

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. PA 1276

IN THE MATTER OF AMENDING THE LANE COUNTY RURAL COMPREHENSIVE PLAN (RCP) BY REVISING GOAL-2, POLICY 25, TO ESTABLISH PROVISIONS FOR A DRINKING WATER PROTECTION OVERLAY ZONE; BY ADOPTING AN OFFICIAL DRINKING WATER PROTECTION OVERLAY ZONE MAP; BY APPLYING THE OVERLAY ZONE TO PROPERTIES WITHIN IDENTIFIED GROUNDWATER AND SURFACE WATER PROTECTION AREAS AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES.

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**WHEREAS**, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 883, has adopted the Lane County General Plan Policies which is a component of the Lane County Rural Comprehensive Plan; and

**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 Jurisdiction of the of the Lane County Rural Comprehensive Plan; and

**WHEREAS**, Lane Code 12.050 and 16.400 set forth procedures for amendments of the Rural Comprehensive Plan and Lane Code 16.252 sets forth procedures for rezoning lands within the jurisdiction of the Rural Comp Plan; and

**WHEREAS**, abundant and pure sources of high quality drinking water are critically important to the livability of Lane County residents; and

**WHEREAS**, it is necessary to amend the Rural Comprehensive Plan and apply an overlay zone to provide for the enhanced protection of surface and ground waters, which are sources of public drinking water; and

**WHEREAS**, the proposal was reviewed at a joint public hearing with the Lane County Planning Commission and the Lane County Board of Commissioners on October 26, 2010; and

**WHEREAS**, evidence exists in the record indicting that the proposal meets the requirements of Lane Code Chapters 12 and 16, and the requirements of applicable state and local law; and

**WHEREAS**, the Board of County Commissioners has conducted a public hearing 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 General Plan Policies, Goal 2 (Policy 25) adopted by Ordinance No. PA 883 and amended thereafter is further amended by revising Goal 2 General Plan Policy 25 to add provisions for a Drinking Water Protection Overlay Zone as set forth in Exhibit "A".

Section 2, An Official Drinking Water Protection Overlay Zone Map is established and adopted as depicted in Exhibit "B".

Section 3, The Drinking Water Protection Overlay Zone is applied to properties within identified ground and surface water protection areas as shown on the Official Drinking Water Protection Overlay Zone Map and as described in Lane Code 16.298(4).

**FURTHER**, although not part of this Ordinance, the Board of County Commissioners adopts findings in support of this action as set forth in Exhibit C to this Ordinance and also as outlined in the staff memo dated September 14, 2010 and in Attachments 5, 6 and 7 to that memo.

The prior policies, plan and zone diagram designations repealed or changed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation of 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 section shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions thereof.

**ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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Bill Fleenor, Chair  
Lane County Board of County Commissioners

APPROVED AS TO FORM

Date \_\_\_\_\_ Lane County

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*OFFICE OF LEGAL COUNSEL*