

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**  
**FOR THE COUNTY OF LAKE**

IN THE MATTER OF CHANGES TO THE	}	ORDINANCE NO. <u>115</u>
LAKEVIEW URBAN GROWTH BOUNDARY	}	
COMPREHENSIVE PLAN MAP AND ZONE	}	
CHANGE THE BOARD OF COMMISSIONERS OF	}	
LAKE COUNTY, OREGON ORDAINS AS FOLLOWS	}	

WHEREAS, on December 22, 2015 Red Rock Biofuels LLC, submitted urban growth boundary (UGB) reconfiguration and comprehensive plan map amendment applications to include applicant's 61 acres (called Inclusion Lands, see Exhibit "A") within the Town of Lakeview's UGB with a comprehensive plan map designation of C-1 with the Industrial Park Overlay. In addition, another 58 acres (called Exclusion Lands, see Exhibit "B") would be removed from within the Town's UGB (see Atlas, pages 1, 6 and 13);

WHEREAS, the purpose of the proposal is to provide water and sewer services to applicant's property, the property must be within the Town's UGB and subsequently annexed to the Town for services. The applicant's biofuels facility was approved under Lake County Zoning Permit, File No. 14-051-ZP, on January 13, 2015 (see Volume 1, Exhibit 4);

WHEREAS, the applications consist of Volume 1 – Findings of Fact and Conclusions of Law, Evidence, Applications – and Volume 2 – Atlas. The submittal is to both the Town of Lakeview and Lake County;

WHEREAS, Changes to the UGB require adoption by the Town and Lake County:  
The Town decisions include (1) Reconfigure the UGB to add the Inclusion Lands and remove the Exclusion Lands; and (2) Amend the Town Comprehensive Plan Map to designate the Inclusion Lands as Commercial with the Industrial Park Overlay and remove designations from the Exclusion Lands.

The County decisions include (1) Reconfigure the UGB to add the Inclusion Lands and remove the Exclusion Lands; (2) Amend the County Comprehensive Plan Map to change designation of the Inclusion Lands from Agriculture to Commercial and the Exclusion Lands from Commercial to Agriculture; and (3) Amend the County Zoning Map to change zoning of the Inclusion Lands from Agriculture (A-2) to Commercial (C-1) and the Exclusion Lands from Commercial (C-1) to Agriculture (A-2);

WHEREAS, Applicant elected to make application for the UGB reconfiguration by exchanging land inside a UGB for land lying outside pursuant to statutory authority and implementing regulations. UGB reconfigurations and comprehensive plan map amendments are legislative decisions. The Planning Commission makes recommendations on legislative applications to the Town Council and Board of County Commissioners.

WHEREAS, on December 22, 2015 the Notice of Proposed Amendment was submitted to the Department of Land Conservation and Development (DLCD) satisfying the 35 day Notice of the 1<sup>st</sup> Evidentiary hearing by the County;

WHEREAS, the first joint public hearing was held Tuesday, February 16, in response to the applicant's request, the hearing was continued to Tuesday, April 19, 2016 at 7:00pm at the Lake County Courthouse (see Staff Memorandum dated 2/16/2016 and associated PC minutes. Notice of Hearing by publication in the Lake County Examiner February 3 and 10, 2016, and again April 6 and 13, 2016 with individual notice to all adjacent owners and agencies January 25, 2016 (see File Attachments B, C, & D), and again March 28, 2016. At the April 19<sup>th</sup> meeting the hearing was again continued until the 25<sup>th</sup>. At the hearing on the 25<sup>th</sup> the meeting was again continued to May 17<sup>th</sup> (the next regular meeting of the Planning Commission) with requirement to have all written comments in by May 10, 2016 so the Planning Commission and Applicant could review and respond to comments to be able to make a Recommendation to the

Board of Commissioners at the May 17<sup>th</sup> meeting if possible. At the May 17<sup>th</sup> meeting the Planning Commission closed the hearing but continued the deliberation and recommendation to the next regularly scheduled Planning Commission meeting of June 21, 2016 at 7:00pm;

WHEREAS, State of Oregon approval standards include:

Statewide Planning Goal 14's Locational Factors;

- ORS 197.298: Priority of Land to be Included within Urban Growth Boundary;
- OAR 660-024-00670 UGB Adjustments;
- ORS 197.764 Application to remove property from within Urban Growth Boundary; Conditions; and
- All applicable Statewide Planning Goals including the Oregon Transportation Planning Rule.

Lake County approval standards include:

- Criteria set forth in the Urban Growth Boundary Management Agreement with the Town of Lakeview; and
- Goals and policies of the Lake County Comprehensive Plan.

These criteria were used by the Planning Commission to evaluate the application in making a decision to recommend approval of the application to the Board of County Commissioners. The Planning Commission used the above information, in addition to the application, information from the public hearings and State law and implementing regulations and the County's Comprehensive Plan and implementing regulations to make findings. Findings state the relevant facts and how each approval criterion is satisfied by the facts;

WHEREAS, the applicant submitted proposed findings of fact (See Volume 1, Pages 17-24) and conclusions of law (See Volume 1, Section V, pages 24-45 for UGB Reconfiguration and Volume 1, Section VII, pages 59-71 for Town Comprehensive Plan Map Amendment) and a

response to opposition, as findings in support of the decision, the Board of Commissioners adopts the Supplemental Findings and Conclusions of Law in Exhibit C (see Exhibit C).

WHEREAS, the Board of Commissioners have reviewed the proposed Findings and Planning Commission Staff Report and Recommendation in Public Hearing on July 14 and 28, 2016 along with all written and oral testimony received; therefore,


IT IS HEREBY ORDERED that based upon the argument and evidence presented by the applicant on the record for File #15-043-CPA-UGB, Lake County has found that the applications satisfy applicable criteria and the County adopts the following amendments: (1) Reconfigure the Town of Lakeview Urban Growth Boundary to add the 61 acres identified as the "Inclusion Lands" to the UGB and to remove the 58 acres identified as the "Exclusion Lands" from the UGB; (2) Amend the County Comprehensive Plan Map to change the designation of the Inclusion Lands from Agriculture to Commercial and the Exclusion Lands from Commercial to Agriculture; and (3) Amend the County Zoning Map to change the County zoning of the Inclusion Lands from Agriculture (A-2) to Commercial (C-1) and the Exclusion Lands from Commercial (C-1) to Agriculture (A-2), all subject to the approval by the Town of Lakeview of those portions of the applications subject to the Town's jurisdiction. (See attached Exhibits A and B).

DATED at Lakeview, Oregon this 6<sup>th</sup> day of September, 2016.

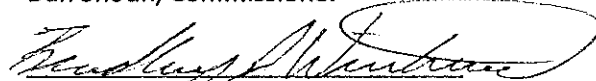
LAKE COUNTY BOARD OF COMMISSIONERS



Ken Kestner, Chair



Dan Shoun, Commissioner



Bradley J. Winters, Commissioner