 8 specifies that existing industrial uses shall receive an industrial Plan designation. Through an error, the legally established rural industrial uses on the subject property did not receive an industrial Plan designation, which this application will correct. The policy also specifies that existing industrial uses shall receive the appropriate industrial zone, provided that significant existing or future conflicts with other uses can be avoided. As discussed in previous findings, significant existing and future conflicts with adjacent and nearby uses can be avoided, given existing site characteristics and the application of the /SR Site Review subdistrict to the subject property.

(dd) For Minor Amendments as defined in Lane Code 16.400(8)(a), 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.

5. The Board finds this Plan amendment is consistent with the RCP intent to choose between competing uses. As stated in the record, the majority of the subject property is developed with and irrevocably committed to rural industrial uses, and has been for over 20 years. These rural industrial uses require a M-2 zone. This RCP amendment is consistent with unamended portions or elements of the Plan.

Lane Code 16.400(8)(a): Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:

(i) *Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to the 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.*

1. The Board finds that the proposed amendment is limited to a change of the RCP diagram from Forest Land to Industrial Land. A portion of the soils on the subject property are classified by the SCS as having either farm or forest capability. For this reason, a physically developed lands exception to Statewide Planning Goals 3 and 4 is required and addressed in Section III B. of the Applicant's Statement. This application qualifies as a Minor Amendment.

(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.*

2. The required description has been previously provided. The requested M-2/SR Limited Industrial zoning with Site Review procedures corrects an error in the RCP and removes the nonconforming use status of the existing rural industrial use on the property.

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

3. The Board finds this required analysis has been addressed

in previous findings.

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

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

4. The Board finds the applicant has provided a complete description of the area's land use pattern within the previous findings, Applicant's Statement and supporting exhibits.

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

5. The Board finds adequate public and private facilities and services are available to the subject property to serve rural uses, as addressed within the previous findings. The Board finds the use of applicable site review standards, such as LC 16.257(4)(f), ensures that adequate transportation facilities will be available to serve future development.

(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;

6. The Board finds that no open space, scenic, cultural, historic or natural resource uses or values have been identified or inventoried on the subject property. The site is physically separated from most nearby farm and forest lands by I-5, a County road classified as a Minor Collector (Sears Road), a creek, and dense vegetation. The use of appropriate site review standards in LC 16.257(4) shall ensure future uses on the subject property will not impact adjacent resource lands. The Board finds no conflict exists with Goal 5 resources, and an "ESEE" analysis is not applicable to this amendment.

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

7. The Board finds that there are no natural hazards present on the subject property that significantly affect or are affected by the proposed amendment. As addressed in the Applicant's Statement, the southwest corner of the property is located within a 100 year floodplain, while most of the remainder of the site is within a zone that corresponds to the limit of a 100 to 500 year flood. The portion of the subject property within the 100 year floodplain is unused and unsuitable for development, and the degree of threat to life or property created by the remaining flood zone will not be significant.

(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;

8. The Board finds this RCP amendment acknowledges the existing rural industrial uses of the subject property. These uses employ an average of 14 to 20 persons, primarily from the local Cottage Grove area. A full range of rural public services exist and adequately serve the existing rural industrial uses. Rezoning the subject property to M-2/SR will increase property tax revenue, and will not adversely affect employment or require additional public services.

(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;

9. The Board finds that an acceptable inventory of reasonable, alternative, industrially designated sites within the area specified by this standard has been completed and included in the Applicant's Statement. The inventory included lands within the Urban Growth Boundaries of Cottage Grove and Creswell, and found only one site of sufficient size to accommodate the existing uses on the subject property. This alternative property is unimproved and was considered unsuitable due to the cost of providing required site and building improvements.

(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).

10. The Board finds this standard is not applicable to the proposed amendment.

III. Findings and Conclusions Relating to Lane Code 16.252 Rezoning Criteria.

Lane Code 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 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.

1. The Board finds the proposed M-2/SR zoning appropriately implements the proposed Industrial Land designation. The Board further finds the proposed M-2/SR zone is consistent with the general purpose of Chapter 16, specifically LC 16.003(1), (2), and (3).

LC 16.003(1) states development should conform to site characteristics and be in the public interest. This RCP amendment and rezoning request recognizes existing legally established development and existing site characteristics completed for these uses. The subject property has adequate buffering for its existing uses and available public services to serve the public interest, while recognizing the existing rural industrial nature of the site.

LC 16.003(2) supports economic development activities. Approval of this request will facilitate the continued operation of rural industrial uses on the property that presently employ an average of 14 to 20 local area residents.

LC 16.003(3) supports the provision of industrial land for existing uses and to provide for future growth. Approval of this request will remove the nonconforming RCP designation and zoning on the subject property, and provide for the continued use of the site for rural industrial purposes. A /SR Site Review subdistrict designation shall be applied to the subject property. Use of the standards included in LC 16.257(4) for all applicable development on the subject property acts to ensure its future use will continue to have impacts that are rural in scale and nature for neighboring properties.

2. The Board finds the proposed M-2/SR zoning appropriately implements applicable RCP policies which have been addressed in previous findings. The M-2 Limited Industrial zone does not have a purpose statement. The site review purpose statement in LC 16.257(1) specifies the site review process is intended to encourage development in a manner that is compatible with neighboring lands. Application of the /SR suffix on zoning for the subject property will ensure future development and uses will be have impacts that are rural in nature, and be compatible with neighboring lands.

3. The Board finds the proposed M-2/SR zone most accurately reflects the existing rural industrial use of the subject

property and is the most appropriate industrial zone for the site. The Board further finds the compatibility of the rural industrial use on the site with surrounding rural residential and resource lands will be maintained by buffers created by existing improvements, such as I-5 and a County road classified as a Minor Collector; natural features such as a creek and dense vegetation; and by applicable site review procedures as specified in LC 16.257(4).

CONCLUSIONS

The Board finds that the subject 11.11 acre property qualifies for a Rural Comprehensive Plan (RCP) designation as Industrial Land with a M-2/SR zone. The Board finds the facts presented accurately conclude the subject property is not forest land and that the proposed redesignation is consistent with RCP policies and the approval standards, addressed in these findings.

The Board finds the subject 11.11 acres is not farm or forest land as defined by Statewide Planning Goals 3 and 4, nor is required for protection by those Goals; does not require a Statewide Planning Goal 2, Part II(c) or Goal 14 exception; is a parcel legally developed with rural industrial uses before the adoption of County zoning; and will not adversely affect surrounding lands, either with its existing rural industrial uses or with future uses, through imposition of applicable site review procedures.

The Board concludes that based upon the information contained in the Applicant's report and supplemental documents, evidence received at public hearings and made part of the record, and findings provided, the Plan amendment and zone change conform with all applicable standards to allow redesignation from Forest Land to Industrial Land and rezoning from F-2 Impacted Forest Land to M-2/SR Limited Industrial with Site Review procedures.

ADDITIONAL FINDINGS OF FACT

Upon conducting a December 18, 1996 public hearing on this proposal and reviewing the record, the Board of County Commissioners of Lane County makes the following additional findings and conclusions.

1. The proposal, to redesignate tax lots 1200 and 1300 of map 20-03-02 ("subject property") from "Forest" to "Industrial" with accompanying rezoning from "F-2" to "M-2/SR" with adoption of developed and committed lands exceptions to statewide planning goals 3 and 4, is appropriate and justified as set forth in the Findings of Fact to which this supplement is attached.
2. The Board has been presented testimony at the December 18 public hearing indicating concerns from neighboring residents about the impact of development or redevelopment of the subject property pursuant to the M-2 zone upon them and their property as well as other residents and properties in the area.
3. Addition of the "/SR" (Site Review) combining zone (Lane Code 16.257) to the principal zone of "M-2" is intended by the Board to provide an additional development review process in which there is public notice and opportunity for participation and appeal; implementation of the /SR combining zone will enable site development or redevelopment to occur in a manner compatible with the surrounding vicinity and otherwise meeting the requirements of the /SR zone.
4. To further the objective of neighborhood compatibility, particularly the residential character of property to the east, the Board directs that implementation of the /SR combining zone upon the subject property include a significant visual buffer of coniferous vegetation at least forty (40) feet in width along the eastern perimeter of the subject property, to be maintained in perpetuity by the owners or users of the property.
5. This buffer is to be considered and made a condition of approval of any Site Review Permit issued for the subject property in addition to other conditions which may be imposed as a result of the Site Review Permit approval process.

JOEL A. NORGRÉN

BOOK 158 PAGE 1574

Soil Scientist

3655 N.W. Van Buren
Corvallis, OR 97330
(503) 753-6064Investigation of soils on Tax lots 1200 and 1300,
Big Leaf Timber Corp

On May 23, 1995, I conducted an investigation of soils on Tax lots 1200 and 1300, located in the SE 1/4 of Section 2, Township 20S, Range 3W, property of Big Leaf Timber Corp., immediately west of Sears Road and east of Interstate 5. Soils were examined at six points as shown on the attached map and described in the accompanying field notes. Bulldozer excavations were extended with a soil auger.

As shown on Sheet 133 of the Soil Survey of the Lane County Area, this property is approximately equally divided into 5.4 acres of clayey Hazelair soils on the east and 5 acres of stony Ritner soils on the west. A small area (.6 acre) of alluvial McBee soils occupies the southwest corner.

Most of the area mapped as Hazelair soil has been visibly disturbed. Even on areas not currently used as parking lot, growth of grass is very poor. The excavations described in this report reveal a layer of gravel between 1½ and 2½ feet thick. Top soil has generally been removed before application of the gravel. Several different sizes and shapes of gravel are present, varying from fine, crushed aggregate to coarse, river-rounded cobbles. Abundant partially decomposed fine roots indicate that this gravel layer has been in place for several decades.

Disturbance in the western half of this tract (mapped Ritner cobbly silty clay loam) consisted of removing several feet of material. Approximately 50 feet west of the main shop, a vertical cut bank, about 6 feet high, is exposed for a distance of at least 200 feet in a north-south direction. The depth of this cut gives some indication of the volume of material removed from the original site.

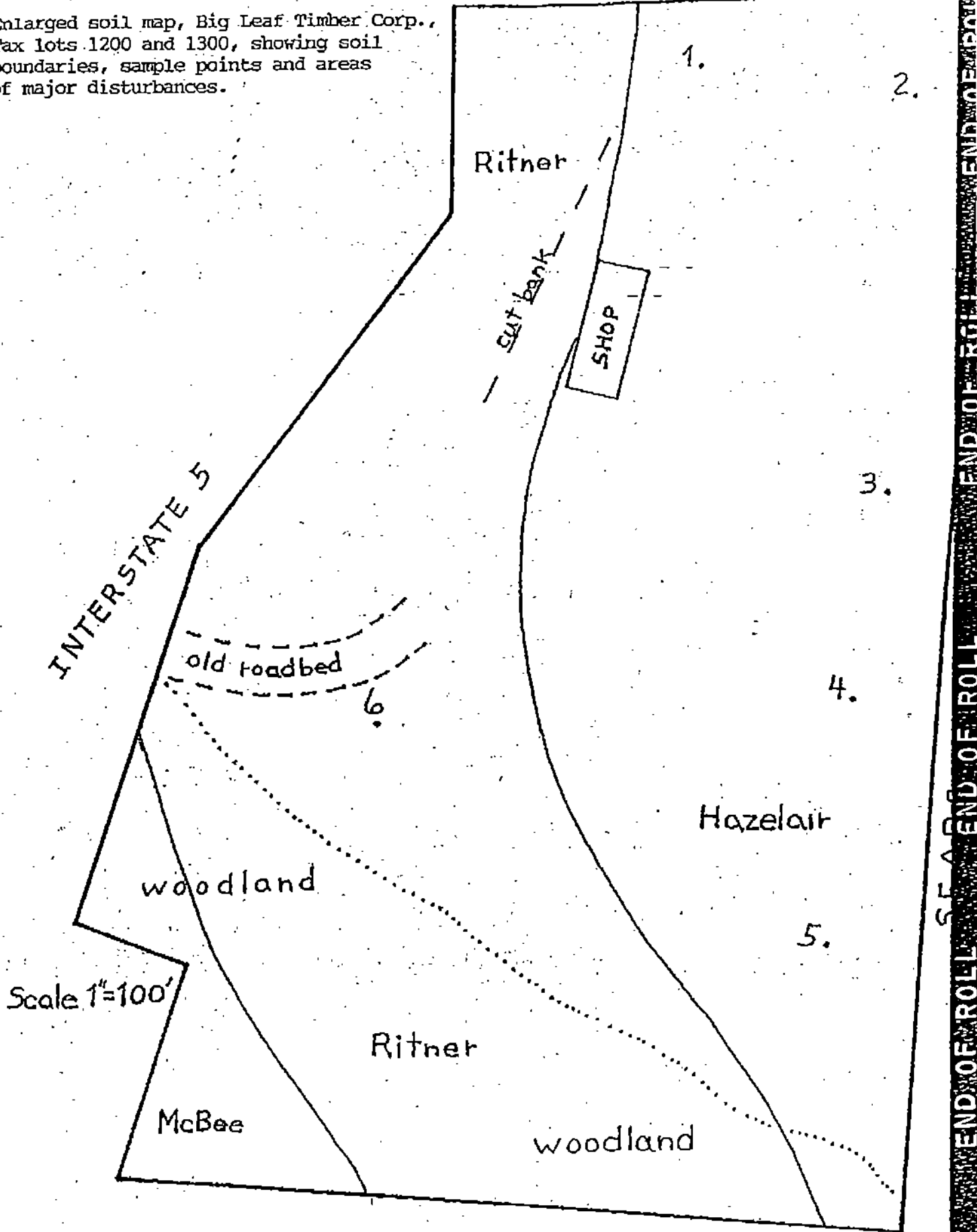
An old roadbed trends south and west from the central shop area and meets the right-of-way for Interstate 5. This road afforded access for gravel trucks during construction of the highway. The area of Ritner soil east of the cut-bank, southeast of this old roadbed and north of the established woodland, has been levelled or gravelled or subjected to a combination of the two processes. A conservative estimate of the area thus affected is 1.7 acres.

The small area of McBee soil does not appear to have been significantly disturbed.

A conservative estimate of the area in which soils have been significantly disturbed is 7.1 acres.

A. A. McGee

Enlarged soil map, Big Leaf Timber Corp.,
Tax lots 1200 and 1300, showing soil
boundaries, sample points and areas
of major disturbances.



Field notes for an investigation of soils on the Big Leaf Timber Corp. tract, Tax lots 1200 and 1300

SAMPLE POINT	DEPTH	MATERIAL	COLOR
50' S of north boundary and 220' W of Sears Road 1	0-10"	clay	10YR 4/4 dark yellowish brown
	10-30"	angular gravel 1½" cable	
	30-40"	dense clay	5Y 4/4- olive
50' W of Sears Road and 75' S of north boundary 2	0-22"	angular gravel	
	22-46"	dense clay	10YR 3/1 very dark gray
50' W of Sears Road and 50' S of driveway 3	0-26"	river-run gravel and cobbles	
	26-36"	dense clay	5Y 3/1 very dark gray
65' W of Sears Road and 150' S of Point No. 3 4	0-24"	river-run gravel and cobbles	
	24-37"	dense clay	10YR 2/1 black
	37-42"	dense clay	10YR 2/2 very dark brown
65' W of Sears Road and 170' S of Point No. 4 5	0-18"	angular, fine gravel	
	18-28"	silty clay	10YR 2/2 very dark brown
	28-40"	dense clay	10YR 3/3 dark brown
200' E of I-5 and 100' W of mobile home 6	0-26"	river-run gravel and cobbles	
	26-32"	silty clay loam	10YR 3/1 very dark gray
	32-40"	dense silty clay	7.5YR 3/2 dark brown

SIT

