

**FILED**  
 AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M

JUL 26 1985

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY,  
 OREGON

County Clerk  
 for Lane County, Oregon  
*[Signature]*  
 DEPUTY

ORDINANCE NO. 901  
 (Amended)

) IN THE MATTER OF AMENDING THE  
 ) EUGENE-SPRINGFIELD METROPOLITAN  
 ) AREA GENERAL PLAN, TAKING  
 ) EXCEPTION TO STATEWIDE GOALS  
 ) 3 AND 4, AND ADOPTING A SAVINGS  
 ) AND SEVERABILITY CLAUSE

WHEREAS, the Board of County Commissioners adopted the Eugene - Springfield Metropolitan Area General Plan on August 27, 1980, amended by Ordinance No. 9-80 on October 15, 1980, amended again on February 3, 1982 via Ordinance No. 856, and amended again on February 29, 1984 via Ordinance No. PA 885; and

WHEREAS, a portion of the Plan outside the Urban Growth Boundary needs amendments and additional findings to comply with the Statewide Planning Goals as identified in reports dated June 29, 1984 and July 19, 1984 and prepared by the Department of Land Conservation and Development; and

WHEREAS, the Lane County Planning Commission has held two hearings to review this revision; and

WHEREAS, the Board of County Commissioners has received the Lane County Planning Commission's recommendations and conducted a public hearing and is now ready to take action;

NOW THEREFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY ORDAINS AS FOLLOWS:

1. The following parcels are redesignated on the Metro Plan diagram as follows:

	MAP DESCRIPTION	CURRENT DESIGNATION	NEW DESIGNATION
Kokkler	17-04-07/TL 100	Government	Agricultural/ Airport Reserve
Drake	17-04-08/TL 900 & 903	Government	Agricultural/ Airport Reserve
McAlister	17-04-08/TL 901	Government	Agricultural/ Airport Reserve
SSK Invts.	17-04-08/TL 902	Government	Agricultural/ Airport Reserve
Warfel	17-04-08/TL 1000	Government	Agricultural/

			Airport Reserve
Ore.St.	17-04-01/TL 6601	Sand & Gravel	Park & Open Space
Mck.-Will. Co. Delt. Wa Co. LTD	17-04-01/Portion of TL 100	Sand & Gravel	Natural Resource
Or. State Lnd. Brd.	17-04-01/Portion of TL 7400	Sand & Gravel	Natural Resource
Or. State Lnd. Brd.	17-03-06/Portion of TL 500	Sand & Gravel	Natural Resource
Eug. Sand & Gravel	17-03-06/Portion of TL 600	Sand & Gravel	Natural Resource
Babb, Lee etal delt Wa. Co. Ltd.	17-03-06/Portion of TL 701	Sand & Gravel	Natural Resource
N.C.C.	18-03-15/Portion of TL's 302 & 303	Forest Land	Natural Resource

2. The text of the Plan, Chapter 111, Page 111-C-11 is amended to add the following policies:

"36. These policies apply to the Pudding Creek Heronry and Confluence Heronry on the Willamette River:

a. For the Pudding Creek Heronry:

(i) A sand and gravel Operations Management Plan for the Heronry shall be filed with Lane County requiring a vegetative, natural resource buffer and a 1,000 foot operational buffer.

(ii) The vegetative, natural resource buffer area is comprised of the existing vegetated area surrounding the heronry, bounded on the east by the BPA easement, on the south by the old haul road and on the north and west by the Willamette River. Within this area, no recreational uses shall be allowed and, existing vegetation shall not be purposely removed.

(iii) The 1,000 foot operational buffer area shall extend outward 1,000 feet from the outermost nesting tree, stopping to the north at the Willamette River. Between February 1 and July 15, operational restrictions shall be in effect within this area. These restrictions shall include: no tree felling, no aggregate extraction and no operation of any mechanical equipment or motorized vehicle for the purpose

of recreational use or for farm or forest activities. Additionally, excavation, or any preparation for excavation, within this area shall not occur until after 1990.

(iv) Personnel from the Oregon Department of Fish and Wildlife shall monitor the heronry annually during the months of February through July, to verify nesting activity of the heronry. Should the Oregon Department of Fish and Wildlife verify that fledging is completed prior to the July 15 date stated above, restrictions applicable to the operations buffer shall be lifted.

(v) If the heronry is abandoned, the sand and gravel Operations Management Plan shall continue for three consecutive years. The three-year period shall begin during the first breeding season when it is determined by the Department of Fish and Wildlife that the heronry has been abandoned. Upon initial verification by the Oregon Department of Fish and Wildlife that the heronry has been abandoned, Eugene, Springfield, Lane County, and the Department of Fish and Wildlife shall immediately begin a cooperative process to determine whether the abandoned heronry continues to represent a significant heron habitat. If it is determined that the abandoned heronry still represents a significant habitat, then protection of the heron habitat through land exchange, purchase or plan amendment should be substantially completed within the consecutive three year period which began with abandonment verification. If the heron habitat is determined to not represent significant heron habitat necessary for protection, the Operations Management Plan shall lapse after three years. In the event that the heronry is reoccupied within this three year period, the sand and gravel Operations Management Plan shall continue and, in the event that initial verification by the Oregon Department of Fish and Wildlife is received that the heronry has again been abandoned, the three year period of assessment shall start anew.

(vi) Lane County, Eugene, and Springfield shall continue to support the Oregon State Parks Division, the State Land Board, and the Oregon Department of Fish and Wildlife in pursuing long-term protection of the heronry. A land exchange has been identified as the preferred option to providing long-term protection of the

heronry. Progress toward providing long-term protection of the heronry through land exchange shall be closely monitored during Plan Review and Plan Update.

- (b) For the Confluence Island Heronry:
- (i) The Heronry shall be protected by a Natural Resource Plan Diagram Designation and Zoning and the restrictions identified below.
  - (ii) The operational buffer shall extend 1,000 feet from the southerly nesting tree. Operational restrictions shall be in effect for the area contained within the 1,000-foot buffer between February 1 and July 15. These restrictions shall include: no tree felling, no aggregate extraction, and no operation of any mechanized equipment or motorized vehicle for recreation use or for the purpose of farm or forest activities. Upon on-site verification from the Oregon Department of Fish and Wildlife that fledging is completed, the period of operational restrictions may be shortened.
  - (iii) Permits from the State and County are an appropriate mechanism for addressing details of sand and gravel operations. Specifically, flood hazard concerns and associated erosion potential will have to be addressed.
  - (iv) Protection of riparian habitat on the periphery of the island shall be achieved by maintaining an adequate Willamette River Greenway vegetative fringe in order to address erosion, scenic, and wildlife habitat concerns.
  - (v) Park use on the island should be discouraged by the State.
  - (vi) Controls on sand and gravel extraction should be developed between the operator and the Oregon Department of Fish and Wildlife through the mining permit procedures in order to protect the heronry resource.
  - (vii) Property owners and the State shall be encouraged to exchange land to place the Confluence Island Heronry and buffer in perpetual ownership by the public. The State may then protect and manage the heronry resource with compensation to the property owners.
- (c) Lane County, Eugene, and Springfield shall pursue the development of a master plan for the Howard Buford Recreation Area including lands between the park and the Middle Fork of the Willamette River and, this master plan shall be completed within three years.

- "37. In addition to any of the above policies, these policies apply to forest lands within the jurisdiction boundaries of the Eugene-Springfield Metropolitan Area General Plan but outside Urban Growth Boundaries:
- a) Conserve forest lands for the multiple forest uses of commercial timber management; watershed protection; wildlife, fisheries and livestock habitat; and recreation; as per Goal 4.
  - b) Forest lands will be segregated into two categories, Non-impacted and Impacted and these categories shall be defined and mapped by the general characteristics specified in the Non-Impacted and Impacted Forest Land Zones General Characteristics.
  - c) On Non-Impacted Forest Lands or lands adjacent to Non-Impacted Forest Lands limit non-forest uses.
  - d) On Impacted Forest Lands limit non-forest uses.
  - e) Prohibit residences on Non-Impacted Forest Lands except for the maintenance or replacement of existing residences or except for a residence on a lot of record. A lot of record shall be defined consistently with Sections 9 to 12, Chapter 884, Oregon Laws 1983.
  - f) Residences shall be conditionally permitted on Impacted Forest Lands if they are necessary and accessory to farm or forest uses, or if they are in conjunction with the propagation or harvesting of a forest product on a tract managed as part of a wood lot meeting the acreage minimum standards of forest policy 1) below, or if they are on a legal lot, and if impacts upon adjacent and/or nearby farm and forest lands are limited.
  - g) Regard nonforest uses within or adjacent to forest lands as being subject to any normal and accepted forest practices in the locality.
  - h) Require that nonforest uses other than a residence on Non-Impacted Forest Lands be compatible with forest uses, practices and operations on adjacent and nearby forest lands; and that there be provided valid reasons why the use should be sited on Non-Impacted Forest Land or evidence that the proposed site is on land generally unsuitable for forest uses.
  - i) Require that nonforest uses on Impacted Forest Lands be compatible with farm/forest uses, operations and practices on adjacent and nearby farm and/or forest lands.

- j) Parcel sizes for Non-Impacted Forest Land must conserve forest land for non-impacted forest uses and be consistent with the Non-Impacted Forest Land Zone General Characteristics.
- k) The following division standards are consistent with and will implement this policy:
  1. 40 acre (1/4 1/4 Section) minimum lot size for purpose of land division.
  2. Deviation from the 40 acre minimum lot size may be conditionally allowed if the land division is for the purpose of separating an existing residence from the adjoining forest land if the parcel containing the residence is limited to the least amount of area possible so as to maximize forest uses on the adjacent forest land.
  3. Lot line adjustments for purposes other than the creation of an additional lot are permitted.

- l) Area requirements for Impacted Forest Land must be adequate to conserve forest land for impacted farm and forest uses and be consistent with the following criteria:

1. Except as provided in subsection (2) below, for the creation of a woodlot for the purpose of the propagation or harvesting of a forest product, the minimum area shall be at least 20 acres and that which is consistent with the Douglas fir cubic foot site indexes and minimum area computations promulgated by the Oregon Department of Forestry and specified below and additional area to accommodate a homesite, access and fire breaks and a logical parcel layout and use of the parcel. There shall be presented for each application sufficient factual documentation to verify that each proposed tract meets the above requirements.

Cubic Foot Site Class	Potential Yield cu. ft./acre/yr.	Acreage Minimum
6	20-49-cf/ac	64
5	40-84-cf/ac	43
4	85-119 cf/ac	34
3	120-164 cf/ac	24
2	165-224 cf/ac	17

2. To substantially limit any adverse impacts upon commercial forest management which might result from land divisions and subsequent residential development (accessory and necessary to commercial

forest management) a minimum area of 80 acres shall be required for the division of large forest tracts:

- (i) zoned F-2
- (ii) containing at least 160 acres
- (iii) for the creation of lots or parcels adjacent to F-1, RCP zoned lands.

3. Deviation from the standard specified in 1) 1. and 1) 2. above for a 40-acre parcel on impacted forest land to be used for farm use may be allowed. Proposed residences for such parcels shall be accessory to commercial farm use and shall be allowed only if consistent with accessory dwelling standards in the EFU zone.
  4. Deviation from the standard specified in 1) 1. and 1) 2. above of the impacted forest land for the creation of a parcel not smaller than 20 acres may be allowed when at least 19 acres of the parcel being created are currently managed or planned to be managed by a farm management plan for a farm operation consisting of one or more of the following: berries, grapes or horticultural specialties. A temporary mobile home which is accessory to the farm management may be conditionally located upon the farm parcel for a reasonable length of time to allow for substantial implementation of the farm management plan. Upon evidence that the farm management plan has been substantially implemented, the mobile home may be allowed on a permanent basis or may be converted to a permanent dwelling.
  5. Lot line adjustments consistent with the definition of "divide" in L.C. 16.090 are permissible.
  6. Land divisions for non-farm or non-forest dwellings are per EFU standards.
- m) Encourage the consolidation of forest land ownership in order to form larger more viable forest resource units.
  - n) Encourage the conversion of under-productive forest lands through silvicultural practices and reforestation efforts.
  - o) Minimum parcel sizes and land division standards for Impacted Forest Lands should be the subject of additional study in future plan revisions and updates.
  - p) Lands designated within the Metropolitan Area General Plan as forest land shall be zoned Non-Impacted Forest Lands (F-1, RCP) or Impacted Forest Lands (F-2, RCP). A decision to apply one of the above zones or both of the above zones in a split zone fashion shall be based upon:
    1. A conclusion that characteristics of the land correspond more closely to the characteristics of

the proposed zoning than the characteristics of the other forest zone. The zoning characteristics referred to are specified below in subsections 2 and 3. This conclusion shall be supported by a statement of reasons explaining why the facts support the conclusion.

2. Non-impacted Forest Land Zone (F-1, RCP)

Characteristics:

- (i) predominately ownerships not developed by residences or non-forest uses.
- (ii) predominately contiguous, ownerships of 80 acres or larger in size.
- (iii) predominately ownerships contiguous, to other lands utilized for commercial forest or commercial farm uses.
- (iv) accessed by arterial roads or roads intended primarily for forest management.
- (v) primarily under commercial forest management.

3. Impacted Forest Land Zone (F-2, RCP)

Characteristics

- (i) predominantly ownerships developed by residences or nonforest uses
- (ii) predominantly ownerships 80 acres or less in size.
- (iii) ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Metropolitan Area General Plan or Rural Comprehensive Plan.
- (iv) provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences."

3. The text of the Plan, Section II-E "The Plan Diagram", is amended to add the following plan diagram designation and definition:

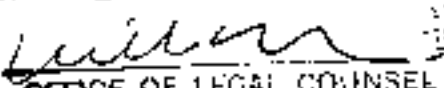
"Airport Reserve: Lands which may be acquired by Eugene at some future time in connection with Mahlon Sweet Field Airport and for which an exception to Statewide Planning Goals must be taken if the zoning is changed from the Exclusive Farm Use/Commercial Airport Safety Combining) E-40/CAS Zone.


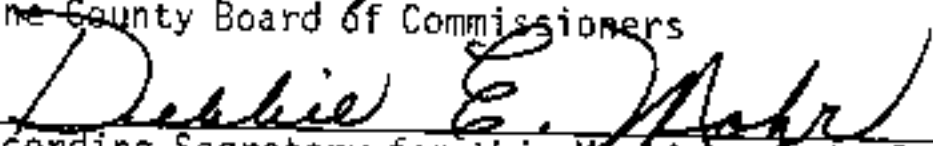
4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of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

While not part of this Ordinance, the Board of County Commissioners adopts as Legislative Findings the following attached Exhibit in support of this Ordinance:

- Exhibit "A": April 1985 Pudding Creek Heronry Working Paper
- Exhibit "B": April 1985 Confluence Heronry Working Paper
- Exhibit "C": April 1985 Metropolitan Plan Update Natural Resource Areas: Conflict Resolution for Potential Significant Areas-Russel Creek Basin
- Exhibit "D": Findings supporting the Amendments to the 1981 Exceptions Working Paper for the Airport and supporting the plan designation changes from "Government" to "Agricultural" as mentioned above in #1.
- Exhibit "E": Proposed amendments to the "Exceptions" Working Paper: Chapter II, Airport, L-COG, November 1981
- Exhibit "F": May 22, 1985 Forest Lands Working Paper, Addendum, Metropolitan Area General Plan
- Exhibit "G": Supplement to "Royal Avenue Exception Area No. 7" Metropolitan Plan Update Exceptions Document

Enacted this 26th day of June, 1985.

APPROVED TO FORM DATE <u>6/27/85</u>  OFFICE OF LEGAL COUNSEL
---

  
 Peter Defazio, Chairperson  
 Lane County Board of Commissioners  
  
 Recording Secretary for this Meeting of the Board