

Memorandum Date: **October 23, 2006**
First Reading: **November 8, 2006**
Second Reading/Public Hearing: **November 29, 2006**

TO: Board of County Commissioners
DEPARTMENT: Public Works Department/Land Management Division
PRESENTED BY: Bill Sage, Associate Planner

AGENDA ITEM TITLE: ORDINANCE NO. PA 1226 / IN THE MATTER OF ADOPTING AMENDMENTS TO THE RURAL COMPREHENSIVE PLAN FOR PROPERTIES IN THE COAST FORK WILLAMETTE WATERSHED AND OTHER PORTIONS OF RURAL LANE COUNTY; ADOPTING EXCEPTIONS TO STATEWIDE PLANNING GOALS THREE AND FOUR WHERE NECESSARY; ADOPTING CHANGES IN ZONING DESIGNATIONS TO COMPLY WITH SUCH PLAN AMENDMENTS WHERE NECESSARY; AND ADOPTING A SAVINGS AND SEVERABILITY CLAUSE. (CONTROL NO. 01 - 21)

I. MOTION

MOVE ADOPTION OF ORDINANCE NO. PA 1226 AND APPROVING PLAN AMENDMENTS AND ZONE CHANGES FOR CONTROL NUMBERS _____.

II. AGENDA TIME SUMMARY

A. Background

Ordinance No PA 1226 consists of 21 separate staff reports identified as Control No. 1 through Control No. 21. Each control number was assigned to an unincorporated rural community or a developed & committed exception area in which one or more individual properties were proposed for the Board of County Commissioner's consideration of an amendment to a plan designation and a zoning designation.

The selection of the candidate properties was based on RCP Periodic Review guidelines developed in the McKenzie Watershed in 2002 and the Siuslaw and Long Tom Watersheds in 2004, and adopted in Ordinance No. PA 1192 on December 17, 2003 by the Board of County Commissioners as RCP General Plan Policies, Goal Two, Policy 27, and subsequently amended by Ordinance No. PA 1219 on January 19, 2005.

Since the Periodic Review Work Program was primarily limited to the developed & committed (D&C) exception area designations of the Rural Comprehensive Plan, the proposed actions are almost exclusively opportunities to move from one of four D&C zoning designations to another: Rural Residential (RR), Rural Commercial (RC), Rural Industrial (RI) or Rural Public Facility (RPF).

In two instances, plan amendments and zone changes include exceptions to resource Goals to allow amendment from a resource designation (farm or forest) to a nonresource designation:

- Control No. 11: Goal Four – Impacted Forest Land (F2) to Rural Industrial (RI);
- Control No. 13: Goal Three – Exclusive Farm Use (E30) to Rural Public Facility (RPF).

In one instance, (Control No. 18) the subject land is unzoned and a resource designation of Exclusive Farm Use (E30) is requested.

The selection process included three avenues of recommendation and review:

1. In the Summer of 2004, staff mailed questionnaires to property owners of rural commercial, rural industrial, and rural public facility lands soliciting information concerning the existing uses, development, and validity of the current zoning on their properties. Responses requesting a different zoning designation prompted the opening of research files for some of those sites.
2. During the latter part of 2004 and the first quarter of 2005, LMD staff visited all of the developed and committed exception areas and the five unincorporated rural communities (Goshen, Saginaw, London, Dorena and Culp Creek) in the Coast Fork of the Willamette Watershed and the four unincorporated rural communities (Pleasant Hill, Jasper, Trent, Fall Creek) and one urban unincorporated community (Dexter) in the Middle Fork of the Willamette Watershed. The purpose of the site visits was to document the uses and development on the properties and to determine if the uses conformed to the 1984 adopted zoning designations. Lawful, nonconforming uses or development were documented and where amendments were feasible and the property owners were agreeable, research files were compiled for those sites.
3. Staff also conducted a series of three citizen information meetings in 2005. Staff researched the citizen recommendations and where appropriate, documentation was compiled for those sites.

The above activities contributed to the following process:

- Approximately 105 properties were selected and initially researched by staff. Seventy-nine subject properties were deemed eligible, received consent from the property owners to proceed, and qualified for further review.
- Three of the subject properties were “added” to Lane County with a realignment of the common boundary between Lane County and Linn County by the Oregon Legislative Assembly action and require plan and zoning designations and are proposed for amendments in Ordinance No. PA 1226 (Control No. 18).
- Thirty-three of the subject properties are spread throughout 18 developed & committed exception areas and three rural unincorporated communities (Goshen, Saginaw and Culp Creek) in the Coast Fork Watershed and are proposed for amendments in Ordinance No. PA 1226.
- The remaining 43 properties in 22 D&C exception areas or unincorporated communities of the Middle Fork Willamette Watershed will be brought to the Board of County Commissioners under a separate ordinance in 2007.

B. Analysis

A private consultant prepared findings and documentation for two of the subject properties (Control No. 1 and Control No. 20). The other 19 staff reports addressing 34 subject properties were prepared by LMD staff with the assistance of the property owners. No fees were charged

for the applications. All of the research and staff reports were processed under the Video Lottery funding LMD received from the Board of County Commissioners and the Economic Development Standing Committee in the fiscal year 2004-2005.

The staff reports are attached as Exhibits "C-1" through "C-21" to Ordinance No. PA 1226, which is enclosed as Attachment "A" to this agenda cover memo. Each staff report includes an analysis of the circumstances under which each of the subject properties was considered as a candidate for the requested plan and zoning amendments. Findings of Fact addressing the applicable criteria for each amendment request are included specific to each property.

Two individuals testified before the Planning Commission (LCPC). The verbatim account of both parties' testimony are included in the LCPC minutes of the hearing on November 1, 2005, that are attached as Attachment "C" – Lane County Planning Commission (LCPC minutes, November 1, 2005). A summary of their testimony from pages 6 through 8 of the LCPC minutes follows:

1. Robert Castleberry

Robert Castleberry opposed the rezoning of a Rural Residential property in Control No. 7 to Rural Industrial (RI) that was contiguous to the industrial operation, Crane Manufacturing, located west of Seavey Loop and south of Franklin Boulevard. Mr. Castleberry cited general concerns the neighborhood residents had about the prospect of losing the buffer represented by the subject property, tax lot 3200, between the industrial uses to the south and the neighborhood to the north. He also described past actions on the subject property that resulted in removal of cottonwoods, ash and willows, and fill in a drainage channel across the subject property. He recounted the success of the neighborhood and Emerald Public Utility District (EPUD) in the mid-1980s to address the neighbor's concerns in coordinating the development of the EPUD facility across Seavey Loop to the east. (Refer to pages 6-7 of Attachment "C" – LCPC Minutes, November 1, 2005, for a transcript of the testimony.)

Staff recommended that the application be placed on hold to allow Crane Manufacturing and the representatives of the neighborhood to open discussions on the issues raised and to see if solutions could be reached between the parties on the issues. Several weeks later, the owners of the subject property, tax lot 3200, withdrew the property from consideration. Ordinance No. PA 1226, Control No. 7, does not include this property.

2. Lauri Segel – 1,000 Friends of Oregon

Lauri Segel, representing 1,000 Friends of Oregon, testified in opposition to the process of rezoning properties as post acknowledgement plan amendments stemming from the research and outreach activities associated with the Periodic Review Work Program. Ms. Segel requested three additional weeks to submit written testimony concerning the Ordinance. (Refer to pages 7 and 8 of Attachment "C" – Lane County Planning Commission (LCPC) Minutes, November 1, 2005 for a transcript of the testimony.)

The LCPC left the record open for submittal of written testimony for three weeks.

One party submitted testimony during the three-week period.

3. Jim Just - Goal One Coalition

Jim Just, representing Goal One Coalition, submitted written testimony on November 21, 2005. The testimony centered around two issues. Refer to Attachment "E" - Jim Just – Goal One Coalition testimony, November 21, 2005.

a. Single numeric minimum lot size.

Goal One Coalition testimony challenged the proposed amendments and zone changes for some or all of the subject properties included in Control No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, 20 and 21.

The specific challenges to the eighteen control numbers was based on one aspect of *Doty v. Coos County*, 42 Or LUBA 103 (2002). The Land Use Board of Appeal found that a proposed change in zoning designation within a developed and committed exception area and outside the boundaries of a rural unincorporated community would have to comply with OAR 660-004-018(2) *For "physically developed" and "irrevocably committed" exceptions to goals, plan and zone designations shall authorize a single numeric minimum lot size and shall limit uses, density, and public facilities and services to those: * * ** (Emphasis added).

The subject properties challenged per OAR 660-004-018(2) were proposed for amendment to Rural Commercial RC (Lane Code 16.291), Rural Industrial RI (Lane Code 16.292) or Rural Public Facility RPF (Lane Code 16.294). Each of the three cited sections of Lane Code includes identical language in the division standard subsections (___) *Area. No minimum is established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.*"

The absence of a "single numeric minimum lot size" was in acknowledgement that unlike a residential "density", the division of commercial, industrial or public facility sites should address the "intensity" of the proposed use, e.g. the land required for a 100-seat restaurant is considerably different than the land required for a coffee kiosk. Where the first may include tens-of- thousands of gallons of water and subsurface disposal thereof, circulation and parking for 40-50 automobiles, circulation patterns for onsite traffic, and a 4,000 square foot building; a drive-through kiosk would be closer to 500 gallons per day, accommodate two to four automobiles at a time, and a structure of 10 feet by 20 feet or 200 square feet. Where a restaurant may require two or more acres for all the buildings and infrastructure, a kiosk may well only need one-quarter of an acre. One size does not fit all allowable uses.

On October 4, 2006, Oregon Land Conservation and Development Commission (LCDC) held a public hearing in Bend, Oregon and adopted an amendment to the text of OAR 660-004-018(2) that reads with the additions in **bold text** and underscored:

*For "physically developed" and "irrevocably committed" exceptions to goals, **residential** plan and zone designations shall authorize a single numeric minimum lot size and **all plan and zone designations** shall limit uses, density and public facilities and services to those: * * **

The LCDC action eliminates the inconsistency between the Oregon Administrative Rule and Lane Code, and this specific challenge by Goal One Coalition to the above eighteen proposed amendments to RC, RI or RPF designations.

b. Rural lands and compatibility with adjacent and nearby resource uses.

In written testimony to the LCPC, Goal One Coalition also challenged amendments to Control Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19, 20 and 21 on the basis that “it has not been established that the amendments will maintain the land as rural land, that allowed land uses will not commit adjacent or nearby resource land to nonresource use, or that allowed uses will be compatible with adjacent and nearby resource uses.”

Oregon’s Statewide Planning Goals & Guidelines define “Rural land” as:

Land outside urban growth boundaries that is:

- (a) Non-urban agricultural, forest or open space,*
- (b) Suitable for sparse settlement, small farms or acreage homesites with no or minimal public services, and not suitable, necessary or intended for urban use, or*
- (c) In an unincorporated community.*

Preservation of rural lands and protection of resource uses from impacts of uses on adjacent or nearby nonresource lands are implemented on the County level by comprehensive plan policies and implementing zoning regulations.

Lane County amended the Rural Comprehensive Plan – General Plan Policies, Goal Two in 2002 (April 17, 2002, Ordinance No. PA 1173), 2004 (February 4, 2004, Ordinance No. PA 1194), and 2005 (June 15, 2005, Ordinance No. PA 1222). These amendments, in compliance with Periodic Review Work Tasks, were acknowledged by the Oregon Department of Land Conservation and Development (DLCD) to be in compliance with OAR 660 Division 22 (Unincorporated Communities Rule) and OAR 660 Division 4 (Goal 14 in developed & committed exception areas).

Lane County adopted Ordinance No. 6-02 on April 17, 2002 implementing the Rural Residential Zone regulations (LC 16.290), Rural Commercial Zone regulations (LC 16.291), Rural Industrial Zone regulations (LC 16.292), and the Rural Public Facility Zone regulations (LC 16.294), and were acknowledged by Oregon Department of Land Conservation and Development (DLCD) to be in compliance with OAR 660 Division 22 (Unincorporated Communities Rule) and OAR 660 Division 4 (Goal 14 in developed & committed exception areas).

An analysis and supplemental findings of fact detailing the adoption and acknowledgement processes are attached to Attachment “A” -- Ordinance No. PA 1226 as Exhibit “D” – Supplemental Findings of Fact. A flow chart outlining the Lane County adoption of ordinances and the DLCD acknowledgement orders is attached as Attachment “B” – Lane County Ordinances/DLCD Acknowledgement Orders.

In summary of the Supplemental Findings of Fact in Exhibit “D”, Goal Two Policies and the implementing Lane Code Chapter 16 regulations are designed to establish rural residential, commercial, industrial and public facility zones that would assure maintenance of the rural character of land uses outside of urban growth boundaries and address issues of compatibility of such uses with adjacent or nearby resource lands. The uses allowed outright or by conditional use permits are acknowledged as uses that are rural by definition, consistent with Goal 14, compatible with uses on adjacent or nearby lands, and in the case of commercial and industrial zones, provide products or services needed by rural residents or by persons traveling through the rural area. The factor determining whether or not the Lane Code provisions

actually achieve these objectives is in the application of the site-specific, land use planning permit review and decision processes. When a property owner wishes to establish a new use or expand an existing use, the applicant will be required to submit a complete land use application and the application will be subject to compliance with the all applicable regulations of the base zone and combining zones.

C. Planning Commission Recommendations on Individual Subject Properties

Following the Lane County Planning Commission (LCPC) public hearing on November 1, 2005, the LCPC met for deliberations on December 20, 2005 and January 10, 2006. By majority vote, the LCPC supported recommendations to the Board of County Commissioners for approval of 17 of the 21 control numbers which included proposed amendments for 29 of the 36 properties as drafted on Exhibits "A" - Official Plan Maps and Exhibits "B" - Official Zoning Maps of Ordinance No. PA 1226.

The LCPC forwarded recommendations for denial for four of the 21 Control Numbers (No. 1, No. 11, No. 19 and No. 21.) The discussion and rationale for the recommendations are captured in the LCPC minutes of the deliberations session on January 10, 2006, which are attached as Attachment "D" - Lane County Planning Commission (LCPC) Minutes, January 10, 2006, and a summary of the actions is provided below:

The following summary identifies the individual "control numbers", subject properties, proposed plan and zone changes, and the "yes" – "no" vote counts for each of the LCPC recommendations.

No.	TRS	Tax lot	Property Owner	Acres	Plan Designations				LCPC Action	
					From	To	From	To	Yes	No
1.	18-04-21	224	<u>Blue Tower Art Foundation</u>	5.38	R	C	RR5	RC	1	6
2.	22-03-30.1	2401	<u>London Grange #937</u>	0.41	R	PF	RR5	RPF	6	1
3.	16-04-20	800	<u>Skinner</u> (Western Art Gallery)	Total	1.73	R	RR5			
				Retain	1.45	R	RR5			
				Rezone	0.28		I		RI	6
4.	20-03-21	402	<u>Maddox (Cabinetry Shop)</u>	1.26	R	C	RR5	RC	6	1
5.	20-03-03	1500	<u>Simons (Wagon Wheel)</u>	3.73	R	C	RR5	RC	6	1
6.	20-03-15	902	<u>South Lane District #45/RFPD</u>	3.82	R	PF	RR5	RPF		
	20-03-15.2.3	700	<u>Mitchell</u>	0.12	R	C	RR5	RC		
	20-03-15.2.3	700	<u>Mitchell</u>					<u>Remove historical designation "/H"</u>		
	20-03-15.2.3	900	<u>Rhodes</u>					<u>Add historical designation "/H"</u>	6	1

7.	18-03-11.3	102	<u>Emerald PUD</u>	1.41	I	PF	RI	<u>RPF</u>		
	18-03-11.3	3800	<u>Emerald PUD</u>	5.74	I	PF	RI	<u>RPF</u>		
	18-03-11.3	3801	<u>Emerald PUD</u>	1.03	I	PF	RI	<u>RPF</u>		
	18-03-11.3	3803	<u>Emerald PUD</u>	4.10	I	PF	RI	<u>RPF</u>		
			<u>Total</u>	<u>12.28</u>					<u>6</u>	<u>1</u>
8.	18-03-14	1300	<u>Doyle (Harley-Davidson)</u>	0.54	C		RC			
	18-03-14	1400	<u>Doyle (Harley-Davidson)</u>	0.58	C		RC			
			<u>Total</u>	<u>1.12</u>						
			<u>Retain</u>	<u>0.45</u>	C		RC			
			<u>Rezone</u>	<u>0.67</u>		I		<u>RI</u>	<u>6</u>	<u>1</u>
	18-03-14	1400	<u>*Exception to LC 16.291(4)(a)(i)-(iv) floor area limitation (RC)</u>						<u>6</u>	<u>1</u>
9.	18-03-23.1	2401	<u>Brooks (Auto Doctor)</u>	0.28	I	C	RI	<u>RC</u>	<u>6</u>	<u>1</u>
10.	19-03-11	1400	<u>Jackson-Crawford</u> <u>(Sisters View Apartments)</u>	3.12	R	C	RR5	<u>RC</u>	<u>4</u>	<u>3</u>
11.	19-03-35	1301	<u>Nash Enterprises</u>	4.10	F	I	F2	<u>RI</u>		
		1202	<u>Nash Enterprises</u>	3.03	F	I	F2	<u>RI</u>		
			<u>*Exception to Goals 3 and 4</u>	<u>7.13</u>					<u>0</u>	<u>7</u>
12.	21-03-02.2.1	501	<u>Wilson Irrevocable Trust</u>	0.55	R	I	RR5	<u>RI</u>		
	21-03-02.2.1	200	<u>Wilson Irrevocable Trust</u>	0.065	R	I	RR5	<u>RI</u>		
	21-03-35	9300	<u>Wilson Irrevocable Trust</u>	0.138	R	I	RR5	<u>RI</u>		
			<u>Total</u>	<u>0.753</u>					<u>6</u>	<u>1</u>
13.	19-03-13	2901	<u>City of Creswell</u>	1.98	A	PF	E30	<u>RPF</u>		
			<u>*Exception to Goals 3 and 4</u>						<u>6</u>	<u>1</u>
14.	21-02-19	107	<u>Lane Electric Cooperative</u>	0.45	R	PF	RR5	<u>RPF</u>	<u>6</u>	<u>1</u>
15.	21-02-19	900	<u>Blue Mountain School</u>	5.41	I	PF	RI	<u>RPF</u>	<u>6</u>	<u>1</u>
16.	21-01-30	4200	<u>Lane Electric Cooperative</u>	0.78	R	PF	RR2	<u>RPF</u>		
	21-01-31.1.2	1800	<u>Qwest Corporation</u>	0.24	R	C	RR2	<u>RC</u>	<u>6</u>	<u>1</u>
17.	20-03-35	8400	<u>Chrestman</u>	2.27	I	R	RI	<u>RR5</u>	<u>6</u>	<u>1</u>

18.	15-04-21	800	<u>Sandland</u>	171.08	ND	A	UZ	E30	
	15-04-21	900	<u>Oregon Dept of State Lands</u>	4.18	ND	A	UZ	E30	
	15-04-21	1000	<u>McNutt</u>	1.80	ND	A	UZ	E30	
			Total	177.06					7 0
19.	21-01-35.4	100	<u>Baldwin</u>	2.39	R	C	RR5	RC	
	21-01-36.3.3	1300	<u>Baldwin</u>	0.21	R	C	RR5	RC	
	21-01-36.3.3	1500	<u>Baldwin</u>	0.14	R	C	RR5	RC	
			Total	2.74					3 4
20.	18-02-19	1300	<u>Bessett</u>	5.22	R	I	RR5	RI	5 2
21.	18-12-25	2200	<u>Nordahl</u>	10.24	I	C	RI	RC	0 7

Approval of zone changes for the subject properties included in the 21 Control Numbers would result in the gain and loss of acreage by zoning designation as illustrated below.

Zoning Designations	To	From	Difference/Acres
Total acreage rezoned to Rural Residential (RR5)	2.27 (+)		
Total acreage rezoned from Rural Residential (RR2/RR5)		27.30 (-)	
Difference			(-) 25.03
Total acreage rezoned to Rural Commercial (RC)	27.56 (+)		
Total acreage rezoned from Rural Commercial (RC)		0.67 (-)	
Difference			(+) 26.89
Total acreage rezoned to Rural Industrial (RI)	14.01(+)		
Total acreage rezoned from Rural Industrial (RI)		30.48 (-)	
Difference			(-) 16.47
Total acreage rezoned to Rural Public Facility (RPF)	25.13 (+)		
Total acreage rezoned from Rural Public Facility (RPF)		-0-	
Difference			(+) 25.13
Total acreage rezoned to Exclusive Farm Use (E30)	177.06 (+)		
Total acreage rezoned from Exclusive Farm Use (E30)		1.98 (-)	
Difference			(+) 175.15
Total acreage rezoned to Impacted Forest Land (F2)	-0-		
Total acreage rezoned from Impacted Forest Land (F2)		7.13 (-)	
Difference			(-) 7.13

Total acreage rezoned with new nonresource designations (RR, RC, RI, RPF)	68.97
Total acreage zoned with new resource designation (E30)	<u>177.06</u>
Total acreage subject to new zoning designations	246.03

IV. FINDINGS

Staff reports and findings of fact and conclusions of law addressing consistency of the proposed plan amendments and zone changes are attached to Ordinance No. PA 1226 as Exhibits “C-1” through “C-21”.

Supplemental findings of fact and conclusions of law addressing Lane County Rural Comprehensive Plan policies and Lane Code zoning regulations for conservation of rural lands and compatability of the proposed amendments on nearby or adjacent resource lands are attached to Ordinance No. PA 1226 as Exhibit “D”.

V. ALTERNATIVES/OPTIONS

1. Adopt Ordinance No. PA 1226 in entirety (Control No. 1 through Control No. 21)
2. Adopt Ordinance No. PA 1226 with directions to staff designating specific Control Numbers as approved and which, if any, Control Numbers are disapproved.
3. Deny Ordinance No. PA 1226. (Control No. 1 through Control No. 21).
4. Direct staff to provide additional findings of fact and conclusions of law on specific Control Numbers.

VI. RECOMMENDATION

Staff recommends Alternative 1, above.

VII. TIMING

The Ordinance does not contain an emergency clause and will become effective thirty days from the date of adoption.

VIII. IMPLEMENTATION / FOLLOW-UP

Notice of the Board’s action will be provided to DLCD and to parties of record.

IX. ATTACHMENTS

- A. Ordinance No. PA 1226
- B. Analysis: Lane County Ordinances/DLCD Acknowledgement Orders.
- C. Lane County Planning Commission (LCPC) minutes (November 1, 2005).
- D. Lane County Planning Commission (LCPC) minutes (January 10, 2006).
- E. Jim Just – Goal One Coalition testimony, November 21, 2005.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. PA 1226) IN THE MATTER OF ADOPTING AMENDMENTS TO
) THE RURAL COMPREHENSIVE PLAN FOR PROPERTIES
) IN THE COAST FORK WILLAMETTE WATERSHED AND
) OTHER PORTIONS OF RURAL LANE COUNTY;
) ADOPTING EXCEPTIONS TO STATEWIDE PLANNING
) GOALS THREE AND FOUR WHERE NECESSARY;
) ADOPTING CHANGES IN ZONING DESIGNATIONS TO
) COMPLY WITH SUCH PLAN AMENDMENTS WHERE
) NECESSARY; AND ADOPTING A SAVINGS AND
) SEVERABILITY CLAUSE (CONTROL NO. 1 – 21)

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 2004, 30 actions were initiated for minor amendments to redesignate properties or portions of properties within developed and committed exception areas or unincorporated rural communities of the Coast Fork Willamette Watershed and other portions of rural Lane County, and concurrently rezone the properties or portions thereof; three actions were initiated for amendments to redesignate properties or portions of properties within resource zones of the Coast Fork Willamette Watershed and other portions of rural Lane County and adopt exceptions to Statewide Planning Goals Three and Four, and concurrently rezone the properties or portions to nonresource zones thereof to comply with such amendments; and three actions were unzoned and initiated for amendments to designate properties as resource land in the Coast Fork Willamette Watershed and concurrently zone the properties to resource designations; and

WHEREAS, the Lane County Planning Commission reviewed the proposals in a public hearing on November 1, 2005, and in deliberations on January 10, 2006, forwarded recommendations on the proposed amendments, exceptions, and rezoning to the Board of County Commissioners; and

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

WHEREAS, the Board of County Commissioners conducted a public hearing on November 29, 2006, reviewed the record 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 and rezoning of the following properties or portions thereof, as identified in Control Numbers 1-21.

(PR Control No. 1 – Blue Tower Art Foundation).

- a. Redesignation of tax lot 224 of map 18-04-21, from “Rural” to “Commercial”, such territory depicted on Plan Plot 298 and further identified as Exhibit “A-1” attached and incorporated herein; and

- b. Rezone tax lot 224 of map 18-04-21, from "RR5/Rural Residential" (Lane Code 16.290) to "RC/Rural Commercial" (Lane Code 16.291), such territory depicted on Zoning Plot 298 and further identified as Exhibit "B-1" attached and incorporated herein; and
- c. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-1" (pages 1-18) attached, are adopted in support of this action.

(PR Control No. 2 - London Grange).

- a. Redesignation of tax lot 2401 of map 22-03-30.1, from "Rural" to "Public Facility" on Plan Plot 360-1 and further identified as Exhibit "A-2", attached and incorporated herein; and
- b. Rezone tax lot 2401 of map 22-03-30.1, from "RR5/Rural Residential" (Lane Code 16.291) to "RPF/Rural Public Facility" (Lane Code 16.294) such territory depicted on Zoning Plots 360-1, and further identified as Exhibit "B-2" attached and incorporated herein; and,
- c. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-2" (pages 1-9) attached, are adopted in support of this action.

(PR Control No. 3 - Skinner).

- a. Redesignation of a designated 0.28 of-an-acre of tax lot 800 of map 16-04-20, from "Rural" to "Industrial", such territory depicted on Plan Plot 282 and further identified as Exhibit "A-3" attached and incorporated herein; and
- d. Rezone a designated 0.28 of-an-acre of tax lot 800 of map 16-04-20, from "RR5/Rural Residential" (Lane Code 16.290) to "RI/Rural Industrial" (Lane Code 16.292), such territory depicted on Zoning Plot 282 and further identified as Exhibit "B-3" attached and incorporated herein; and
- e. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-3" (pages 1-13) attached, are adopted in support of this action.

(PR Control No. 4 - Maddux).

- a. Redesignation of tax lot 402 of map 20-03-21, from "Rural" to "Commercial", such territory depicted on Plan Plot 388 and further identified as Exhibit "A-4" attached and incorporated herein; and
- b. Rezone tax lot 402 of map 20-03-21, from "RR5/Rural Residential" (Lane Code 16.290) to "RC/Rural Commercial" (Lane Code 16.291), such territory depicted on Zoning Plot 388 and further identified as Exhibit "B-4" attached and incorporated herein; and
- c. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-4" (pages 1-10) attached, are adopted in support of this action.

(PR Control No. 5 – Wagon Wheel/Simons).

- a. Redesignation of tax lot 1500 of map 20-03-03, from "Rural" to "Commercial", such territory depicted on Plan Plot 402 and further identified as Exhibit "A-5" attached and incorporated herein; and
- b. Rezone tax lot 1500 of map 20-03-03, from "RR2/Rural Residential" (Lane Code 16.290) to "RC/Rural Commercial" (Lane Code 16.291), such territory depicted on Zoning Plot 402 and further identified as Exhibit "B-5" attached and incorporated herein; and
- c. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-5" (pages 1-11) attached, are adopted in support of this action.

(PR Control No. 6 – RC Saginaw).

- a. Redesignation of tax lot 902 of map 20-03-15, from "Rural" to "Public Facility", such territory depicted on Plan Plot 403 and further identified as Exhibit "A-6" attached and incorporated herein; and

- b. Redesignation of a designated 0.12-acre of tax lot 700 of map 20-03-15, from "Rural" to "Commercial", such territory depicted on Plan Plot 403 and further identified as Exhibit "A-6" attached and incorporated herein; and
- c. Remove the "Historical" designation "/H" on a portion of tax lot 700 of map 20-03-15, such territory depicted on Plan Plot 403 and further identified as Exhibit "A-6" attached and incorporated herein; and
- d. Add the "Historical" designation "/H" to tax lot 900 of map 20-03-15.2.3, such territory depicted on Plan Plot 403 and further identified as Exhibit "A-6" attached and incorporated herein; and
- e. Rezone tax lot 902 of map 20-03-15, from "RR5/C/Rural Residential" (Lane Code 16.290) to "RPF/C/Rural Public Facility" (Lane Code 16.294), such territory depicted on Plan Plot 403 and further identified as Exhibit "B-6" attached and incorporated herein; and
- f. Rezone a designated 0.12-acre of tax lot 700 of map 20-03-15, from "RR5/C/Rural Residential" (Lane Code 16.290) to "RC/C/Rural Commercial", such territory depicted on Plan Plot 403 and further identified as Exhibit "B-6" attached and incorporated herein; and
- g. Remove the "Historical" designation "/H" on a portion of tax lot 700 of map 20-03-15, such territory depicted on Plan Plot 403 and further identified as Exhibit "B-6" attached and incorporated herein; and
- h. Add the "Historical" designation "/H" to tax lot 900 of map 20-03-15.2.3, such territory depicted on Plan Plot 403 and further identified as Exhibit "B-6" attached and incorporated herein; and
- i. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-6" (pages 1-22) attached, are adopted in support of this action.

(PR Control No. 7 – EPUD).

- a. Redesignation of tax lot 102 of map 18-03-11.3, from "Industrial" to "Public Facility", such territory depicted on Plan Plot 412 and further identified as Exhibit "A-7" attached and incorporated herein; and
- b. Redesignation of tax lot 3800 of map 18-03-11.3, from "Industrial" to "Public Facility", such territory depicted on Plan Plot 412 and further identified as Exhibit "A-7" attached and incorporated herein; and
- c. Redesignation of tax lot 3801 of map 18-03-11.3, from "Industrial" to "Public Facility", such territory depicted on Plan Plot 412 and further identified as Exhibit "A-7" attached and incorporated herein; and
- d. Redesignation of tax lot 3803 of map 18-03-11.3, from "Industrial" to "Public Facility", such territory depicted on Plan Plot 412 and further identified as Exhibit "A-7" attached and incorporated herein; and
- e. Rezone tax lot 102 of map 18-03-11.3, from "RI/Rural Industrial" (Lane Code 16.292) to "RPF /Rural Public Facility" (Lane Code 16.294), such territory depicted on Zoning Plot 412 and further identified as Exhibit "B-7" attached and incorporated herein; and
- f. Rezone tax lot 3800 of map 18-03-11.3, from "RI/Rural Industrial" (Lane Code 16.292) to "RPF /Rural Public Facility" (Lane Code 16.294), such territory depicted on Zoning Plot 412 and further identified as Exhibit "B-7" attached and incorporated herein; and
- g. Rezone tax lot 3801 of map 18-03-11.3, from "RI/Rural Industrial" (Lane Code 16.292) to "RPF /Rural Public Facility" (Lane Code 16.294), such territory depicted on Zoning Plot 412 and further identified as Exhibit "B-7" attached and incorporated herein; and
- h. Rezone tax lot 3803 of map 18-03-11.3, from "RI/Rural Industrial" (Lane Code 16.292) to "RPF /Rural Public Facility" (Lane Code 16.294), such territory depicted on Zoning Plot 412 and further identified as Exhibit "B-7" attached and incorporated herein; and
- i. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-7" (pages 1-14) attached, are adopted in support of this action.

(PR Control No. 8 – Doyle).

- a. Redesignation of a designated 0.09 of-an-acre of tax lot 1300 of map 18-03-14, from “Commercial” to “Industrial” and retaining 0.45 of-an-acre as “Commercial”, such territory depicted on Plan Plot 413 and further identified as Exhibit “A-8” attached and incorporated herein; and
- b. Redesignation of a designated 0.54 of-an-acre of tax lot 1400 of map 18-03-14, from “Commercial” to “Industrial” and retaining 0.04 of-an-acre as “Commercial”, such territory depicted on Plan Plot 413 and further identified as Exhibit “A-8” attached and incorporated herein; and
- c. Rezone a designated 0.09 of-an-acre of tax lot 1300 of map 18-03-14, from “RC/Rural Commercial” (Lane Code 16.291) to “RI/Rural Industrial” (Lane Code 16.292) and retaining 0.45 of-an-acre as “RC/Rural Commercial” (Lane Code 16.291), such territory depicted on Zoning Plot 413 and further identified as Exhibit “B-8”, attached and incorporated herein; and
- d. Rezone a designated 0.54 of-an-acre of tax lot 1400 of map 18-3-14, from “RC/Rural Commercial” (Lane Code 16.291) to “RI/Rural Industrial” (Lane Code 16.292) and retaining 0.04 of-an-acre as “RC/Rural Commercial”, such territory depicted on Zoning Plot 413 and further identified as Exhibit “B-8”, attached and incorporated herein; and
- e. Adopt an exception to the “3,500-square foot, commercial use floor area requirement” of Lane Code 16.291(4)(a) pursuant to Lane Code 16.291(4)(a)(i)-(iv) criteria, to allow use of 11,407 square feet of floor area for a single commercial use on the “RC/Rural Commercial” designated lands of the consolidated tax lots 1300 and 1400 of map 18-03-14; and
- f. Although not a part of this Ordinance, Findings as set forth in Exhibit “C-8” (pages 1-18) attached, are adopted in support of this action.

(PR Control No. 9 -- Brooks).

- a. Redesignation of tax lot 2401 of map 18-03-23.1, from “Industrial” to “Commercial”, such territory depicted on Plan Plot 413 and further identified as Exhibit “A-9” attached and incorporated herein; and
- b. Rezone tax lot 2401 of map 18-03-23.1, from “RI-C/Rural Industrial” (Lane Code 16.292) to “RC-C/Rural Commercial” (Lane Code 16.291), such territory depicted on Zoning Plot 413 and further identified as Exhibit “B-9” attached and incorporated herein; and
- c. Although not a part of this Ordinance, Findings as set forth in Exhibit “C-9” (pages 1-14) attached, are adopted in support of this action

(PR Control No. 10 – Jackson-Crawford).

- a. Redesignation of tax lot 1400 of map 19-03-11, from “Rural” to “Commercial”, such territory depicted on Plan Plot 415 and further identified as Exhibit “A-10” attached and incorporated herein; and
- b. Rezone of tax lot 1400 of map 19-03-11, from “RR5/Rural Residential (Lane Code 16.291)” to “RC/Rural Commercial” (Lane Code 16.291), such territory depicted on Zoning Plot 415 and further identified as Exhibit “B-10” attached and incorporated herein; and
- c. Although not a part of this Ordinance, Findings as set forth in Exhibit “C-10” (pages 1-11) attached, are adopted in support of this action.

(PR Control No. 11 – Nash Enterprises).

- a. Redesignation of tax lot 1301 of map 19-03-35, from “Forest” to “Industrial”, such territory depicted on Plan Plot 417-3 and further identified as Exhibit “A-11” attached and incorporated herein; and
- b. Redesignation of a designated 3.03 acres of tax lot 1202 of map 19-03-35, from “Forest” to “Industrial”, such territory depicted on Plan Plot 417-3 and further identified as Exhibit “A-11” attached and incorporated herein; and

- c. Rezone tax lot 1301 of map 19-03-35, from "F2/Impacted Forest Land" (Lane Code 16.211) to "RI/Rural Industrial" (Lane Code 16.292), such territory depicted on Zoning Plot 417-3 and further identified as Exhibit "B-11" attached and incorporated herein; and
- d. Rezone a designated 3.03 acres of tax lot 1202 of map 19-03-35, from "F2/Impacted Forest Land" to "RI/Rural Industrial", such territory depicted on Plan Plot 417-3 and further identified as Exhibit "B-11" attached and incorporated herein; and
- e. Developed and committed lands exceptions to statewide planning goals 3 and 4 are adopted for tax lot 1301 and a designated 3.03 acres of tax lot 1202 of map 19-03-35 as Exception Area 417-3, based on findings of fact and conclusions of law supporting the exceptions and amendments as set forth in Exhibit "C-11" (pages 1-20), attached and adopted in support to this action; and
- f. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-11" (pages 1-20) attached, are adopted in support of this action.

(PR Control No. 12 – Wilson Revocable Trust).

- a. Redesignation of a designated 0.138 of an acre of tax lot 9300 of map 21-03-35, from "Rural" to "Industrial", such territory depicted on Plan Plot 420-3 and further identified as Exhibit "A-12-1" attached and incorporated herein; and
- b. Redesignation of tax lot 501 of map 21-03-02.2.1, from "Rural" to "Industrial", such territory depicted on Plan Plot 421-1 and further identified as Exhibit "A-12-2" attached and incorporated herein; and
- c. Redesignation of a designated 0.065 of an acre of tax lot 200 of map 21-03-02.2.1, from "Rural" to "Industrial", such territory depicted on Plan Plot 421-1 and further identified as Exhibit "A-12-2" attached and incorporated herein; and
- d. Rezone of a designated 0.138 of an acre of tax lot 9300 of map 21-03-35, from "RR5/Rural Residential" to "RI/Rural Industrial", such territory depicted on Plan Plot 420-3 and further identified as Exhibit "B-12-1" attached and incorporated herein; and
- e. Rezone of tax lot 501 of map 21-03-02.2.1, from "RR5/Rural Residential" to "RI/Rural Industrial", such territory depicted on Plan Plot 421-1 and further identified as Exhibit "B-12-2" attached and incorporated herein; and
- f. Rezone of a designated 0.065 of an acre of tax lot 200 of map 21-03-02.2.1, from "RR5/Rural Residential" to "RI/Rural Industrial", such territory depicted on Plan Plot 421-1 and further identified as Exhibit "B-12-2" attached and incorporated herein; and
- g. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-12" (pages 1-15) attached, are adopted in support of this action.

(PR Control No. 13 – City of Creswell).

- a. Redesignation of tax lot 2901 of map 19-03-13, from "Agricultural" to "Public Facility", such territory depicted on Plan Plot 429-2 and further identified as Exhibit "A-13" attached and incorporated herein; and
- b. Rezone tax lot 2901 of map 19-03-13 from "E30/Exclusive Farm Use" (Lane Code 16.212) to "RPF/Rural Public Facility" (Lane Code 16.294), such territory depicted on Zoning Plot 429-2 and further identified as Exhibit "B-13" attached and incorporated herein; and
- c. Developed and committed lands exceptions to statewide planning goals 3 and 4 are adopted for tax lot 2901 of map 19-03-13 as Exception Area 429-2, based on findings of fact and conclusions of law supporting the exceptions and amendments as set forth in Exhibit "C-13" (pages 1-17), attached and adopted in support to this action; and
- d. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-13" (pages 1-17) attached, are adopted in support of this action.

(PR Control No. 14 – Lane Electric Cooperative).

- a. Redesignation of tax lot 107 of map 21-02-19, from “Rural” to “Public Facility”, such territory depicted on Plan Plot 443-1 and further identified as Exhibit “A-14” attached and incorporated herein; and
- b. Rezone tax lot 107 of map 21-02-19, from “RR5/Rural Residential” (Lane Code 16.290) to “RPF/Rural Public Facility” (Lane Code 16.294), such territory depicted on Zoning Plot 443-1 and further identified as Exhibit “B-14” attached and incorporated herein; and
- c. Although not a part of this Ordinance, Findings as set forth in Exhibit “C-14” (pages 1-9) attached, are adopted in support of this action.

(PR Control No. 15 – Blue Mountain School).

- a. Redesignation of tax lot 900 of map 21-02-19, from “Industrial” to “Public Facility”, such territory depicted on Plan Plot 443-2 and further identified as Exhibits “A-15” attached and incorporated herein; and
- b. Rezone tax lot 900 of map 21-02-19, from “RI/Rural Industrial” (Lane Code 16.292) to “RPF/Rural Public Facility” (Lane Code 16.294), such territory depicted on Zoning Plot 443-2 and further identified as Exhibits “B-15”, attached and incorporated herein; and
- c. Although not a part of this Ordinance, Findings as set forth in Exhibit “C-15” (pages 1-10) attached, are adopted in support of this action.

(PR Control No. 16 – Culp Creek / Lane Electric Cooperative/ Qwest)

- a. Redesignation of tax lot 4200 of map 21-01-30, from “Rural” to “Public Facility”, such territory depicted on Plan Plot 509-2 and further identified as Exhibits “A-16”, attached and incorporated herein; and
- b. Redesignation of tax lot 1800 of map 21-01-31.1.2, from “Rural” to “Commercial”, such territory depicted on Plan Plot 509-2 and further identified as Exhibits “A-16”, attached and incorporated herein; and
- c. Rezone tax lot 4200 of map 21-01-30, from “RR2-C/Rural Residential” (Lane Code 16.290) to “RPF-C/Rural Commercial” (Lane Code 16.294), such territory depicted on Zoning Plot 509-2 and further identified as Exhibits “B-16” attached and incorporated herein; and
- d. Rezone tax lot 1800 of map 21-01-31.1.2, from “RR2/Rural Residential” (Lane Code 16.290) to “RC/Rural Commercial” (Lane Code 16.291), such territory depicted on Zoning Plot 509-2 and further identified as Exhibits “B-16” attached and incorporated herein; and
- e. Although not a part of this Ordinance, Findings as set forth in Exhibit “C-16” (pages 1-15) attached, are adopted in support of this action.

(PR Control No. 17 -- Chrestman).

- a. Redesignation of tax lot 8400 of map 20-03-35, from “Industrial” to “Rural”, such territory depicted on Plan Plot 420-3 and further identified as Exhibit “A-17” attached and incorporated herein; and
- b. Rezone tax lot 8400 of map 20-03-35, from “RI/Rural Industrial” (Lane Code 16.292) to “RR5/Rural Residential” (Lane Code 16.290), such territory depicted on Zoning Plot 420-3 and further identified as Exhibit “B-17” attached and incorporated herein; and
- c. Although not a part of this Ordinance, Findings as set forth in Exhibit “C-17” (pages 1-9) attached, are adopted in support of this action.

(PR Control No. 18 – Sandland).

- a. Designation of tax lot 800 of map 15-04-21, as “Agricultural”, such territory depicted on Plan Plot 292 and further identified as Exhibit “A-18” attached and incorporated herein; and
- b. Designation of tax lot 900 of map 15-04-21, as “Agricultural”, such territory depicted on Plan Plot 292 and further identified as Exhibit “A-18” attached and incorporated herein; and

- c. Designation of tax lot 1000 of map 15-04-21, as "Agricultural", such territory depicted on Plan Plot 292 and further identified as Exhibit "A-18" attached and incorporated herein; and
- d. Zone tax lot 800 of map 15-04-21, as "E30/Exclusive Farm Use" (Lane Code 16.212), such territory depicted on Zoning Plot 292 and further identified as Exhibit "B-18" attached and incorporated herein; and
- e. Zone tax lot 900 of map 15-04-21, as "E30/Exclusive Farm Use" (Lane Code 16.212), such territory depicted on Zoning Plot 292 and further identified as Exhibit "B-18" attached and incorporated herein; and
- f. Zone tax lot 1000 of map 15-04-21, as "E30/Exclusive Farm Use" (Lane Code 16.212), such territory depicted on Zoning Plot 292 and further identified as Exhibit "B-18" attached and incorporated herein; and
- g. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-18" (pages 1-4) attached, are adopted in support of this action.

(PR Control No. 19 -- Baldwin).

- a. Redesignation of tax lot 100 of map 21-01-35.4, from "Rural" to "Commercial", such territory depicted on Plan Plot 547 and further identified as Exhibit "A-19-1" attached and incorporated herein; and
- b. Redesignation of tax lot 1300 of map 21-01-36.3.3, from "Rural" to "Commercial", such territory depicted on Plan Plot 554 and further identified as Exhibit "A-19-2" attached and incorporated herein; and
- c. Rezone tax lot 100 of map 21-01-35.4, from "RR5/Rural Residential" (Lane Code 16.290) to "RC/Rural Commercial" (Lane Code 16.291), such territory depicted on Zoning Plot 547 and further identified as Exhibit "B-19-1" attached and incorporated herein; and
- d. Rezone tax lot 1300 of map 21-01-36.3.3, from "RR5/Rural Residential" (Lane Code 16.290) to "RC/Rural Commercial" (Lane Code 16.291), such territory depicted on Zoning Plot 554 and further identified as Exhibit "B-19-2" attached and incorporated herein; and
- e. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-19" (pages 1-10) attached, are adopted in support of this action.

(PR Control No. 20 – Bessett)

- a. Redesignation of tax lot 1300 of map 18-02-19, from "Rural" to "Industrial", such territory depicted on Plan Plot 437 and further identified as Exhibit "A-20" attached and incorporated herein; and
- b. Rezone tax lot 1300 of map 18-02-19, from "RR5/Rural Residential" (Lane Code 16.290) to "RI/Rural Industrial" (Lane Code 16.292), such territory depicted on Zoning Plot 437 and further identified as Exhibit "B-20" attached and incorporated herein; and
- c. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-20" (pages 1-9) attached, are adopted in support of this action

(PR Control No. 21 -- Nordahl).

- a. Redesignation of tax lot 2200 of map 18-12-25, from "Industrial" to "Commercial", such territory depicted on Plan Plot 030 and further identified as Exhibit "A-21" attached and incorporated herein; and
- b. Rezone tax lot 2200 of map 18-12-25, from "RI/Rural Industrial" (Lane Code 16.292) to "RC/Rural Commercial" (Lane Code 16.291), such territory depicted on Zoning Plot 030 and further identified as Exhibit "B-21" attached and incorporated herein; and
- c. Although not a part of this Ordinance, Findings as set forth in Exhibit "C-21" (pages 1-13) attached, are adopted in support of this action.

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

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

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

ENACTED this _____ day of _____, 2006.

Chair, Lane County Board of County Commissioners

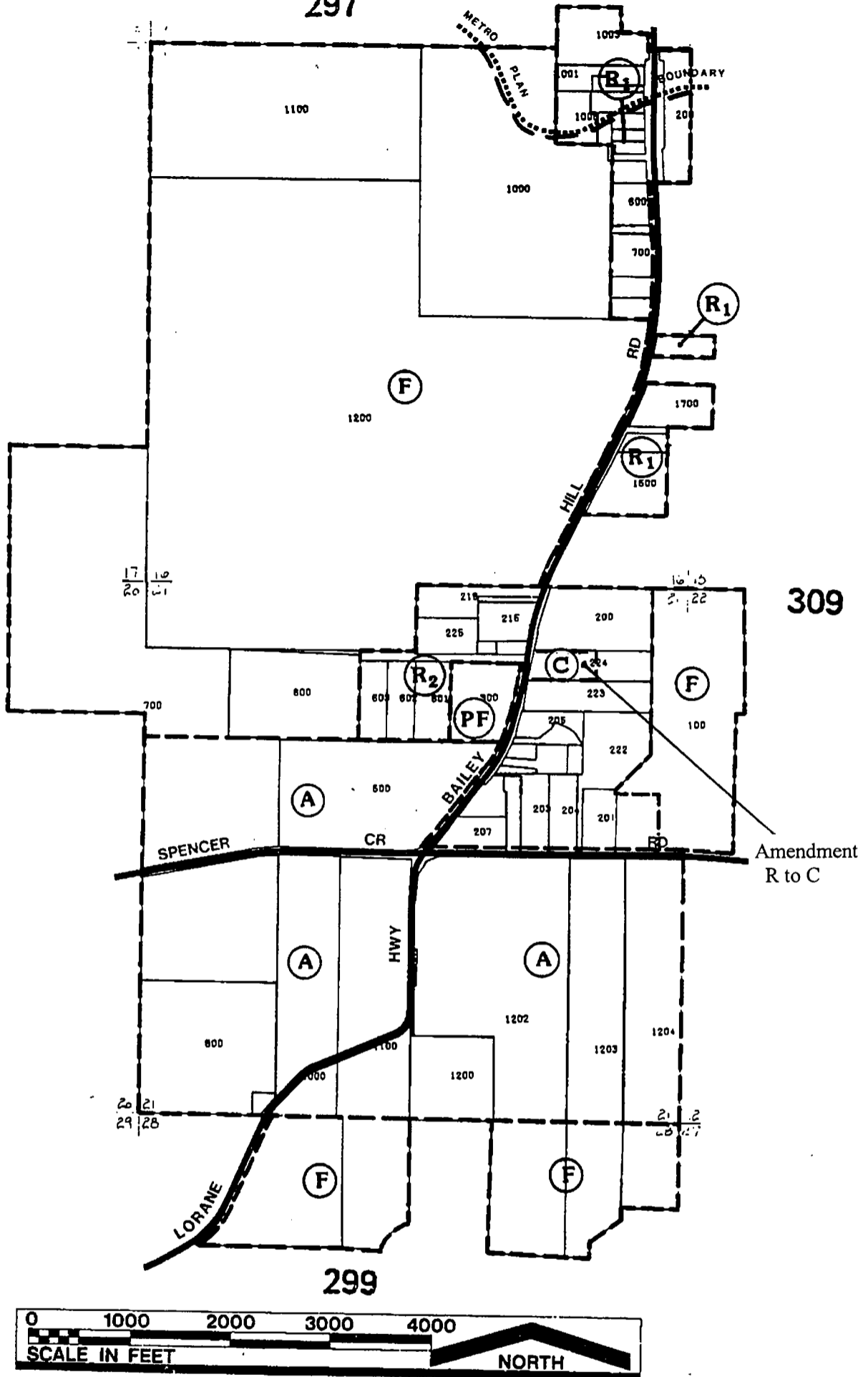
Recording Secretary for this Meeting of the Board

Approved As To Form

Date _____ Lane County

OFFICE OF LEGAL COUNSEL

297



285

309

299

Amendment R to C

lane county



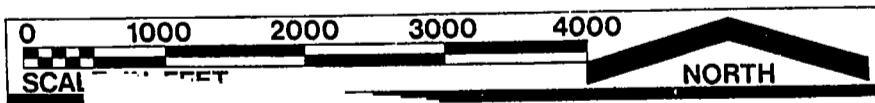
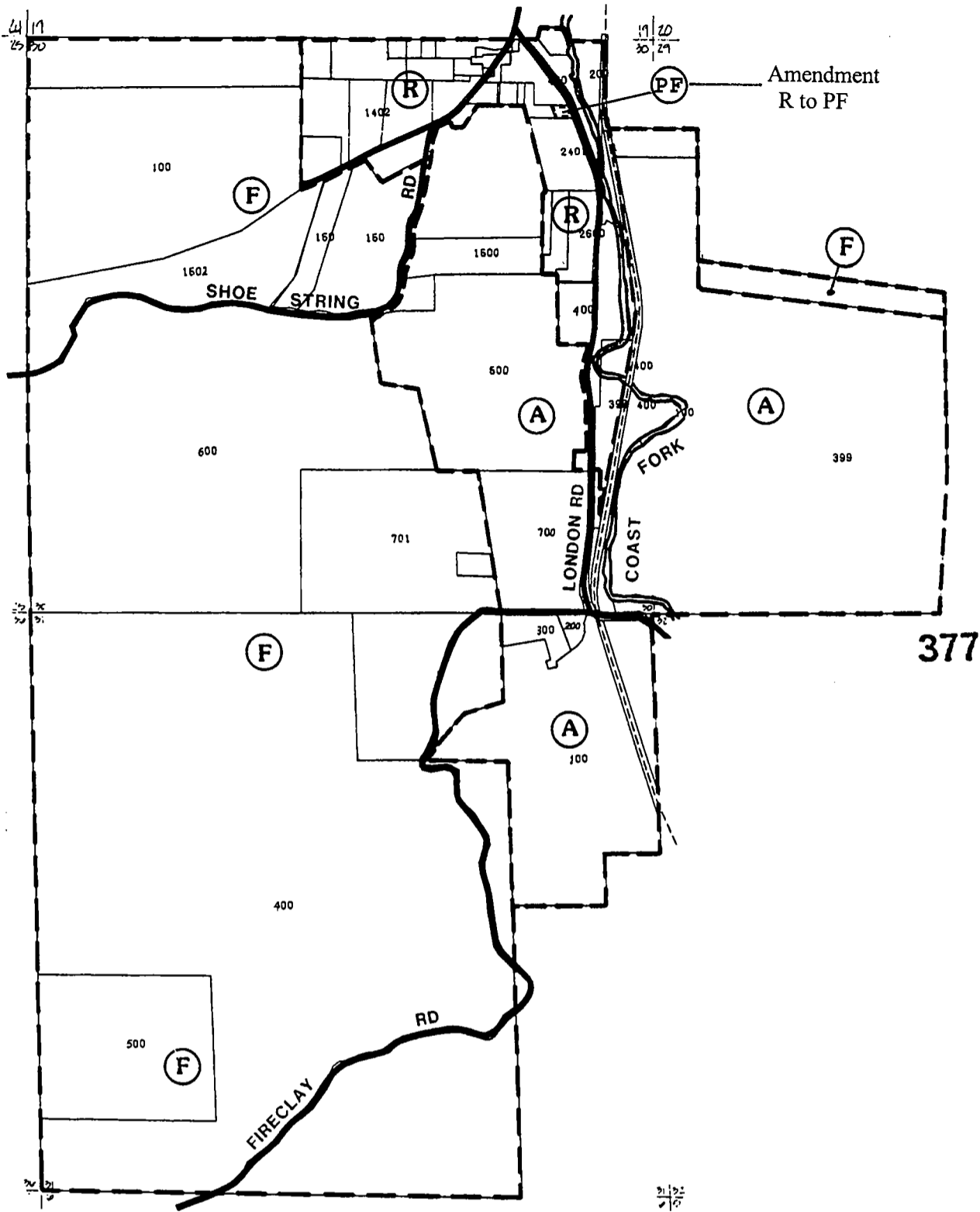
OFFICIAL PLAN MAP

PLOT# 298

Twnshp Range Section
18 04 16 / 18 04 21

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

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



ane county

OFFICIAL PLAN MAP

PLOT# 360

Twtnshp Range Section

22 03 30

22 03 31

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

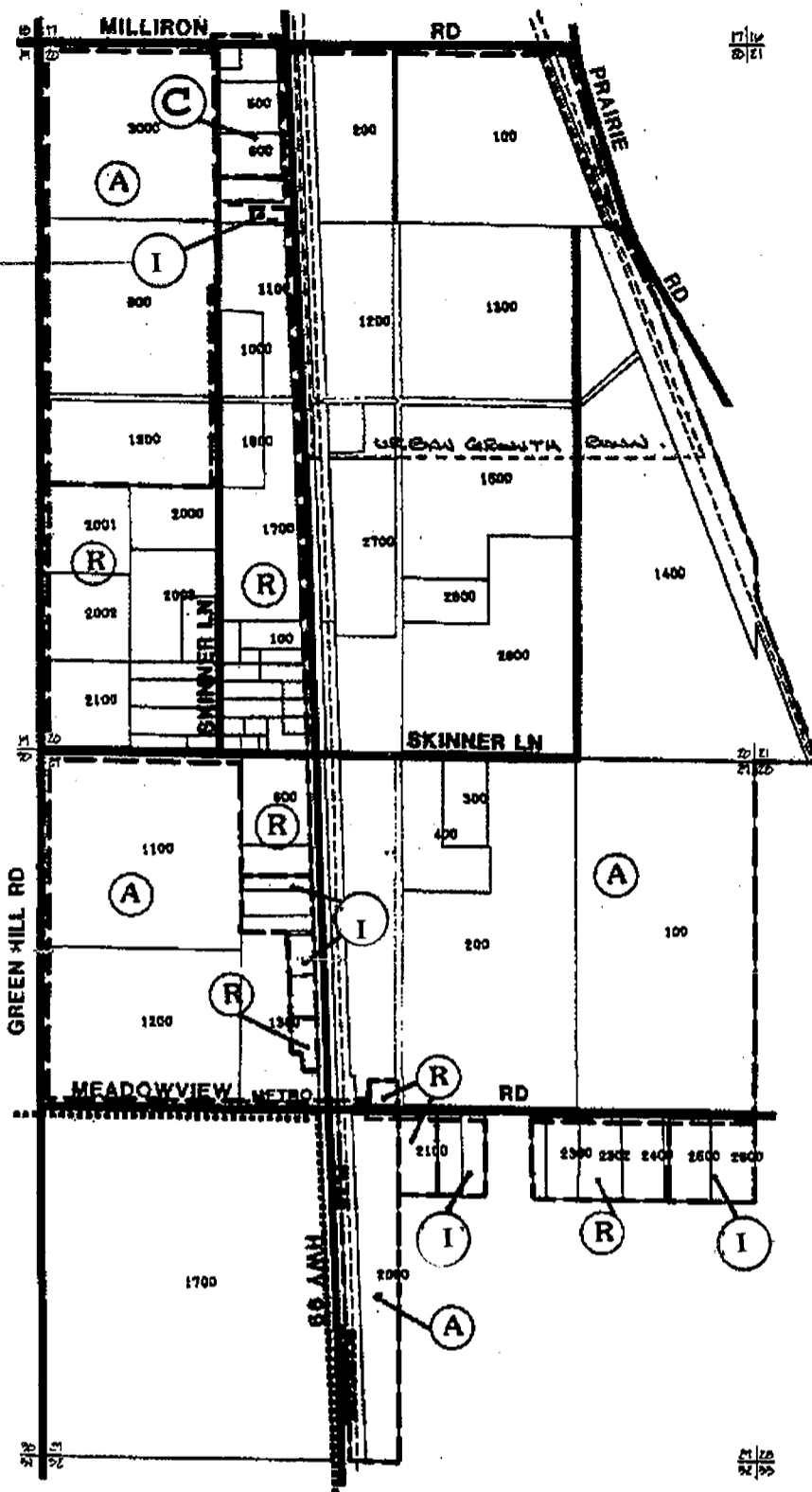
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281

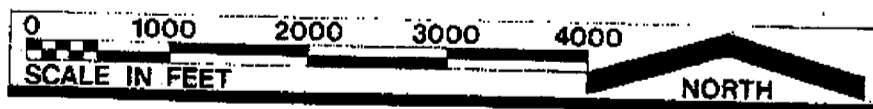
Amendment
R to I
(portion only)

267

295



283



ane county



OFFICIAL PLAN MAP

PLOT# 282

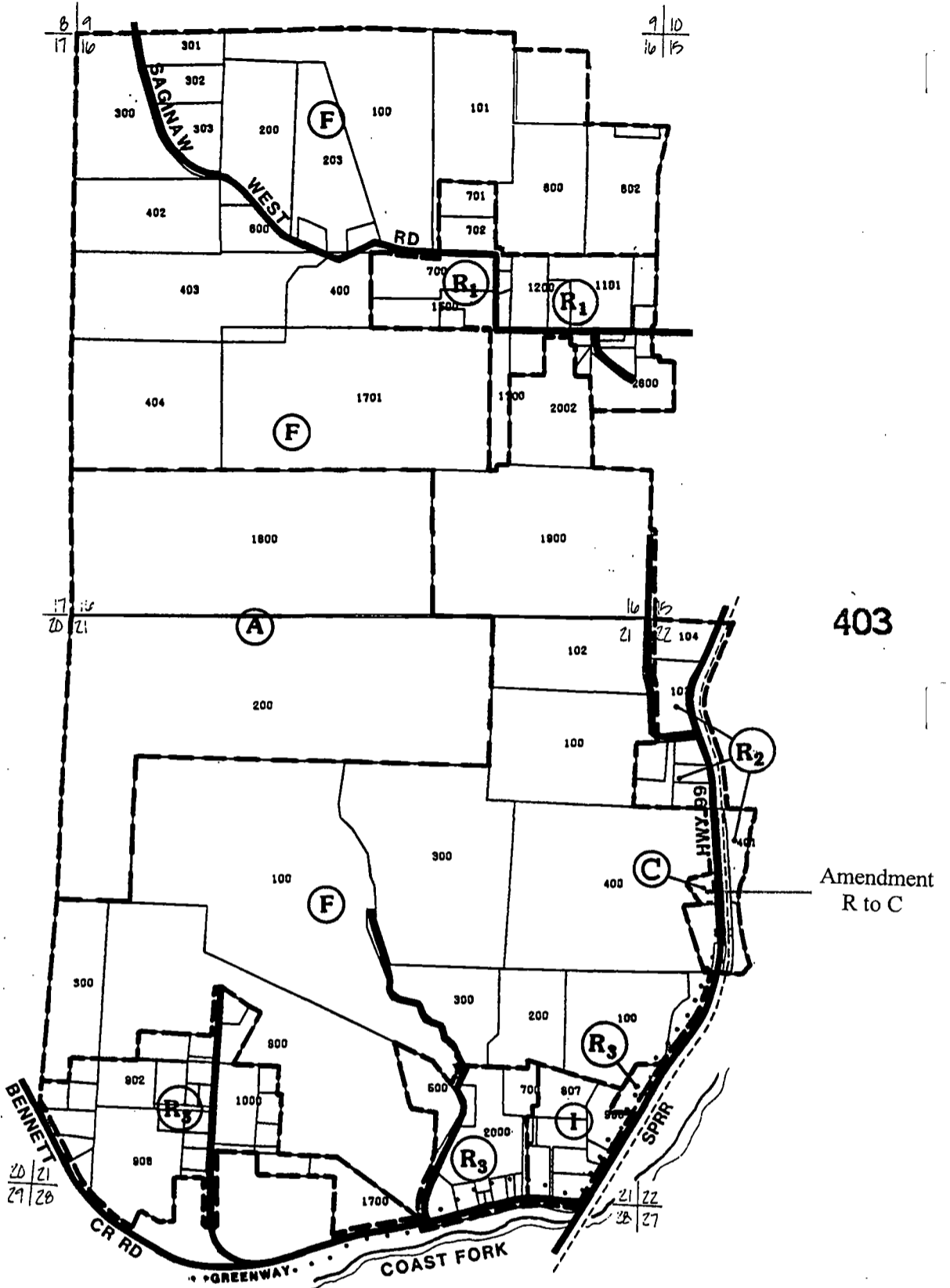
Twnshp Range Section

16 04 20

16 04 29

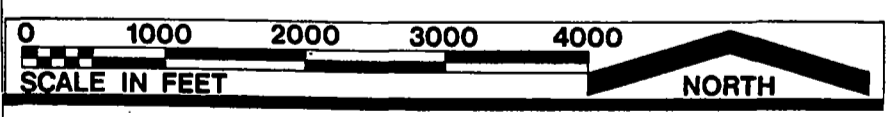
ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE #


REVISION # ORD. # DATE FILE #



370

403





lane county

OFFICIAL PLAN MAP

PLOT# 388

Twonsp Range Section		
20	03	16

/

Twonsp Range Section		
20	03	21

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

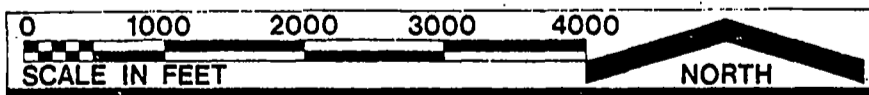
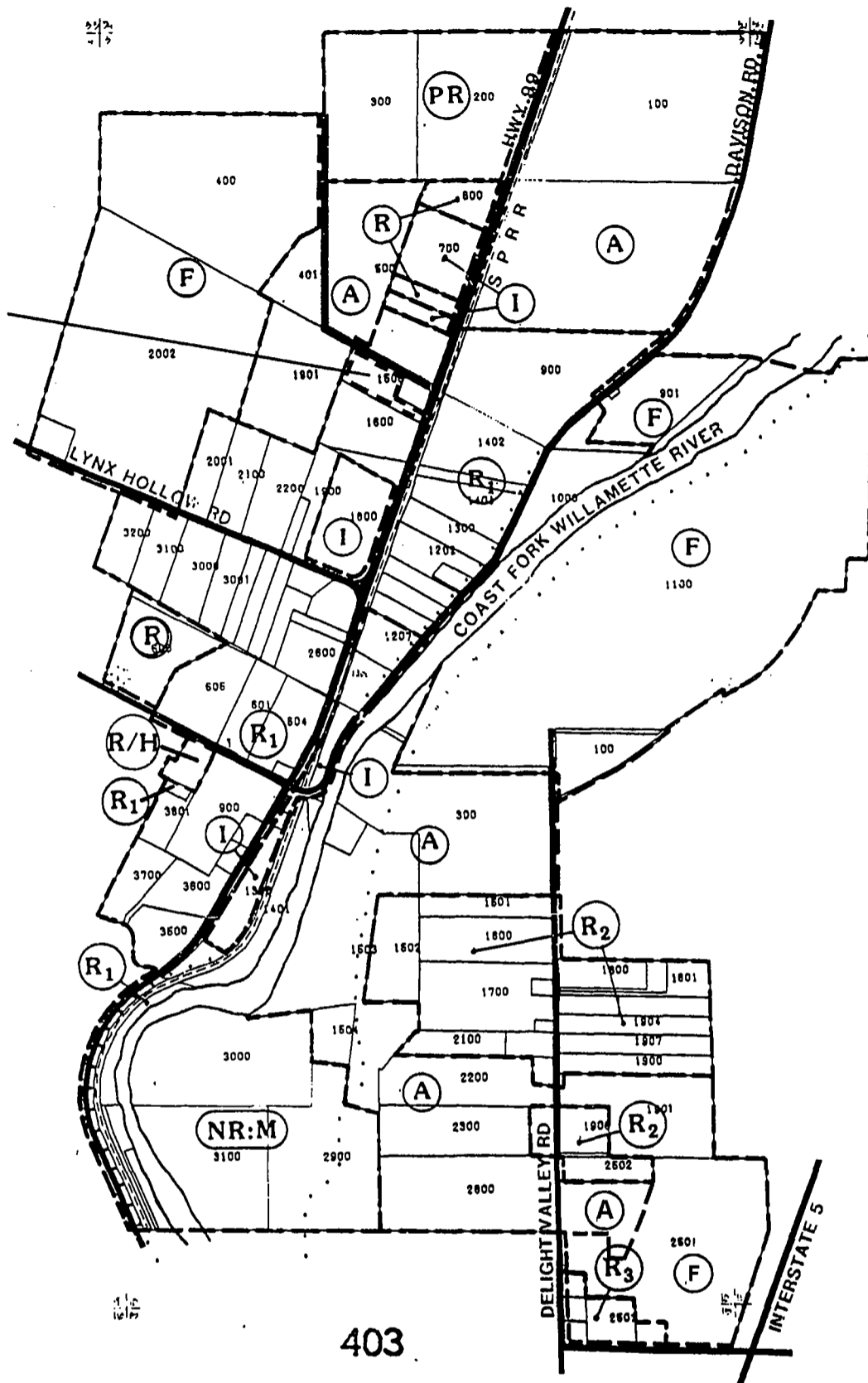
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401

Amendment
R to C

387

418



lane county



OFFICIAL PLAN MAP

PLOT# 402

Township Range Section

20 03 03

20 03 10

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

REVISION # 1 ORD. # PA 969 DATE 8/11/89 FILE #

402

Amendments
R to C
(Portion only)
Remove "/H"

C

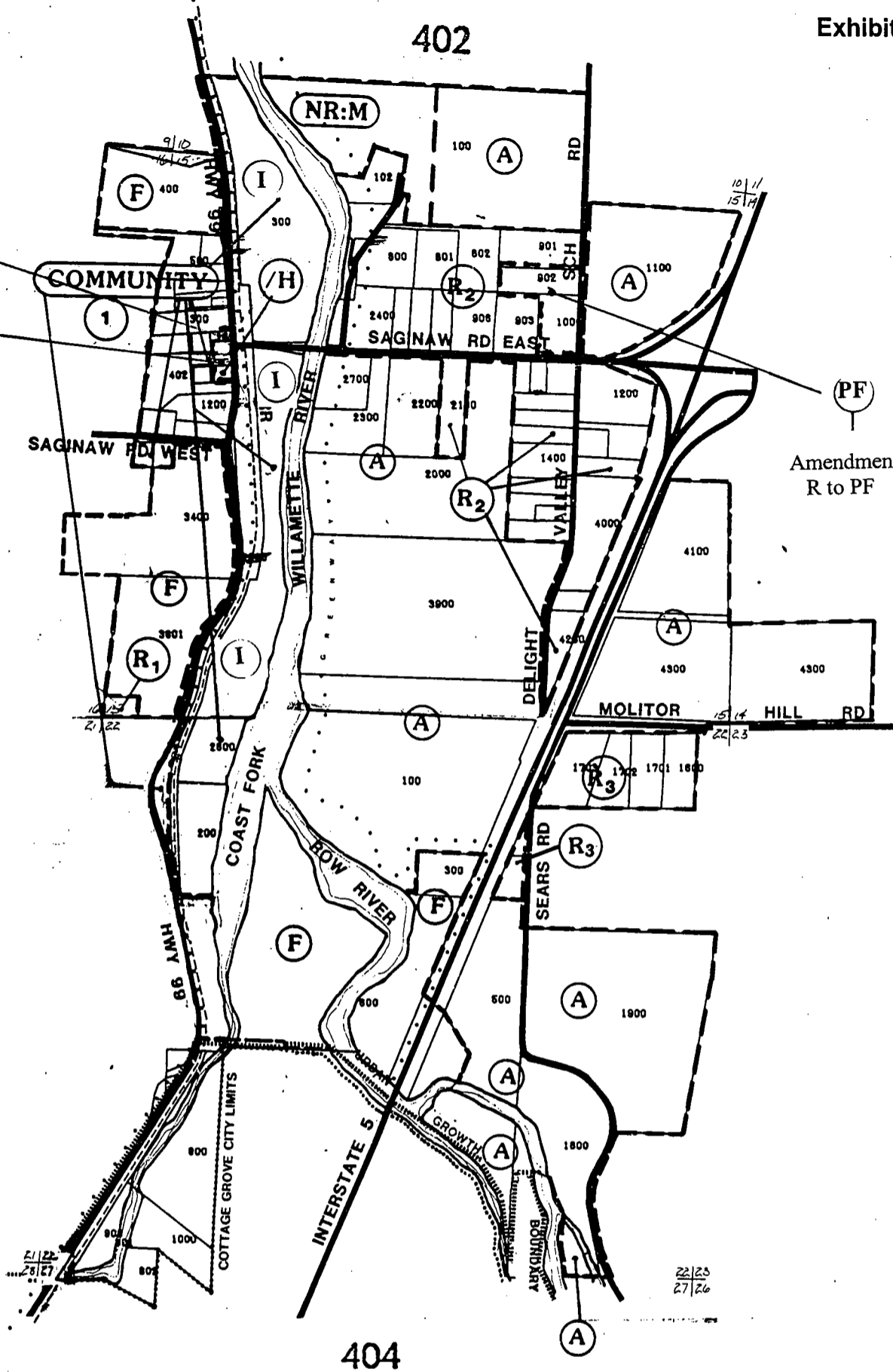
Amendment
Add "/H"

PF

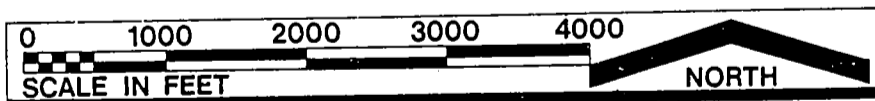
Amendment
R to PF

388

419



404



lane county



OFFICIAL PLAN MAP

PLOT# 403

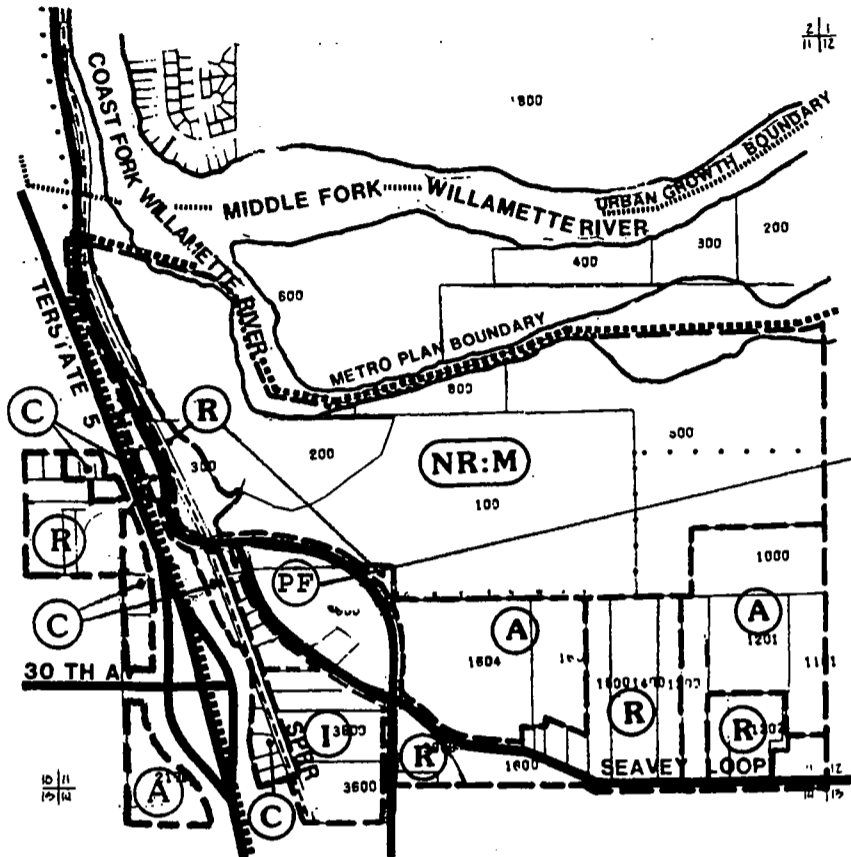
Twnshp Range Section

20 03 22

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

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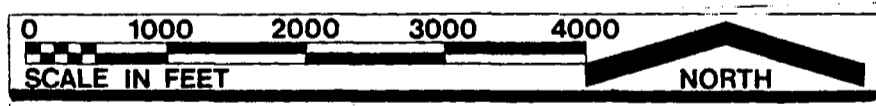
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Amendment I to PF

425

413



lane county



OFFICIAL PLAN MAP

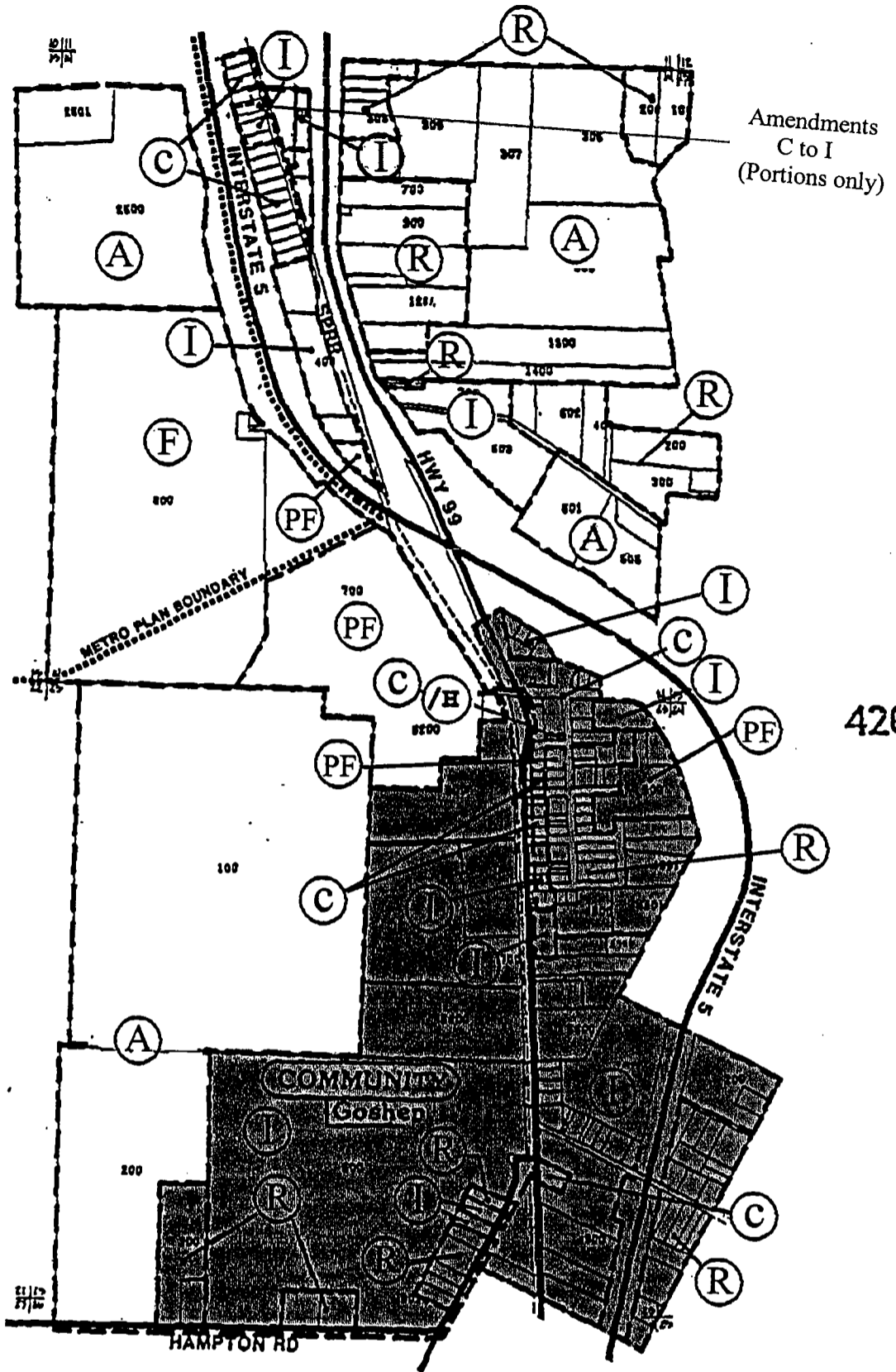
PLOT# 412

Twship Range Section
18 03 11

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

REVISION # ORD. # DATE FILE #

FLOODPLAIN



one county

0 1000 2000 3000 4000
SCALE IN FEET

NORTH

OFFICIAL PLAN MAP

PLOT# 413

Township	Range	Section
18	03	14 / 23

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

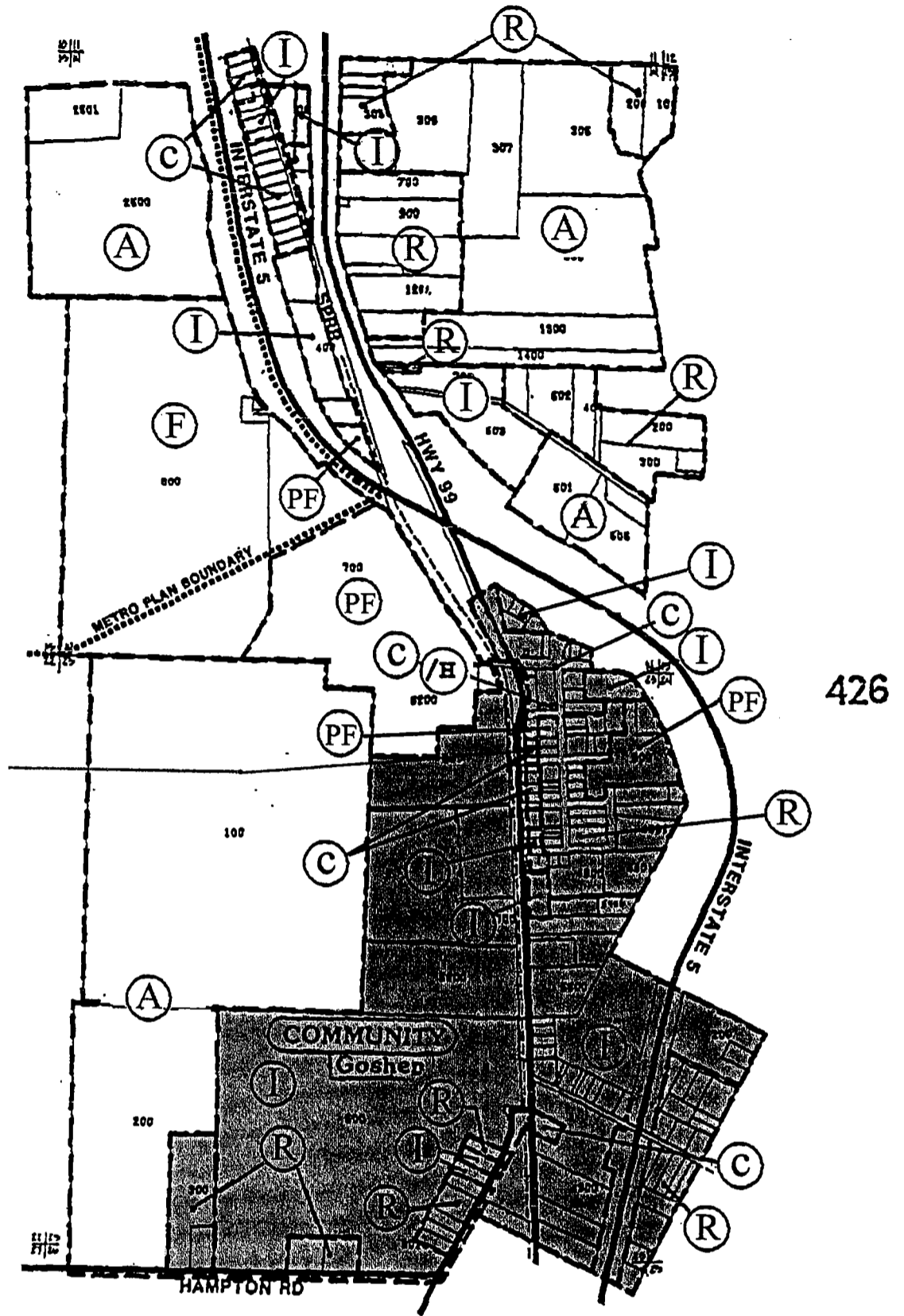
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412

FLOODPLAIN

397

Amendment
I to C



414

the county



0 1000 2000 3000 4000

SCALE IN FEET

NORTH

OFFICIAL PLAN MAP

PLOT# 413

Township Range Section

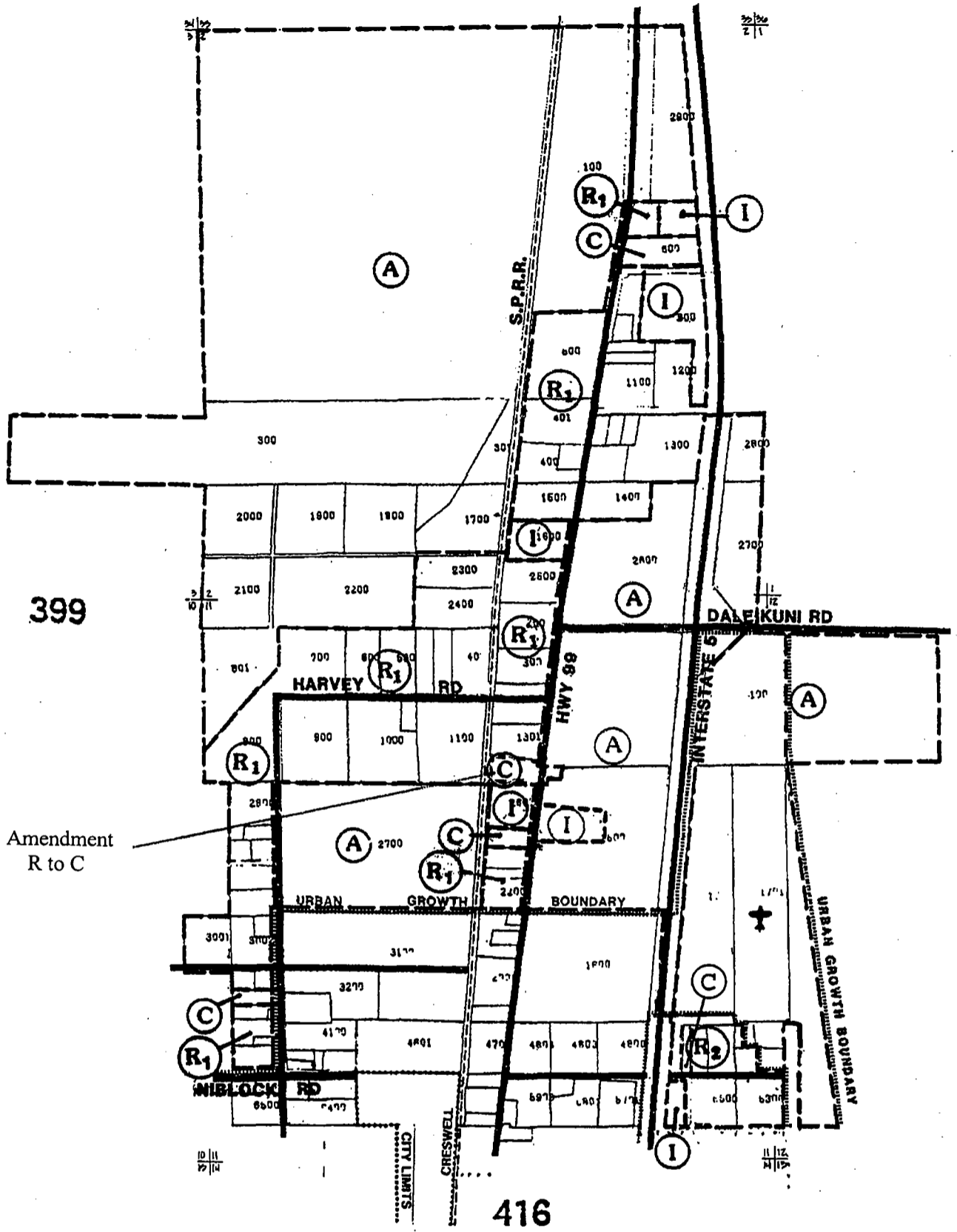
18 03 14

18 03 23

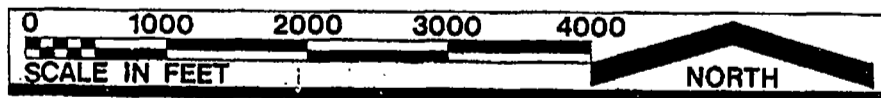
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REVISION # 4 ORD. # PA0198-92 DATE 2/21/92 FILE # PA0198-92

414



416



lane county



OFFICIAL PLAN MAP

PLOT# 415

Township Range Section

19 03 02

19 03 11

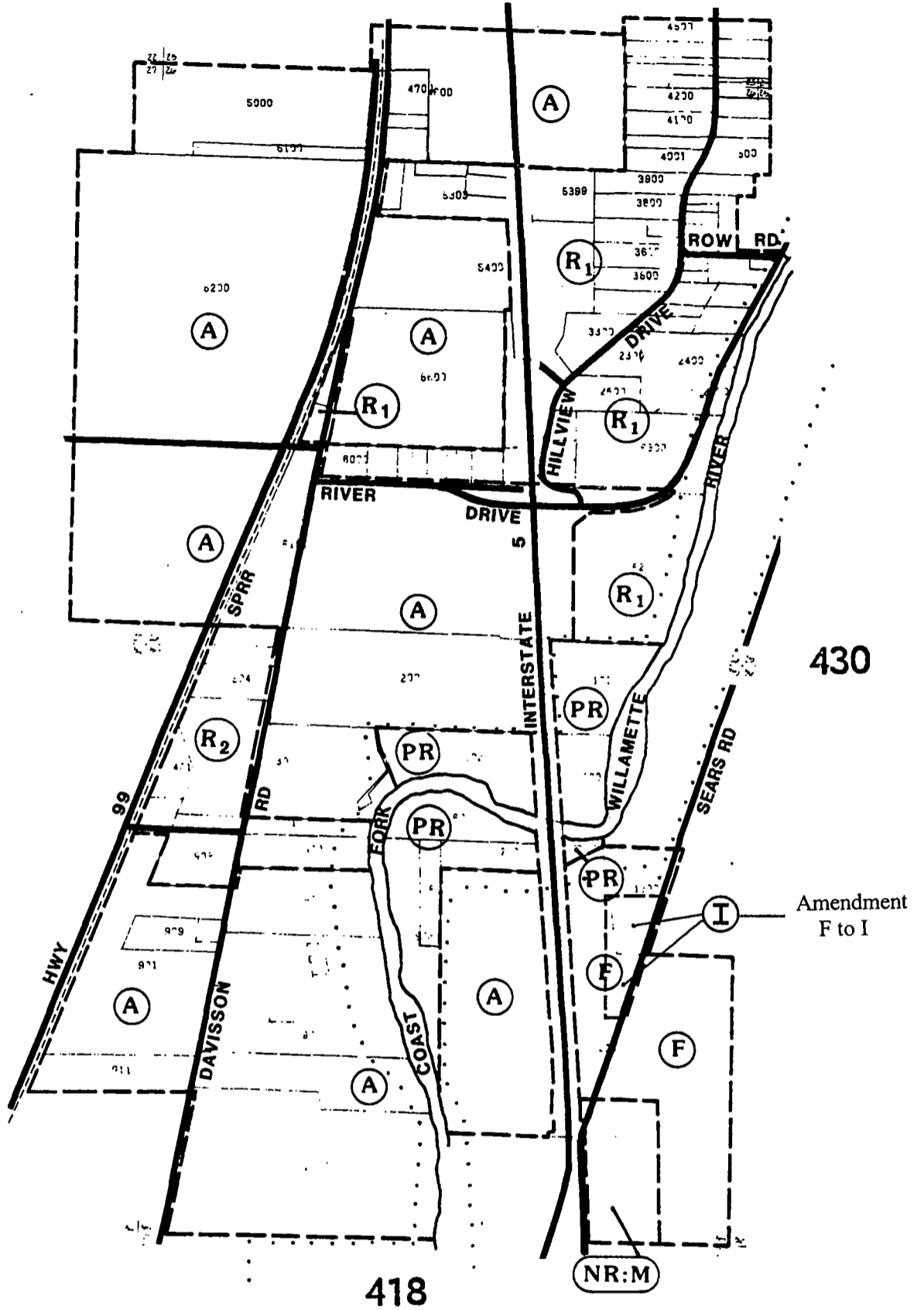
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416

401

430



lane county



OFFICIAL PLAN MAP

PLOT # 417

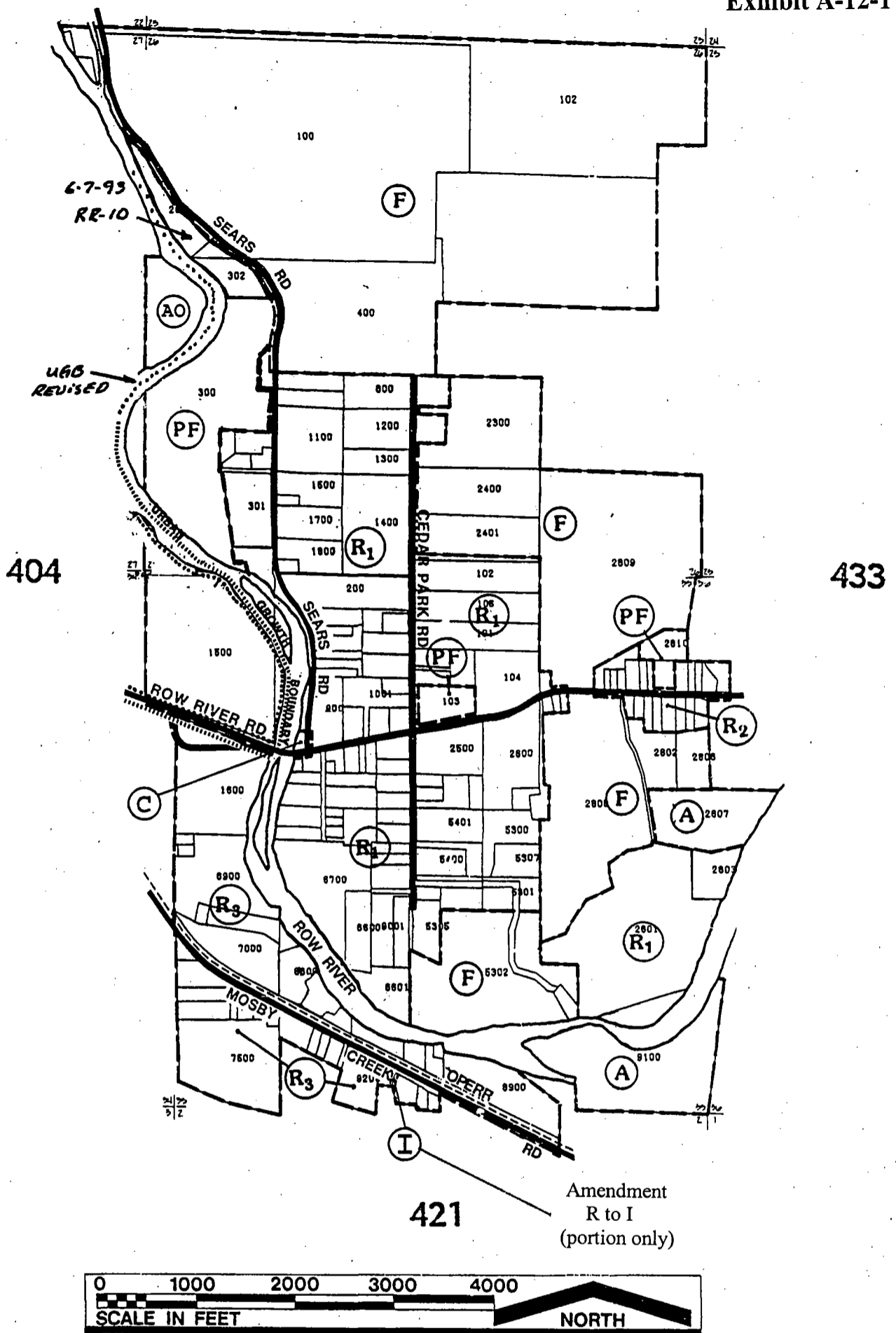
Township Range Section

19 03 26

19 03 35

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

REVISION # ORD. # DATE FILE #



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OFFICIAL PLAN MAP

PLOT# 420

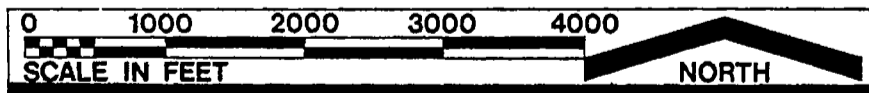
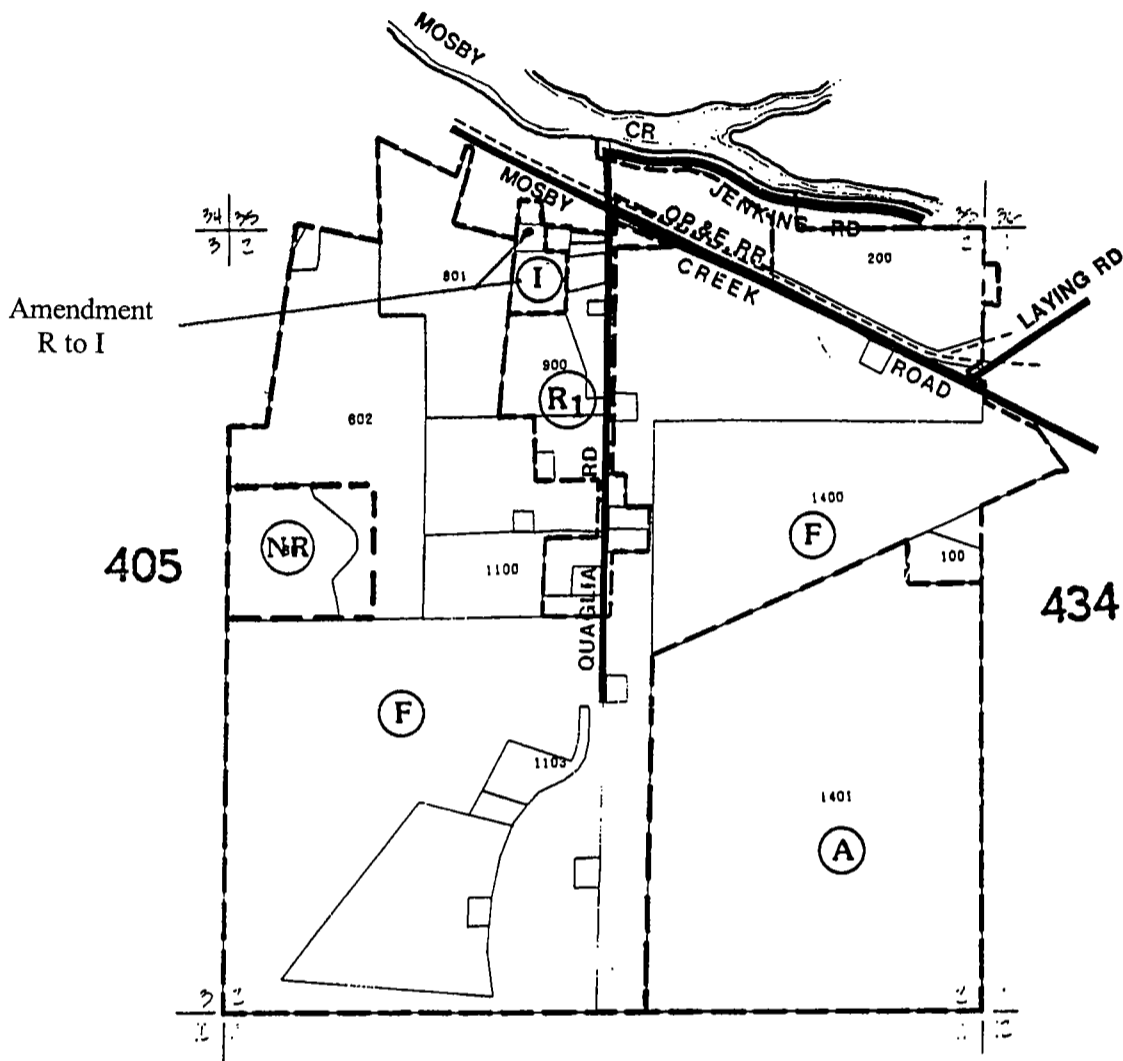
Twnshp Range Section
20 03 26

20 03 35

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

REVISION # 2 ORD. # PA 911 DATE 3/14/86 FILE # _____

420



one county



OFFICIAL PLAN MAP

PLOT# 421

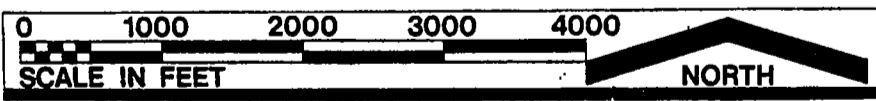
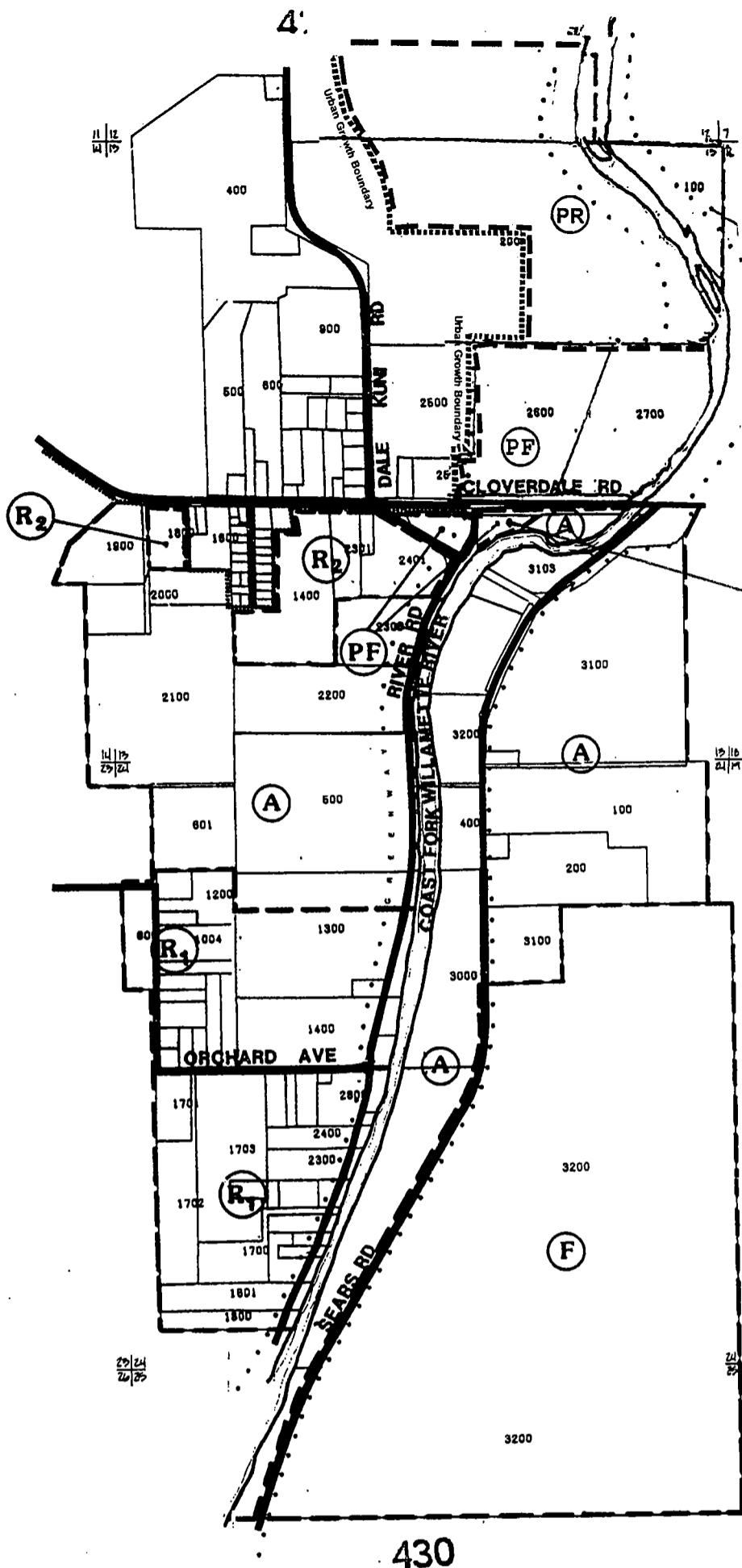
Twship Range Section
 21 03 02

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

REVISION # 1 ORD. # PA951 DATE 6/5/92 FILE # PA3399-87

416

440



ne county



OFFICIAL PLAN MAP

PLOT # 429

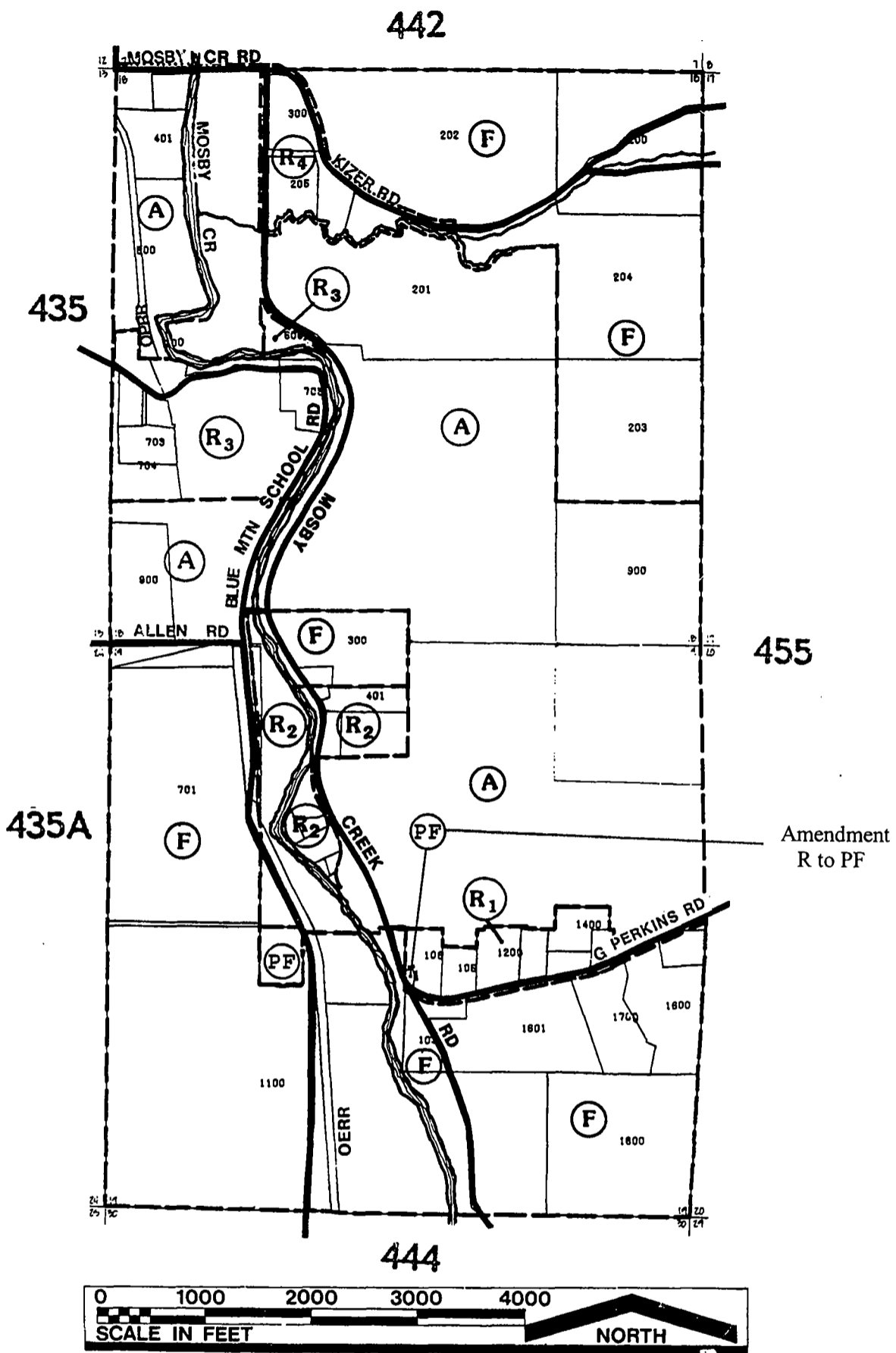
Township Range Section

19 03 13

19 03 24

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

REVISION # 1 ORD. # PA 893 DATE 3/27/85 FILE # _____



one county



OFFICIAL PLAN MAP

PLOT# 443

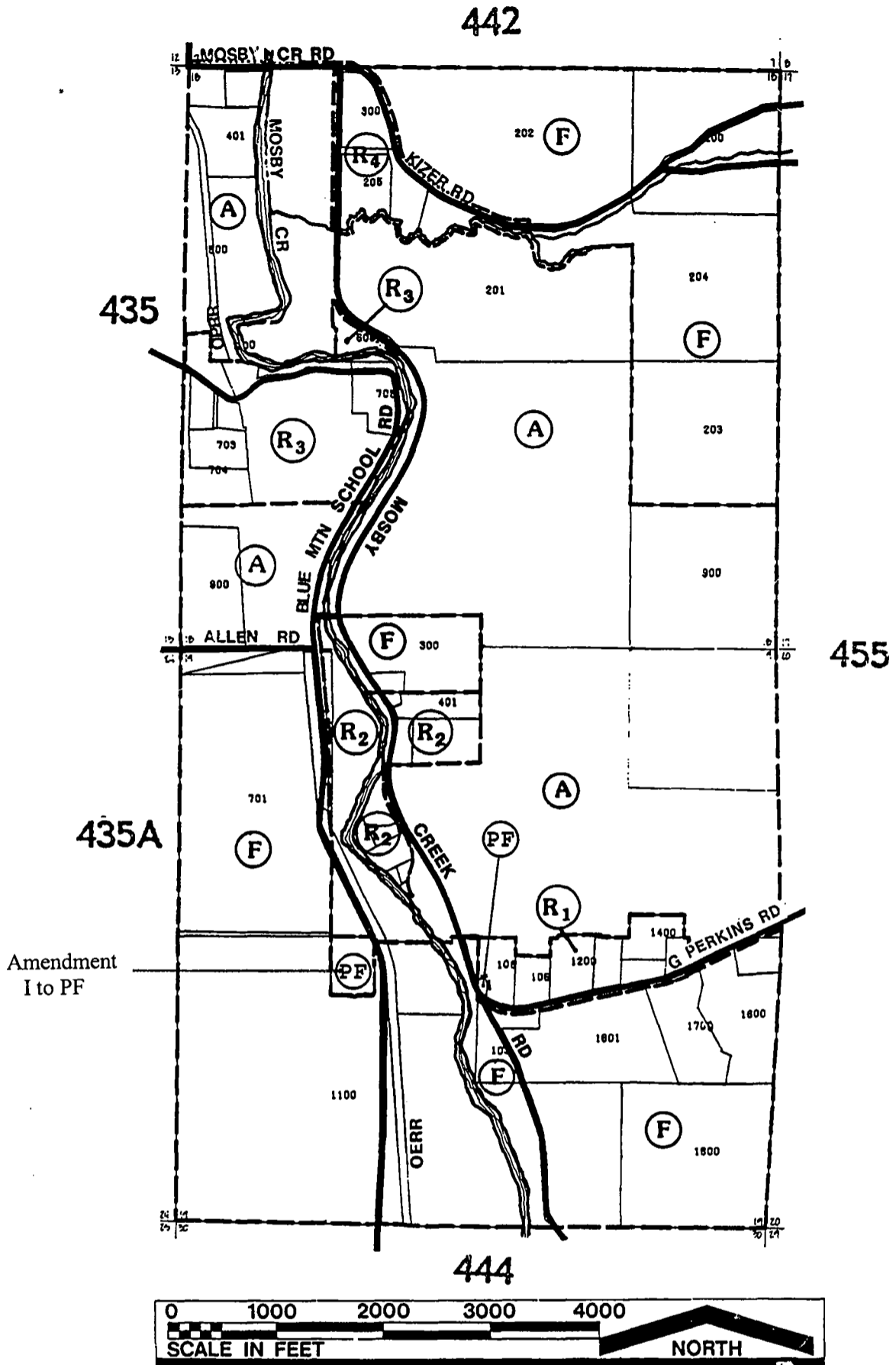
Township Range Section

21 02 18

21 02 19

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

REVISION # 1 ORD. # PA 888 DATE 7/17/84 FILE # _____



one county



OFFICIAL PLAN MAP

PLOT# 443

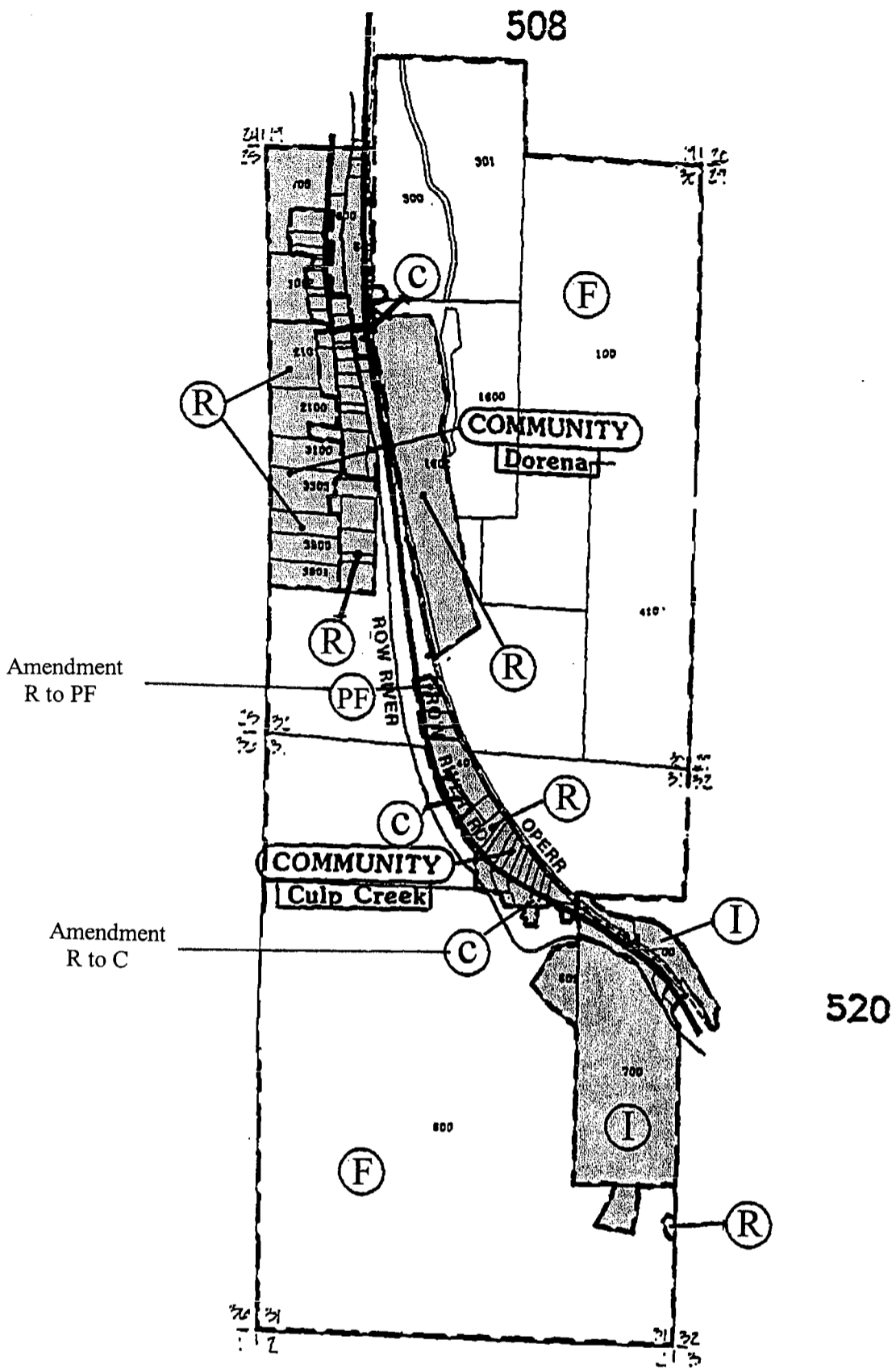
Twship Range Section

21 02 18

21 02 19

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

REVISION # 1 ORD. # PA 888 _____ DATE 7/17/84 FILE # _____



2 county

0 1000 2000 3000 4000
SCALE IN FEET

NORTH

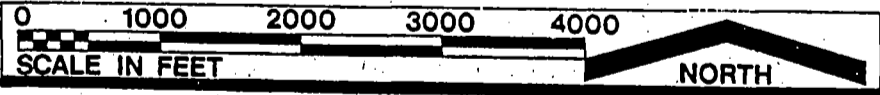
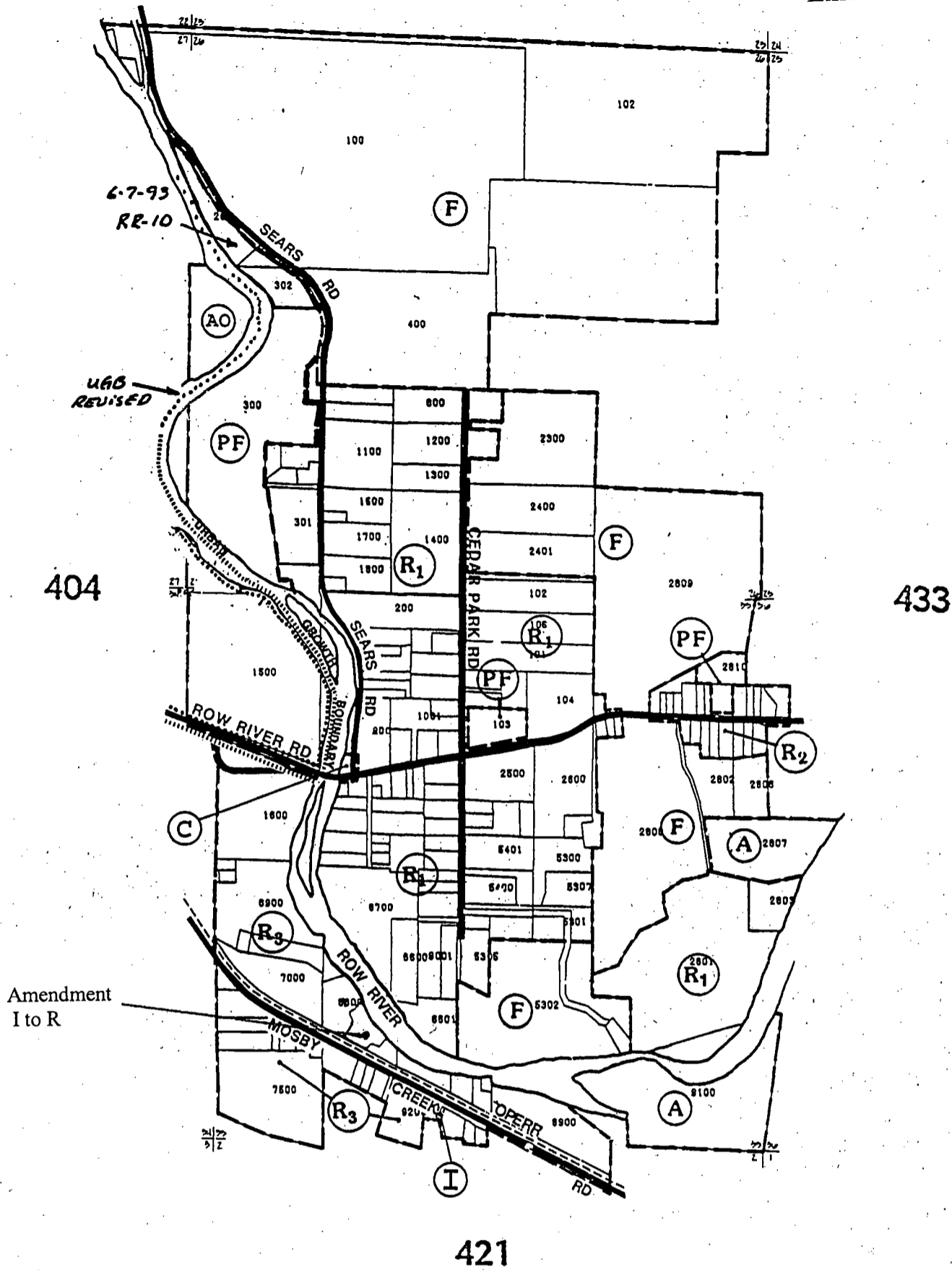
OFFICIAL PLAN MAP

PLOT# 509

Township Range Section
21 01 30 / 21 01 31

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

VISION # _____ ORD. # _____ DATE _____ FILE # _____



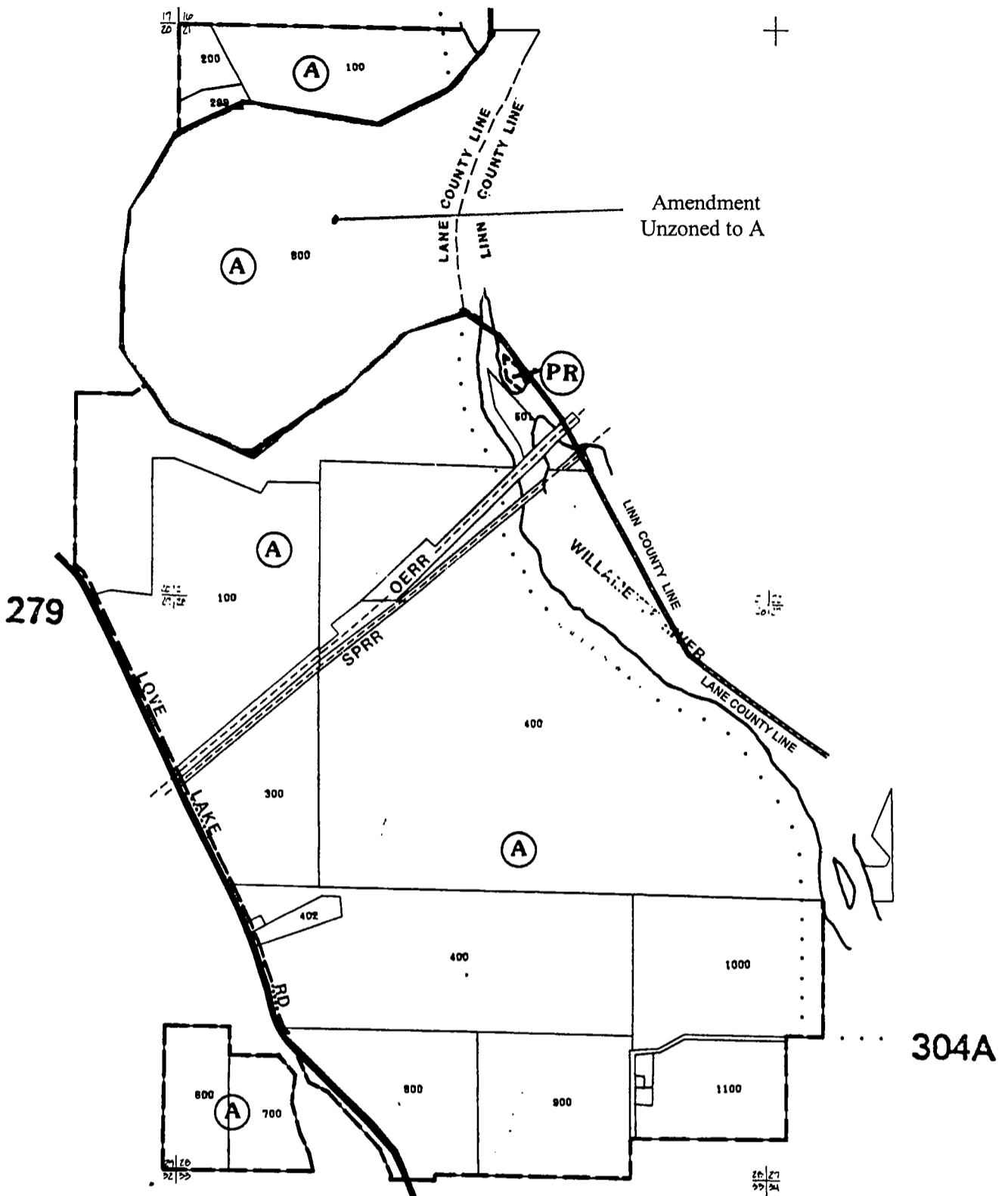
OFFICIAL PLAN MAP

PLOT# 420

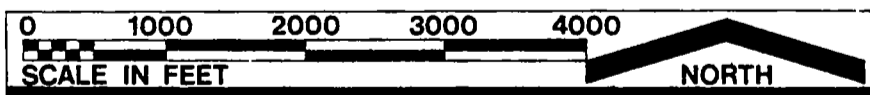
Twnshp Range Section
20 03 26 / 20 03 35

ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE # _____
 REVISION # 2 ORD. # PA 911 DATE 3/14/86 FILE # _____

291



293



lane county



OFFICIAL PLAN MAP

PLOT# 292

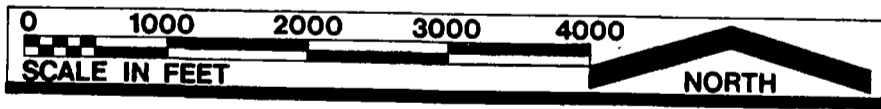
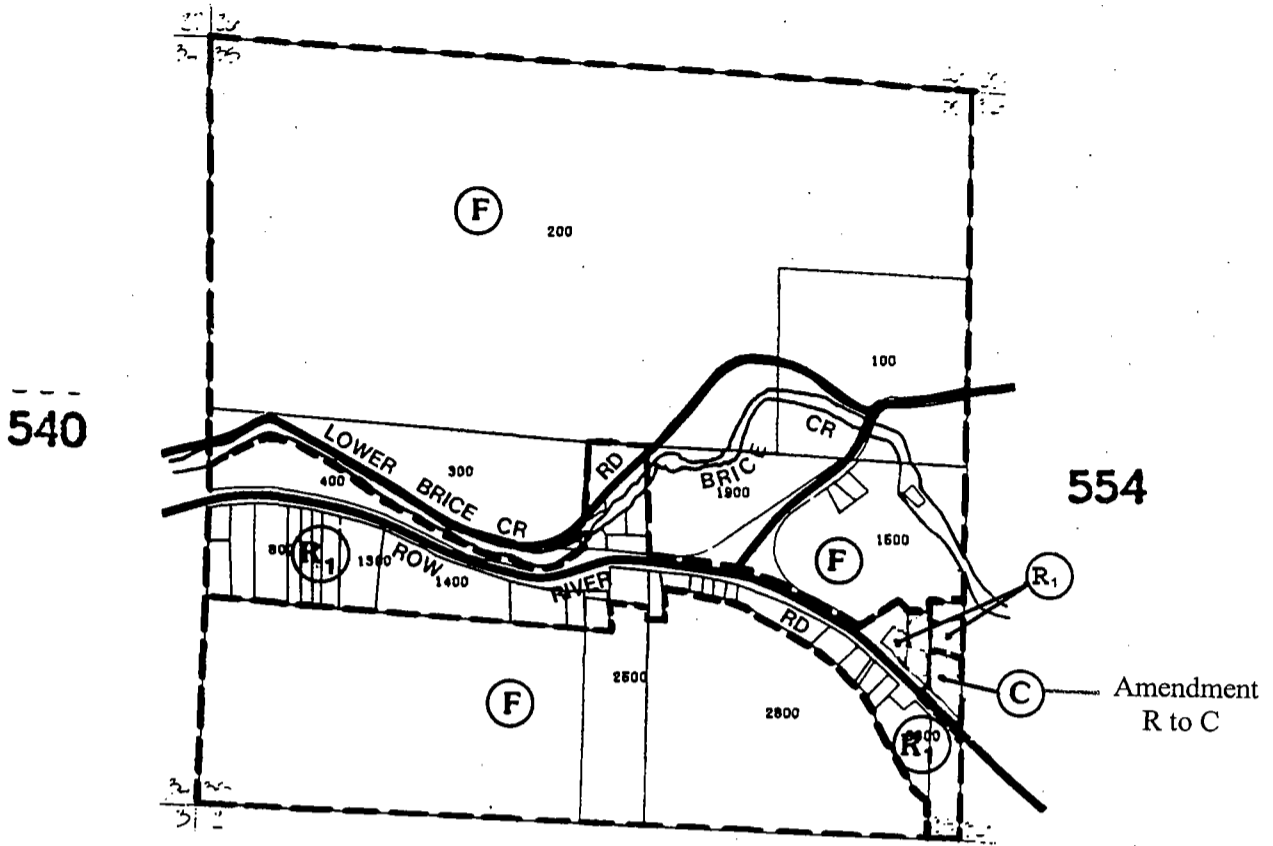
Township Range Section

15 04 21

15 04 28

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

REVISION # ORD. # DATE FILE #



OFFICIAL PLAN MAP

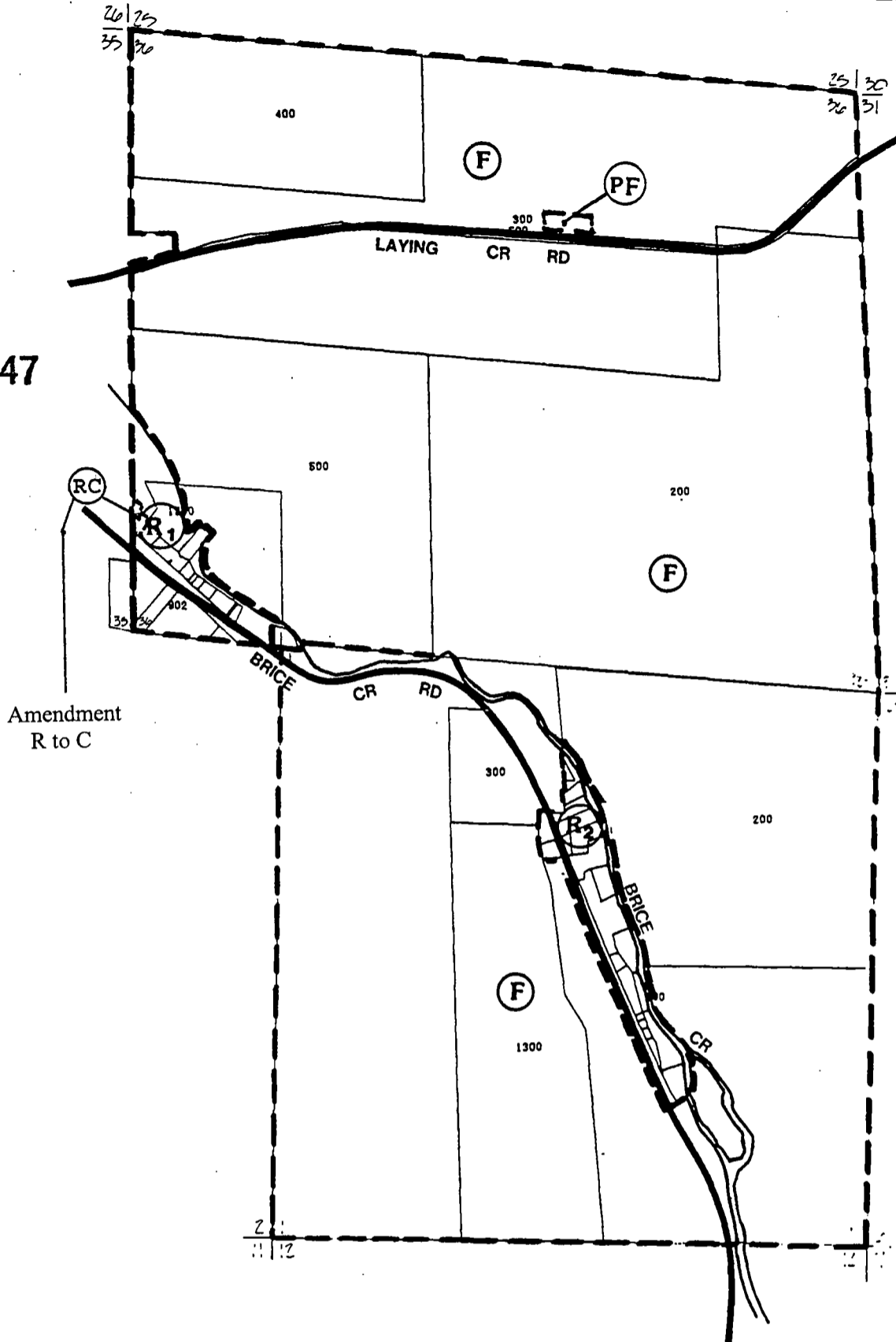
PLOT# 547

Township Range Section
21 01 35

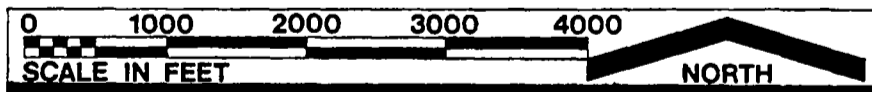
ORIGINAL ORD. # _____ PA 884 _____ DATE 2/29/1984 FILE # _____

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

547



Amendment R to C



lane county



OFFICIAL PLAN MAP

PLOT# 554

Twnshp Range Section

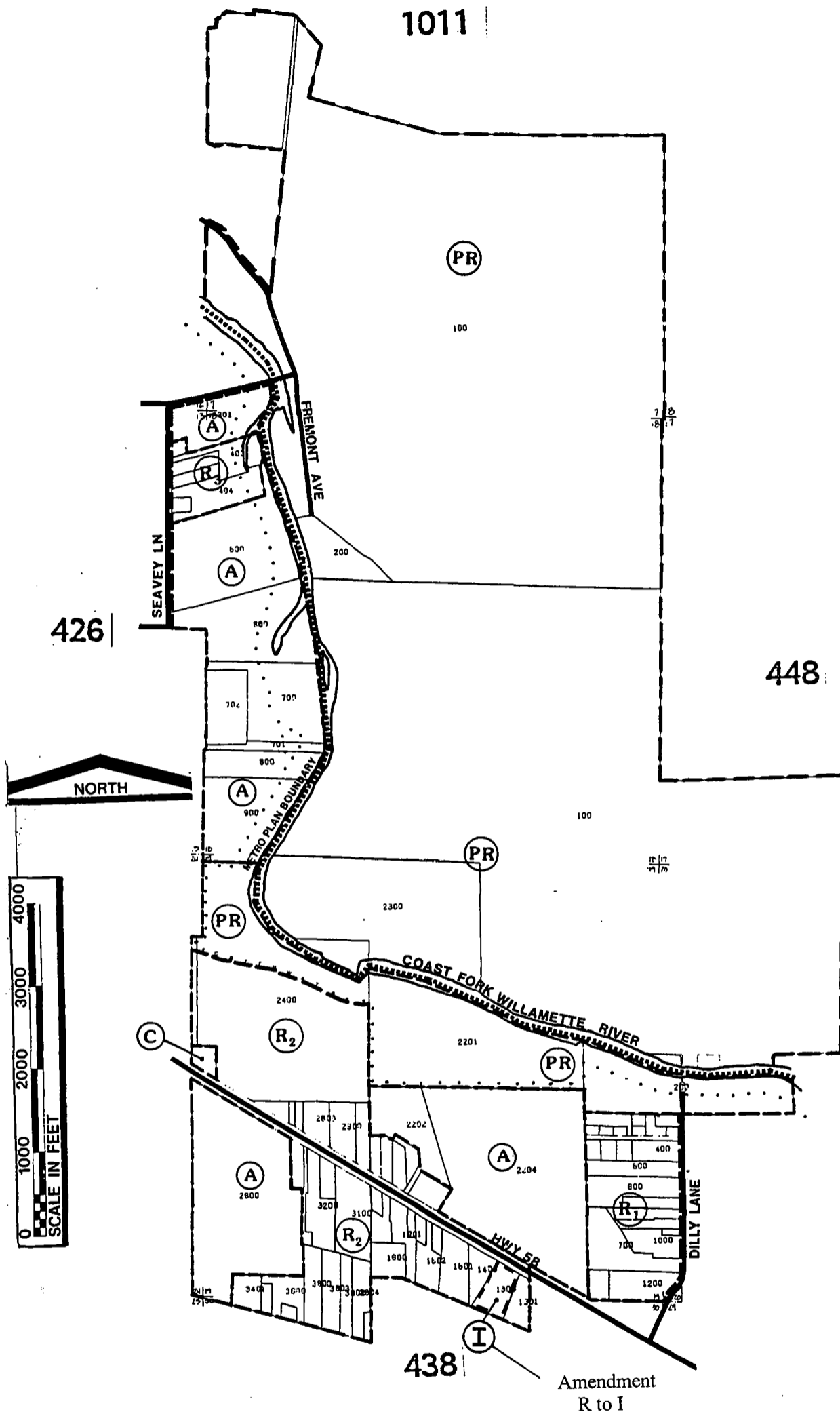
21 01 36

22 01 01

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

REVISION # 1 ORD. # PA 893 DATE 3/27/85 FILE #

1011



438

Amendment R to I

ane county

OFFICIAL PLAN MAP

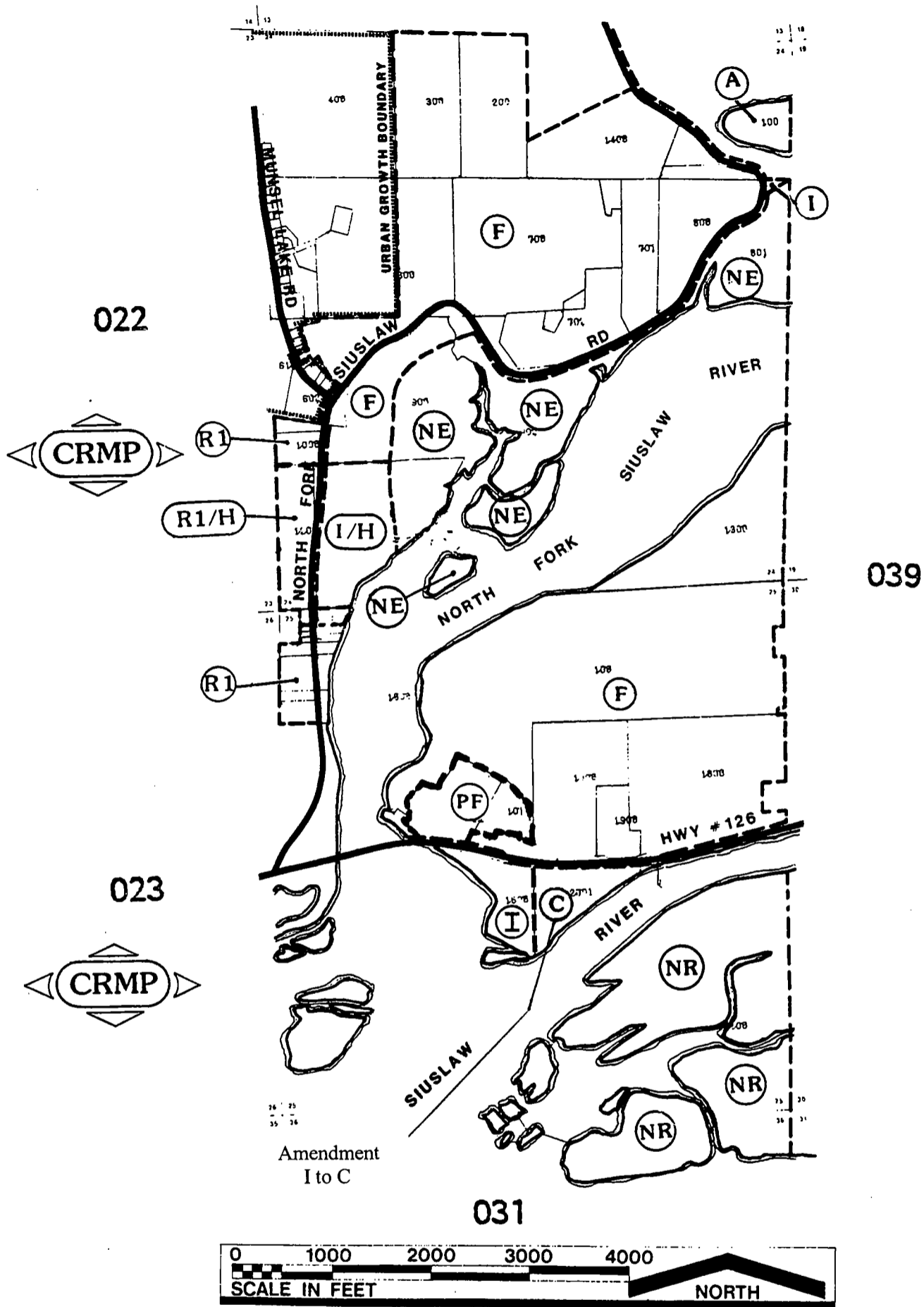
PLOT# 437

Twnshp Range Section
18 02 18

18 02 19

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

REVISION # _____ ORD # _____ DATE _____ FILE # _____



lane county



OFFICIAL PLAN MAP

PLOT# 030

Township Range Section

18 12 24

18 12 25

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

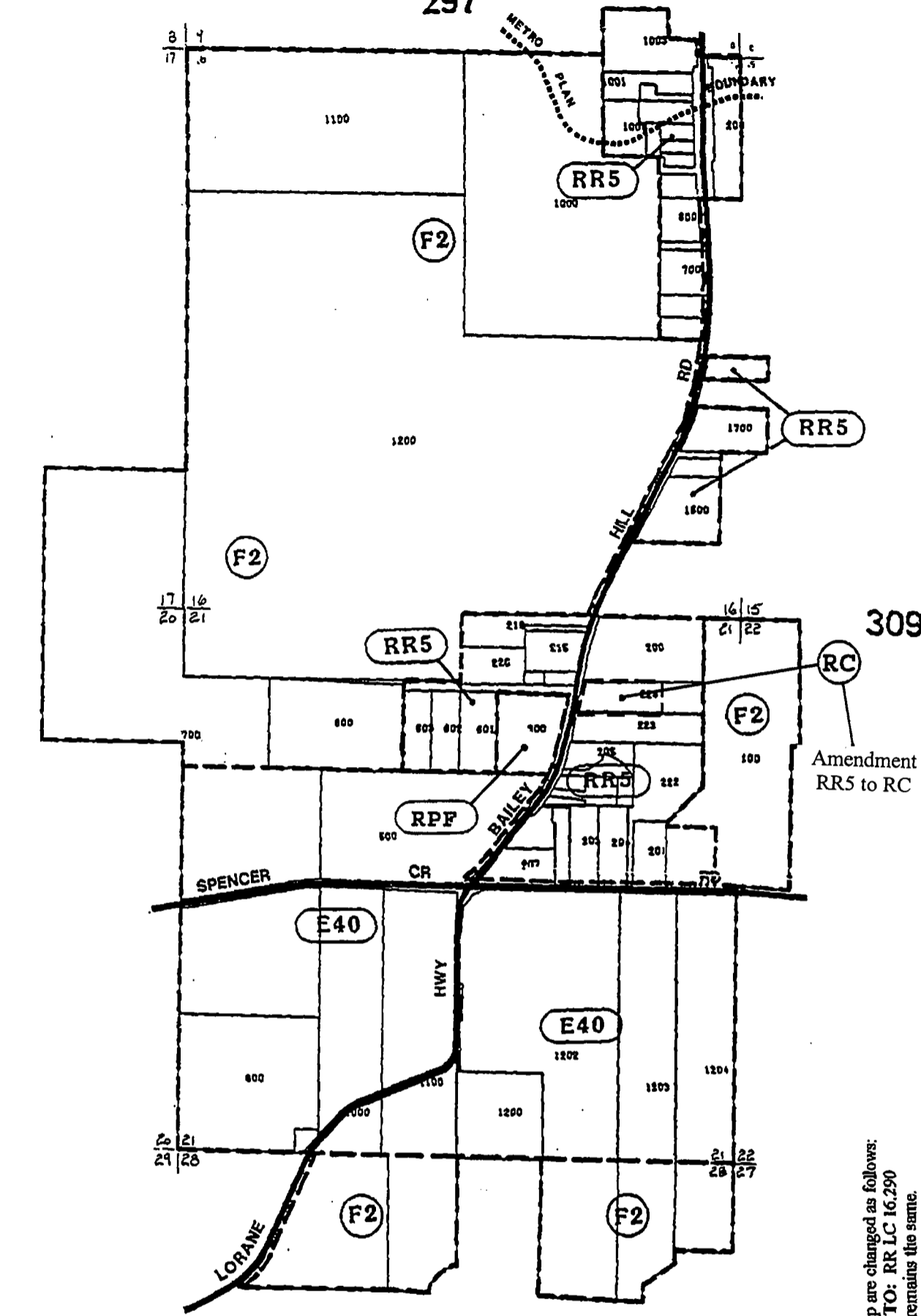
REVISION # 1 ORD. # PA 888 DATE 7/17/84 FILE # _____

297

285

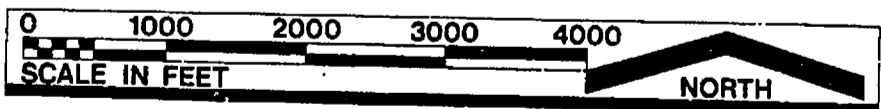
309

299



Amendment RR5 to RC

The RR zones on this map are changed as follows:
FROM: RR LC 16.231 TO: RR LC 16.290
The RR zone parcel size remains the same.



lane county



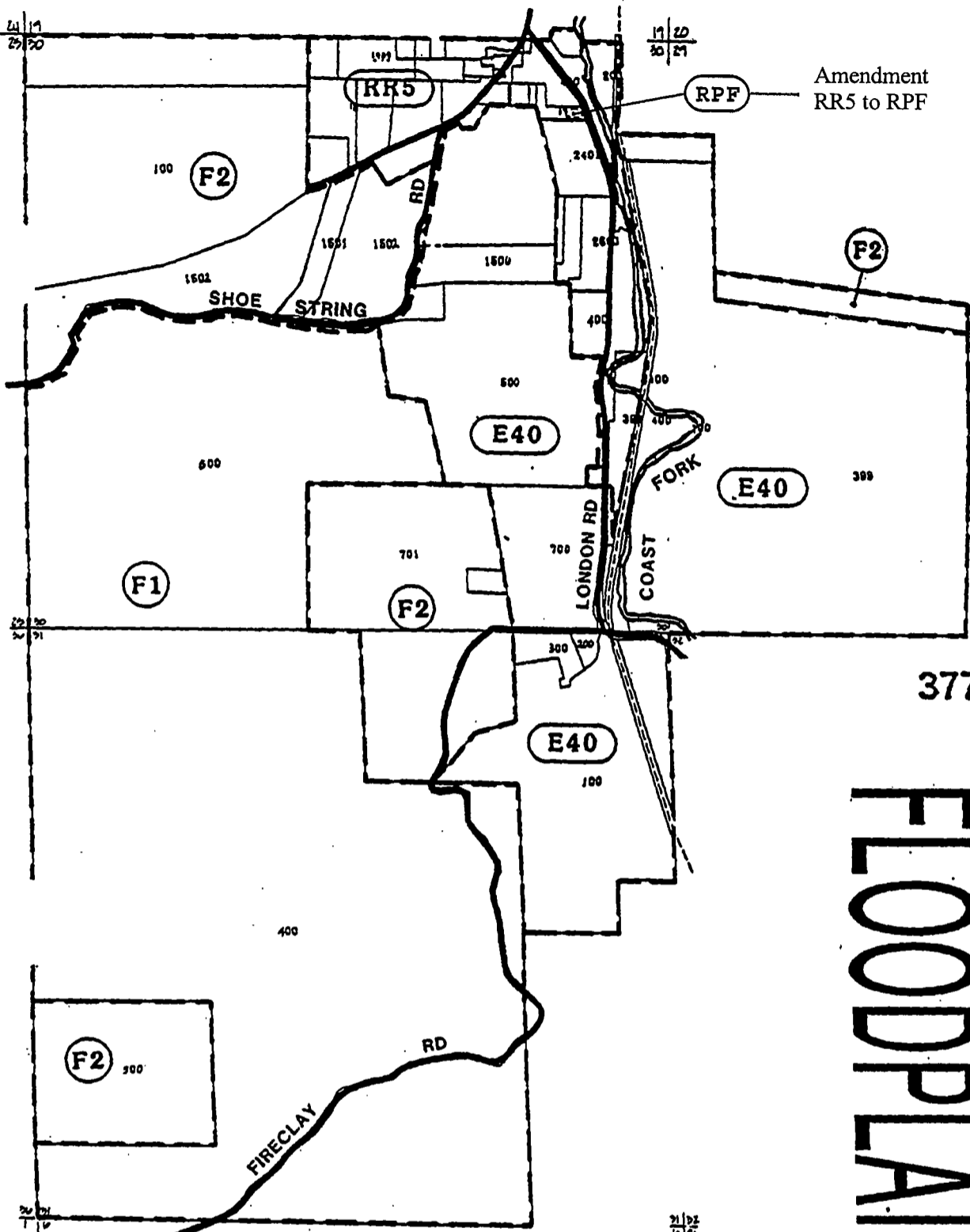
OFFICIAL ZONING MAP

PLOT# 298

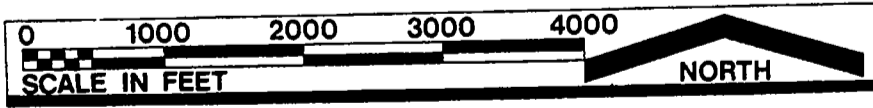
Twnshp Range Section	
18 04 16	18 04 21

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

REVISION # _____ ORD # _____



FLOODPLAIN



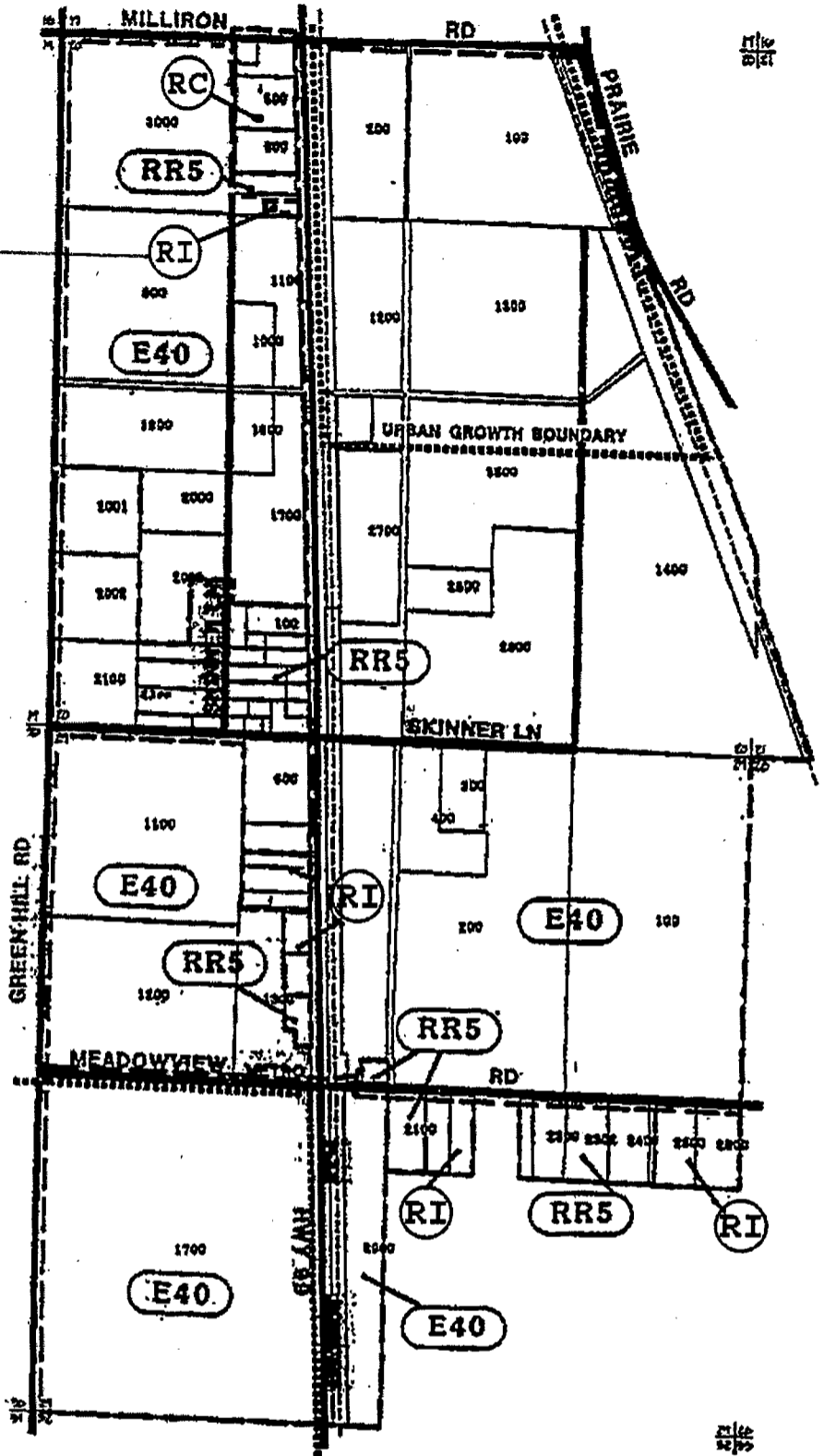
ine county **OFFICIAL ZONING MAP** **PLOT# 360**

Township Range Section
22 03 30 / 22 03 31

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

281

Amendment
RR5 to RI
(portion only)

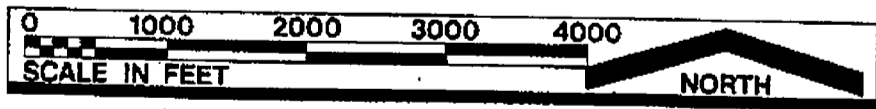


267

29

FLOODPLAIN

283



lane county



OFFICIAL ZONING MAP

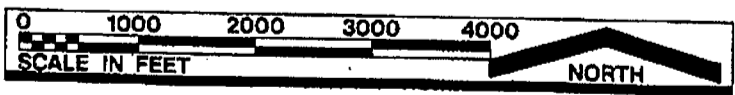
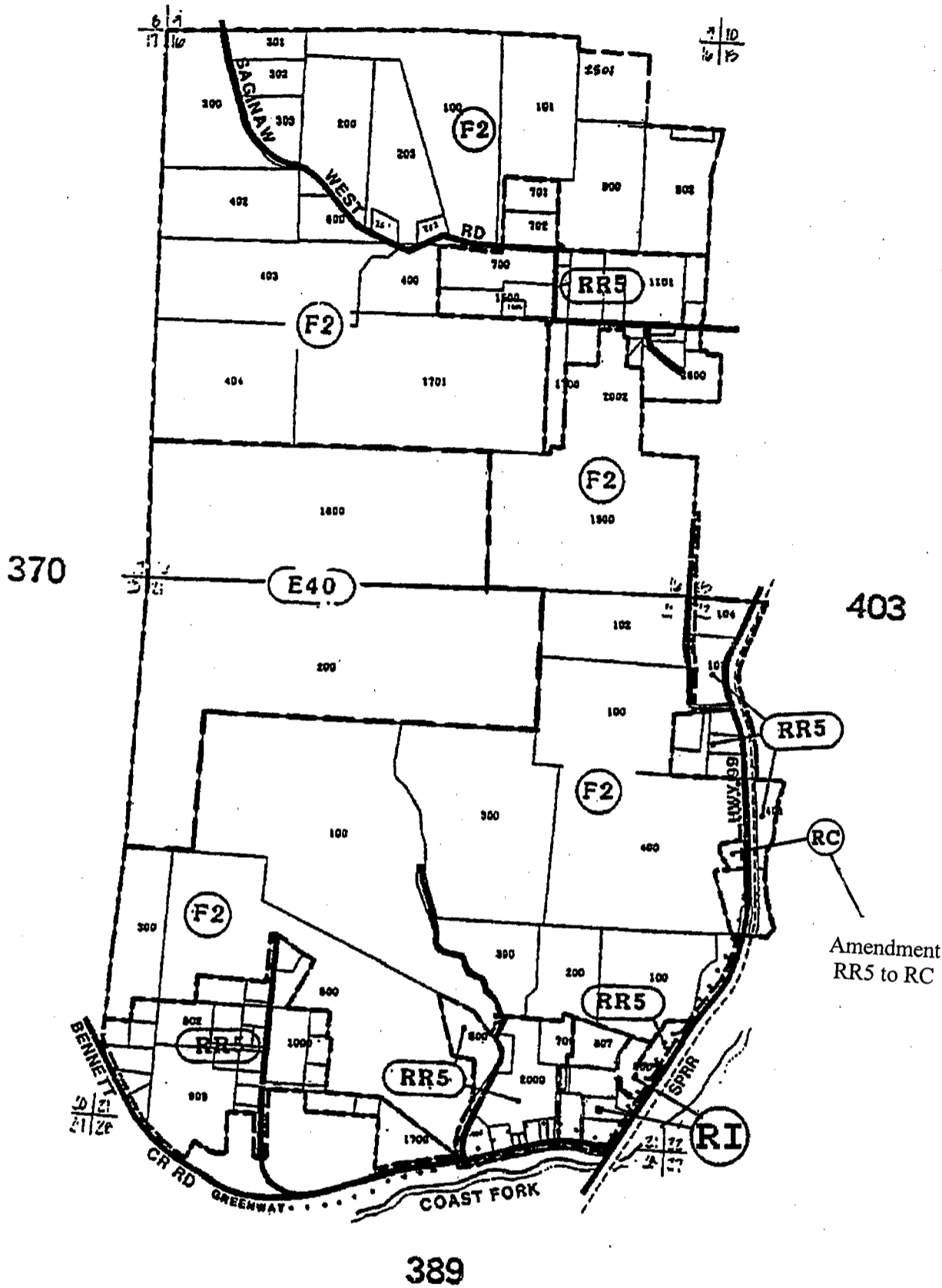
PLOT# 282

Township Range Section	
16 04 20	16 04 29

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

REVISION # 1 ORD. # 866 DATE 7/2/82 FILE # PA82-66

387



OFFICIAL ZONING MAP

PLOT# 388

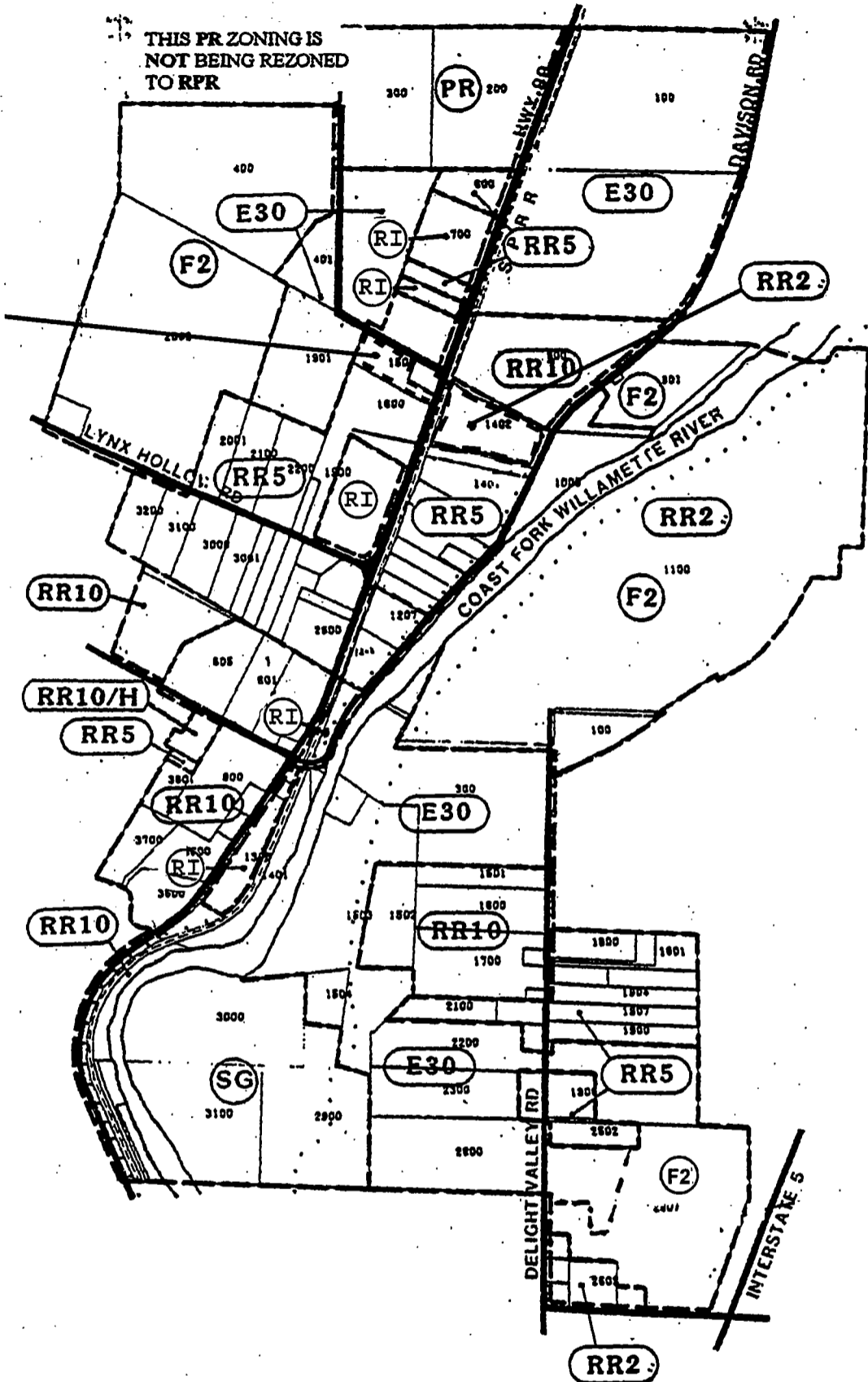
Township Range Section
20 03 16 / 20 03 21

ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE # _____
 REVISION # 1 ORD. # PA 911 DATE 3/14/86 FILE # _____

401

THIS PR ZONING IS NOT BEING REZONED TO RPR

Amendment RR5 to RC



418

403

Lane County



OFFICIAL ZONING MAP

PLOT# 402

Township	Range	Section	
20	03	03	20 03 10

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

REVISION # 1 ORD # PA 969 DATE 8/11/89 FILE #

402

Amendments
RR5 to RC
(Portion only)
Remove "/H"

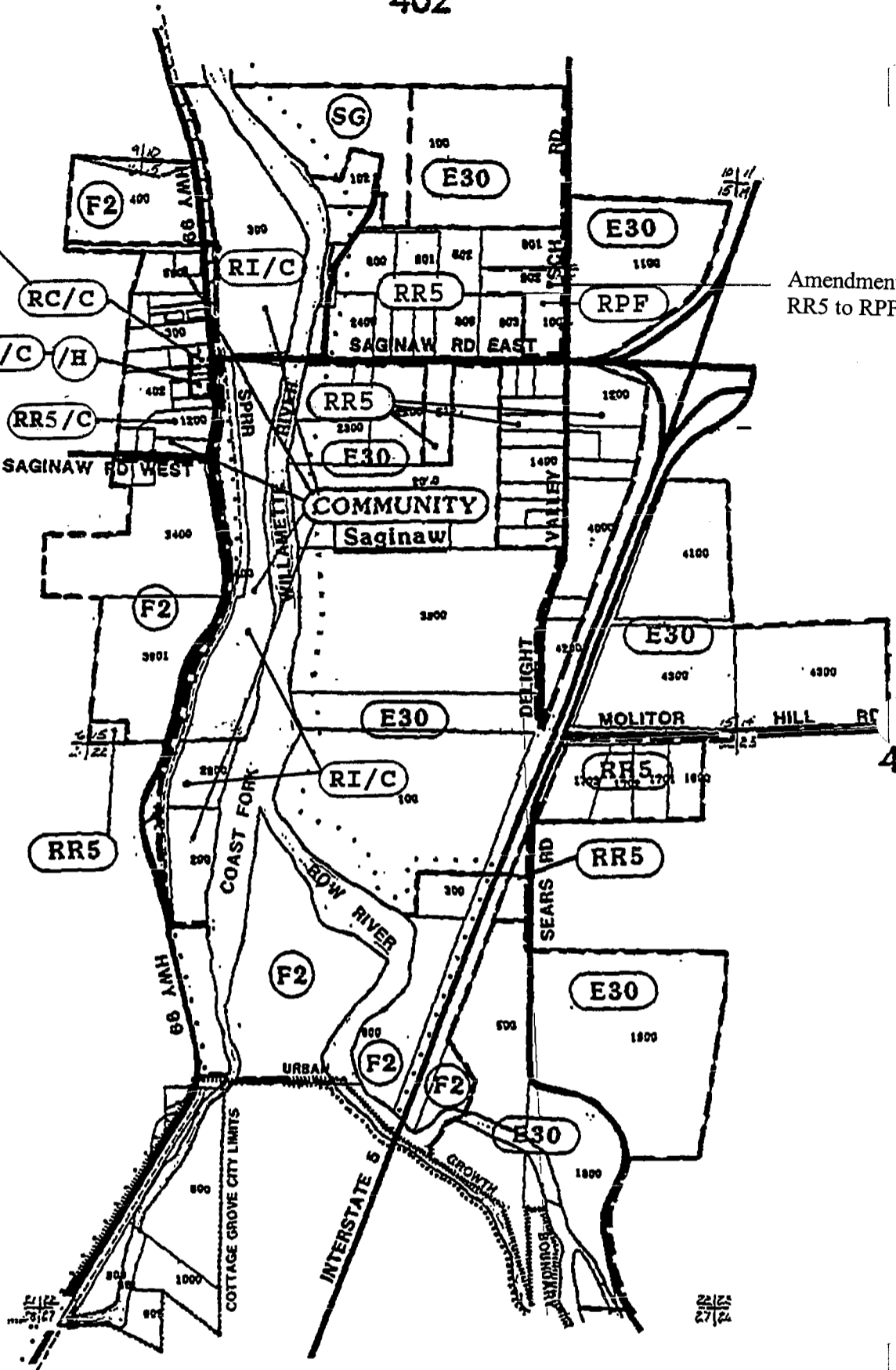
Amendment
Add "/H"

Amendment
RR5 to RPF

FLOODPLAIN

388

419



404

lane count

0 1000 2000 3000 4000

SCALE IN FEET

NORTH

OFFICIAL ZONING MAP

PLOT# 403

Township Range Section

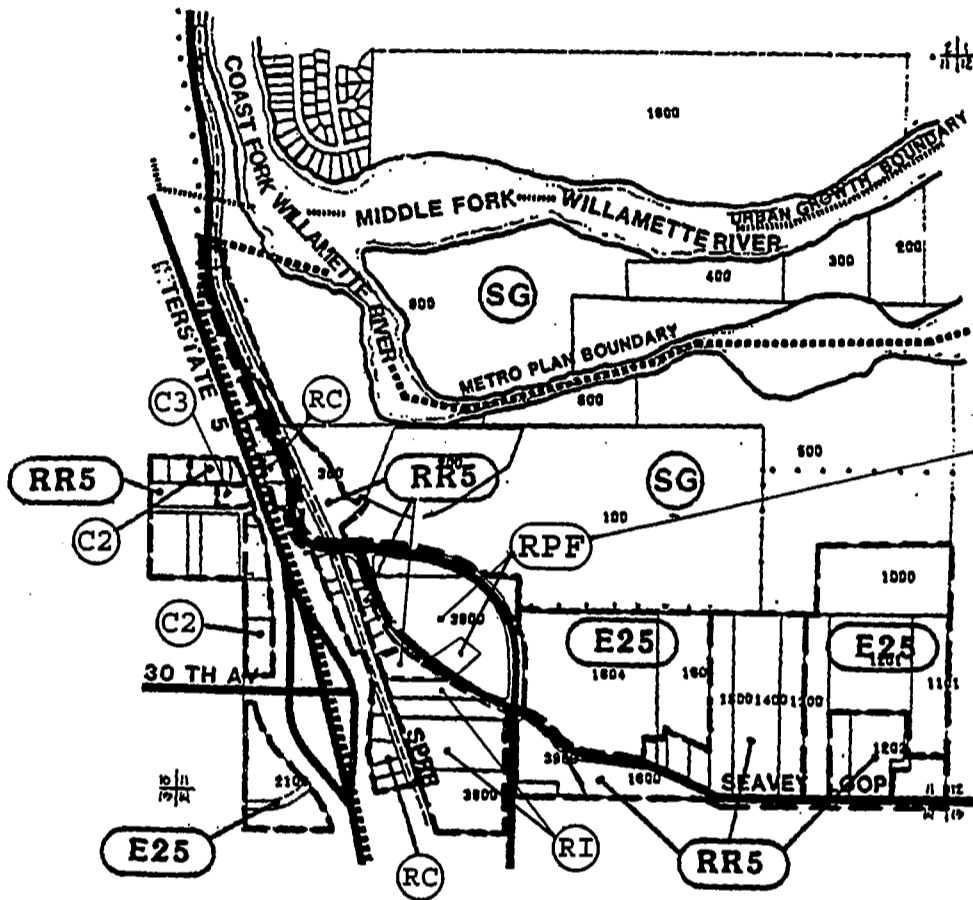
20	03	15	20	03	22
----	----	----	----	----	----

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

REVISION # ORD. # DATE FILE #

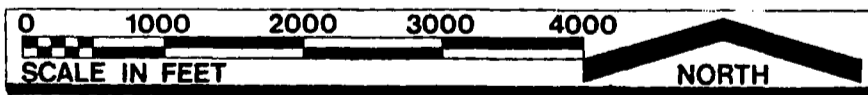
FLOODPLAIN

1010



Amendment
RI to RPF
425

413



lane county



OFFICIAL ZONING MAP

PLOT# 412

Twnshp Range Section

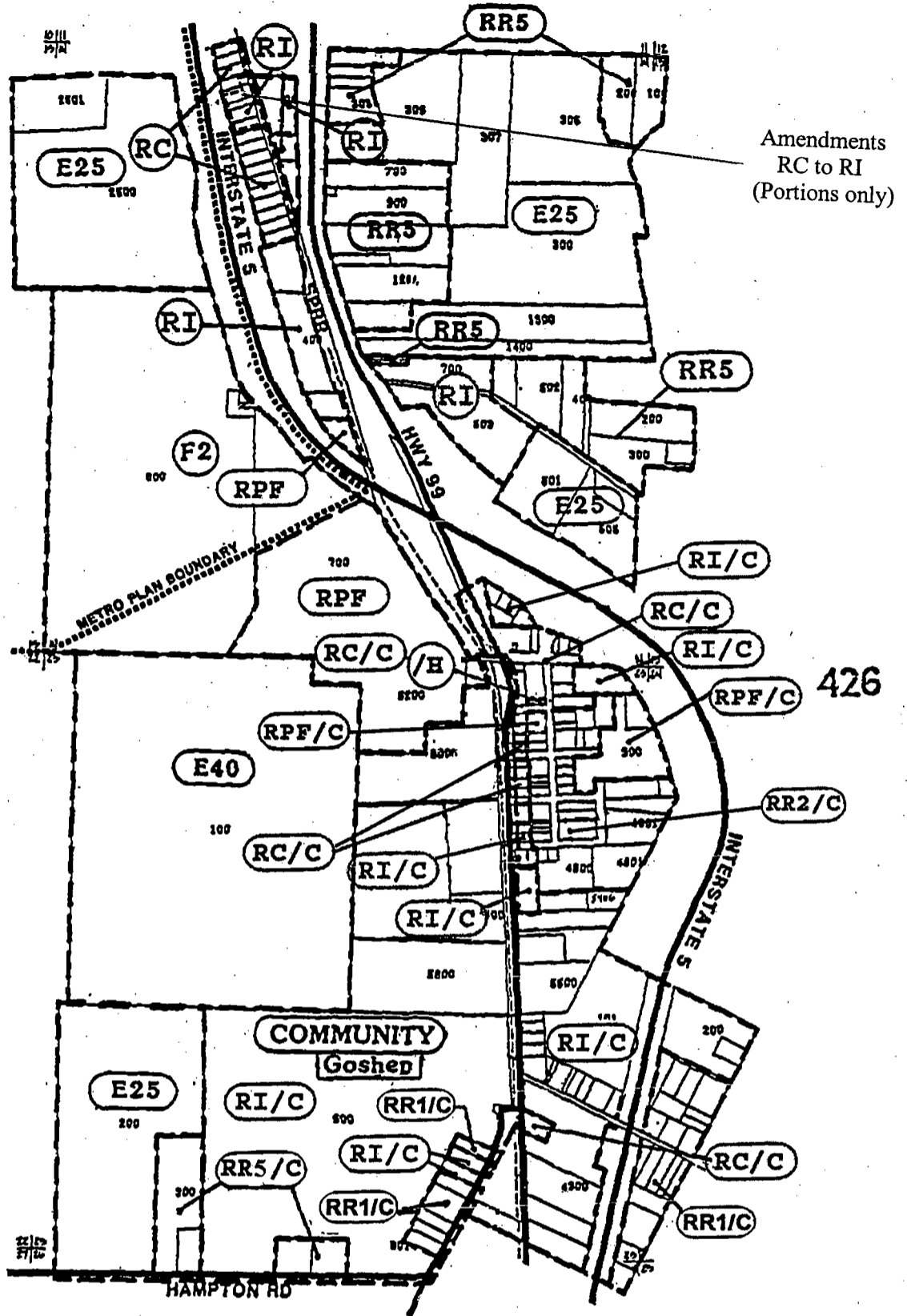
18 03 11

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

REVISION # 2 ORD. # PA 3041-85 DATE 12/19/85 FILE # _____

412

FLOODPLAIN



397

426

414

one county

0 1000 2000 3000 4000
SCALE IN FEET

NORTH

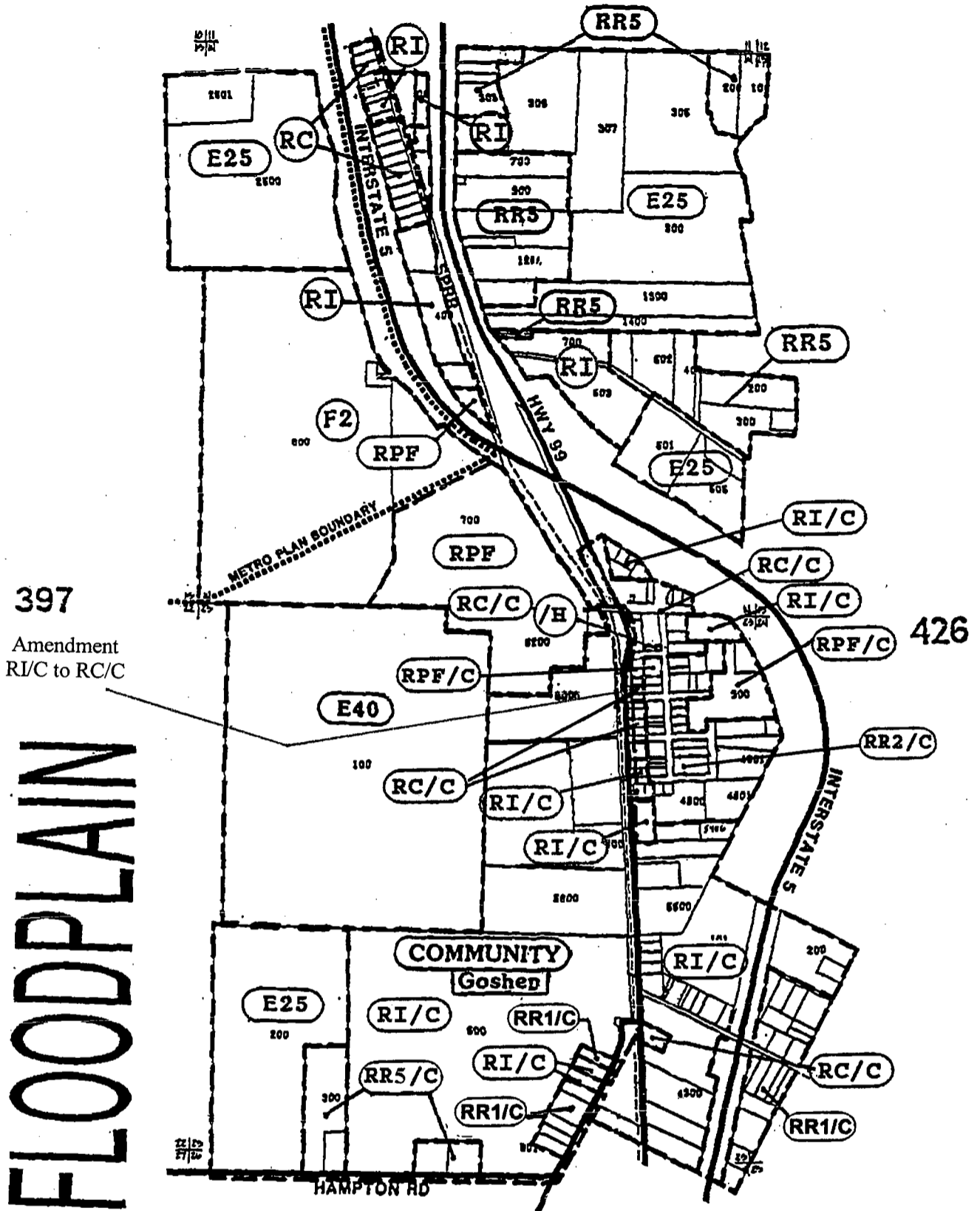
OFFICIAL ZONING MAP

PLOT# 413

Twtnshp Range Section
18 03 14 / 18 03 23

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

REVISION # 4 ORD. # PA0198-92 DATE 2/21/92 FILE # PA0198-92



397
Amendment
RI/C to RC/C

FLOODPLAIN

one county

0 1000 2000 3000 4000
SCALE IN FEET

NORTH

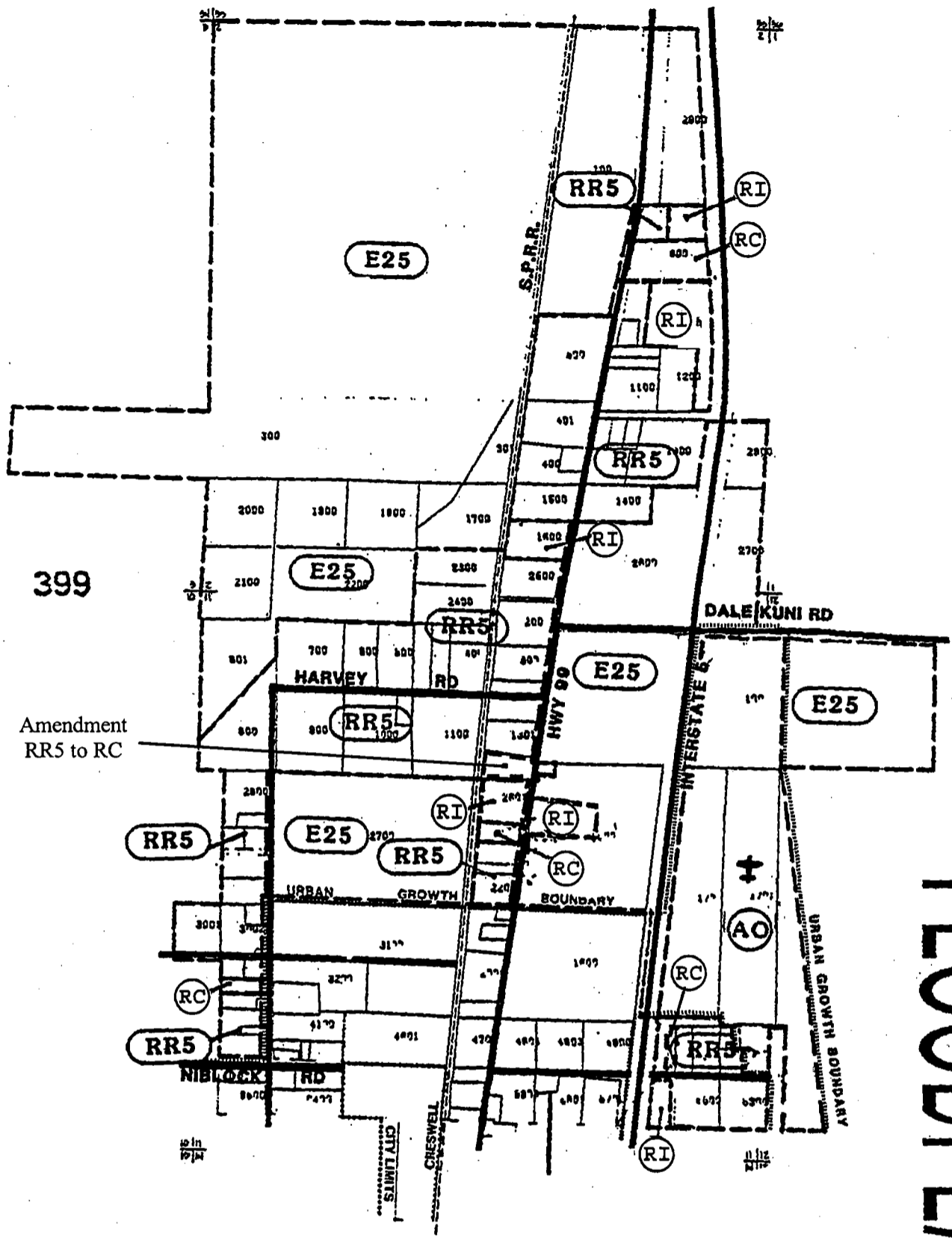
OFFICIAL ZONING MAP

PLOT# 413

Township Range Section
18 03 14 / 18 03 23

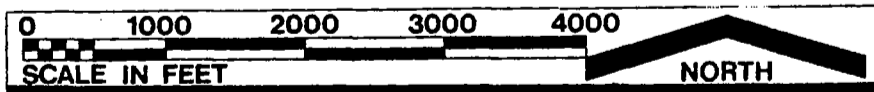
ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE #

REVISION # 4 ORD. # PA0198-92 DATE 2/21/92 FILE # PA0198-92



The RR zones on this map are changed as follows:
 FROM: RR LC 16.231 TO: RR LC 16.290
 The RR zone parcel size remains the same.

FLOODPLAIN



ane county

OFFICIAL ZONING MAP

PLOT# 415

Twnshp Range Section

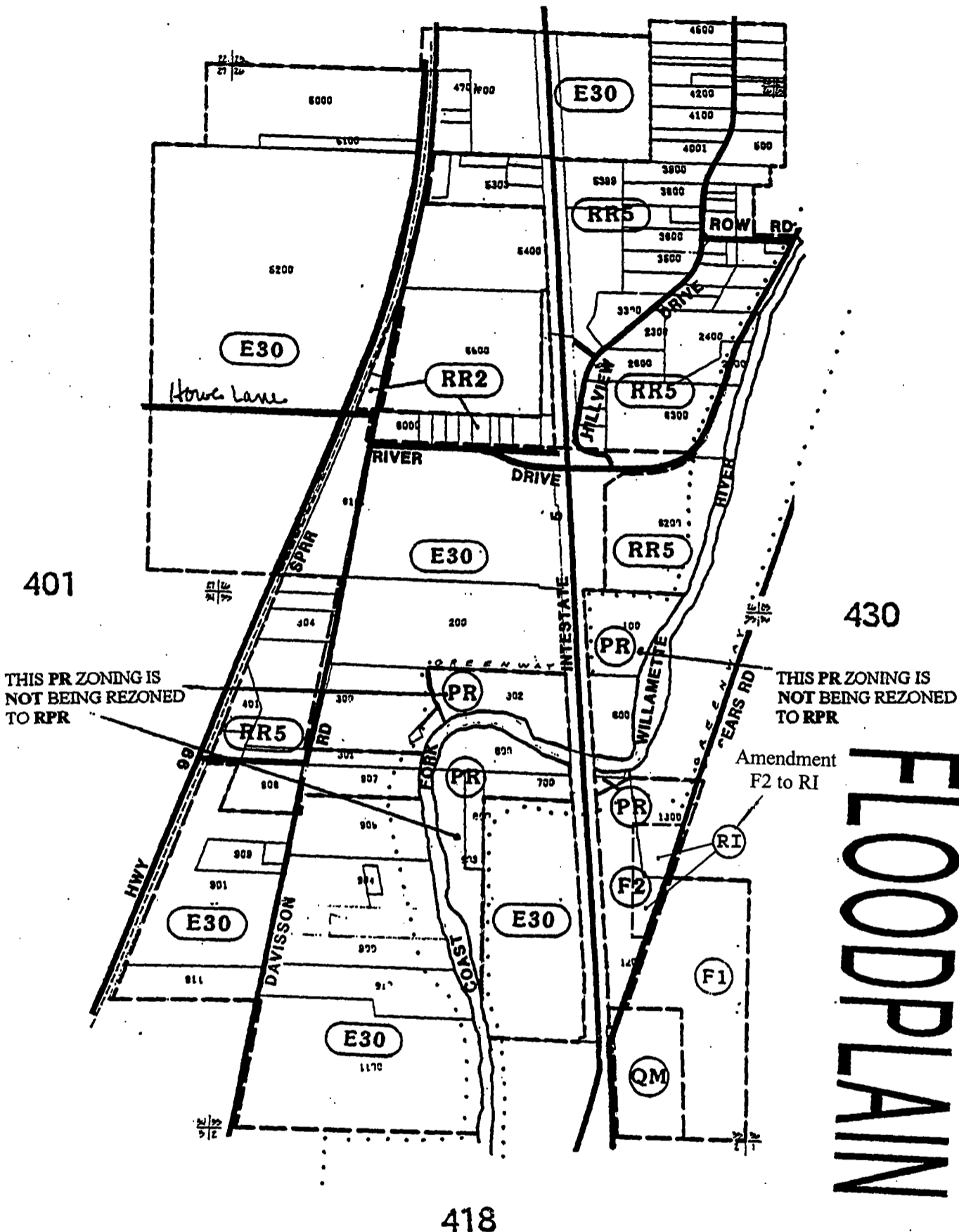
19 03 02

19 03 11

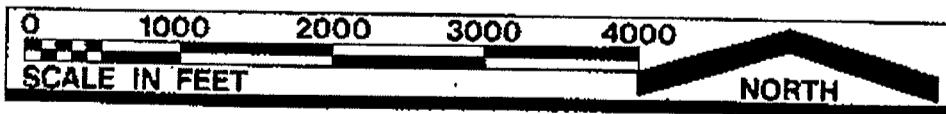
ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE # _____

REVISION # 2 ORD. # PA1046 DATE 10 / 27 / 94 FILE # PA0829-93

416



418



one county

OFFICIAL ZONING MAP

PLOT# 417

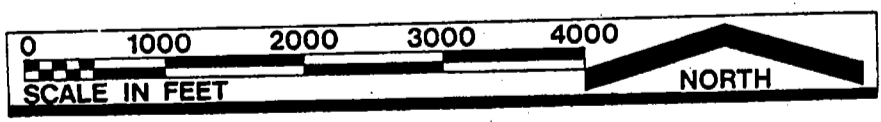
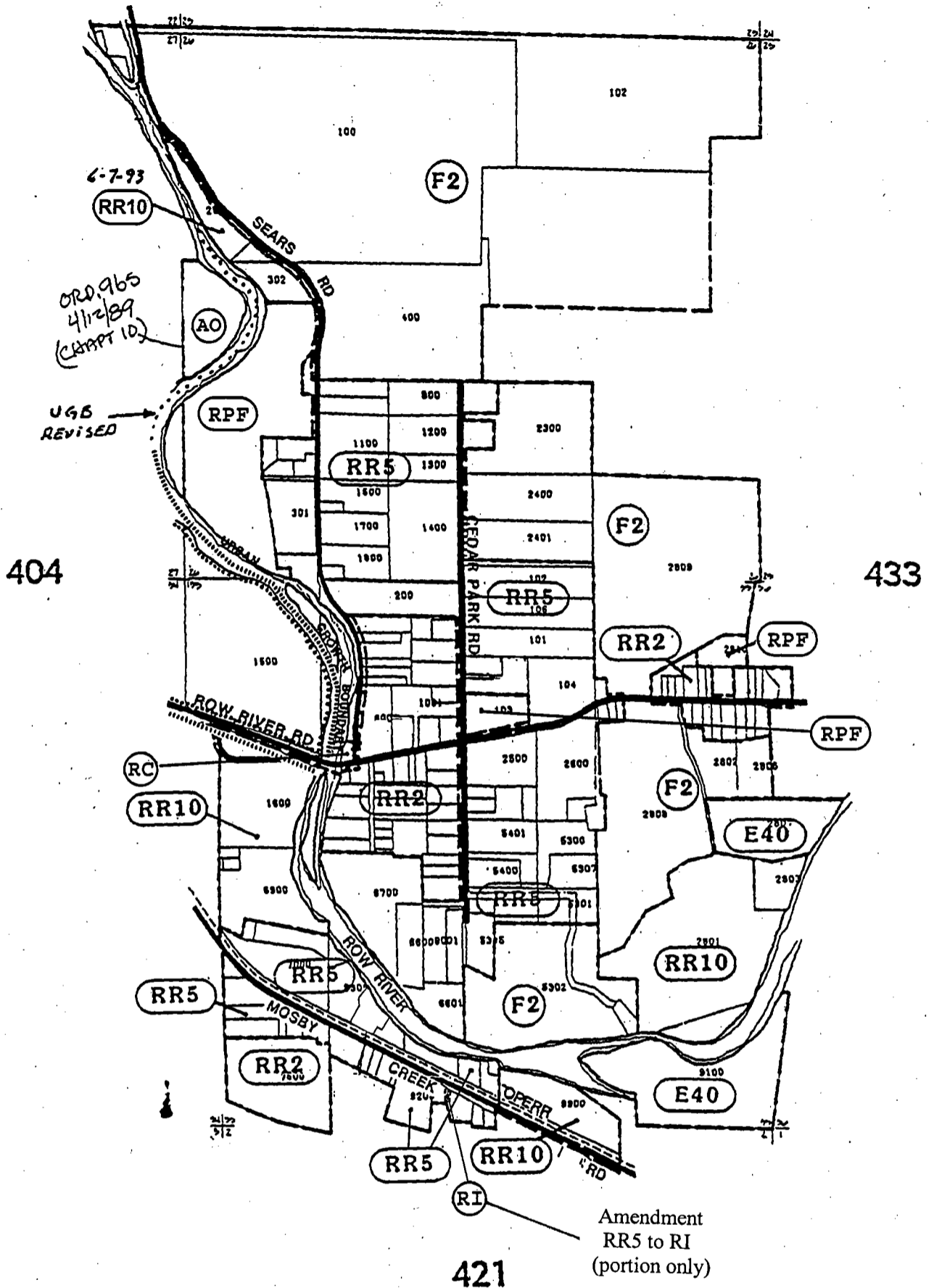
Twnshp Range Section

19 03 26

19 03 35

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

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



ane county

OFFICIAL ZONING MAP

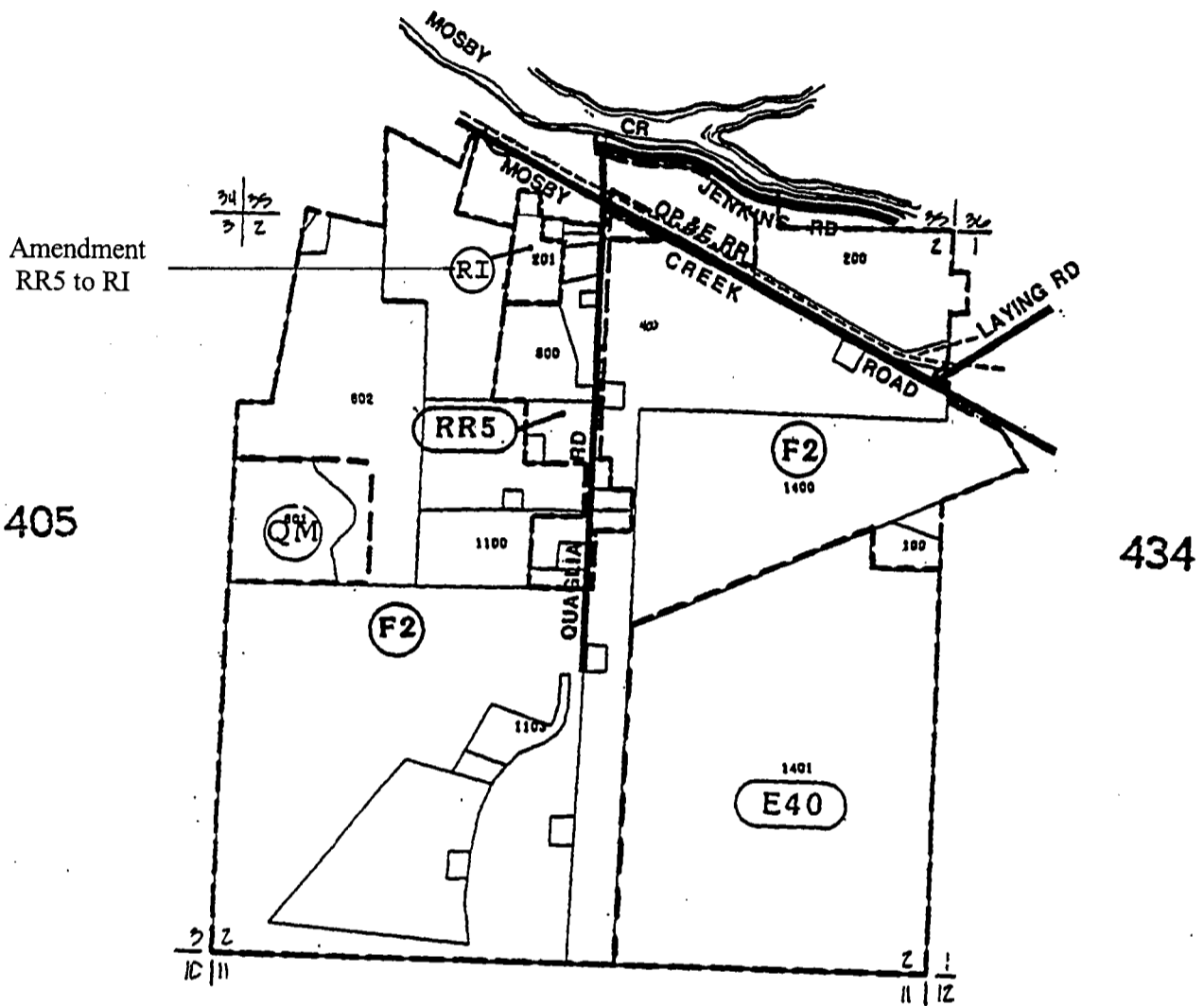
PLOT# 420

Twnshp Range Section
20 03 26 / 20 03 35

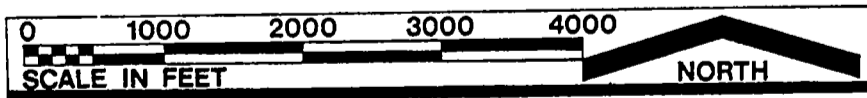
ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE # _____

REVISION # 2 ORD. # PA 911 DATE 3/14/86 FILE # _____

420



FLOODPLAIN



lane county



OFFICIAL ZONING MAP

PLOT# 421

Township Range Section

21 03 02

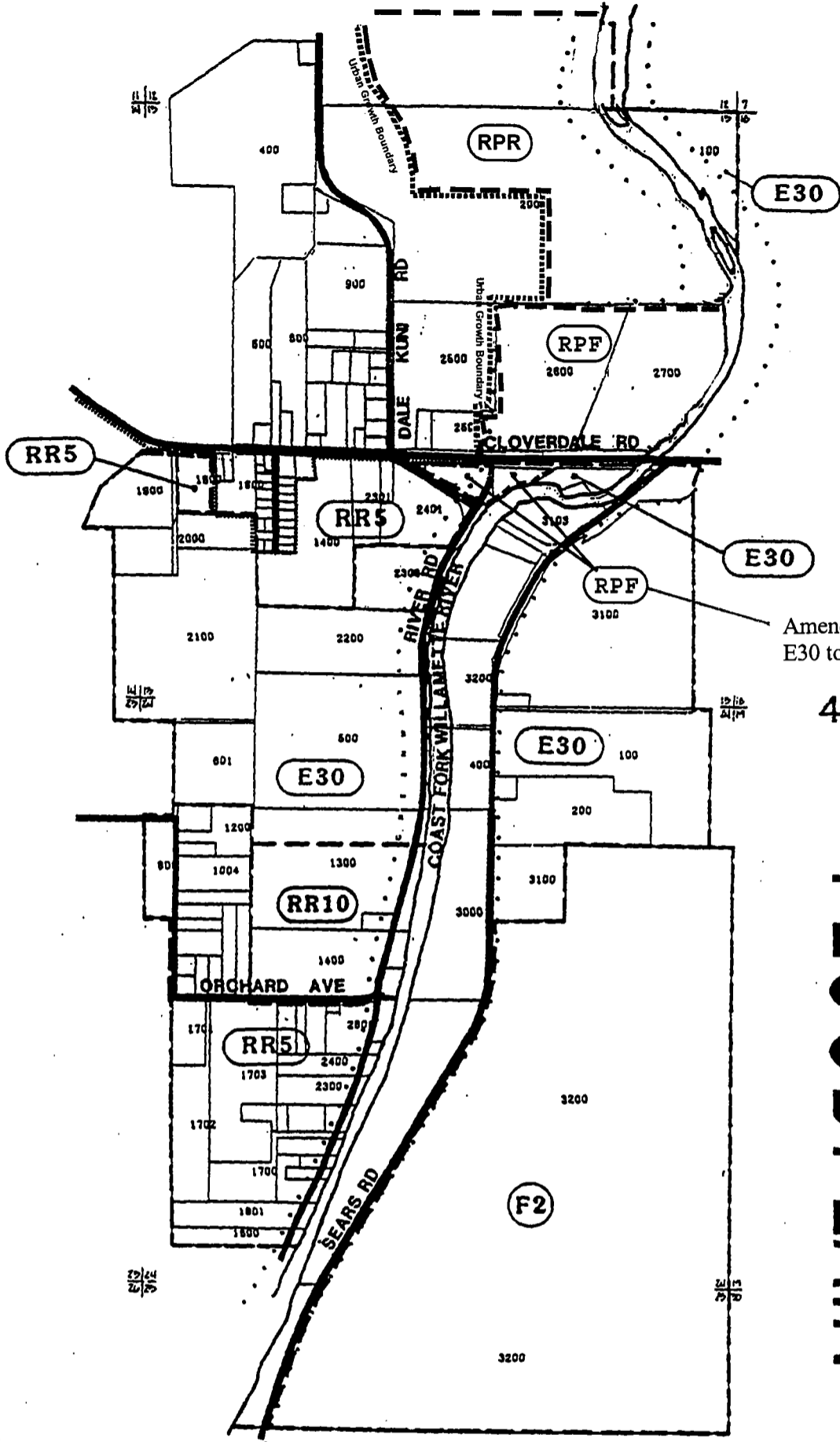
ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE #

428

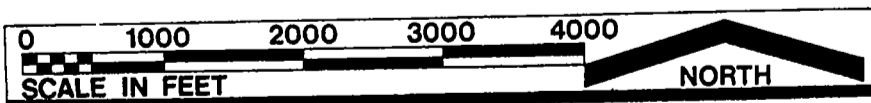
416

440

430



FLOODPLAIN



one county



OFFICIAL ZONING MAP

PLOT# 429

Township Range Section

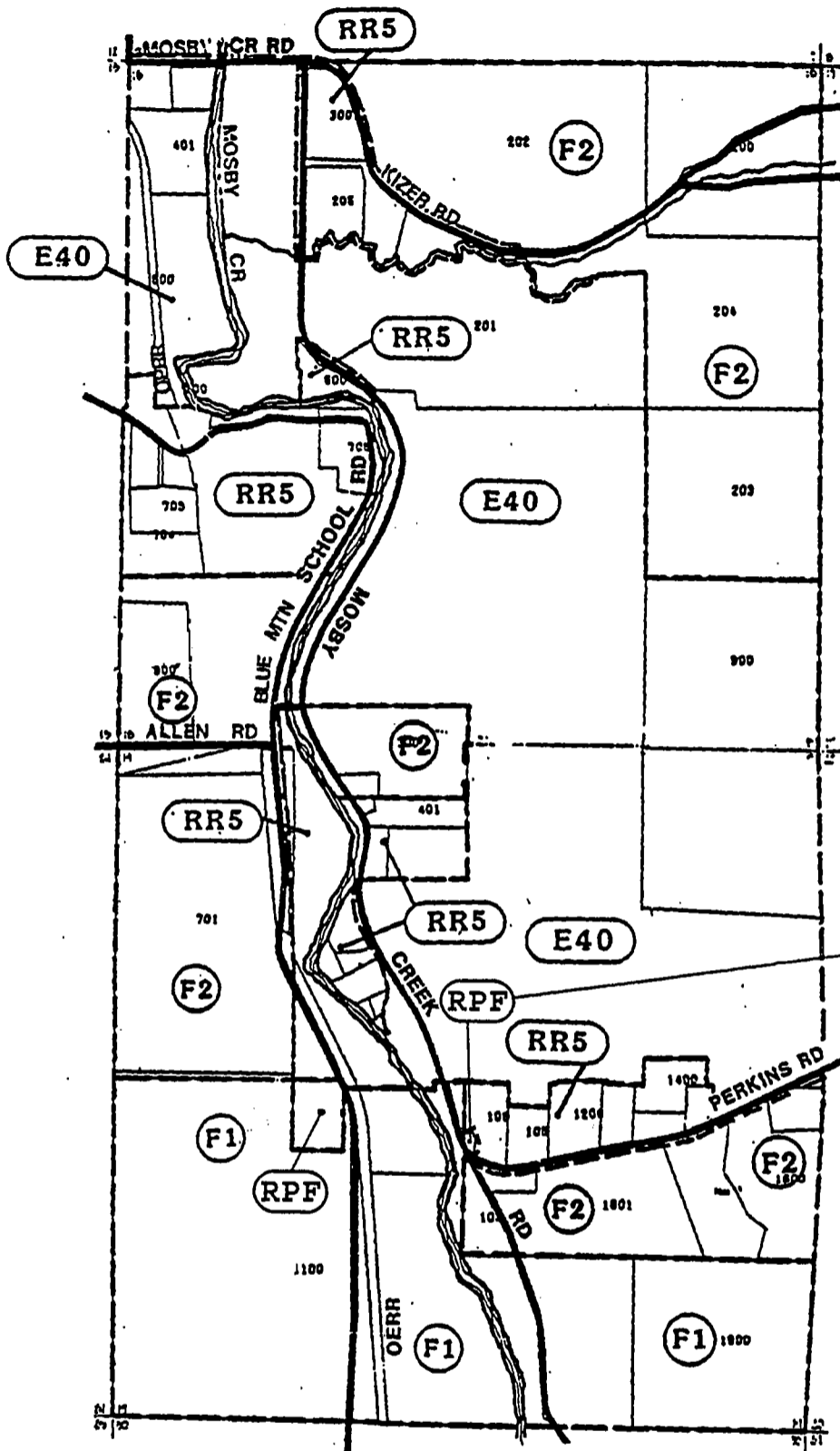
19 03 13

19 03 24

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

REVISION # 1 ORD. # PA 893 DATE 3/27/85 FILE #

442



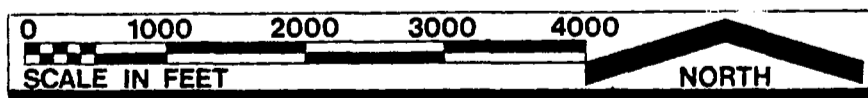
435

Amendment RR5 to RPF

455

FLOODPLAIN

444



ine county



OFFICIAL ZONING MAP

PLOT# 443

Twnshp Range Section

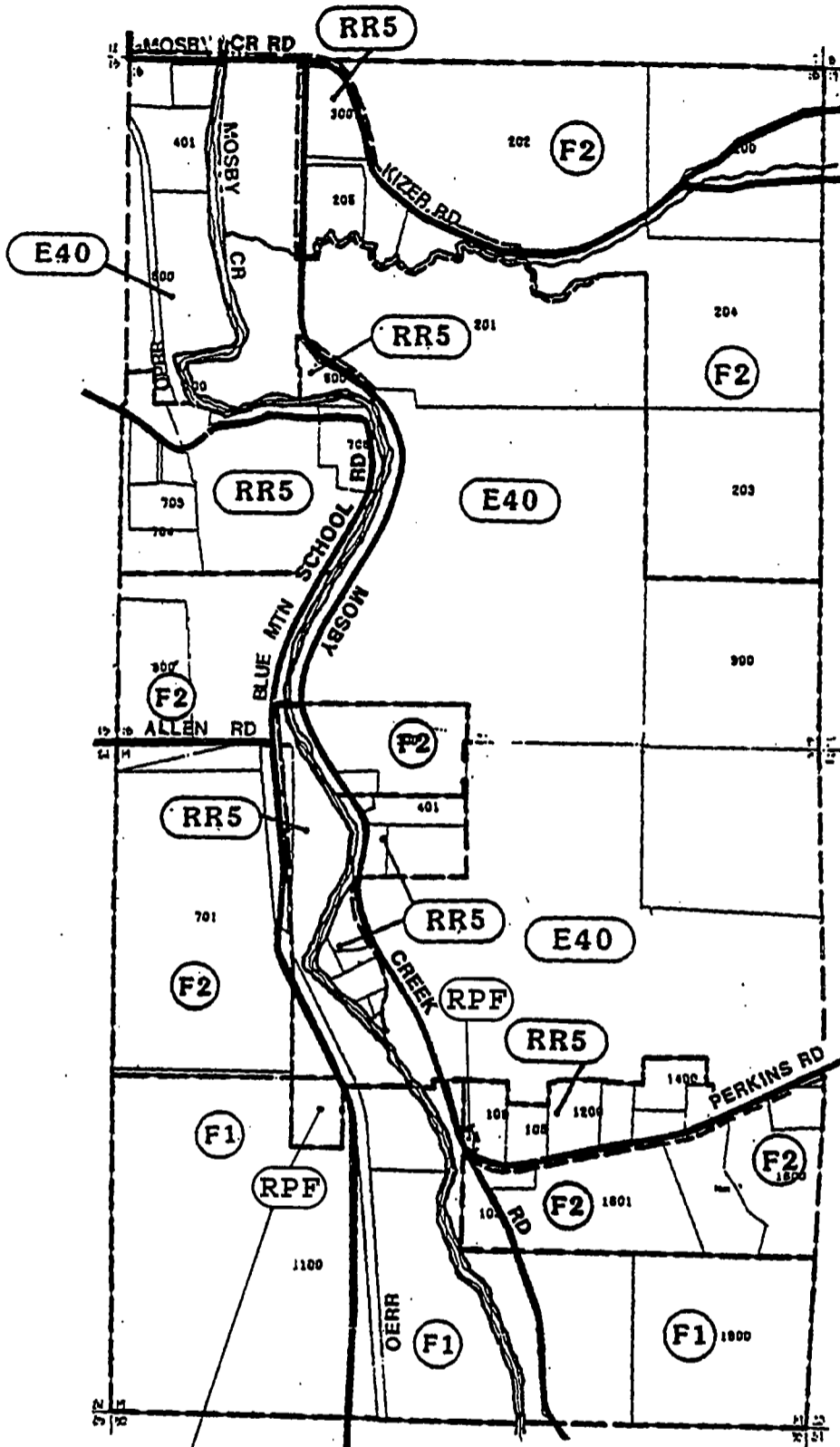
21 02 18

21 02 19

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

DIVISION # 1 ORD. # PA 888 DATE 7/17/84 FILE #

442



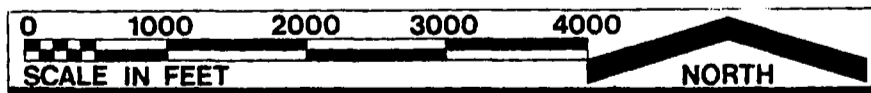
435

455

FLOODPLAIN

Amendment
RI to RPF

444



ine county



OFFICIAL ZONING MAP

PLOT# 443

Twnshp Range Section

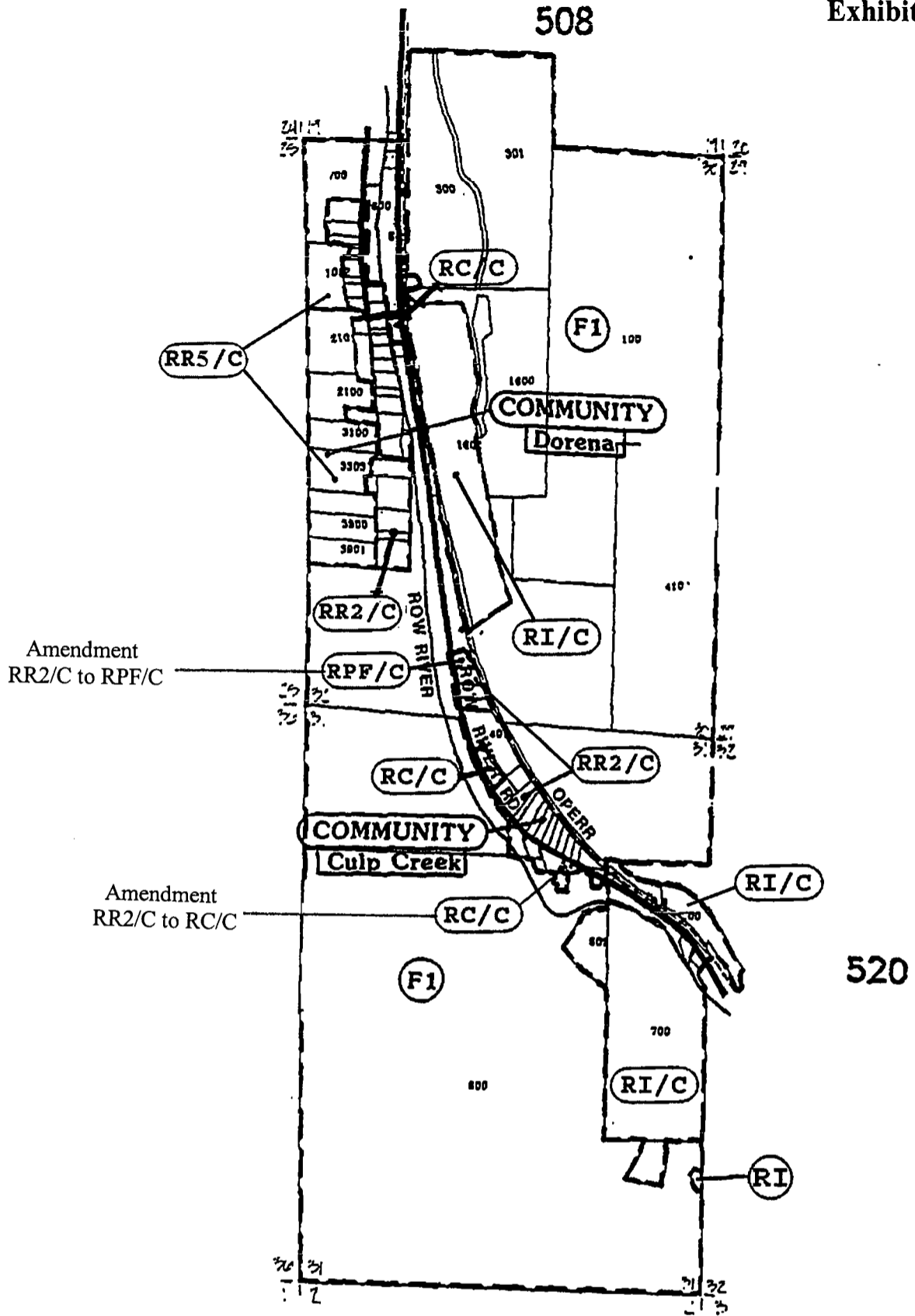
21 02 18

21 02 19

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

REVISION # 1 ORD. # PA 888 DATE 7/17/84 FILE #

508



2 county

0 1000 2000 3000 4000
SCALE IN FEET

NORTH

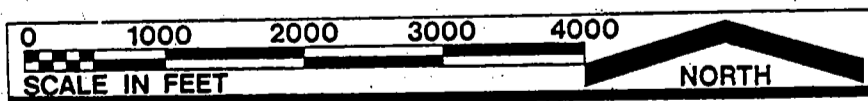
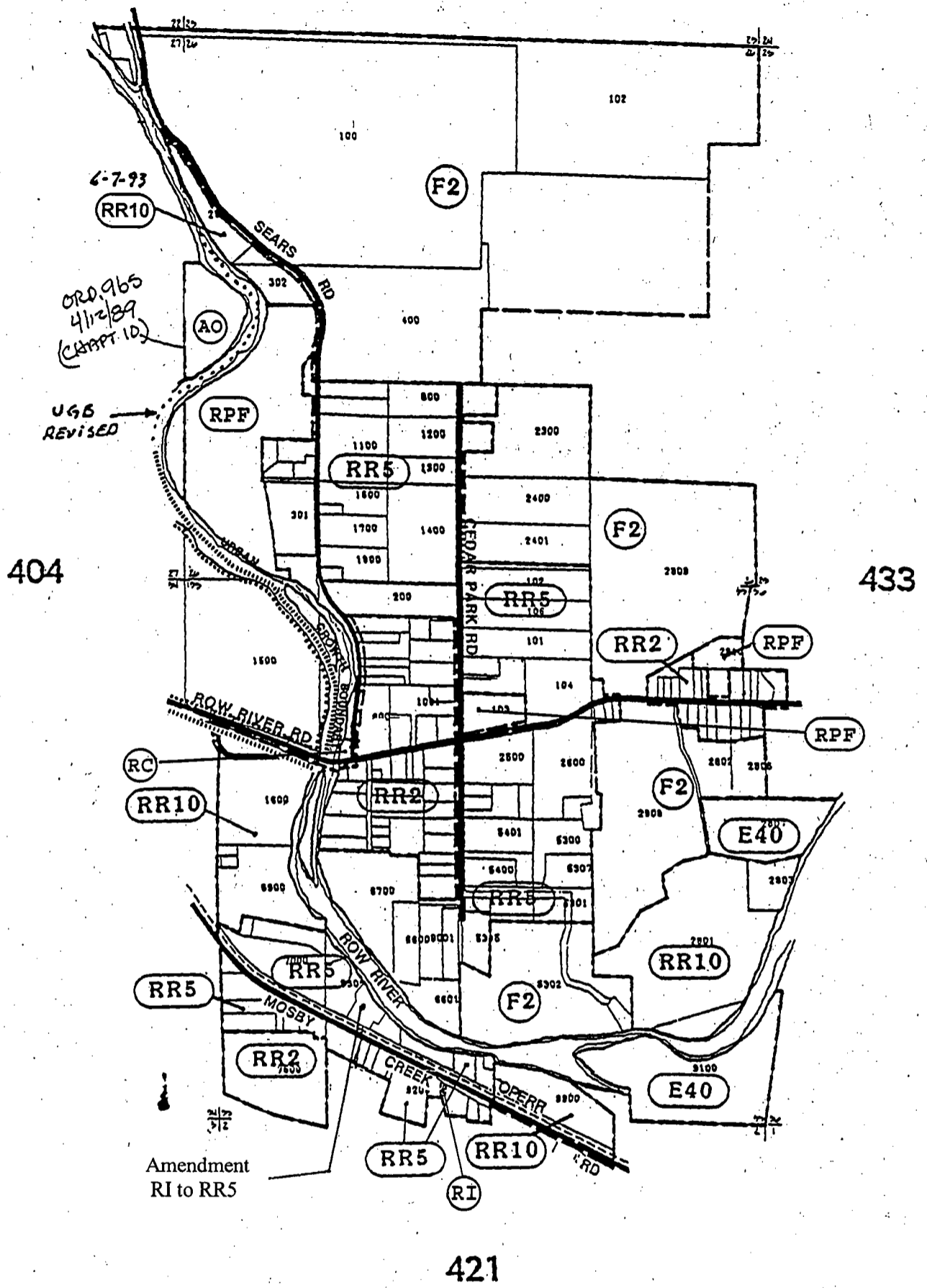
OFFICIAL ZONING MAP

PLOT# 509

Township Range Section
21 01 30 / 21 01 31

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

AMENDMENT # _____ ORD. # _____ DATE _____ FILE # _____



ane county



OFFICIAL ZONING MAP

PLOT# 420

Twnshp Range Section

20 03 26

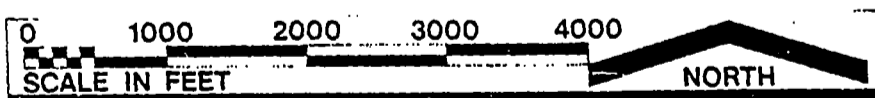
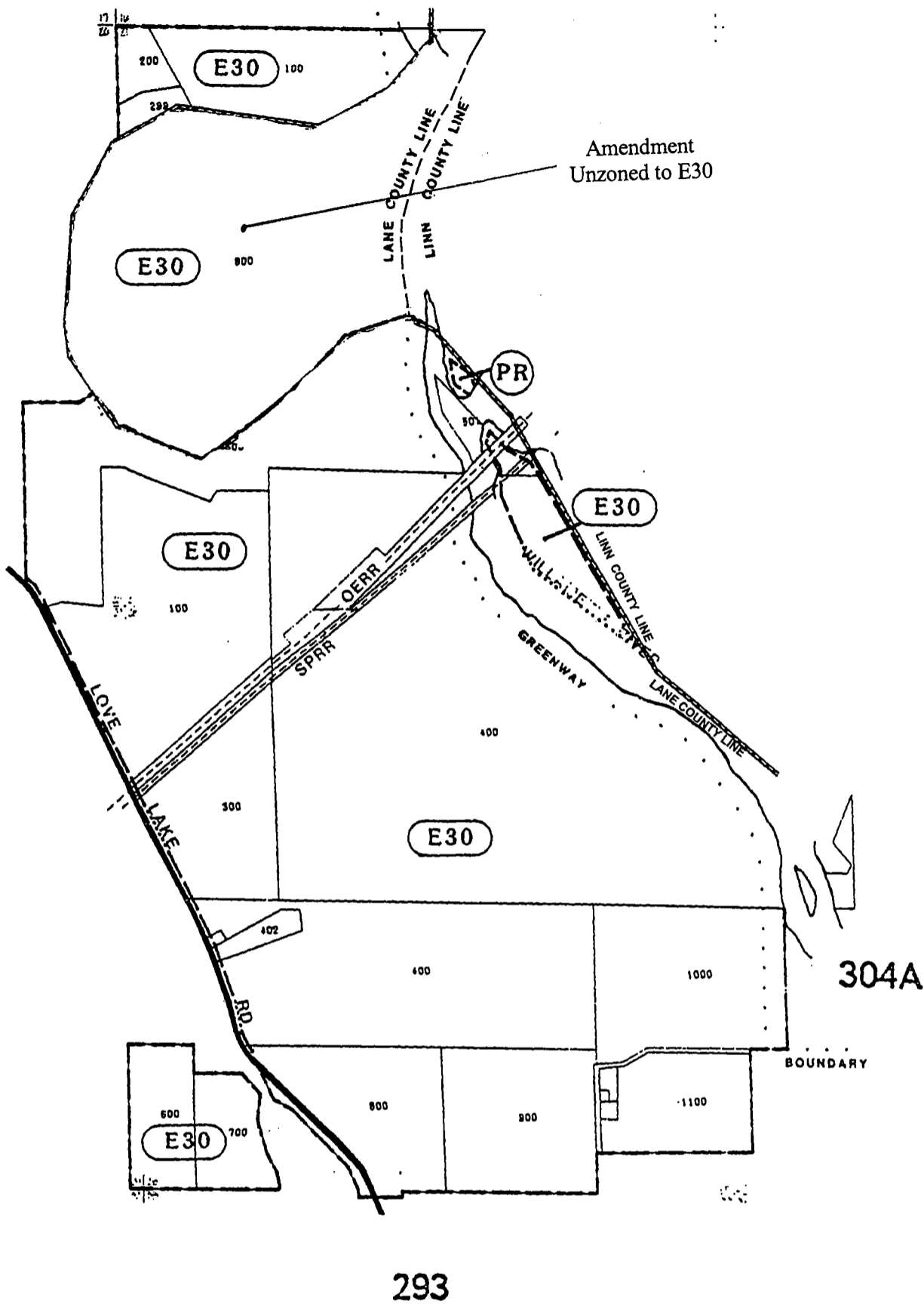
20 03 35

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

REVISION # 2 ORD. # PA 911 _____ DATE 3/14/86 FILE # _____

FLOODPLAIN

279



lane county



OFFICIAL ZONING MAP

PLOT# 292

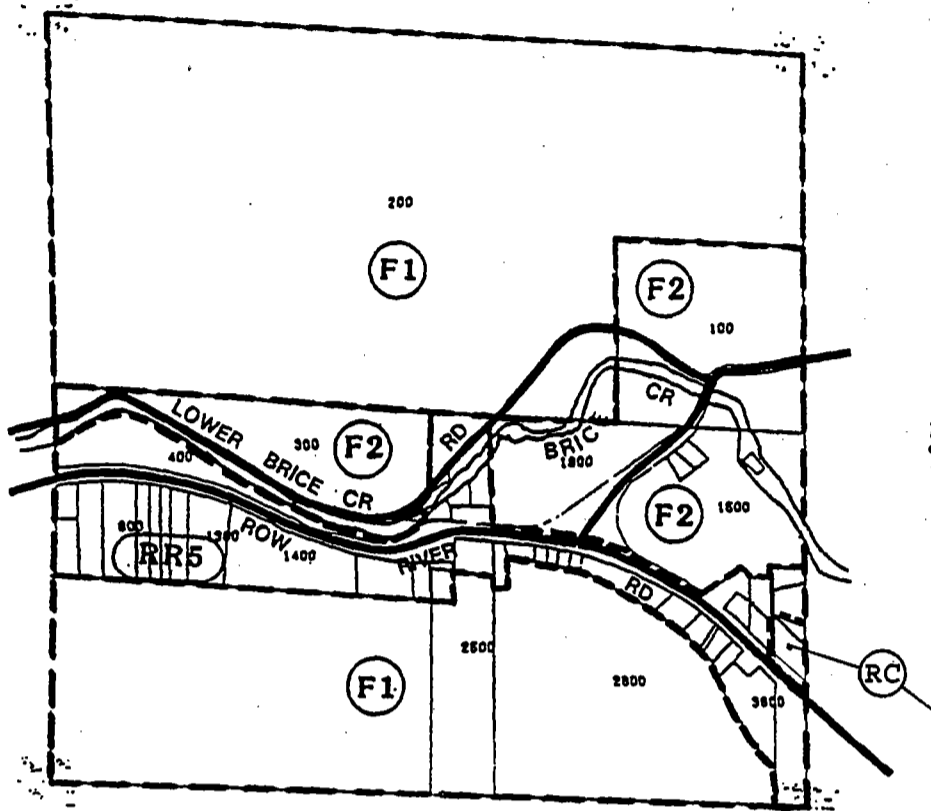
Twnshp Range Section
15 04 21

15 04 28

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

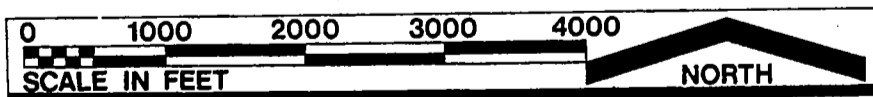
REVISION # _____ ORD. # _____ DATE _____ FILE # _____

540



554

Amendment
RR5 to RC



county

OFFICIAL ZONING MAP

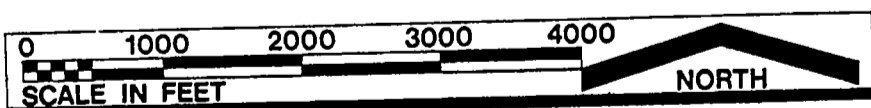
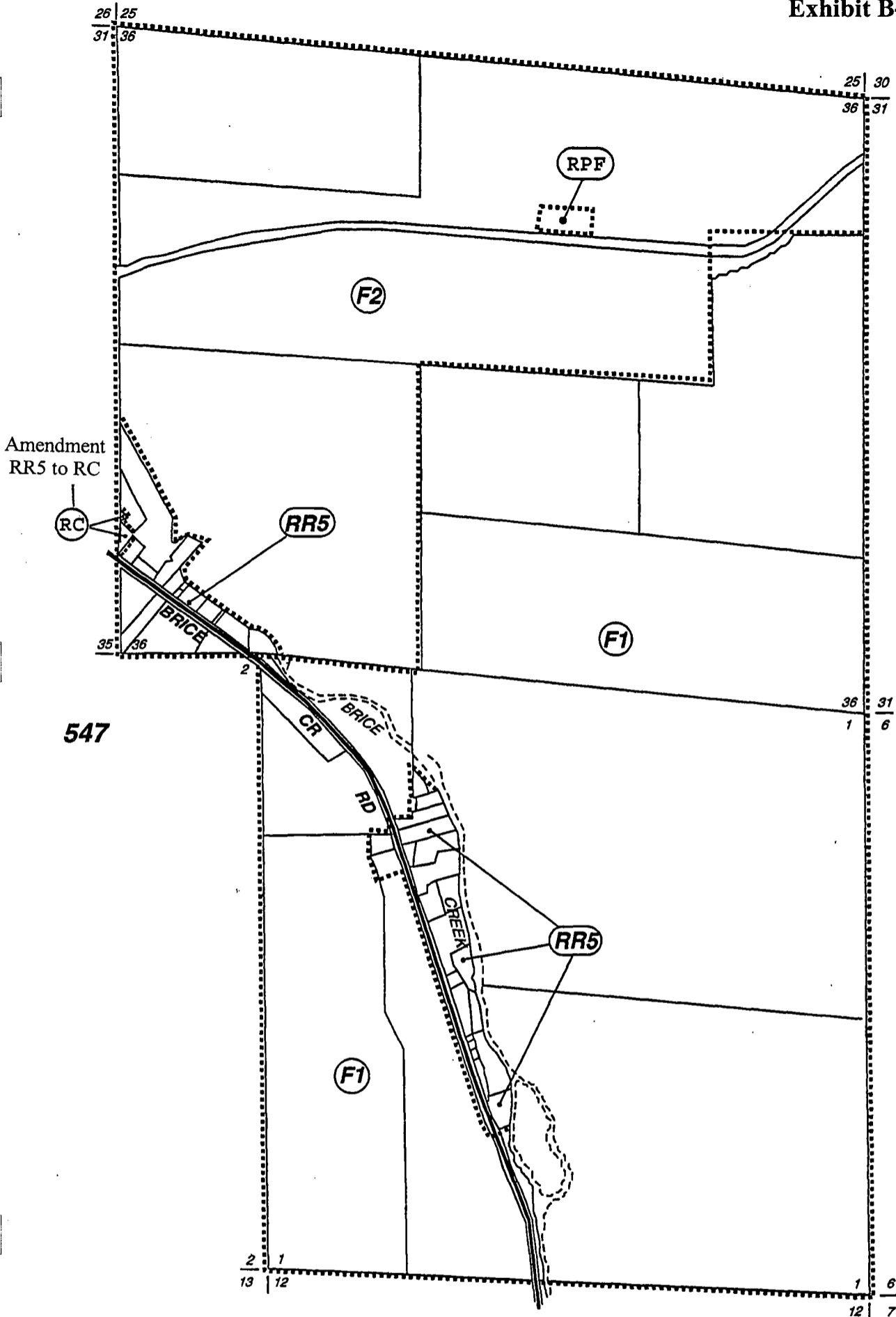
PLOT# 547

Twnshp Range Section

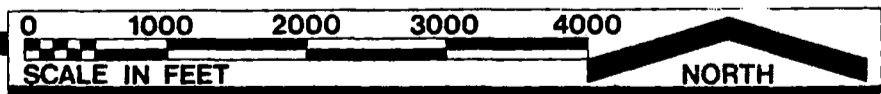
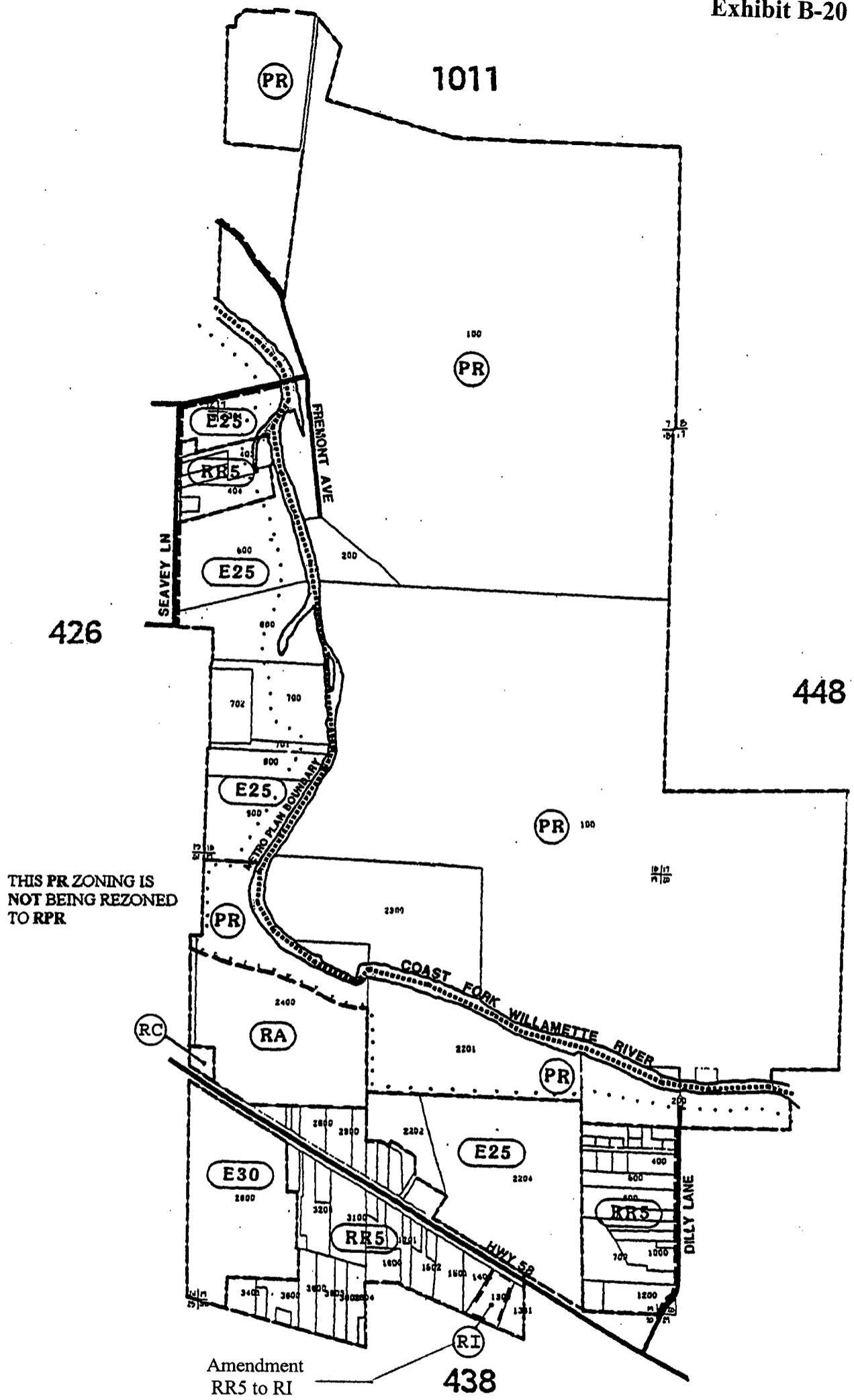
21 01 35

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

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



	OFFICIAL ZONING MAP		PLOT #554
	Township Range Section <u>21 01 36</u> / <u>22 01 01</u>		
ORIGINAL ORD. #	PA 884	DATE	2/29/1984
REVISION #	ORD#	DATE	FILE #



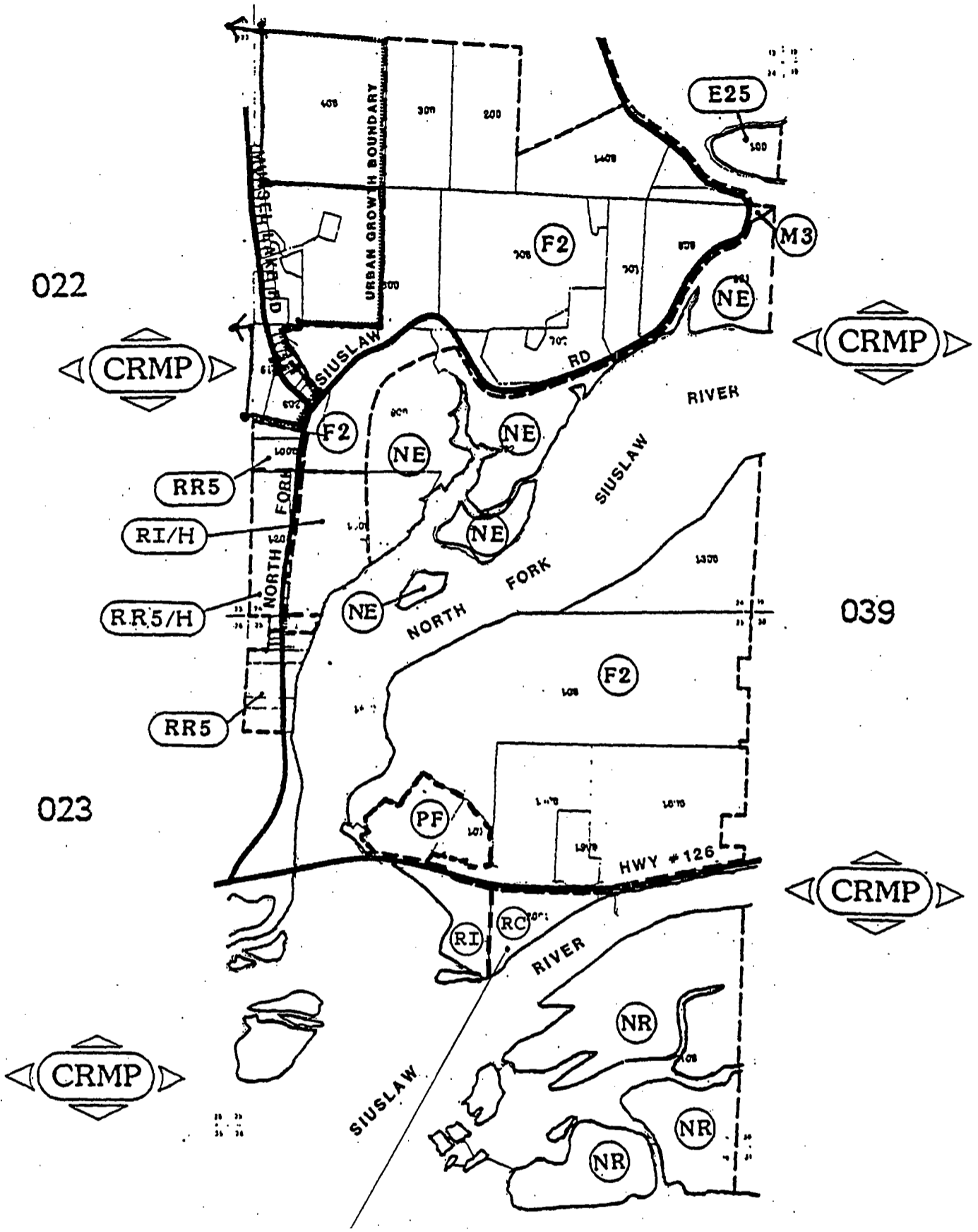
OFFICIAL ZONING MAP

PLOT # 437

Twnshp Range Section			
18	02	18	18 02 19

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

REVISION # ORD. # DATE FILE #



Amendment
RI to RC

lane county



OFFICIAL ZONING MAP

PLOT # 030

Township Range Section	
18 12 24	18 12 25

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

REVISION # 1 ORD. # PA 888 DATE 7/17/84

Exhibit No. C-1

PRZC Control No. 1

Lane County -/- Coast Fork Willamette Watershed
Legislative Rezoning Project

Developed and Committed Exception Area No. 298-R2

**Plan Amendment and Zone Change for
Tax Lot 224 of Assessor's Map 18-04-21**

Tax lot	Acreage	From	To
224	5.38	Rural Residential (RR5)	Rural Commercial (RC)

Exhibit No. C-1

PRZC Control No. 1

Lane County -/- Coast Fork Willamette Watershed
 Legislative Rezoning Project

Developed and Committed Exception Area No. 298-R2

**Plan Amendment and Zone Change for
Tax Lot 224 of Assessor's Map 18-04-21**

Tax lot	Acreage	From	To
224	5.38	Rural Residential (RR5)	Rural Commercial (RC)

Statement of Criteria

OAR 660-04-018(2) - *Planning & Zoning for Exception Areas*

OAR 660-22-030(6)-(8) – *Planning and Zoning of Unincorporated Communities*

Lane County Rural Comprehensive Plan Policies

Goal Two, Policy 27 Conformity Determination Amendment

Lane Code 16.003 & 16.004 - *Purpose and Scope and Compliance*

Lane Code 16.291 - *Rural Commercial Zone*

Lane Code 16.290 - *Rural Residential Zone*

Lane Code 16.252(2), (5) - *Procedures for Zoning, Rezoning and Amendments to Requirements*

I. Findings of Fact

Refer to Exhibit “D” Applicant’s Findings of Fact and Conclusions of Law.

The Board of County Commissioners adopts the findings of fact and conclusions of law of the applicant in Exhibit “D” as their own.

II. Justification for the Recommendation

Refer to Exhibit “D” Applicant’s Findings of Fact and Conclusions of Law.

III. Conclusion

The applicant has shown by a preponderance of evidence in Exhibit “D” that the criteria and standards applicable to this rezoning request have been met.

IV. Recommendations

That the Blue Tower Art Foundation application PRZC Control No. 1 of Ordinance No. 1226 for the amendment to the plan designation of tax lot 244, Assessors Map 18-04-21, from Rural (R) to Commercial (C), be approved.

That the Blue Tower Art Foundation application PRZC Control No. 1 of Ordinance No. 1226 for the rezoning of tax lot 244, Assessors Map 18-04-21, from Rural Residential (RR5) to Rural Commercial (RC), be approved.

V. Exhibits

- A. Plan Map, Plot No. 298
- B. Zoning Map, Plot No. 298
- C. Assessor’s Map 18-04-21 depicting subject property tax lot 224
- D. Applicant’s Findings of Fact and Conclusions of Law.

FOR ASSESSMENT
AND TAXATION
ONLY

Exhibit C: Assessor's Map 18-04-21 depicting subject property tax lot 224

SECTION 21 T.18S. R.4W. W.M.

LANE COUNTY

SCALE 1" = 400'

18 04 21

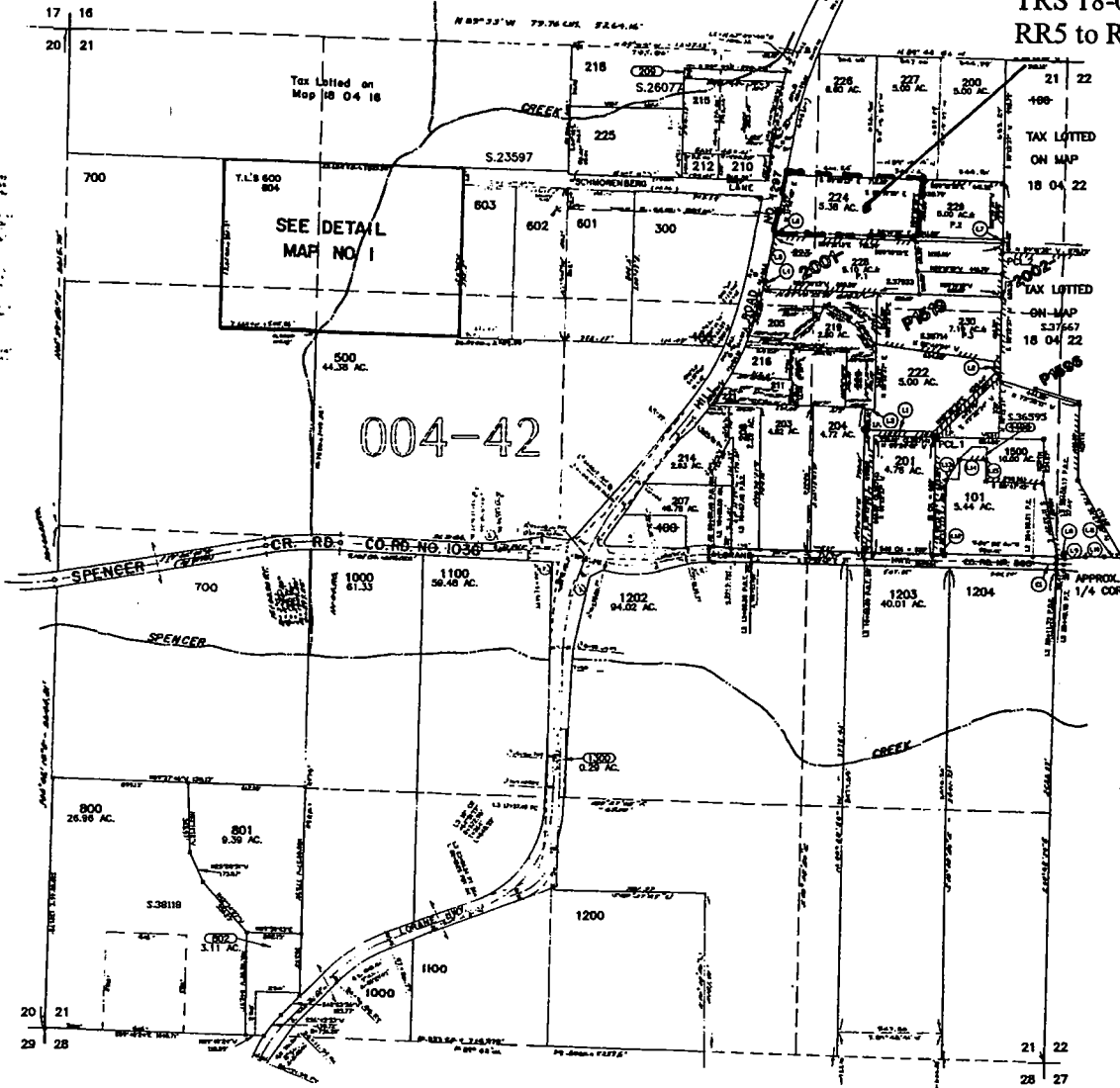
NAD 83/91

NO.	DESCRIPTION	APPROVED
1	APPROVED FOR RECORD	10/21/18
2	APPROVED FOR RECORD	10/21/18
3	APPROVED FOR RECORD	10/21/18
4	APPROVED FOR RECORD	10/21/18
5	APPROVED FOR RECORD	10/21/18
6	APPROVED FOR RECORD	10/21/18
7	APPROVED FOR RECORD	10/21/18
8	APPROVED FOR RECORD	10/21/18
9	APPROVED FOR RECORD	10/21/18
10	APPROVED FOR RECORD	10/21/18
11	APPROVED FOR RECORD	10/21/18
12	APPROVED FOR RECORD	10/21/18

TRS 18-04-21, tax lot 224
RR5 to RC

SEE MAP 18 04 16

SEE MAP 18 04 20



CANCELLED
100
1400
220
223
400

LINE TABLE

LINE NO.	DESCRIPTION	APPROVED
L1	APPROVED	10/21/18
L2	APPROVED	10/21/18
L3	APPROVED	10/21/18
L4	APPROVED	10/21/18
L5	APPROVED	10/21/18
L6	APPROVED	10/21/18
L7	APPROVED	10/21/18
L8	APPROVED	10/21/18
L9	APPROVED	10/21/18
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L14	APPROVED	10/21/18
L15	APPROVED	10/21/18
L16	APPROVED	10/21/18
L17	APPROVED	10/21/18
L18	APPROVED	10/21/18
L19	APPROVED	10/21/18
L20	APPROVED	10/21/18
L21	APPROVED	10/21/18
L22	APPROVED	10/21/18
L23	APPROVED	10/21/18
L24	APPROVED	10/21/18
L25	APPROVED	10/21/18
L26	APPROVED	10/21/18
L27	APPROVED	10/21/18
L28	APPROVED	10/21/18
L29	APPROVED	10/21/18
L30	APPROVED	10/21/18

CURVE TABLE

CURVE NO.	DESCRIPTION	APPROVED
C1	APPROVED	10/21/18
C2	APPROVED	10/21/18
C3	APPROVED	10/21/18
C4	APPROVED	10/21/18
C5	APPROVED	10/21/18
C6	APPROVED	10/21/18
C7	APPROVED	10/21/18
C8	APPROVED	10/21/18
C9	APPROVED	10/21/18
C10	APPROVED	10/21/18
C11	APPROVED	10/21/18
C12	APPROVED	10/21/18
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C23	APPROVED	10/21/18
C24	APPROVED	10/21/18
C25	APPROVED	10/21/18
C26	APPROVED	10/21/18
C27	APPROVED	10/21/18
C28	APPROVED	10/21/18
C29	APPROVED	10/21/18
C30	APPROVED	10/21/18

18 04 21

SEE MAP 18 04 28

SEE MAP 18 04 22

Control No. 1 - Blue Tower Art Foundation
Exhibit D: Applicant's Findings of Fact and Conclusions of Law.

Developed and Committed Exception Area -- No. 298-2

Plan Amendment and Zone Change for Assessor's Map 18-04-21, Tax Lot 224
RR5 Rural Residential to RC Rural Commercial

I. PROPOSAL

This application requests that a 5.38 acre parcel in the Twin Oaks School area on Bailey Hill Road be rezoned from RR5 Rural Residential to RC Rural Commercial. This rezoning would recognize the preexisting, legally developed private school use of the property which has taken place over the last 10 years. It would permit the property to be converted to an art school and facility, which is similar in concept and scale to the day care center and private school which has been on the site.

The Blue Tower Arts Foundation will operate the art school, with an emphasis on encouraging and teaching art founded in the biblical perspective. The school will be a private institution for the use of arts center students, faculty, and invited guests such as students at Twin Oaks Elementary School. A small number of students at the arts school would be allowed to stay up to 29 consecutive days on the school grounds, consistent with Lane Code requirements that apply to bed and breakfast facilities (LC 16.291(2)(i)).

Improvements such as a high capacity well and septic system have been legally installed on the property, including an off-street parking area and numerous buildings in a campus-like setting. The day care center and school which was operated on the site received Conditional Use Permits in 1985 and 1994, and proved to be compatible with the neighborhood. The proposed uses in this application are consistent in size and scope with the former day care center and school, and appear to be equally compatible with the area.

The specific uses and improvements in the proposed arts school and facility as described in this statement have been shown to meet LC 16.291(4) criteria. Approval of this request is intended to allow Lane County to determine that uses and improvements, when built in conformance as described in the request, to have met LC 16.291(4) criteria without requiring a separate special use permit application. Other uses and/or significantly different locations on the subject property would require a separate application and review through the LC 16.291(4) criteria process.

II. PARCEL SPECIFIC FINDINGS OF FACT

1. The property subject to this application, hereinafter referred to as the "subject property," is identified as tax lot 224 of Assessor's Map 18-04-21 (hereafter 18-04-21, TL 224), and is 5.38 acres in size. The subject property is assigned a rural address of 85989 Bailey Hill Road, Eugene, OR 97405. Photos of the subject property are attached as Exhibits A, B and C.

- A. The subject property is designated Rural Residential RR5 and is developed with the following improvements (all dimensions are approximate):
- * Single family residence (1900 sq. ft.),
 - * School building (2600 sq. ft.),
 - * Barn (1800 sq. ft.),
 - * Garage (900 sq. ft.),
 - * Water tower and patio (300 sq. ft.),

- * Three outbuildings (totaling 300 sq. ft.),
- * Playground (300 sq. ft.),
- * Parking and turnaround area (800 sq. ft.),
- * Driveway (1100 sq. ft.) which also provides access for the adjacent parcel on the east (18-04-21, TL 229)
- * Well (16 gpm, meets public water system standards),
- * Large capacity subsurface septic system suitable for 50 people.

B. Development history of the property includes:

- * residence constructed in 1940, other outbuildings constructed since then;
- * well tested and approved as a non-community public water system since 1982 (ID #4194682);
- * Director approval for a day care facility within the RR5 zone in 1985 per PA 859-85;
- * Garage built, water tower and school building remodeled in 1987 per BP 2686-87;
- * Director approval for a private school within the RR5 zone in 1994 per PA 2969-94;
- * Subsurface waste disposal system constructed and school building remodeled in 1994 per BP 2106-94.

C. Two conditional use permits (PA 859-85 and PA 2969-94) have been approved on the subject property to allow the operation of a day care facility and private school with a maximum enrollment of 49 students. Improvements required as part of these permits have been constructed. The current owners and lessors of the subject property are proposing to operate a educational arts center which would accommodate up to 50 people and contain a number of uses which are defined in the Lane Code as commercial space such art studios and an art gallery. The Northwest Christian Community Foundation (Exhibit D) is the owner of the property, and the Blue Tower Art Foundation will operate the arts center. The Blue Tower Arts Foundation is a non-profit organization with a biblical perspective, as described in their mission statement (Exhibit E).

D. The subject property is rectangular in shape, with approximately 325 feet of frontage along the right-of-way of Bailey Hill Road, and about 720 feet of depth. Two Rural Residential (RR5) properties are located to the north between the subject property and F-2 lands outside the Developed and Committed exception area to the north. The nearest residence to the proposed educational uses on the subject property is located approximately 150 feet north of the subject property. A line of evergreen trees has been planted on the northern property line of the site to serve as a visual barrier for this residence. One rural residential parcel is located to the east. The majority of the properties within Developed and Committed Exception Area 298-2 are to the south of the subject property.

Twin Oaks Elementary School is located across Bailey Hill Road to the southwest of the site. Other properties across Bailey Hill Road to the northwest are zoned and developed with Rural Residential uses. There are 18 dwellings located within 1/4 mile of the subject property. The Twin Oaks Christian Church is located at the intersection of Bailey Hill Road and Lorane Highway, slightly more than 1/4 mile southwest of the site.

E. Ninety-eight (98) percent of the subject property is composed of Hazelair silty clay loam (95%: 52D, 3%: 52B). Hazelair loam does not have a Douglas fir site index and the primary unit on the subject property is agricultural capability Class IV. The other 2 percent of soils on the site is Chehulpum silt loam (28C) with no Douglas fir site index and a non-irrigated agricultural capability Class VI.

- F. The National Wetland Inventory indicates there are no delineated wetlands located on the subject property.
2. The educational facility on the subject property has legally expanded from a day care center to include a private school. The applicant would convert it into a educational arts facility which will accommodate up to 50 people. The intensification and expansion of the facility to meet its proposed uses as an arts center and ancillary commercial uses is not possible without a zone change to Rural Commercial (RC).
- A. The proposed educational arts facility will use and modify the existing improvements as follows, with applicable Lane Code sections in parenthesis. All of the 12 proposed uses within the arts facility comply with the use and size requirements in the Rural Commercial section of the Lane Code.

* Single family residence

Uses: Two. Caretaker (LC 16.291(2)(f)(i)), and “bed and breakfast” for visiting faculty and students (LC 16.291(2)(i))

Modify: Add up to 5 bedrooms and 2 bathrooms, approximately 900 sq. ft.

Size: Expand from 1500 sq. ft. to approximately 2800 sq. ft

* School building

Uses: One, classroom space (LC 16.291(3)(f)).

Modify: As needed to meet anticipated needs. No expansion of structure.

Size: unchanged (2600 sq. ft.)

* Barn

Uses: Three. Three separate studios: music, photography, ceramics (LC 16.291(3)(f))

Modify: Add approximately 800 sq. ft.

Size: Expand from 1800 sq. ft. to approximately 2600 sq. ft.

* Garage

Uses: One, painting/drawing studio (LC 16.291(3)(f))

Modify: Add approximately 1000 sq.ft.

Size: Expand from approximately 900 to 1900 sq. ft.

* Water tower and patio

Uses: Two. On-site café (LC 16.291(3)(d), and writer’s studio (LC 16.291(3)(f))

Modify: As needed to meet anticipated needs. No expansion of structure.

Size: Unchanged (300 sq. ft.)

* Outbuildings, well, subsurface septic system, parking and turnaround area

Uses: unchanged

Modify: remove one outbuilding

Size: unchanged (totaling approximately 3000 square feet)

* Gallery and dance/performance studio

Uses: Three. Gallery (LC 16.291(3)(a), dance studio (LC 16.291(3)(f), performance space (LC 16.291(3)(f))

Modify: new construction in the northern portion of the subject property, site noted on Exhibit F, Site Plan.

Size: approximately 3500 sq. ft.

3. The applicant's request that the subject property be redesignated Rural Commercial (RC). The applicant requests the change to expand an existing commercial activity on the property under Lane Code 16.291 provisions. The proposed uses are allowable pursuant to the following sections of the Code:
 - A. Caretaker: LC 16.291(2)(f)(i): *The single family living quarters shall be for a caretaker in conjunction with an existing commercial use permitted by LC 16.291(2)(a) through (b) above or (3)(a) through (w), (a-a) or (b-b) below and located on the same lot or parcel as the existing commercial use;*
 - B. Bed and Breakfast: LC 16.291(2)(i): *Not more than one bed and breakfast accommodation on a lot or parcel and in a lawfully existing dwelling or manufactured dwelling. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.*
 - C. Gallery: LC 16.291(3)(a): *Retail trade of products, including: food, new general merchandise, second-hand merchandise in an enclosed building; and building materials, hardware or farm equipment.*
 - D. On-site café: LC 16.291(3)(d): *Restaurants.*
 - E. Classroom space, seven studios (music, photography, ceramics, painting, writer's, dance, performance): LC 16.291(3)(f): *Civic, social and fraternal meeting places, and educational facilities and services such as: nursery, primary and secondary education and special training schools such as those for vocations, trades, arts, music, dancing, driving, gymnastics and correspondence.*

III. ANALYSIS OF APPROVAL STANDARDS

Statewide Planning Goals

The subject property is located within D&C 298-2, subject to the Lane County Rural Comprehensive Plan. The Plan has been acknowledged by the Land Conservation and Development Commission in a series of acknowledgment orders. Acknowledgment indicates that the Plan is generally in compliance with the applicable standards of the statewide planning goals, and that appropriate exceptions have been approved for any matters of noncompliance. *Byrd v. Stringer*, 295 Or. 311, 666 P.2d 1332 (1983). Accordingly, the state statutes, the standards of the Plan, and the Lane Code provisions implementing the Plan are relevant to this application. The statewide planning goals themselves do not apply to land use decisions in an area subject to an acknowledged Comprehensive Plan.

In implementing Part II of statewide planning Goal 2, Oregon Administrative Rule 660-04-018(2)(c) establishes requirements for zone changes in developed and committed exception areas:

“Changes to plan or zone designations are allowed consistently with subsections (a) or (b) of this section, or where the uses or zones are identified and authorized by specific related policies contained in the acknowledged plan.”

Subsection (a) of OAR 660-04-018(2), the relevant requirement for changes in land use, density and public facilities for “physically developed” and “irrevocably committed” exception areas, allows zone changes for:

(a) Uses which are the same as the existing types of land use on the exception site; or

The zone change requested by this application is intended to recognize the proposed educational and related uses on the subject property in conjunction with the preexisting educational uses that have existed for ten years on the site.

(b) Which meet the following requirements:

(A) The rural uses, density, and public facilities and services maintain the land as “Rural Land” as defined by the goals and are consistent with all other applicable Goal requirements; and

The Statewide Planning Goals define “Rural Land” as land located outside of an urban growth boundary that has no or hardly any public services and is not necessary or intended for urban use.

The subject property is located south of Eugene and is not within a urban growth boundary. The property receives a rural level of police and fire protection. The proposed rezoning would allow the applicant to expand the preexisting educational use of the subject property.

(B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource uses as defined in OAR 660-004-0028; and

No resource lands are adjacent to the subject property. Land designated for forest use (F2) is located approximately 625 feet north and 450 feet east of the subject property. Lands to the north, east and south of the site are designated Rural Residential (RR5). Bailey Hill Road is west of the subject property, with land across the road designated Rural Residential (RR5) and Public Facility (PF). Twin Oaks Elementary School is located across Bailey Hill Road to the southwest of the subject property. The site is developed with a residence and nonresource uses which have existed without any known conflicts with the peripheral resource management of the forest lands to the north and east.

(C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses.

The proposed use of the subject property is an educational facility similar in concept to the private school which was on the site, and to Twin Oaks Elementary School located across Bailey Hill Road to the southwest. The educational use on the subject property would be compatible with the management of resource lands outside the surrounding Exception Area.

This proposed zoning change is in accord with the requirements of state law.

Plan Conformity

The subject property is located in D&C 298-2 of Lane County. It is proposed to be designated Commercial by the Lane County Rural Comprehensive Plan and be zoned Rural Commercial (RC). The policies of the Rural Comprehensive Plan applicable to this request are as follows:

A. Land Use Planning Policy #13. Plan refinement within a Community designation shall be accomplished by means of rezoning within the Community designation, addressing the following criteria:

1. The proposed use will not adversely affect the livability or appropriate development of the surrounding area;

Livability of the surrounding area has not been specifically defined. The current level of impacts and services experienced by the residents of D&C 298-2 can be reasonably assumed as the current livability of the area. An adverse impact on this standard would increase the negative effects such as traffic and noise, and to lessen or make more expensive the same range and scope of public services.

The livability in the area surrounding the subject properties is defined, in part, by the operation of residential uses on the properties within the corridor of residential and educational uses in D&C 298-2 along Bailey Hill Road. The expansion of the existing educational uses on the subject property would provide services that are consistent with the livability and development which presently exists in the surrounding area. The proposed educational arts facility may enhance the livability of the area by providing the students of Twin Oaks Elementary School art education that is currently unavailable through other means.

Traffic, noise and demand for public services should not be negatively affected by the proposal. The art school will be a private institution that is not open to the general public, except for guests and invitees. The on-site facilities will only be for the use of arts center students, faculty and invited guests. This characteristic, combined with the mission statement of the Blue Tower Arts Foundation and the limited scale of use, should result in little if any traffic or noise impacts from the use of the subject property. As the use of the site is consistent with the prior use of the property for a day care center and private school, there should be no additional impacts on public services beyond what has already been experienced.

While the impacts from the proposed educational and related commercial uses appear to be consistent with the livability and appropriate development of the surrounding area and the community-at-large, other uses permitted outright or conditionally within the Rural Commercial Zone may not be. The applicant has not done a compatibility analysis of these uses. Therefore, the rezoning request can be approved but the establishment of commercial uses on the subject property shall require Planning Director review as to whether or not the proposed uses and structures comply with LC 16.291(2) provisions or require approval of a special use permit under the provisions of LC 16.291(3), and the applicable site review criteria of Lane Code 16.291(4).

2. Commercial and industrial activities within the Communities shall, to the greatest degree practicable, be concentrated in identifiable nodes which are favorably located with reference to transportation facilities and other public services.

The subject property is located within a mixed residential and educational node of uses along Bailey Hill Road, which is the transportation route through D&C 298-2 from north to south. Schorenburg Lane provides access to residential development to the west within the Exception Area. Lorane Highway borders the Exception Area on the south, and is a transportation route to the west and east.

The subject property is well within the node identified as the Exception Area, and is appropriately located to Bailey Hill Road and the Lorane Highway.

B. Water Resources Policies #3 and #5:

These policies state that the adequacy of groundwater supply is a major issue in planning actions and that land use designations shall be commensurate with groundwater aquifer capacities. The proposed rezoning will not change the type of uses on the subject property and should not alter the use or availability of groundwater, which is currently available from a large capacity well on the subject property. This well has been tested and approved as a non-community public water system since 1982.

C. Public Facilities and Services Policy #6.f:

The appropriate public service levels established by this policy are enumerated in Public Facilities and Services Policy #6.f: schools, on-site or community sewage disposal, individual or community water supply system, electrical service, telephone service, a rural level of fire and police protection, and reasonable access to a solid waste disposal facility. These services are all available to the subject property.

Education:	Eugene 4J School District
Fire/Ambulance:	Eugene Fire & EMS
Electricity:	Emerald Public Utility District
Police:	Lane County Sheriff

D. Agricultural Lands, Policy # 8: “Provide maximum protection to agricultural activities by minimizing activities, particularly residential, which conflict with such use. Whenever possible planning goals, policies and regulations should be interpreted in favor of agricultural activities.”

The subject property has already been developed with a residence established in 1940. There are no agriculturally zoned properties (EFU) in the immediate vicinity of the subject property. There are agricultural parcels located to the south of Lorane Highway, but these are over 1/4 mile from the subject property. Any agricultural activities taking place on these lands have been able to coexist for many years with the activities taking place within the exception area, without any recorded adverse impacts or conflicts.

E. Forest Lands, Policy 8: “Regard nonforest uses within or adjacent to forest lands as being subject to and normal and accepted forest practices in the locality.”

The subject property is not directly adjacent to forest lands outside the exception area. Its ten year use as an educational center, consistent with what is proposed for its future uses, has not created any reported conflicts with normal and accepted forest practices in the area.

F. Flora and Fauna, Policies 1 and 10 “Implement construction, development and other land use activities which significantly alter natural systems only after evaluation of effects on wildlife habits and natural areas.” “Lands with an acknowledged exception as built upon or committed will be treated as Impacted Big Game Range, as identified in the 1982 Lane County Working Paper on Flora and Fauna and as revised and updated in 1983.”

There are no delineated wetlands on the subject property. The proposed expansion of the educational and related commercial uses of the site should not significantly affect natural systems or wildlife habitat beyond whatever effect the prior uses have had.

The proposed rezoning is in compliance with these Plan Policies as implemented by the Lane Code protection provisions.

Zone Conformity

Lane Code 16.252(2) requires that a rezoning be consistent with the general purposes of Chapter 16, as set forth in Lane Code 16.003, not be contrary to the public interest, and be consistent with the purposes of the proposed zoning classifications and the Lane County Rural Comprehensive Plan elements. Conformity with the Rural Comprehensive Plan has already been discussed.

A. Lane Code 16.003. Lane Code 16.003 describes 14 purposes for Chapter 16. The purposes relevant to this application are as follows:

(1) Ensure that development of property within the County is commensurate with the character and physical limitation of the land and, in general, to promote and protect the public health, safety, convenience, and welfare.

The proposed expansion of the preexisting educational facility serves to meet the needs of both the owners and the residents in the surrounding rural area. The proposed arts facility can also promote public health, safety, convenience and welfare through its proximity to Twin Oaks Elementary School, by providing the opportunity for children to learn more about arts in this time of reduced educational funding.

(2) Protect and diversify the economy of Lane County.

The proposed zone change helps create jobs at the arts center, as well as improving educational facilities for rural Lane County.

(4) Conserve farm and forest lands for the production of crops, livestock and timber products.

The subject property is located within D&C 298-2 and is currently zoned Rural Residential (RR5). It is 5.38 acres in size, developed with a dwelling, and adjacent to three properties (north, east and southeast) zoned RR5 that are developed with residences. In 1989 the Board of Commissioners adopted a policy recognizing a parcel of this size with surrounding residential impacts is impracticable for management as or in a farm and/or forest unit.

(7) Provide for the orderly and efficient transition from rural to urban land use.

The proposed change occurs in an exception area with nearby rural properties already thoroughly developed with residential and educational uses. The existing uses are rural in nature and use a rural level of services.

(11) Protect life and property in areas subject to floods, landslides and other natural disasters and hazards.

No natural hazards have been identified on the subject property.

B. Not Contrary to the Public Interest

The “public interest” has not been defined as such, but for the purposes of this decision it will be assumed that if the proposed uses will not have an adverse impact on surrounding uses, then they will not be contrary to the public interest. Factual evidence has been provided that the proposed uses will not have an adverse impact on surrounding uses. Additionally, the public interest will be well served by enhancing the preexisting educational facilities on the subject property and in the vicinity of Twin Oaks Elementary School.

C. Lane Code 16.004(4) Scope and Compliance

Lane Code 16.004(4) requires, among other things, that an application to rezone land which creates the potential for additional parcelization or water demands demonstrate the adequacy of a long-term water supply, as described in Lane Code 13.050(13)(a)-(d). The non-community public water system (ID # 4194682) on the subject property has already been found to be adequate to meet the needs of the existing uses of the site. The subsurface septic system on the site has been lawfully expanded to meet the needs of over 50 people. The subject property is small in size and would by necessity have to comply with the carrying capacities of soils and groundwater for subsurface waste disposal system requirements. New uses would require compliance with LC 16.291(4)(j).

D. Lane Code 16.291(2), (3) and (4)

LC 16.291(2)(b) states that uses and development allowed by LC 16.291(3)(a) through (w), (y) through (z), and (a-a) can be approved without approval of a special use permit if they comply with these conditions:

(i) The use and development shall no change the number, size or location of the existing commercial structures on the subject property, shall comply with the setback requirements of LC 16.291(6)(a) through (b) below, and shall not extend the commercial uses and development beyond the area of the existing commercial uses and development. The area of the existing commercial uses and development shall include all existing structures and outside areas used for the commercial use such as private drives, off street parking and loading areas, and outside storage areas; or

(ii) The use and development shall be a minor addition to a commercial structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.291 was applied to the subject property and shall not be closer to a property line than the closest portion of existing commercial structures meeting the setbacks required by LC 16.291(6)(a) through (b) below.

The proposed expansion of the single family residence on the site meets the above standard.

Lane Code 16.291(3) Uses and Development Subject to Approval by the Director specifies that uses which do not comply with LC 16.291(2) provisions are subject to LC 16.291(3) and LC 16.291(4)(a)-(j) Criteria.

The area of the existing educational use is calculated as approximately 20,300 square feet as determined below:

Improvements:	7,800 sq. ft.
* Single family residence (1900 sq. ft.)	
* School building (2600 sq. ft.)	
* Barn (1800 sq. ft.)	
* Garage (900 sq. ft.)	
* Water tower and patio (300 sq. ft.)	
* Three outbuildings (totaling 300 sq. ft.)	
On-site private drives:	11,400 sq. ft.
* Driveway (950 feet long, 12 feet wide)	
Outside areas that are part of the use	1,100 sq. ft.
* Parking and turnaround area (800 sq. ft.)	
* Playground (300 sq. ft.)	

The proposed additions are planned to be constructed in the following priority order. Sizes are approximate.

- (1) Expansion of residence to caretaker home/bed and breakfast 900 sq. ft.
Expansion of the existing 1940 residence is a permitted use. Change of occupancy to allow a bed and breakfast use within the expanded facility will require review under LC 16.291(4)(g), (h) and (j) criteria.
- (2) New gallery/performance studio 3,500 sq. ft.
New parking area
Development of the commercial aspects of the proposed gallery and performance studio will require review under LC 16.291(4)(a), (g), (h) and (j) criteria.
- (3) Expansion of barn to ceramics studio and storage 800 sq. ft.
Change of occupancy for commercial use of a portion of the existing barn and within an expansion of the barn will require review under LC 16.291(4)(j).
- (4) Expansion of garage to painting and drawing studios with storage 1,000 sq. ft.
Conversion of the garage to studios will require review under LC 16.291(4)(a), (g), (h) and (j) criteria.

LC 16.291(4)(a) Floor Area and Lot or Parcel Coverage. . . . If not locate in an area designated by the RCP as an unincorporated community, no commercial building or combination of commercial buildings on a lot or parcel shall contain more than 3,500 square feet of floor area for the same commercial use unless the commercial building is used as a country store (a building used primarily for the retail sale of groceries but containing as least 750 square feet of floor area used for other permitted commercial uses.)

All of the identified structures are lawfully existing. Uses identified in “(2)-(4)”, above will need to be determined pursuant to LC 16.291(4)(a) as allowable additions to the square footage limitation of existing uses or determined to be commercial uses that are not the same as existing lawful uses.

LC 16.291(4)(b) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposal intent and are compatible with the surrounding vicinity.

The twelve proposed uses and five proposed additions or new structures have been determined by the Blue Tower Arts Foundation to be sufficient for the proposed educational arts facility. As stated earlier, the proposed uses and structures will be compatible with the vicinity, as they are consistent in scale and use with the structures and outbuildings that presently exist for the prior day care center and school use.

All of the five additions will not be any closer to a property line than the closest portion of the existing structures meeting legal setbacks required by the appropriate zone. The water tower is the closest existing structure on the subject property which complies with legal setbacks, and is approximately 20 feet from the south property line of the site.

LC 16.291(4)(c) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

As shown on the included aerial photo, the only major vegetation on the subject property is a line of trees on a portion of the northern property line, and scattered trees bordering both sides of the entry drive. The proposed uses and structures will not affect most of this vegetation. A small number of the trees along the entry drive may need to be removed to provide for access to the new parking area but the majority will be unaffected. No walls or fences are proposed in this request. The dwelling, water tower and garage are the only existing or proposed structures that are within 90 feet of abutting properties. This distance has created a buffer area of grassland between the core of primary buildings on the site and abutting properties. A row of evergreen trees on the northern property line of the site provide a vegetative screen for the parcels to the north. The applicant will plant additional evergreen trees to extend this screen to the western edge of the barn on the site (see Exhibit F). An additional row of evergreen trees will be planted on the eastern property line of the site to serve as a vegetative buffer to the east. Adjacent land uses to the north, east and south are rural residential. Uses to the west across Bailey Hill Road are the Twin Oaks School and rural residential uses. The uses have co-existed with the developed subject parcel since conditional use permits were approved in 1985 and 1994 without any known adverse effects.

LC 16.291(4)(d) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting and surfacing.

New roadways and parking areas shall be graveled to reduce dust. Areas of disturbed soil around new construction shall either be landscaped (see Section 4.c. above) or seeded with grass to prevent erosion and reduce dust.

LC 16.291(4)(e) The location, design and size of the uses are such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intended uses.

The existing facilities and services in the area have adequate capacity to serve the proposed use of the site, as the uses and structures proposed in this request are consistent in type and size with the prior use of the subject property as a day care center and school.

LC 16.291(4)(f) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads", and also to the necessity for such additional requirements as lighting, sidewalks, and turn and deceleration/acceleration lanes.

The subject property has direct access onto Bailey Hill Road and is located in a reduced speed zone. When Twin Oaks School is in session an additional "Slow- School" zone is in effect. Both of these measures significantly reduce traffic speed in the vicinity. The driveway into the subject property has adequate sight distance in both directions onto Bailey Hill Road. Schorenburg Lane is directly across Bailey Hill Road from the driveway into the site, thereby creating an intersection configuration which promotes traffic safety for turning movements.

Although the proposed use is a school, its art and studio orientation will result in a more random attendance and traffic pattern than a traditional school which has a more structured schedule. It is anticipated that there will not be a peak traffic load time to and from the site because of its art and studio nature. Special events at the performing arts center on the subject property will be infrequent and will generally not take place at the same time as normal classes and studios on the site.

The size of buildings on the site and the proposed uses will limit the amount of traffic in and out of the subject property, which should be comparable with the total amount of traffic that was generated by the day care center and school previously located on the site.

LC 16.291(4)(g) There shall be a safe and efficient circulation pattern within the boundaries site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

LC 16.291(4)(h) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities and their surfacing, lighting and landscaping.

These two sections are addressed together. Two off street parking areas are planned for the subject property as shown on the site plan (Exhibit F). These improvements are located to the north of the existing access drive, in locations that promotes safe and efficient on-site circulation. The primary access to the site is unchanged from its existing location.

The applicable parking requirements for the subject property are in LC 16.250(2)(a)(i): *Churches, auditoriums, theaters, stadiums, clubs and business schools or similar places of assembly, at least one permanently maintained parking space for every four seats provided in said building or structure; provided that 50 percent of the required number may be supplied by off street parking facilities for other kinds of commercial establishments or uses not normally open, used or operated during the principal hours of the place of assembly.*

Based on this standard, and the anticipated use of the arts school by up to 50 people, 13 parking spaces would be required for students (1 space per 4 seats) and one space for the site caretaker. The performing center has an anticipated capacity of 75 people for one or two events per year. This would require 19 parking spaces at the same ratio of one space per 4 seats. Events at the performing center will not take place at the same time as classes at the arts school. Therefore, 50 percent of either the school or performing center parking spaces can be used by the other use. This results in a total of 24 to 27 parking spaces required for all the proposed uses.

One existing parking area (next to the residence) is unchanged by this proposal. Based upon the above analysis, a maximum of 24 additional parking spaces are needed. The two new parking areas provide more than this number of spaces.

LC 16.291(4)(i) Hazards and Impacts. The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

No public health hazards or adverse environmental impacts have been identified on the subject property. All planned development shall be required to comply with all applicable water quality regulations.

LC 16.291(4)(j) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

The development of the subject property as a campus for art students and ancillary functions such as an art gallery and performing art studio shall be subject to review by the Lane County Sanitation and Building programs as a component of the change of occupancy or construction permit review processes. Carrying capacities for a domestic source of water for any intensified or new use will need to comply with state law and be adequate for the proposed use. Any intensification or an existing use or new use will need to comply with DEQ standards for the onsite subsurface sewage disposal system. New or upgraded systems may be required.

The criteria in LC 16.291(4) are met by all of the proposed uses and buildings on the Blue Tower site, as shown on the attached site plan (Exhibit F) and described in this statement. Approval of this request is intended to allow Lane County to determine that uses and improvements, when built in conformance as described in the request, to have met the criteria without requiring a separate special use permit application. Other uses and/or significantly different locations on the subject property would require a separate application and review through the LC 16.291(4) Criteria process.

E. Lane Code 16.291

Lane Code 16.291(1) states that the purposes of the Rural Commercial Zone are *to allow commercial uses and development that are consistent with Goal 14 and that are for the retail trade of products or services needed by rural residents or by persons traveling through the rural area . . .* The educational uses and commercial extensions of the uses existing and proposed on the subject property are consistent with these purposes.

IV. CONCLUSION

This application has factually shown that the applicable standards for approval of amendments of Official Plan and Official Zoning Map Plot #298 designations have been met for Map18-04-21, tax lot 224 (5.38 acres) to change its Plan designation from Rural (R) to Commercial (C) and the Zoning designation from Rural Residential (RR5) to Rural Commercial (RC).

V. EXHIBITS

- Exhibit A Aerial photo: directly above site
- Exhibit B Aerial photo: from east, looking west across site
- Exhibit C Photo looking west onto site
- Exhibit D Northwest Christian Community Foundation letter
- Exhibit E Blue Tower Arts Foundation mission statement
- Exhibit F Site Plan
- Exhibit G Assessor's Map 18-04-21
- Exhibit H Zoning Plot #298
- Exhibit I Property Printouts

SUBJECT'S
PROPERTY

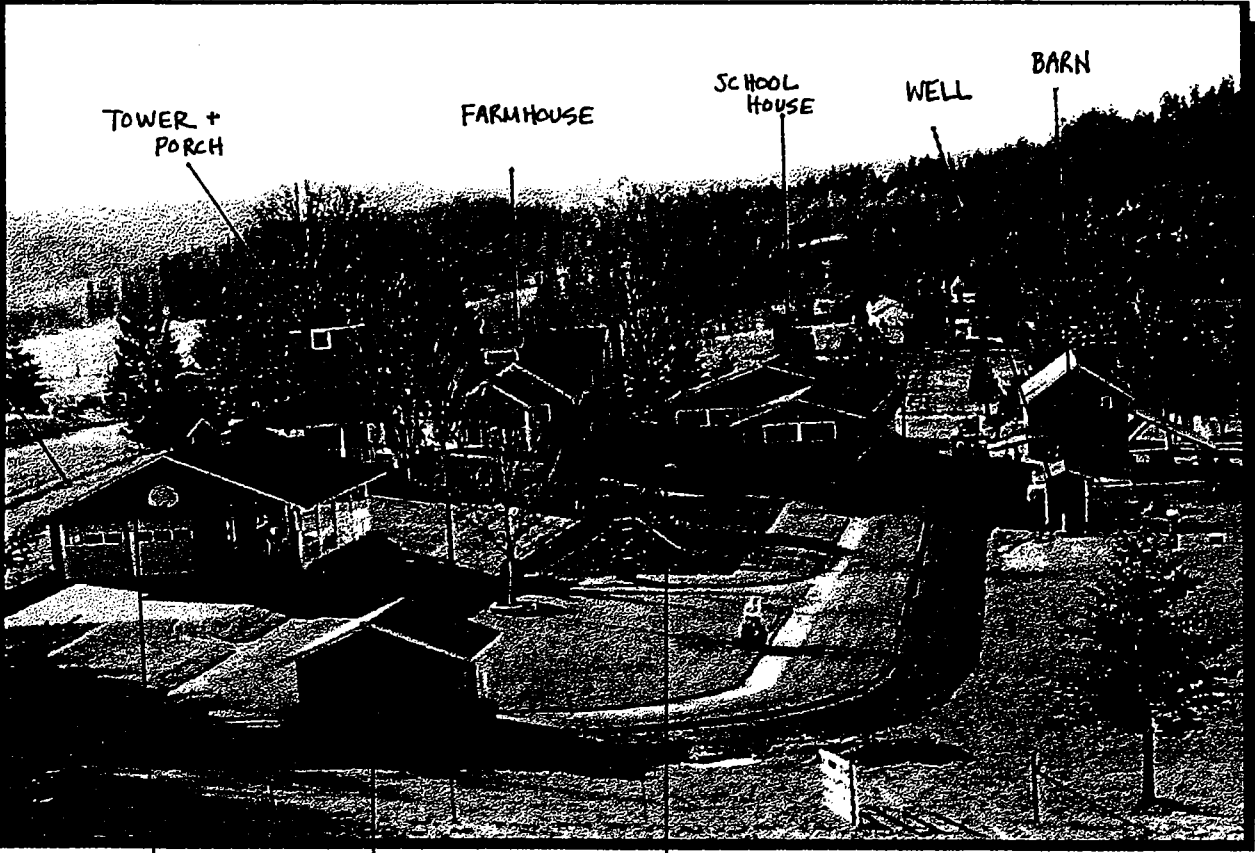
EXHIBIT 'A'



PROPERTY

EXHIBIT 5

river to SW



85989 BAILEY HILL ROAD

TWO-CAR GARAGE

UTILITY BUILDING

PLAYGROUND

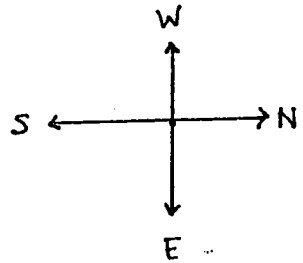


EXHIBIT 'C'



Mr. Bill Sage
Associate Planner
Lane County Land Management Division
125 East 8th Avenue
Eugene, Oregon 97401

October 18, 2004

Re: Zone change for Map and Tax Lot # 18-04-21-00-00224
85989 Bailey Hill Road, Eugene, OR 97405

Dear Mr. Sage,

The Northwest Christian Community Foundation is the undersigned owner of the property at 85989 Bailey Hill Road. Per our lease agreement with the Blue Tower Art Foundation, we grant permission and concur with the Blue Tower Art Foundation in their request for a zone change review from RR5 to RC. Thank you for your consideration.

Best Regards,

K. Gene Christian
Executive Director
NCCF

Wes Hurd
Director
Blue Tower Art Foundation

BOARD OF DIRECTORS:

- Victor Antese
- Robert S. Bobosky
- Wayne R. Ericksen
- Larry Evans
- Patrick J. Green
- Walter F. Griffiths
- William Hammerbeck
- Carlene Jackson
- David Le Shana
- Dinah Nicholson
- John Van Dyke

EXECUTIVE DIRECTOR:

K. Gene Christian

EXHIBIT 'D'

Blue Tower Arts Foundation

Established Summer 2004

The Mission of BlueTower Arts Foundation

The **Blue Tower Arts Foundation** is a non-profit center for the arts dedicated to providing students and artists with opportunities to study and create work in an environment of meaningful dialog about the contemporary arts with a local, national and international audience.

BlueTower Arts Foundation exists to encourage and facilitate art-making of all kinds for all sorts of purposes. But the heart of our task is to encourage and teach an approach to making art that is founded in the biblical worldview and gives special focus to those art forms that speak to the issues and needs of our contemporary culture.

Located in the rolling hills just eight miles south of Eugene, Oregon, **Blue-Tower Arts Foundation** grew out of the work of **McKenzie Study Center** and **Art Project** both of which are institutes of **Gutenberg College**.

The Goal of this fellowship of artists and educators is to provide the following:

(Each goal is matched with uses and spaces on the property)

- Education that fosters an understanding of art
 - Lectures, community classes and workshops
- Facilities and studios for learning and maturing the personal practice of art
 - Studio spaces for artist residency, rental and open studio time
 - Recording and film/photography studios
 - Possibilities for ceramics, textiles and sculpture work areas
- The resources of an arts library, classes, seminars, retreats and conferences
 - All meeting areas and studios
- The environment and opportunity to dialogue informally with other artists, writers and musicians undertaking a similar quest to know and understand
 - Common meeting areas and seminars
 - Café
 - Library and writers' nook
- The facility and opportunity to show and/or perform art that both responds to and contributes to our surrounding contemporary culture.
 - The addition of a multipurpose dance/theater studio and gallery space

Blue Tower Activities and Events

- Lectures, community classes, workshops, seminars, retreats and conferences
- Studio spaces for artist residency, rental and open studio time
- Music practice and recording
- Film/photography production
- Ceramics, textiles and sculpture work areas
- Arts library –Book discussions
- Dance and Theater practice in the stage and recital space
- Special events—a dance or music recital, theater production, poetry reading, film viewing, gallery exhibition
- Business offices in daytime operation
- Coffee Bar
- Computer lab activity

A typical day at the Blue Tower might look like this:

AM— Breakfast provided for the residents

One instruction block for class or lecture 1-2 hours

Mostly studio time for visiting artists and day-use artist

Lunch left to the individual (unless a day-long workshop includes meal)

PM— Studio and study time

Discussion groups

Late afternoon community class 1-2 hours

Evening—Dinner Meeting of residents

Lecture or Evening Class 1-2 hours

Hours of operation

9 a.m.—9 p.m.

Business Hours

9 a.m.—5 p.m.

Weekends—Workshops or seminars held at most once a month

Quarterly—A Special Event such as a performance or exhibition would be held on a weekend evening

Numbers of Participants

During the day, 2-3 staff people will be present and at the most, 10 working artists.

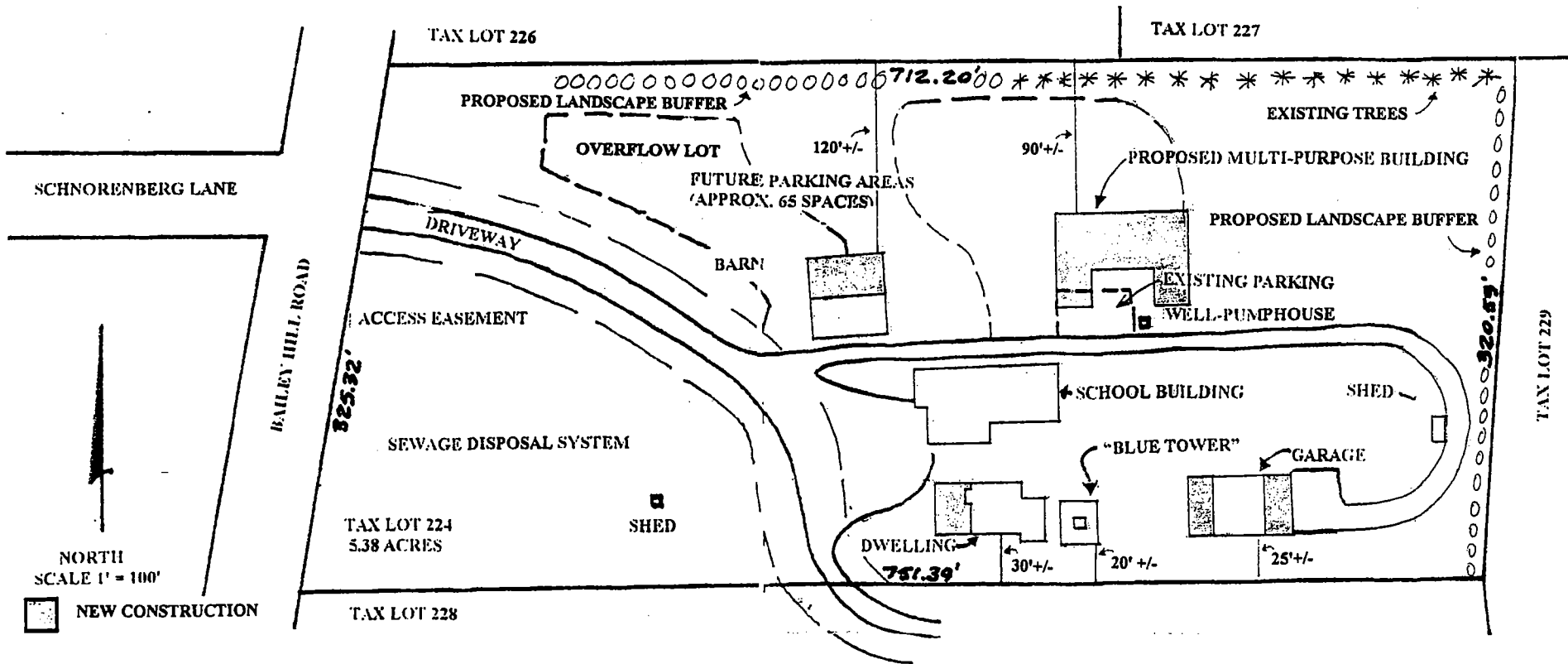
Lectures and art classes will cap at 20 participants and, at the most, would be held three times a day for a two-hour period. This means that a typical day would never exceed 33 people there at one time. In reality, I think those working and in classes would be half that number.

A weekend seminar might increase attendance to 40 people, but this would be rare and only after the multi-purpose building is constructed.

After the multi-purpose building is constructed, there will be room to host more people for a performance. Considering parking (though we may be able to work out a deal with the school) and space, I think we would not be able to hold more than 100 people.

PLC PLAN
PROPOSED RURAL COMMERCIAL (RC) ZONE CHANGE
FOR
BLUE TOWER ARTS FOUNDATION
85989 BAILEY HILL ROAD, EUGENE, OR
ASSESSOR'S MAP 18-04-21 TAX LOT 224
JUNE 2005

EXHIBIT 'F'



NORTH
 SCALE 1" = 100'

NEW CONSTRUCTION

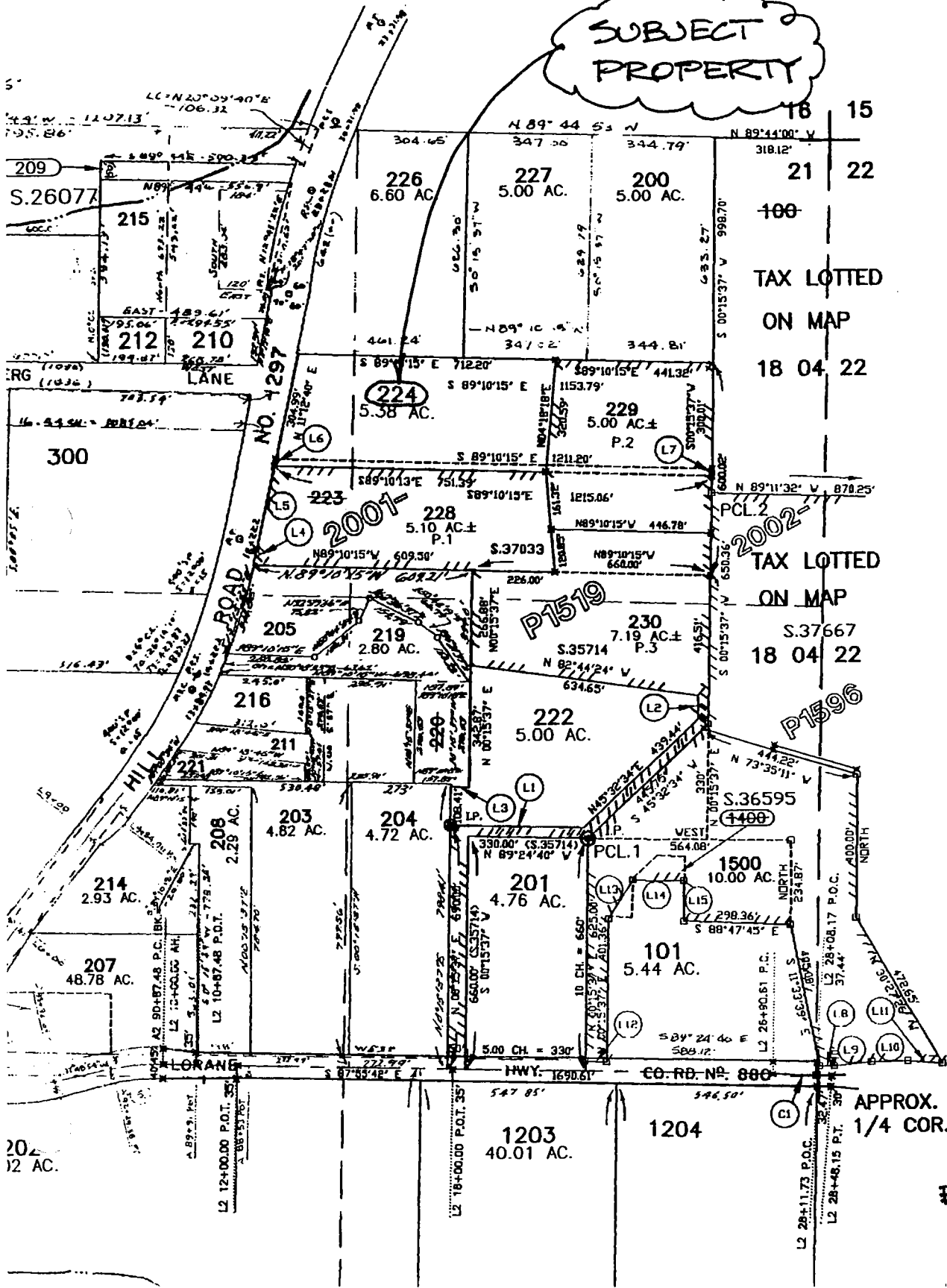
18 04 21

NAD 83/91

DATE	REVISION	EMPLOYEE
07/06/01	CANC. TL 100 INTO 18042200-00500	LCA1484
9/17/01	L.L.A. TL'S 223 & 224	LCA1479
6/04/02	CANC. 223 INTO P-PLAT 2001-P1519	LCA1484
8/23/02	CONS 400 INTO 207 PER 1980-B1 REQUEST	LCA1475
8/11/03	DTV. 1400 D.D. 18042200-00500	LCA1484
8/13/03	CANC. 18042200-00504 & 1400 INTO 2002-P1596	LCA1484
6/11/04	L.L.A. TL'S 1500 & 18042200-505	LCA1479

SUBJECT PROPERTY

CANCELLED
 100
 1400
 220
 223
 400



TAX LOTTED
 ON MAP
 18 04 22

TAX LOTTED
 ON MAP
 18 04 22

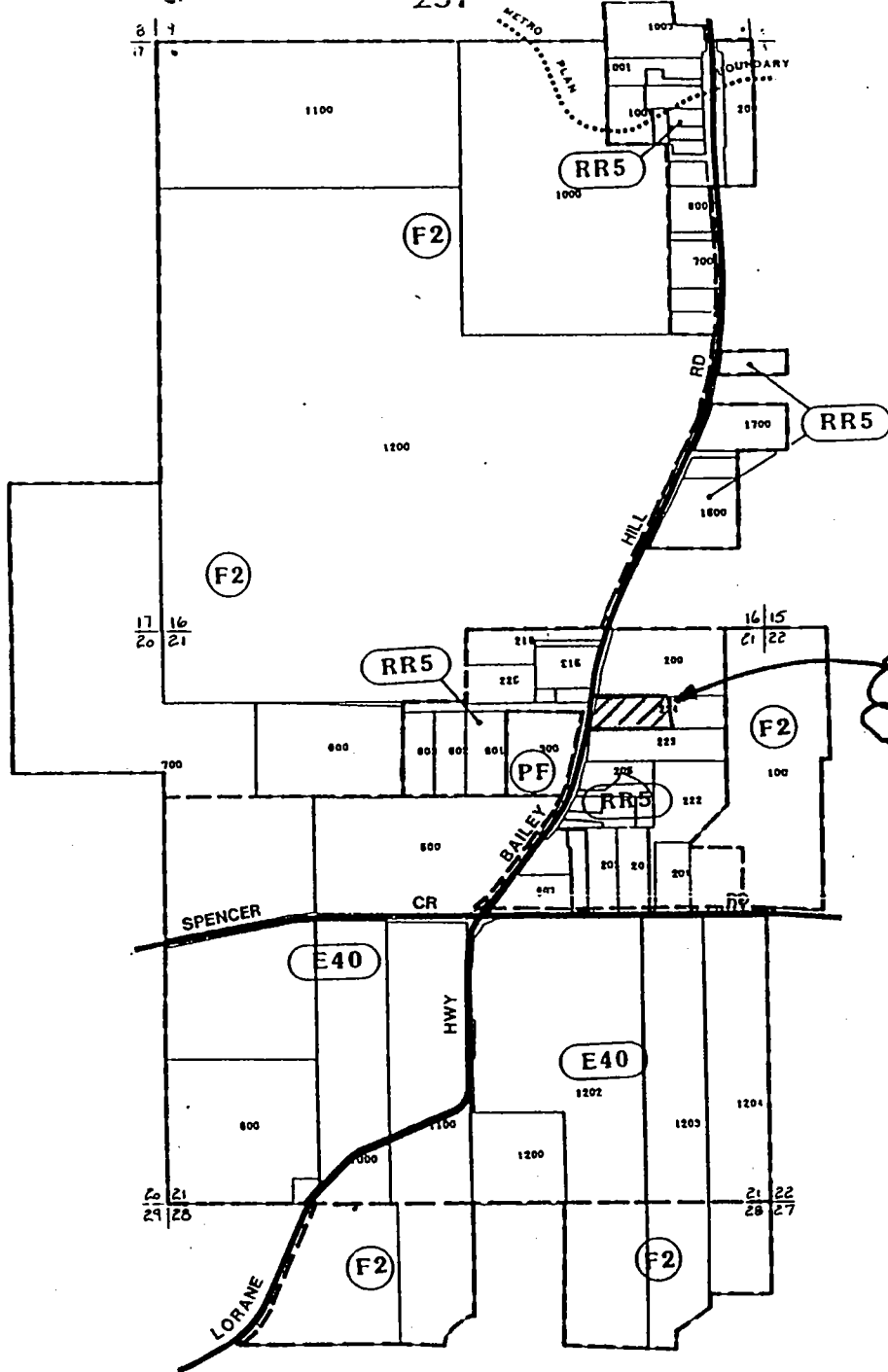
APPROX.
 1/4 COR.

EXHIBIT 'G'
 LINE TABLE

L1 367.73' S 89°24'40" E

SEE MAP 1R 04 22

285



309
SUBJECT PROPERTY

299

The zones on this map are changed as follows:
 From: RG, RA ~~RA~~ To: RR2
 From: CR, C1, C2, & C3 To: RC Rural Commercial
 From: M1, M2, & M3 To: R1 Rural Industrial
 From: PF To: RPF Rural Public Facility
 From: PR To: RPR Rural Park & Recreation



The RR zones on this map are changed as follows:
 FROM: RR LC 16:231 TO: RR LC 16:290
 The RR zone parcel size remains the same.



OFFICIAL ZONING MAP

PLOT# 298

Township	Range	Section
18	04	16
18	04	21

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

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

EXHIBIT 'H'

7-1-2004 TO 6-30-2005 REAL PROPERTY TAX STATEMENT
LANE COUNTY 125 E. 8TH AVE. EUGENE, OR 97401
(541) 682-4321

ACCOUNT NUMBER: 1028214
 SITUS ADDRESS: 85989 BAILEY HILL RD
 EUGENE, OR 97405
 PROP: 401 ACRES: 5.00
 TCA: 004-42
 MAP: 18 04 21 00 00224
 4500 SW KRUSE WAY STE 280
 LAKE OSWEGO, OR 97035

LAST YEAR'S TAX 2,101.91

CURRENT TAX BY DISTRICT

VALUES	LAST YEAR	THIS YEAR
MARKET VALUES		
LAND	79,314	82,486
IMPROVEMENT	140,990	152,270
TOTAL	220,304	234,756
M5 SPECIALLY ASSESSED VALUE		
M5 REAL MKT VALUE	220,304	234,756
ASSESSED VALUE	212,505	218,880
EXEMPTIONS		
NET TAXABLE:	212,505	218,880

U Eugene School District	996.94
U Lane Community College	129.98
U Lane Education Service Dist	46.86
Education Totals:	1,173.78
U Lane County	279.38
U Lane County Fire District #1	434.43
General Government Totals:	713.81
U Eugene School District Bond I	44.02
U Eugene School District Bond II	182.16
U Lane Community College Bond	58.20
U Lane County Bond	28.59
Bonds - Other Totals:	312.97
2004 - 2005 TAXES	2,200.56
TOTAL TAX (After Discount)	2,134.54

MORTGAGE CO:
 LOAN #:

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount
2,134.54	1,437.70	733.52

Full Payment Enclosed.....
 or 2/3 Payment Enclosed.....
 or 1/3 Payment Enclosed.....

ACCOUNT NUMBER 1028214
 INCLUDES DELINQUENT TAXES OWING, IF ANY
 Due: 11/15/2004 2,134.54
 Due: 11/15/2004 1,437.70
 Due: 11/15/2004 733.52

DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATE

The on-line tax statements reflect the information on accounts as of the tax year's October tax certification date. These tax statements do not reflect any payments or value corrections made on your account after that date. If you have made payments on your property tax account after the certification date, please contact our office at (541) 682-4321 between the hours of 10:00 am and 12:00 p.m. and between the hours of 1:00 p.m. and 4:00 p.m., Monday through Friday for the correct amount owed. You may also contact our office on the internet at Taxation@co.lane.or.us

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Contact us

EXHIBIT 'I'

7-1-2004 TO 6-30-2005 REAL PROPERTY TAX STATEMENT
LANE COUNTY 125 E. 8TH AVE. EUGENE, OR 97401
(541) 682-4321

ACCOUNT NUMBER: 1028206
 SITUS ADDRESS: 85987 BAILEY HILL RD
 EUGENE, OR 97405
 PROP: 401 ACRES: 0.38
 TCA: 004-01
 MAP: 18 04 21 00 00224
 4500 SW KRUSE WAY STE 280
 LAKE OSWEGO, OR 97035

LAST YEAR'S TAX 82.50

CURRENT TAX BY DISTRICT

VALUES	LAST YEAR	THIS YEAR
MARKET VALUES		
LAND	5,244	5,453
IMPROVEMENT		
TOTAL	5,244	5,453
M5 SPECIALLY ASSESSED VALUE		
M5 REAL MKT VALUE	5,244	5,453
ASSESSED VALUE	2,700	2,781
EXEMPTIONS		
NET TAXABLE:	2,700	2,781

U Eugene School District	13.21
U Eugene School District LO	4.17
U Lane Community College	1.72
U Lane Education Service Dist	.62
Education Totals:	19.72
U Lane County	3.55
General Government Totals:	3.55
Fire Patrol - West	18.00
Fire Patrol Emergency	38.00
U Eugene School District Bond I	.56
U Eugene School District Bond II	2.32
U Lane Community College Bond	.74
U Lane County Bond	.36
Bonds - Other Totals:	59.98
2004 - 2005 TAXES	83.25

MORTGAGE CO:
 LOAN #:

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment No Discount
80.75	54.39	27.76

TOTAL TAX (After Discount) 80.75

ACCOUNT NUMBER 1028206

INCLUDES DELINQUENT TAXES OWING, IF ANY

Full Payment Enclosed.....	Due: 11/15/2004	80.75
or 2/3 Payment Enclosed.....	Due: 11/15/2004	54.39
or 1/3 Payment Enclosed.....	Due: 11/15/2004	27.76

DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATE

The on-line tax statements reflect the information on accounts as of the tax year's October tax certification date. These tax statements do not reflect any payments or value corrections made on your account after that date. If you have made payments on your property tax account after the certification date, please contact our office at (541) 682-4321 between the hours of 10:00 am and 12:00 p.m. and between the hours of 1:00 p.m. and 4:00 p.m., Monday through Friday for the correct amount owed. You may also contact our office on the internet at Taxation@co.lane.or.us

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Exhibit No. C-2

PAPA Control No. 2

Lane County -/- Coast Fork Willamette Watershed
Legislative Rezoning Project

Developed & Committed Exception Area No. 360

**Plan Amendments and Zone Changes for:
Tax lot 2401 of Assessor's Map TRS 22-03-30.1**

TRS - Tax lot	Acres	From/Action	To
22-03-30.1 -- 2401	0.41	Rural Residential (RR5)	Rural Public Facility (RPF)

Statement of Criteria

OAR 660-04-018(2) - *Planning & Zoning for Exception Areas*

Lane County Rural Comprehensive Plan Policies

Goal Two, Policy 27 Conformity Determination Amendment

Lane Code 16.003 & 16.004 - *Purpose and Scope and Compliance*

Lane Code 16.290 - *Rural Residential Zone (RR)*

Lane Code 16.294 - *Rural Public Facility (RPF)*

Lane Code 16.252(2), (5) - *Procedures for Zoning, Rezoning and Amendments to Requirements*

I. BACKGROUND

TRS 22-03-30.1, tax lot 2401 – 0.41 of-an-acre

Properties Owner: London Grange No. 937 Inc.

Proposed change in zoning designation from Rural Residential (RR5) to Rural Public Facility (RPF).

The proposed plan amendment and zone change is for one property in the ownership of London Grange No. 937 that was designated as Rural Residential (RR5) in 1984. The appropriate designation for the 0.41 of-an-acre facility is Rural Public Facility (RPF).

II. FINDINGS OF FACT

Findings of Fact

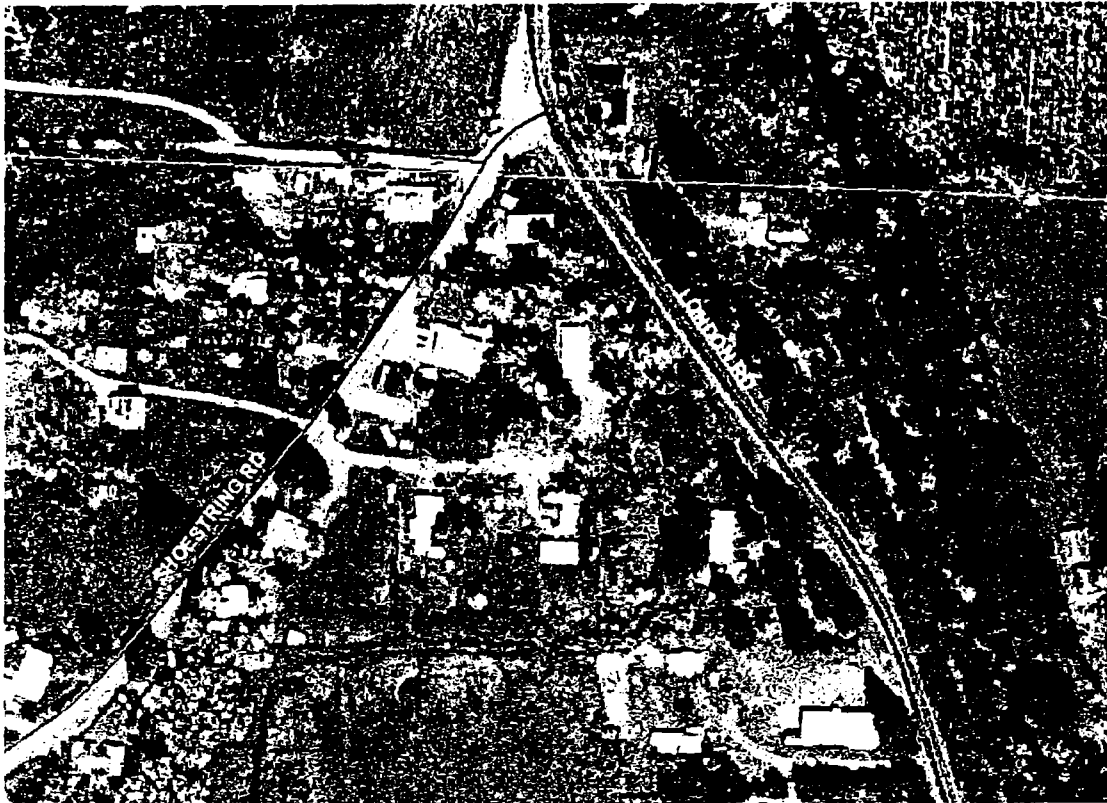
1. The property subject to this application, hereinafter referred to as the "subject property," is located west of the right-of-way of London Road and south of the intersection of London Road and Shoestring Road. It is within the Developed & Committed Exception Area No. 360-1. It can be identified as tax lot 2401 of Assessor's map 22-03-30.1 and is 0.41 of-an-acre in size.
2. The subject property was designated as Rural Residential (RR5) in 1984 in conjunction with surrounding properties and has been developed with the London Grange Hall since 1950.
3. The request for the change of zone is to bring the existing use of the subject property into conformity with the Rural Comprehensive Plan and Lane Code. The public facility use of the subject property in connection with the Grange Hall is inconsistent with the Rural Residential Zone (RR5).
4. The existing public facility use of the subject property is similar to allowable uses in the Rural Public Facility Zone per *Lane Code (LC) 16.294(3)(j)-(m)*:
 - (j) *Professional membership organizations.*
 - (k) *Labor unions and similar organizations.*
 - (l) *Civic, social and fraternal associations.*
 - (m) *Business associations.*

The use complies with the Purpose statement of LC 16.294(1)(b) Purpose: The purposes of the Rural Public Facility Zone (RPF-RCP) are . . . *to provide land for public and semipublic uses and development that serve rural residents and people traveling through the area that are by nature intensive or unusual uses not normally associated with other zones.*

Top photo: Northern exposure from London Road. Bottom photo: southern exposure looking northeast.



5. The Grange Hall provides a service center for rural residents in the vicinity of London and a variety of civic activities are held in the hall on a monthly basis. Grange No. 937 meets on the first and third Friday of the month.



The London Grange No. 937 is located directly above in the southeast [^] corner of the photograph.

6. There is no record of any historical compatibility issues occurring between the existing use on the subject property and their neighbors since the facility were established in the early 1950's.
7. The subject property does not lie within an area identified as a "water quantity limited" area in Lane Manual 13.010. The facility utilizes an onsite well as a potable source of water.
8. The subject property receives the following public services: South Lane District #45 (schools); Emerald Peoples Utility District (electrical power); South Lane County Fire and Ambulance (fire and ambulance); US Qwest (telephone); Lane County Sheriff's Department and Oregon State Police. The property has access to the Lane Receiving Station and franchised haulers for garbage service.
9. There is no apparent wetland on the subject properties, per NWI map Anlauf NE3.

III. JUSTIFICATION FOR THE CONCLUSIONS AND RECOMMENDATIONS.

A. Statewide Planning Goals

The subject property is within an area subject to the Lane County Rural Comprehensive Plan. This Plan has been acknowledged by the Land Conservation and Development Commission in a series of acknowledgment orders. Acknowledgment indicates that the Plan is generally in compliance with