DATE: January 16, 2004 (Date of Memo)

February 4, 2004 (Date of First Reading)

February 18, 2004 (Date of Second Reading and Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

FROM: Public Works Department/Land Management Division

PRESENTED BY: Bill Sage, Land Management Division

AGENDA ITEM TITLE: ORDINANCE PA 1194 / IN THE MATTER OF AMENDING THE

LANE COUNTY GENERAL PLAN POLICIES (AN ELEMENT OF THE LANE COUNTY RURAL COMPREHENSIVE PLAN) BY REVISING GOAL TWO POLICIES 4, 10, 11, 15, 16, 21 AND 27; PLAN DESIGNATIONS AND ZONING DESIGNATIONS FOR SEVENTEEN UNINCORPORATED RURAL COMMUNITIES IN

THE SIUSLAW WATERSHED AND THE LONG TOM

WATERSHED TO COMPLY WITH SUCH AMENDMENTS; AND

ADOPTING SAVINGS AND SEVERABILITY CLAUSES.

I. MOTION

MOVE ADOPTION OF ORDINANCE PA 1194 WITH EXHIBITS.

II. ISSUE

Tasks 3 and 4 of the Lane County Periodic Review Work Program requires amendment of RCP General Plan Policies- Goal 2, and the Official Plan Plots, and Official Zoning Plots to comply with the <u>Unincorporated Community Rule</u> (OAR 660-22) for rural commercial, rural industrial, and rural public facility lands, and <u>Goal 14 Rule</u> <u>Urbanization</u> (OAR 660-04-040) for rural residential lands in the Siuslaw Watershed and Long Tom Watershed.

III. DISCUSSION

A. Background

In 1984, Lane County adopted the Lane County Rural Comprehensive Plan (RCP) and applied zoning designations to every property in the Siuslaw Watershed and the Long Tom Watershed as a component of the RCP. The RCP General Plan Policies includes the Goal Two: Land Use Planning section. At the conclusion of the McKenzie Watershed Periodic Review Work Tasks in April 2002, the Board adopted amendments to Goal Two Policies 10, 11, 15, and 16, specific to the McKenzie Watershed.

One of the concluding actions necessary to comply with the Work Tasks in the Siuslaw and Long Tom Watersheds are amendments to:

Policy 10 – The designation of unincorporated communities in the two watersheds;

- Policy 11 The designation of residential land use and densities;
- Policy 15 An addition to the McKenzie Watershed land use policies; and
- Policy 16 The policies for zone changes within rural communities and developed & committed exception areas in the Siuslaw Watershed and Long Tom Watershed.

Staff is also proposing to amend four other policies in RCP Plan Policies Goal Two:

- Policy 4 The proposed text revisions also include minor housekeeping amendments in Policy 4 to eliminate reference to "West Lane Planning Commission boundaries" which was consolidated with the Lane County Planning Commission in 1997.
- Policy 21 An addition to the Goal 2, Policy 21 <u>Destination Resort</u> is also proposed to advise all parties of Lane County's requirement to comply with ORS 197.465 prior to the designation or development of any property under Statewide Goal 8 and ORS 197.435 197.467 criteria and standards. Refer to B. <u>Analysis</u>, below.
- Policy 27 The Board of Commissioners adopted Ordinance PA 1192 on December 17, 2003, which added Policy 27 Errors or Omission to the Goal Two Policies, and Order 03-12-17-14 that implemented a Conformity Determination Plan Amendment Fee to Lane Manual 60-851(6). The proposed amendment to the text changes "Lane County Errors or Omission Application" to "Conformity Determination Application".

B. Analysis

The proposed amendments to Goal 2 Policies 4, 10, 11, 15, 16, 21 and 27 are provided in Exhibit "A": <u>Legislative Format.</u>

Policies 4 and 5

Amendments to Policy 4 were explained in A. Background, above.

Policy 10

As a component of the Work Tasks for the Siuslaw and Long Tom watersheds, the County is required to designate the existing "communities" identified in Ordinance No. PA 884 (1984) in one of four categories of "unincorporated communities" provided for in OAR 660-022. The nine communities in the Siuslaw Watershed (Glenada, Cushman, Mapleton, Swisshome, Deadwood, Greenleaf, Triangle Lake, Blachly, and Walton) and the eight communities in the Long Tom Watershed (Lancaster, Franklin, Cheshire, Alvadore, Elmira, Crow, Lorane and Noti) are being designated as "unincorporated rural communities". Refer to Ordinance PA 1194, Exhibit A, 10.e. and f.

Policy 11

As a component of the Periodic Review Work Tasks for the Siuslaw and Long Tom Watersheds, each rural community has to have rural residential densities in compliance with OAR 660-004-0040 [Application of Goal 14 (Urbanization) to Rural Residential Areas]. The densities represent the minimum parcel sizes for the purposes of partitioning or subdividing a property. The densities adopted for each rural community in 1984 have been brought forward as the proposed densities in the amended Policy 11.

Policy 15

In April 2002, the County adopted land use policies specific to the McKenzie Watershed in Policy 15. The policies reflected the input of participants during the citizen information meetings and public hearings. In conjunction with Policy 15, the County also adopted Policy 16 dealing with restrictions on the zoning of new public facility, commercial and industrial lands. The public record in the McKenzie Watershed effort supported restricting new designations to within unincorporated rural community boundaries. This limitation has been removed from where it would have the countywide application in Policy 16, to the McKenzie land use policy section in Policy 15. This addition to Policy 15 is being proposed in recognition of the limited opportunity in the other four watersheds during the 1999 to 2002 period for input from the Siuslaw, Long Tom, Coast Fork and Middle Fork citizens. The policy is being retained specific to the McKenzie Watershed and application of the policy in the Siuslaw and Long Tom Watersheds is addressed in Policy 16 as discussed below.

Policy 16

Proposed amendments to Policy 16 restrict zoning of new Rural Public Facility (RPF), Rural Commercial, and Rural Industrial development within unincorporated rural communities or existing developed and committed exception areas outside communities in the Siuslaw Watershed and Long Tom Watershed that were planned and zoned for RPF, RC or RI on the date the proposed amendments to Goal 2 Policies are adopted by the Board. This amendment will not apply in the Coast Fork Willamette and Middle Fork Willamette Watersheds. The future application of this policy in the two Willamette watersheds will be discussed with the citizens in those watersheds in 2004. The Board may elect to apply this policy in the Coast Fork and Middle Fork watersheds in 2004 as part of the Periodic Review Work Tasks 3 and 4.

An exception to the above restrictions has been written into Policy 16 for plan amendments or zone changes adopted pursuant to the Errors or Omission Policy 27, and legislative plan amendments or zone changes adopted during a Periodic Review Work Program.

Policy 21

Lane County has taken an exception to Goal 4 (Forest Land) for 26 acres as a portion of a property known as the "Big Creek property" that was not built upon or irrevocably committed, but was found to be needed for a destination resort facility. The site was zoned Tourist Commercial/Site Review (26 acres) and Natural Resource

Conservation (160 acres) in 1981. No exception to Statewide Goal 8 has been taken. The designation and development of this site is limited to the conditions of approval of the Board of County Commissioner's adopted Order No. 81-10-7-20 (1981). In 1984, the designation for the 26-acre site was amended from Tourist Commercial / Site Review to Destination Resort with the adoption of the Rural Comprehensive Plan. This property is located approximately 14 miles north of Florence on the east side of the Pacific Highway 101 and north of Big Creek, and is designated as tax lot 300 on Lane County Assessment &Taxation Map TRS 16-12-15.

Prior to the designation of any property in Lane Countyas a "Destination Resort" under the Statewide Goal 8 guidelines and definitions as implemented in ORS 197.435 – 197.467; Lane County will be required to comply with ORS 197.465 Comprehensive plan implementing measures.

Policy 27

The proposed amendment brings the references to the "Conformity Determination Amendment" application process in Policy 27 into conformance with the "Conformity Determination Amendment" terminology in the Lane Manual 60.581(6) fee schedule.

C. Planning Commission Recommendation

The Lane County Planning Commission (LCPC) held two public hearings which included review of the OAR Compliance Report and individual community reports which have led to the drafting of the proposed amendments to General Plan Policies, Goal 2 Policies 10, 11, 15, 16, 21 and 27. The hearings were held on October 21, 2003 and November 4, 2003. After deliberations on December 16, 2003, the LCPC unanimously supported a recommendation for approval for the proposed amendments as drafted in Exhibit "A" Legislative Format to Ordinance PA 1194.

D. Alternatives/Options

- 1. Adopt Ordinance PA 1194.
- 2. Do not adopt Ordinance PA 1194.
- 3. Provide direction to staff concerning the proposed language of the Policies the Board wishes to modify or does not support.

E. Recommendation

Staff recommends Alternative 1., above.

F. Timing

The Ordinance does not contain an emergency clause.

IV. FINDINGS

Findings of fact and conclusions of law addressing consistency of the proposed policy amendments are attached to the Ordinance as Exhibit "C".

V. IMPLEMENTATION / FOLLOW-UP

Notice of the action will be provided to DLCD.

VI. ATTACHMENTS

- A. Ordinance PA 1194
- B. LCPC minutes (October 21, 2003, November 4, 2003 and December 16, 2003)

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 1194

[IN THE MATTER OF AMENDING THE LANE COUNTY [GENERAL PLAN POLICIES (AN ELEMENT OF THE LANE [COUNTY RURAL COMPREHENSIVE PLAN) BY REVISING [GOAL TWO POLICIES 4, 10, 11, 15, 16, 21 AND 27; BY REVISING [PLAN DESIGNATIONS AND ZONING DESIGNATIONS FOR [SEVENTEEN UNINCORPORATED RURAL COMMUNITIES IN [THE SIUSLAW WATERSHED AND THE LONG TOM [WATERSHED TO COMPLY WITH SUCH AMENDMENTS; AND [ADOPTING SAVINGS AND SEVERABILITY CLAUSES.

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, Lane Code 16.400 sets forth procedures for amendments of components of the Rural Comprehensive Plan; and

WHEREAS, the proposal was reviewed at public hearings with the Lane County Planning Commission on: October 21, 2003; and November 4, 2003; and

WHEREAS, the proposal was reviewed at a public hearing with the Lane County Board of Commissioners on February 18, 2004; and

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

WHEREAS, the Board of County Commissioners has conducted 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 Two (Policies 4, 10, 11, 15, 16, 21 and 27) adopted by Ordinance No. PA 883 and amended thereafter, is amended by revision of Goal Two Policies 4, 10, 11, 15, 16, 21 and 27 as set forth in Exhibit "A".
- Section 2. The plan diagram designations and zoning designations for the nine unincorporated rural communities in the Siuslaw Watershed (Glenada, Cushman, Mapleton, Swisshome, Deadwood, Greenleaf, Triangle Lake, Blachly, and Walton), and the eight unincorporated rural communities in the Long Tom Watershed (Lancaster, Franklin, Cheshire, Alvadore, Elmira, Noti, Crow, and Lorane) are changed as set forth in Exhibit "B".

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

The prior policies, zoning base designations and plan diagram base designations repealed or changed 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,

ENACTED thisday of	, 2004.
	Chair, Lane County Board of County Commissioners
	Recording Secretary for this Meeting of the Board

distinct and independent provision, and such holding shall not effect the validity of the remaining portions

thereof.

APPROVED A 1 TO FORM

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Ordinance PA 1194 Exhibit A – Legislative Format

GOAL TWO: LAND USE PLANNING

- 1. The purpose of the revised Lane County Comprehensive Plan shall be to provide information to assist public and private decision-making, and to meet the requirement of Oregon State Planning Goals and associated laws.
- 2. The Policies shall provide the direction for County growth and development and programs for dealing with planning issues; the Plan Diagrams shall be specific graphic descriptions of proposed land use throughout the County, and shall be the primary basis for zoning decisions.
- 3. All products of the County Planning process shall be made available for public review and comment and shall be adopted through the hearings process.
- 4. The County shall be divided into two sub-County regions: the Coastal Region and the Inland Region. Each region shall have its own Plan Diagram. The dividing line shall be the eastern jurisdictional boundary of the West Lane Planning Commission: summit of the Coast Range.
- 5. The Lane County Planning Commission shall have primary advisory authority to the Board of County Commissioners for and Countywide land use policy issues.
- 6. The revised General Plan shall have primary jurisdiction in all areas of the County outside the incorporated City Urban Growth Boundaries and the Plan Boundary shown on the Eugene-Springfield Metropolitan Area Plan Diagram (which includes UGB plus additional territory).
- 7. The Planning period for the revised Plan shall be 20 years with revisions and update to occur every five years, beginning five years from the date of adoption.
- 8. It shall be the policy of the County to systemize and streamline the existing Plan Amendment process, to make the process more efficient and more responsive to individual needs. This will be accomplished by future amendment of the Lane Code.
- 9. Exceptions to LCDC Goals (i.e., a determination that it is not possible to apply an appropriate goal to a specific property) shall be in accordance with OAR 660-04-000 (Coal 2 Exception Process) and shall only be taken at times of Plan adoption of amendment.
- 10. Lane County shall update the Rural Comprehensive Plan during periodic review to plan and zone unincorporated communities to comply with OAR 660 Division 22, "UNINCORPORATED COMMUNITIES", the "Unincorporated Community Rule" (UCR). Once updated, any changes in the planning and zoning for the unincorporated communities shall comply with the UCR. The UCR was adopted by the State Land Conservation and Development Commission (LCDC) on October 28, 1994 and became effective on December 5, 1994. The definitions in the UCR for "unincorporated community" and for the four types of unincorporated communities are included in Goal 2

Policy 10 a-b below. Section -0020(3)(a) of the UCR allows counties to plan and zone areas as communities if the, "Land has been acknowledged as an exception area and historically considered to be part of the community." The acknowledged exception areas historically considered by Lane County to be communities are identified in Goal 2 Policy 10 c below.

- a. An "Unincorporated Community" (OAR 660-022-0010(9)) means, "A settlement with these characteristics:
 - i. It is made up of lands subject to an exception to Statewide Planning Goal 3, Goal 4 or both:
 - ii. Prior to the date that OAR 660 Division 22 was adopted, October 28, 1994, it was designated in <u>The Lane County Rural Comprehensive Plan</u> (RCP) as a "Community";
 - iii. It lies outside the urban growth boundary of any city;
 - iv. It is not incorporated as a city; and
 - v. It meets the definition of one of the four types of unincorporated communities in Policy 3 below."
- b. There are four types of unincorporated communities:
 - i. "Rural Community" (OAR 660-022-0010(6)) means, "An unincorporated community which consists primarily of residential uses but also has at least two other land uses that provide commercial, industrial, or public uses (including but not limited to schools, churches, grange halls, post offices) to the community, the surrounding rural area, or to persons traveling through the area.
 - ii. "Resort Community" (OAR 660-022-0010(5)) means, "an unincorporated community that was established primarily for and continues to be used primarily for recreation or resort purposes and that: includes residential and commercial uses; and provides for both temporary and permanent residential occupancy, including overnight lodging and accommodations.
 - iii. "Rural Service Center" (OAR 660-022-0010(7)) means, "An unincorporated community consisting primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some dwellings.
 - iv. "Urban Unincorporated Community" (OAR 660-022-0010(8)) means, "An unincorporated community which has the following characteristics:
 - A. Includes at least 150 permanent dwelling units including manufactured homes:
 - B. Contains a mixture of land uses including three or more public, commercial or industrial land uses;
 - C. Includes areas served by a community sewer system; and
 - D. Includes areas served by a community water system.
- c. On February 29, 1984, Lane County adopted Ordinance No. PA 884. that applied a "community" plan diagram designation and zoning to 35 separate, developed and committed exception areas: Glenada, Cushman, Mapleton, Swisshome, Deadwood, Greenleaf, Triangle Lake, Walton, Blachly, Noti, Elmira, Crow, Franklin, Cheshire, Alvadore, Lorane, Lancaster, London, Saginaw, Goshen, Pleasant Hill, Jasper, Marcola, Trent, Dorena, Culp Creek, Waleterville, Fall Creek, Dexter, Leaburg, Vida, Nimrod, Blue River, Rainbow, McKenzie Bridge.

- d. The following unincorporated communities within the McKenzie Watershed are designated in the RCP as "Unincorporated Rural Communities":
 - i. Marcola,
 - ii. Walterville,
 - iii. Leaburg.
 - iv. Vida,
 - v. Nimrod
 - vi. Blue River,
 - vii. Rainbow, and
 - viii. McKenzie Bridge.
- e. The following unincorporated communities within the Siuslaw Watershed are designated in the RCP as "Unincorporated Rural Communities":
 - i. Glenada,
 - ii. Cushman,
 - iii. Mapleton,
 - iv Swisshome,
 - v. Deadwood,
 - vi. Greenleaf,
 - vii. Triangle Lake,
 - viii. Blachly, and
 - ix. Walton.
- f. The following unincorporated communities within the Long Tom Watershed are designated in the RCP as "Unincorporated Rural Communities":
 - i. Lancaster,
 - ii. Franklin,
 - iii. Cheshire,
 - iv. Alvadore,
 - v. Elmira,
 - vi. Noti,
 - vii. Crow, and
 - viii. Lorane.
- 11. Land use designations and densities appropriate for developed and committed areas shall be determined through compliance with other plan policies and the following criteria:
 - a. A Rural Residential designation shall be applied to developed and committed exception areas which are devoted to rural housing uses as evaluated by the following criteria:
 - i. existing development pattern and density;
 - ii. on-site sewage disposal suitability, or community sewerage;
 - iii. domestic water supply availability;
 - iv. access;
 - V. public services;
 - vi. lack of natural hazards; and
 - vii. effect on resource lands.

Before the RCP plan diagram for an community area is amended to comply with OAR 660 Division 22, densities of 1, 2, 5 or 10 acres shall be applied to represent existing development patterns and to limit problems resulting from a negative evaluation of any of the above criteria.

When the RCP plan diagram for a community area is amended to comply with OAR 660 Division 22, the UC Rule, new dwellings and densities for the creation of new residential lots or parcels shall comply with OAR 660 Division 22, the UC Rule and the with these requirements for specific unincorporated communities:

- i. For the Unincorporated Communities of the McKenzie Watershed, the density for the creation of new lots or parcels shall be:
 - A. Marcola: 1 acre (1998 existing average parcel size = .82 acres);
 - B. Walterville: 2 acres (1998 existing average parcel size = 1.58 acres);
 - C. Leaburg: 2 acres (1998 existing average parcel size = .98 acres);
 - D. Vida: 2 acres or 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173 and located adjacent to or north of Gate Creek Road (1998 existing average parcel size = 1.35 acres);
 - E. Nimrod: 2 acres for areas zoned RR2 prior to the adoption of Ord. PA 1173. 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173. (1998 existing average parcel size = 1.83 acres);
 - F. Blue River: 2 acres for areas zoned RR2 prior to the adoption of Ord. PA 1173. 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173. (1998 average parcel size = 4.56 acres in areas zoned RR5, 2.45 acres in areas zoned RR1 and .65 acres in RA zoned areas);
 - G. Rainbow: 2 acres south of Highway 126, west of Mill Creek Road and north of the McKenzie River. 2 acres in areas zoned RR2 prior to the adoption of Ord. PA 1173. 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173. (The 1998 average parcel size = 1.65 acres); and
 - H. McKenzie Bridge: 2 acres west of bridge, along Highway 126 and Taylor Road, and south of the McKenzie River and along Horse Creek Road. 2 acres in areas zoned RR2 prior to the adoption of Ord. PA 1173. 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173. (The 1998 existing average parcel size = 1.86 acres.).
- ii. For the Unincorporated Communities of the Siuslaw Watershed, the density for the creation of new lots or parcels shall be:
 - A. Glenada: 2 acres. (1998 average parcel size in the Rural Residential Zone was 1.37 acres);
 - B. Cushman: 5 acres. (1998 average parcel size in the Rural Residential Zone was 1.52 acres);
 - C. Mapleton: 1 acre for areas zoned RR1, 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. (1998 average parcel size in the Rural Residential Zone was 1.15 acres);
 - D. Swisshome: 2 acres. (1998 average parcel size in the Rural Residential Zone was 1.74 acres);
 - E. Deadwood: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. (1998 average parcel size in the Rural Residential Zone was 1.96 acres);

- F. Greenleaf: 5 acres. (1998 average parcel size in the Rural Residential Zone was 3.33 acres);
- G. Triangle Lake: 2 acres. (1998 average parcel size in the Rural Residential Zone was 0.68 acres);
- H. Blachly: 2 acres. (1998 average parcel size in the Rural Residential Zone was 0.71 acres); and
- I. Walton: 5 acres. (1998 average parcel size in the Rural Residential Zone was 4.08 acres).
- iii For the Unincorporated Communities of the Long Tom Watershed, the density for the creation of new lots or parcels shall be:
 - A. Lancaster: 5 acres. (1998 average parcel size in the Rural Residential Zone was 1.57 acres);
 - B. Franklin: 1 acre for areas zoned RR1 prior to the adoption of Ord PA 1194. (1998 average parcel size in the Rural Residential Zone was 2.15 acres);
 - C. Cheshire: 1 acre for areas zoned Suburban Residential (RA) prior to the adoption of Ord PA 1194. (1998 average parcel size in the Suburban Residential Zone was 2.86 acres);
 - D. Alvadore: 1 acre for areas zoned Suburban Residential (RA) prior to the adoption of Ord PA 1194. (1998 average parcel size in the Suburban Residential Zone was 1.60 acres);
 - E. Elmira: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. (1998 average parcel size in the Rural Residential Zone was 2.10 acres);
 - F. Crow: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. (1998 average parcel size in the Rural Residential Zone was 2.85 acres):
 - G. Lorane: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. (1998 average parcel size in the Rural Residential Zone was 3.99 acres);
 - H. Noti: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. (1998 average parcel size in the Rural Residential Zone was 2.63 acres).

For developed and committed exception areas designated by the RCP as Rural Residential and located outside of communities or unincorporated communities, new dwellings and densities for the creation of new lots or parcels shall comply with OAR 660-004-0040, <u>Application of Goal 14 (Urbanization) to Rural Residential Areas.</u>

b. A Rural Commercial designation shall be applied to existing uses and/or tracts presently zoned for commercial activities addressing the same criteria as listed for the Rural Residential designation. The Rural Commercial designation shall encompass all commercial activities in the rural area. The range of limited, medium and medium/heavy commercial zoning shall be applicable in areas with a Community designation until the RCP and zoning for the areas are updated to comply with OAR 660 Division 22, the UC Rule. A single rural commercial zone shall be applied to areas updated to comply with OAR 660 Division 22, the UC Rule or with Goal 14.

- c. A Rural Industrial designation shall be applied to existing uses and to tracts presently zoned for industrial activities addressing the same criteria as listed for the rural residential designation. The range of limited, medium and medium/heavy industrial zoning shall be applicable in areas with a Community designation until the RCP and zoning for the areas are updated to comply with OAR 660 Division 22, the UC Rule. A single rural industrial zone shall be applied to areas updated to comply with OAR 660 Division 22, the UC Rule or with Goal 14.
- d. A Park and Recreation designation shall be applied to uses devoted to park and recreational activities (i.e., campgrounds, developed parks, etc.).
- e. A Public Facility designation shall be applied to publicly owned grounds and facilities (i.e., schools, etc.).
- f. An Airport designation shall be applied to existing, developed airport facilities.
- 12. Changes to Plan designations for developed and committed exception areas outside of a Community designation shall be accomplished through the County's Plan Amendment Procedure.
- 13. Until the RCP plan diagram for a "community" is amended to comply with OAR 660 Division 22, the UC Rule, plan refinement within a "Community" designation shall be accomplished by means of rezoning within the "Community" designation, addressing the following criteria:
 - a. The proposed use will not adversely affect the livability or appropriate development of the surrounding area;
 - b. Commercial and industrial activities within 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.
- 14. Until the RCP plan diagram is amended to comply with OAR 660 Division 22, the UC Rule, zone changes for developed and committed exception areas with a Community designation shall be accomplished through the Plan refinement process unless a finding exists that the refinement criteria are either non-applicable to, or satisfied by, the proposed zone change.
- 15. The McKenzie Watershed Land Use Policies below are part of the Rural Comprehensive Plan and shall apply to developed and committed exception lands in the McKenzie Watershed. The Lane County General Plan Policies shall also apply to these developed and committed lands. Where the McKenzie Watershed Land Use Policies are more restrictive than the Lane County General Plan Policies, the McKenzie Watershed Land Use Policies shall apply rather than the Lane County General Plan Policies.
 - a. Recreation and tourism are a few of the multiple uses of the McKenzie valley and are important to the economy of the communities in the McKenzie valley. Recreation resorts are one method to promote recreation and tourism in the McKenzie Valley and should be allowed in compliance with the requirements in LC 16.

- b. Lane County recommends that the approximate federal floodplain elevations for the community of Blue River and nearby developed and committed lands in the McKenzie watershed be updated with more specific and surveyed flood elevations and Federal Emergency Management Agency (FEMA) maps.
- c. Lane County recommends that plans be developed and implemented for the maintenance and repair of the existing on-site sewage disposal systems in the community of Marcola and for the downtown area of the community of Blue River. A more aggressive and long term alternative to the development of such plans would be development of public facility plans for public sewers and updating these community plans to comply with the requirements of the Community Rule for urban unincorporated communities. Another more aggressive and long term alternative would be for these communities to incorporate and to perform the land use planning as cities in compliance with Goal 14.
- d. The former veneer mill site in Blue River (map 29-16-4E, tl 202) is vacant land and, until Lane County's year 2000 periodic review, was designated industrial and zoned Light Industrial, M-2. The industrial designation and M-2 zone allowed the veneer mill to operate as a permitted use and allowed the operation of other industries. The industrial designation and industrial zoning on this land shall be maintained but does not preclude a future change of plan designation and zoning for this land. Any division of this land for the creation of parcels or lots shall demonstrate that the soil of the lots or parcels does not contain any contaminants that pose a hazard to its use.
- e. New rural public facility, commercial, and industrial development within the McKenzie Watershed shall be located inside unincorporated rural communities or outside of unincorporated rural communities in developed and committed areas that were planned and zoned for public facility, commercial or industrial purposes on April 17, 2002.
- 16. New rural public facility, commercial, and industrial development within the Siuslaw Watershed and the Long Tom Watershed shall be located inside unincorporated communities or outside of "Communities" or "U unincorporated C communities" in developed and committed areas that were planned and zoned for public facility, commercial or industrial purposes on April 17, 2002 February 18, 2004. An exception to this policy shall be for plan amendments or zone changes adopted pursuant to Policy 27 - Errors or Omission, and legislative actions adopted by the Board of County Commissioners during a Periodic Review Work Program. New rural industrial development that requires a rural location in order to process a rural resource may be located in a developed and committed area outside of a community. This policy shall be implemented in part through the application of zoning regulations in LC 16 that place greater limits on rural development outside of communities than on rural development inside of communities. Amendments to the Rural Comprehensive Plan to designate new areas for rural commercial, industrial and public facility development shall occur in nodes with similar existing development.
- 17. Lane County shall recognize and incorporate into the Lane County Comprehensive Plan all prior land use applications approved since January 1980 with respect to the Statewide Planning Goals to the extent legally possible.
- 18. Where lands are not farm and forest lands, they may be designated on the plan diagram as rural residential or as parks and recreation, provided:

- a. Detailed and factual documentation has been presented indicating that the subject lands are not farm and forest lands as defined by Statewide Planning Goals #3 and #4.
- b. An exception to any of the Statewide Planning Goals is not required.
- c. Small isolated non-resource tracts surrounded by farm and forest lands shall be discouraged if such non-resource designation would create compatibility problems.
- d. The Rural Residential Designation would be consistent with other Comprehensive Plan Policies.
- 19. Residential densities for non-resource lands shall be one residence per five or ten acres and shall be determined through consistency with other plan policies and the following criteria:
 - a. Existing development pattern and density of any adjacent committed areas;
 - b. Subsurface sewage disposal suitability;
 - c. Domestic water supply availability;
 - d. Access;
 - e. Public service;
 - f. Lack of natural hazards;
 - Effect on resource lands.
- 20. Plan refinements shall be prioritized for purposes of County financial revenue allocation and program planning provided by Lane County for planning services subject to fund availability in the following sequence:
 - a. Performance standards for minimum parcel size determinations within impacted forest lands.
 - b. Performance standards for minimum parcel size determinations within farm lands designated EFU.
 - c. Goal 5 conflict resolution.
 - d. Coastal Lakes.
 - e. Sand & Gravel Study.
- 21. Destination Resorts shall be permitted in Lane County subject to the requirements stated below. For purposes of this Policy, a Destination Resort shall be defined as a multi-use recreational facility which provides a wide range of services to visitors, including but not limited to temporary lodging, meals and related services, gift shop sales, transportation and tours, indoor and outdoor recreation, and on-site entertainment. Specific uses may vary from site to site. A Destination Resort has the following characteristics:
 - a. Location on a site with a high level of amenities;
 - b. Use of a site design which is compatible with the natural and scenic attributes of the site and area, and which emphasized open space and natural one-site conditions;

- c. Provision of visitor-oriented accommodations and recreational facilities, and natural amenities, which serve as the primary attraction for visitors;
- d. Reservation of not less than 75% of living units on the site for only temporary, limited-stay residential use.

Destination Resorts may be developed subject to the following:

- a. Satisfaction of Lane County Plan Amendment requirements, including, where applicable, the fulfillment of LCDC Goal Exception requirements;
- b. Compliance with the provisions of the Lane County "Destination Resort" zoning district.

Destination Resort designations and zoning shall be considered only on a case-by-case basis, and may be evaluated concurrently. No designations or zoning shall occur in the absence of a specific application which addresses the criteria stated above

Prior to the designation of any property in Lane County as a "Destination Resort" under the Statewide Goal 8 guidelines and definitions as implemented in ORS 197.435 – 197.467; Lane County will be required to comply with ORS 197.465 Comprehensive Plan Implementing Measures.

- 22. Sites considered "significant" in terms of OAR 660-16-000 through 660-16-025 but requiring that the Goal #5 ESEE consequences analysis process be delayed (the "IB" option) shall be protected by Lane County through the application of interim protective measures. Such interim protective measures shall be considered and applied at the beginning of the plan refinement process for the "significant" sites and after sufficient information is available regarding the location, quality and quantity of the "significant" sites.
- 23. A cluster subdivision, with the following exceptions, shall be deemed appropriate to a rural area when the criteria below are satisfied. Exceptions to this policy includes cluster subdivision developments which meet the requirements of either A or B, and C.
 - a. (1) Limited to single family residences; and
 - (2) Limited to 10 single family residences; and
 - (3) All lots within the cluster subdivision are five acres in size.

or

- b. (1) Limited to single family residences; and
 - (2) Limited to 10 single family residences; and
 - (3) Lots within the cluster subdivision average, five acres in size and are not less than two acres in size.

<u>and</u>

- c. (1) No further cluster development of the parcel is allowed; and
 - (2) The parcel being developed is not adjacent to another cluster subdivision containing lots less than five acres."

Consistent with the intent and requirements of OAR 660-14-040(2) and (3), a showing must be made that the development will not represent an urban population or demand an urban level of facilities and services. For purpose of meeting this standard, affirmative findings must be made addressing the following:

- a. The level of development represented by the development cannot be reasonably accommodated through the expansion of an existing urban growth boundary or by intensification of development at an existing rural center.
- b. The long-term environmental, economic, social and energy consequences resulting from the development; considering measures designed to mitigate negative impacts, are appropriate to the rural area. Factors to be considered include whether the size of the development is appropriate to the proposed rural area and whether the air, water, energy and land resources of the surrounding area are adequate to serve and are not adversely affected by the development.
- c. The proposed development is compatible with or can be made compatible with adjacent uses considering:
 - (1) Whether the development detracts from the ability of existing cities and service districts to provide services, and
 - (2) Whether the potential for continued resource management of the land at present levels surrounding and nearby the development is assured.
- d. An appropriate level of rural facilities and services are available or can be provided in a timely and efficient manner.
- e. The approval of the development is coordinated with affected jurisdictions and is consistent with the comprehensive plans of the affected jurisdictions and the Lane County Rural Comprehensive Plan.

The development will not:

- a. Generate traffic which will exceed the carrying capacity, as defined by Lane Code Chapter 15, of adjacent public and private roads.
- b. Necessitate a higher level of police service than presently provided to the surrounding area.
- c. Occur within one mile of an existing urban growth boundary and/or share any urban service provided within a neighboring urban growth boundary.
- d. On the whole require an urban level of service.

Reasonable assurances must be provided that the cluster shall not generate students in excess of the capacity of affected facilities within the appropriate school district.

The development represents a concentration of people who generally reside and work in the area.

Deed restrictions which ensure that community water and sewer systems shall remain viable and under private ownership shall be required. Cluster subdivisions which propose to form or use a public water or sewer system shall not be allowed.

Cluster subdivisions shall be limited to residential use. No commercial or industrial uses will be allowed within existing or proposed cluster subdivisions.

All cluster subdivisions must be within an existing Rural Fire Protection District. No other identifiable substantial increase of a public service shall be necessitated by the approval of a cluster subdivision.

- 24. Outside of designated 'Community' areas, all changes to Plan Diagram designations shall be evaluated through the County's Plan Amendment procedure (LC 16.400) and approval based upon fulfillment of criteria therein.
- 25. Each of the land use designations applied to the Plan Diagram shall be implemented by one or more zoning districts, as follows:

Plan Designation	Zone Classification	Abbrev.
Forest Land	Nonimpacted Forest Lands	F-1, RCP
Forest Land	Impacted Forest Lands	F-2, RCP
Agricultural Land	Exclusive Farm Use	E-RCP
Natural Resource	Natural Resource	NR-RCP
Marginal Land	Marginal Lands	ML-RCP
Park and Recreation	Park and Recreation	PR-RCP
Rural Park and Recreation	Rural Park and Recreation	RPR, RCP
Notwithstanding the plan diagram	, areas designated by the plan diagram as Park and	d Recreation,
that are located outside of commu-	nities and inside developed and committed except	tion areas, are
now designated as Rural Park and	Recreation.	
Natural Resource	Quarry & Mining Operations Combining	/QM-RCP
Natural Resource	Sand, Gravel and Rock Products	SG-RCP
Natural Resource	Sand, Gravel & Rock Prod. Processing	/CP-RCP
Public Facility, Community	Public Facility	PF-RCP
Rural Public Facility	Rural Public Facility	RPF, RCP
Notwithstanding the plan diagram	, areas designated by the plan diagram as Public I	acility, that
are located outside of communitie	s and inside developed and committed exception	areas, are now
designated as Rural Public Facility		
Commercial, Community	Limited Commercial	C-1, RCP
Commercial, Community	Neighborhood Commercial	C-2, RCP
Commercial, Community	Commercial	C-3, RCP
Rural Commercial	Rural Commercial	RC, RCP
	, areas designated by the plan diagram as Comme	
	d inside developed and committed exception area	is, are now
designated as Rural Commercial.		
Industrial, Community	Limited Commercial	M-1, RCP
Industrial, Community	Light Commercial	M-2, RCP
Industrial, Community	Heavy Industrial	M-3, RCP
Rural Industrial	Rural Industrial	RI, RCP
	, areas designated by the plan diagram as Industri	
located outside of communities an	d inside developed and committed exception area	is, are now
designated as Rural Industrial.		
Rural, Community	Suburban Residential	RA, RCP
Rural, Community	Garden Apartment Residential	RG, RCP
Rural, Community	Rural Residential	RR, RCP
Rural Residential	Rural Residential	RR, RCP

Notwithstanding the plan diagram, areas designated by the plan diagram as Rural, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Residential.

Destination Resort	DR, RCP
Historic Struc. or Sites Combining	/H-RCP
Natural Estuary	/NE-RCP
Conservation Estuary	/CE-RCP
Development Estuary	/DE-RCP
Significant Nat. Shorelands Comb.	/SN-RCP
Prime Wildlife Shorelands Comb.	/PW-RCP
Natural Resources Conservation Comb.	/NRC-RCP
Res. Devel. Shorelands Combining	/RD-RCP
Shorelands Mixed Devel. Combining	/MD-RCP
Dredge Mat./Mitigation Site Comb.	/DMS-RCP
Beaches and Dunes Combining	/BD-RCP
Floodplain Combing	/FP-RCP
Commercial Airport Safety District	/CAS-RCP
Airport Safety District	/AS-RCP
Airport Operations	/AO-RCP
Rural Residential	RR-RCP
Inmate Work Camp	IWC-RCP
	Historic Struc. or Sites Combining Natural Estuary Conservation Estuary Development Estuary Significant Nat. Shorelands Comb. Prime Wildlife Shorelands Comb. Natural Resources Conservation Comb. Res. Devel. Shorelands Combining Shorelands Mixed Devel. Combining Dredge Mat./Mitigation Site Comb. Beaches and Dunes Combining Floodplain Combing Commercial Airport Safety District Airport Safety District Airport Operations Rural Residential

*NOTE: The "Community" Plan Designation is implemented by various zoning districts as indicated, zones which also implement specific Plan designations other than "Community". A suffix "/C" shall be used in combination with these zoning abbreviations to denote the zoning inside unincorporated community plans adopted to comply with OAR 660 Division 22, the UC Rule: RR, RC, RI, RPF, and RPR.

- 26. Exceptions to resource goals shall be required for transmission line right-of-ways when in excess of fifty (50) feet.
- 27. Errors or Omissions. Lane County will annually initiate and process applications to correct identified errors or omissions in the RCP Official Plan and Zoning Plots resulting from the Official Plan or Zoning Plots not recognizing lawfully existing (in terms of the zoning) uses or from inconsistencies between the Official Plan and Zoning Plots. Changes to correct errors or omissions shall comply with the procedures and requirements of Lane Code Chapter 12 (Comprehensive Plan), Chapter 14 (Application Review and Appeal Procedures), and Chapter 16 (Land Use & Development Code), except as provided for in 27 c. and d., below.
 - a. Circumstances qualifying for consideration by the Board of Commissioners under the Errors or Omission Policy may include one or more of the following:
 - i. Lawful, structural development existing prior to September 12, 1984 and use of the structure(s) at the time qualified as an allowable use in a developed & committed zone designation other than that designated for the land on an Official Plan or Zoning Plot.
 - ii. Failure to zone a property Impacted Forest Land (F-2, RCP), where maps used by staff to designate the property Nonimpacted Forest Land (F-1, RCP) zone did not display actual existing legal lots adjacent to or within the subject

- property, and had the actual parcelization pattern been available to County staff, the Goal 4 policies would have dictated the F-2 zone.
- iii. A property was actively managed primarily as either an agricultural or forestry operation in 1984 and since, and a resource designation other than the primary use was adopted on an Official Plan or Zoning Plot in 1984.
- iv. Correction of a scrivener error on an adopted Official Plan or Zoning Plot.
- v. Correction of an incompatible split-zoning of a legal lot resulting from a survey boundary line error that was discovered after September 12, 1984.
- vi. Compliance by a public jurisdiction or agency with a deed restriction on public land.
- vii. Correction of an inconsistency between the text of an order or ordinance adopted by the Board of Commissioners and an Official Plan or Zoning diagram.
- viii. A circumstance other than as listed in <u>Policy</u> 27. a. i.-vii. above, which the Planning Commission elects to forward a favorable recommendation for consideration by the Board of Commissioners.
- b. Errors or omissions in the Official Plan and Zoning Plots shall not include circumstances requiring that a committed exception be taken or situations involving the designation of Marginal or Nonresource Lands.
- c. By September 30th of each year, property owners who believe that they have errors or omissions in the official plan or zoning of their property and who want those errors corrected shall submit to the Planning Director a completed Lane County Errors or Omission Application Conformity Determination Amendment application. Within 45 days of receipt of the application, the Director shall review the application for completeness and provide the applicant with a written notice that explains why the application was accepted or not accepted. The Director shall not accept incomplete applications or applications for changes that do not qualify as errors or omissions pursuant to one or more of the criteria of Policy 27. a. i-viii above; and
- d. By March 31st of each year, Lane County shall conduct the first public hearings with the Lane County Planning Commission for all pending errors or omission <u>Conformity Determination Amendment</u> applications accepted within the deadline specified in Policy 27 c., above.
- e. To partly defray the expense in processing the errors or omission application, a fee shall be charged the applicant. The fee shall be established by order of the Board of County Commissioners.

Ordinance PA 1194

GOAL TWO: LAND USE PLANNING

- 1. The purpose of the revised Lane County Comprehensive Plan shall be to provide information to assist public and private decision-making, and to meet the requirement of Oregon State Planning Goals and associated laws.
- 2. The Policies shall provide the direction for County growth and development and programs for dealing with planning issues; the Plan Diagrams shall be specific graphic descriptions of proposed land use throughout the County, and shall be the primary basis for zoning decisions.
- 3. All products of the County Planning process shall be made available for public review and comment and shall be adopted through the hearings process.
- 4. The County shall be divided into two sub-County regions: the Coastal Region and the Inland Region. Each region shall have its own Plan Diagram. The dividing line shall be the summit of the Coast Range.
- 5. The Lane County Planning Commission shall have primary advisory authority to the Board of County Commissioners for and Countywide land use policy issues.
- 6. The revised General Plan shall have primary jurisdiction in all areas of the County outside the incorporated City Urban Growth Boundaries and the Plan Boundary shown on the Eugene-Springfield Metropolitan Area Plan Diagram (which includes UGB plus additional territory).
- 7. The Planning period for the revised Plan shall be 20 years with revisions and update to occur every five years, beginning five years from the date of adoption.
- 8. It shall be the policy of the County to systemize and streamline the existing Plan Amendment process, to make the process more efficient and more responsive to individual needs. This will be accomplished by future amendment of the Lane Code.
- 9. Exceptions to LCDC Goals (i.e., a determination that it is not possible to apply an appropriate goal to a specific property) shall be in accordance with OAR 660-04-000 (Coal 2 Exception Process) and shall only be taken at times of Plan adoption of amendment.
- 10. Lane County shall update the Rural Comprehensive Plan during periodic review to plan and zone unincorporated communities to comply with OAR 660 Division 22, "UNINCORPORATED COMMUNITIES", the "Unincorporated Community Rule" (UCR). Once updated, any changes in the planning and zoning for the unincorporated communities shall comply with the UCR. The UCR was adopted by the State Land Conservation and Development Commission (LCDC) on October 28, 1994 and became

effective on December 5, 1994. The definitions in the UCR for "unincorporated community" and for the four types of unincorporated communities are included in Goal 2 Policy 10 a-b below. Section -0020(3)(a) of the UCR allows counties to plan and zone areas as communities if the, "Land has been acknowledged as an exception area and historically considered to be part of the community." The acknowledged exception areas historically considered by Lane County to be communities are identified in Goal 2 Policy 10 c below.

- a. An "Unincorporated Community" (OAR 660-022-0010(9)) means, "A settlement with these characteristics:
 - It is made up of lands subject to an exception to Statewide Planning Goal 3, Goal 4 or both;
 - ii. Prior to the date that OAR 660 Division 22 was adopted, October 28, 1994, it was designated in <u>The Lane County Rural Comprehensive Plan</u> (RCP) as a "Community";
 - iii. It lies outside the urban growth boundary of any city;
 - iv. It is not incorporated as a city; and
 - v. It meets the definition of one of the four types of unincorporated communities in Policy 3 below."
- b. There are four types of unincorporated communities:
 - i. "Rural Community" (OAR 660-022-0010(6)) means, "An unincorporated community which consists primarily of residential uses but also has at least two other land uses that provide commercial, industrial, or public uses (including but not limited to schools, churches, grange halls, post offices) to the community, the surrounding rural area, or to persons traveling through the area.
 - ii. "Resort Community" (OAR 660-022-0010(5)) means, "an unincorporated community that was established primarily for and continues to be used primarily for recreation or resort purposes and that: includes residential and commercial uses; and provides for both temporary and permanent residential occupancy, including overnight lodging and accommodations.
 - iii. "Rural Service Center" (OAR 660-022-0010(7)) means, "An unincorporated community consisting primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some dwellings.
 - iv. "Urban Unincorporated Community" (OAR 660-022-0010(8)) means, "An unincorporated community which has the following characteristics:
 - A. Includes at least 150 permanent dwelling units including manufactured homes:
 - B. Contains a mixture of land uses including three or more public, commercial or industrial land uses;
 - C. Includes areas served by a community sewer system; and
 - D. Includes areas served by a community water system.
- c. On February 29, 1984, Lane County adopted Ordinance No. PA 884. that applied a "community" plan diagram designation and zoning to 35 separate, developed and committed exception areas: Glenada, Cushman, Mapleton, Swisshome, Deadwood, Greenleaf, Triangle Lake, Walton, Blachly, Noti, Elmira, Crow, Franklin, Cheshire, Alvadore, Lorane, Lancaster, London, Saginaw, Goshen, Pleasant Hill, Jasper,

Marcola, Trent, Dorena, Culp Creek, Walterville, Fall Creek, Dexter, Leaburg, Vida, Nimrod, Blue River, Rainbow, McKenzie Bridge.

- d. The following unincorporated communities within the McKenzie Watershed are designated in the RCP as "Unincorporated Rural Communities":
 - i. Marcola,
 - ii. Walterville,
 - iii. Leaburg.
 - iv. Vida,
 - v. Nimrod
 - vi. Blue River,
 - vii. Rainbow, and
 - viii. McKenzie Bridge.
- e. The following unincorporated communities within the Siuslaw Watershed are designated in the RCP as "Unincorporated Rural Communities":
 - i. Glenada.
 - ii. Cushman,
 - iii. Mapleton,
 - iv Swisshome,
 - v. Deadwood,
 - vi. Greenleaf,
 - vii. Triangle Lake,
 - viii. Blachly, and
 - ix. Walton.
- f. The following unincorporated communities within the Long Tom Watershed are designated in the RCP as "Unincorporated Rural Communities":
 - i. Lancaster,
 - ii. Franklin,
 - iii. Cheshire,
 - iv. Alvadore,
 - v. Elmira,
 - vi. Noti,
 - vii. Crow, and
 - viii. Lorane.
- 11. Land use designations and densities appropriate for developed and committed areas shall be determined through compliance with other plan policies and the following criteria:
 - a. A Rural Residential designation shall be applied to developed and committed exception areas which are devoted to rural housing uses as evaluated by the following criteria:
 - i. existing development pattern and density;
 - ii. on-site sewage disposal suitability, or community sewerage;
 - iii. domestic water supply availability;
 - iv. access;
 - V. public services;
 - vi. lack of natural hazards; and

vii. effect on resource lands.

Before the RCP plan diagram for an community area is amended to comply with OAR 660 Division 22, densities of 1, 2, 5 or 10 acres shall be applied to represent existing development patterns and to limit problems resulting from a negative evaluation of any of the above criteria.

When the RCP plan diagram for a community area is amended to comply with OAR 660 Division 22, the UC Rule, new dwellings and densities for the creation of new residential lots or parcels shall comply with OAR 660 Division 22, the UC Rule and the with these requirements for specific unincorporated communities:

- i. For the Unincorporated Communities of the McKenzie Watershed, the density for the creation of new lots or parcels shall be:
 - A. Marcola: 1 acre (1998 existing average parcel size = .82 acres);
 - B. Walterville: 2 acres (1998 existing average parcel size = 1.58 acres);
 - C. Leaburg: 2 acres (1998 existing average parcel size = .98 acres);
 - D. Vida: 2 acres or 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173 and located adjacent to or north of Gate Creek Road (1998 existing average parcel size = 1.35 acres);
 - E. Nimrod: 2 acres for areas zoned RR2 prior to the adoption of Ord. PA 1173. 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173. (1998 existing average parcel size = 1.83 acres);
 - F. Blue River: 2 acres for areas zoned RR2 prior to the adoption of Ord. PA 1173. 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173. (1998 average parcel size = 4.56 acres in areas zoned RR5, 2.45 acres in areas zoned RR1 and .65 acres in RA zoned areas);
 - G. Rainbow: 2 acres south of Highway 126, west of Mill Creek Road and north of the McKenzie River. 2 acres in areas zoned RR2 prior to the adoption of Ord. PA 1173. 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173. (The 1998 average parcel size = 1.65 acres); and
 - H. McKenzie Bridge: 2 acres west of bridge, along Highway 126 and Taylor Road, and south of the McKenzie River and along Horse Creek Road. 2 acres in areas zoned RR2 prior to the adoption of Ord. PA 1173. 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173. (*The 1998 existing average parcel size* = 1.86 acres.).
- ii. For the Unincorporated Communities of the Siuslaw Watershed, the density for the creation of new lots or parcels shall be:
 - A. Glenada: 2 acres. (1998 average parcel size in the Rural Residential Zone was 1.37 acres);
 - B. Cushman: 5 acres. (1998 average parcel size in the Rural Residential Zone was 1.52 acres);
 - C. Mapleton: 1 acre for areas zoned RR1, 2 acres for areas zoned RR2, and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. (1998 average parcel size in the Rural Residential Zone was 1.15 acres);
 - D. Swisshome: 2 acres. (1998 average parcel size in the Rural Residential Zone was 1.74 acres);

- E. Deadwood: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. (1998 average parcel size in the Rural Residential Zone was 1.96 acres);
- F. Greenleaf: 5 acres. (1998 average parcel size in the Rural Residential Zone was 3.33 acres);
- G. Triangle Lake: 2 acres. (1998 average parcel size in the Rural Residential Zone was 0.68 acres);
- H. Blachly: 2 acres. (1998 average parcel size in the Rural Residential Zone was 0.71 acres); and
- I. Walton: 5 acres. (1998 average parcel size in the Rural Residential Zone was 4.08 acres).
- iii For the Unincorporated Communities of the Long Tom Watershed, the density for the creation of new lots or parcels shall be:
 - A. Lancaster: 5 acres. (1998 average parcel size in the Rural Residential Zone was 1.57 acres);
 - B. Franklin: 1 acre for areas zoned RR1 prior to the adoption of Ord PA 1194. (1998 average parcel size in the Rural Residential Zone was 2.15 acres):
 - C. Cheshire: 1 acre for areas zoned Suburban Residential (RA) prior to the adoption of Ord PA 1194. (1998 average parcel size in the Suburban Residential Zone was 2.86 acres);
 - D. Alvadore: 1 acre for areas zoned Suburban Residential (RA) prior to the adoption of Ord PA 1194. (1998 average parcel size in the Suburban Residential Zone was 1.60 acres);
 - E. Elmira: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. (1998 average parcel size in the Rural Residential Zone was 2.10 acres);
 - F. Crow: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. (1998 average parcel size in the Rural Residential Zone was 2.85 acres);
 - G. Lorane: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. (1998 average parcel size in the Rural Residential Zone was 3.99 acres):
 - H. Noti: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. (1998 average parcel size in the Rural Residential Zone was 2.63 acres).

For developed and committed exception areas designated by the RCP as Rural Residential and located outside of communities or unincorporated communities, new dwellings and densities for the creation of new lots or parcels shall comply with OAR 660-004-0040, <u>Application of Goal 14 (Urbanization) to Rural Residential Areas.</u>

b. A Rural Commercial designation shall be applied to existing uses and/or tracts presently zoned for commercial activities addressing the same criteria as listed for the Rural Residential designation. The Rural Commercial designation shall encompass all commercial activities in the rural area. The range of limited, medium and medium/heavy commercial zoning shall be applicable in areas with a Community designation until the RCP and zoning for the areas are updated to

- comply with OAR 660 Division 22, the UC Rule. A single rural commercial zone shall be applied to areas updated to comply with OAR 660 Division 22, the UC Rule or with Goal 14.
- c. A Rural Industrial designation shall be applied to existing uses and to tracts presently zoned for industrial activities addressing the same criteria as listed for the rural residential designation. The range of limited, medium and medium/heavy industrial zoning shall be applicable in areas with a Community designation until the RCP and zoning for the areas are updated to comply with OAR 660 Division 22, the UC Rule. A single rural industrial zone shall be applied to areas updated to comply with OAR 660 Division 22, the UC Rule or with Goal 14.
- d. A Park and Recreation designation shall be applied to uses devoted to park and recreational activities (i.e., campgrounds, developed parks, etc.).
- e. A Public Facility designation shall be applied to publicly owned grounds and facilities (i.e., schools, etc.).
- f. An Airport designation shall be applied to existing, developed airport facilities.
- 12. Changes to Plan designations for developed and committed exception areas outside of a Community designation shall be accomplished through the County's Plan Amendment Procedure.
- 13. Until the RCP plan diagram for a "community" is amended to comply with OAR 660 Division 22, the UC Rule, plan refinement within a "Community" designation shall be accomplished by means of rezoning within the "Community" designation, addressing the following criteria:
 - a. The proposed use will not adversely affect the livability or appropriate development of the surrounding area;
 - b. Commercial and industrial activities within 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.
- 14. Until the RCP plan diagram is amended to comply with OAR 660 Division 22, the UC Rule, zone changes for developed and committed exception areas with a Community designation shall be accomplished through the Plan refinement process unless a finding exists that the refinement criteria are either non-applicable to, or satisfied by, the proposed zone change.
- 15. The McKenzie Watershed Land Use Policies below are part of the Rural Comprehensive Plan and shall apply to developed and committed exception lands in the McKenzie Watershed. The Lane County General Plan Policies shall also apply to these developed and committed lands. Where the McKenzie Watershed Land Use Policies are more restrictive than the Lane County General Plan Policies, the McKenzie Watershed Land Use Policies shall apply rather than the Lane County General Plan Policies.
 - a. Recreation and tourism are a few of the multiple uses of the McKenzie valley and are important to the economy of the communities in the McKenzie valley.

- Recreation resorts are one method to promote recreation and tourism in the McKenzie Valley and should be allowed in compliance with the requirements in LC 16.
- b. Lane County recommends that the approximate federal floodplain elevations for the community of Blue River and nearby developed and committed lands in the McKenzie watershed be updated with more specific and surveyed flood elevations and Federal Emergency Management Agency (FEMA) maps.
- c. Lane County recommends that plans be developed and implemented for the maintenance and repair of the existing on-site sewage disposal systems in the community of Marcola and for the downtown area of the community of Blue River. A more aggressive and long term alternative to the development of such plans would be development of public facility plans for public sewers and updating these community plans to comply with the requirements of the Community Rule for urban unincorporated communities. Another more aggressive and long term alternative would be for these communities to incorporate and to perform the land use planning as cities in compliance with Goal 14.
- d. The former veneer mill site in Blue River (map 29-16-4E, tl 202) is vacant land and, until Lane County's year 2000 periodic review, was designated industrial and zoned Light Industrial, M-2. The industrial designation and M-2 zone allowed the veneer mill to operate as a permitted use and allowed the operation of other industries. The industrial designation and industrial zoning on this land shall be maintained but does not preclude a future change of plan designation and zoning for this land. Any division of this land for the creation of parcels or lots shall demonstrate that the soil of the lots or parcels does not contain any contaminants that pose a hazard to its use.
- e. New rural public facility, commercial, and industrial development within the McKenzie Watershed shall be located inside unincorporated rural communities or outside of unincorporated rural communities in developed and committed areas that were planned and zoned for public facility, commercial or industrial purposes on April 17, 2002.
- 16. New rural public facility, commercial, and industrial development within the Siuslaw Watershed and the Long Tom Watershed shall be located inside unincorporated communities or outside of unincorporated communities in developed and committed areas that were planned and zoned for public facility, commercial or industrial purposes on February 18, 2004. An exception to this policy shall be for plan amendments or zone changes adopted pursuant to Policy 27 Errors or Omission, and legislative actions adopted by the Board of County Commissioners during a Periodic Review Work Program. New rural industrial development that requires a rural location in order to process a rural resource may be located in a developed and committed area outside of a community. This policy shall be implemented in part through the application of zoning regulations in LC 16 that place greater limits on rural development outside of communities than on rural development inside of communities. Amendments to the Rural Comprehensive Plan to designate new areas for rural commercial, industrial and public facility development shall occur in nodes with similar existing development.
- 17. Lane County shall recognize and incorporate into the Lane County Comprehensive Plan all prior land use applications approved since January 1980 with respect to the Statewide Planning Goals to the extent legally possible.

- 18. Where lands are not farm and forest lands, they may be designated on the plan diagram as rural residential or as parks and recreation, provided:
 - a. Detailed and factual documentation has been presented indicating that the subject lands are not farm and forest lands as defined by Statewide Planning Goals #3 and #4.
 - b. An exception to any of the Statewide Planning Goals is not required.
 - c. Small isolated non-resource tracts surrounded by farm and forest lands shall be discouraged if such non-resource designation would create compatibility problems.
 - d. The Rural Residential Designation would be consistent with other Comprehensive Plan Policies.
- 19. Residential densities for non-resource lands shall be one residence per five or ten acres and shall be determined through consistency with other plan policies and the following criteria:
 - a. Existing development pattern and density of any adjacent committed areas;
 - b. Subsurface sewage disposal suitability;
 - c. Domestic water supply availability;
 - d. Access:
 - e. Public service;
 - f. Lack of natural hazards;
 - Effect on resource lands.
- 20. Plan refinements shall be prioritized for purposes of County financial revenue allocation and program planning provided by Lane County for planning services subject to fund availability in the following sequence:
 - a. Performance standards for minimum parcel size determinations within impacted forest lands.
 - b. Performance standards for minimum parcel size determinations within farm lands designated EFU.
 - c. Goal 5 conflict resolution.
 - d. Coastal Lakes.
 - e. Sand & Gravel Study.
- 21. Destination Resorts shall be permitted in Lane County subject to the requirements stated below. For purposes of this Policy, a Destination Resort shall be defined as a multi-use recreational facility which provides a wide range of services to visitors, including but not limited to temporary lodging, meals and related services, gift shop sales, transportation and tours, indoor and outdoor recreation, and on-site entertainment. Specific uses may vary from site to site. A Destination Resort has the following characteristics:
 - a. Location on a site with a high level of amenities;

- b. Use of a site design which is compatible with the natural and scenic attributes of the site and area, and which emphasized open space and natural one-site conditions;
- c. Provision of visitor-oriented accommodations and recreational facilities, and natural amenities, which serve as the primary attraction for visitors;
- d. Reservation of not less than 75% of living units on the site for only temporary, limited-stay residential use.

Destination Resorts may be developed subject to the following:

- a. Satisfaction of Lane County Plan Amendment requirements, including, where applicable, the fulfillment of LCDC Goal Exception requirements;
- b. Compliance with the provisions of the Lane County "Destination Resort" zoning district.

Destination Resort designations and zoning shall be considered only on a case-by-case basis, and may be evaluated concurrently. No designations or zoning shall occur in the absence of a specific application which addresses the criteria stated above.

Prior to the designation of any property in Lane Countyas a "Destination Resort" under the Statewide Goal 8 guidelines and definitions as implemented in ORS 197.435 — 197.467; Lane County will be required to comply with ORS 197.465 <u>Comprehensive</u> Plan Implementing Measures.

- 22. Sites considered "significant" in terms of OAR 660-16-000 through 660-16-025 but requiring that the Goal #5 ESEE consequences analysis process be delayed (the "IB" option) shall be protected by Lane County through the application of interim protective measures. Such interim protective measures shall be considered and applied at the beginning of the plan refinement process for the "significant" sites and after sufficient information is available regarding the location, quality and quantity of the "significant" sites.
- 23. A cluster subdivision, with the following exceptions, shall be deemed appropriate to a rural area when the criteria below are satisfied. Exceptions to this policy includes cluster subdivision developments which meet the requirements of either A or B, and C.
 - a. (1) Limited to single family residences; and
 - (2) Limited to 10 single family residences; and
 - (3) All lots within the cluster subdivision are five acres in size.

<u>or</u>

- b. (1) Limited to single family residences; and
 - (2) Limited to 10 single family residences; and
 - (3) Lots within the cluster subdivision average, five acres in size and are not less than two acres in size.

and

- c. (1) No further cluster development of the parcel is allowed; and
 - (2) The parcel being developed is not adjacent to another cluster subdivision containing lots less than five acres."

Consistent with the intent and requirements of OAR 660-14-040(2) and (3), a showing must be made that the development will not represent an urban population or demand an urban level of facilities and services. For purpose of meeting this standard, affirmative findings must be made addressing the following:

- a. The level of development represented by the development cannot be reasonably accommodated through the expansion of an existing urban growth boundary or by intensification of development at an existing rural center.
- b. The long-term environmental, economic, social and energy consequences resulting from the development; considering measures designed to mitigate negative impacts, are appropriate to the rural area. Factors to be considered include whether the size of the development is appropriate to the proposed rural area and whether the air, water, energy and land resources of the surrounding area are adequate to serve and are not adversely affected by the development.
- c. The proposed development is compatible with or can be made compatible with adjacent uses considering:
 - (1) Whether the development detracts from the ability of existing cities and service districts to provide services, and
 - (2) Whether the potential for continued resource management of the land at present levels surrounding and nearby the development is assured.
- d. An appropriate level of rural facilities and services are available or can be provided in a timely and efficient manner.
- e. The approval of the development is coordinated with affected jurisdictions and is consistent with the comprehensive plans of the affected jurisdictions and the Lane County Rural Comprehensive Plan.

The development will not:

- a. Generate traffic which will exceed the carrying capacity, as defined by Lane Code Chapter 15, of adjacent public and private roads.
- b. Necessitate a higher level of police service than presently provided to the surrounding area.
- c. Occur within one mile of an existing urban growth boundary and/or share any urban service provided within a neighboring urban growth boundary.
- d. On the whole require an urban level of service.

Reasonable assurances must be provided that the cluster shall not generate students in excess of the capacity of affected facilities within the appropriate school district.

The development represents a concentration of people who generally reside and work in the area.

Deed restrictions which ensure that community water and sewer systems shall remain viable and under private ownership shall be required. Cluster subdivisions which propose to form or use a public water or sewer system shall not be allowed.

Cluster subdivisions shall be limited to residential use. No commercial or industrial uses will be allowed within existing or proposed cluster subdivisions.

All cluster subdivisions must be within an existing Rural Fire Protection District. No other identifiable substantial increase of a public service shall be necessitated by the approval of a cluster subdivision.

- 24. Outside of designated 'Community' areas, all changes to Plan Diagram designations shall be evaluated through the County's Plan Amendment procedure (LC 16.400) and approval based upon fulfillment of criteria therein.
- 25. Each of the land use designations applied to the Plan Diagram shall be implemented by one or more zoning districts, as follows:

Plan Designation	Zone Classification	Abbrev.
Forest Land	Nonimpacted Forest Lands	F-1, RCP
Forest Land	Impacted Forest Lands	F-2, RCP
Agricultural Land	Exclusive Farm Use	E-RCP
Natural Resource	Natural Resource	NR-RCP
Marginal Land	Marginal Lands	ML-RCP
Park and Recreation	Park and Recreation	PR-RCP
Rural Park and Recreation	Rural Park and Recreation	RPR, RCP
Notwithstanding the plan diagram	n, areas designated by the plan diagram as Park ar	nd Recreation,
that are located outside of comm	unities and inside developed and committed excep	tion areas, are
now designated as Rural Park and	d Recreation.	
Natural Resource	Quarry & Mining Operations Combining	/QM-RCP
Natural Resource	Sand, Gravel and Rock Products	SG-RCP
Natural Resource	Sand, Gravel & Rock Prod. Processing	/CP-RCP
Public Facility, Community	Public Facility	PF-RCP
Rural Public Facility	Rural Public Facility	RPF, RCP
Notwithstanding the plan diagram	n, areas designated by the plan diagram as Public	Facility, that
are located outside of communiti	es and inside developed and committed exception	areas, are now
designated as Rural Public Facili	ty.	
Commercial, Community	Limited Commercial	C-1, RCP
Commercial, Community	Neighborhood Commercial	C-2, RCP
Commercial, Community	Commercial	C-3, RCP
Rural Commercial	Rural Commercial	RC, RCP
Notwithstanding the plan diagran	n, areas designated by the plan diagram as Comm	ercial, that are
located outside of communities a	nd inside developed and committed exception are	as, are now
designated as Rural Commercial.		
Industrial, Community	Limited Commercial	M-1, RCP
Industrial, Community	Light Commercial	M-2, RCP
Industrial, Community	Heavy Industrial	M-3, RCP
Rural Industrial	Rural Industrial	RI, RCP

Notwithstanding the plan diagram, areas designated by the plan diagram as Industrial, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Industrial.

Rural, Community	Suburban Residential	RA, RCP
Rural, Community	Garden Apartment Residential	RG, RCP
Rural, Community	Rura1 Residential	RR, RCP
Rural Residential	Rural Residential	RR, RCP

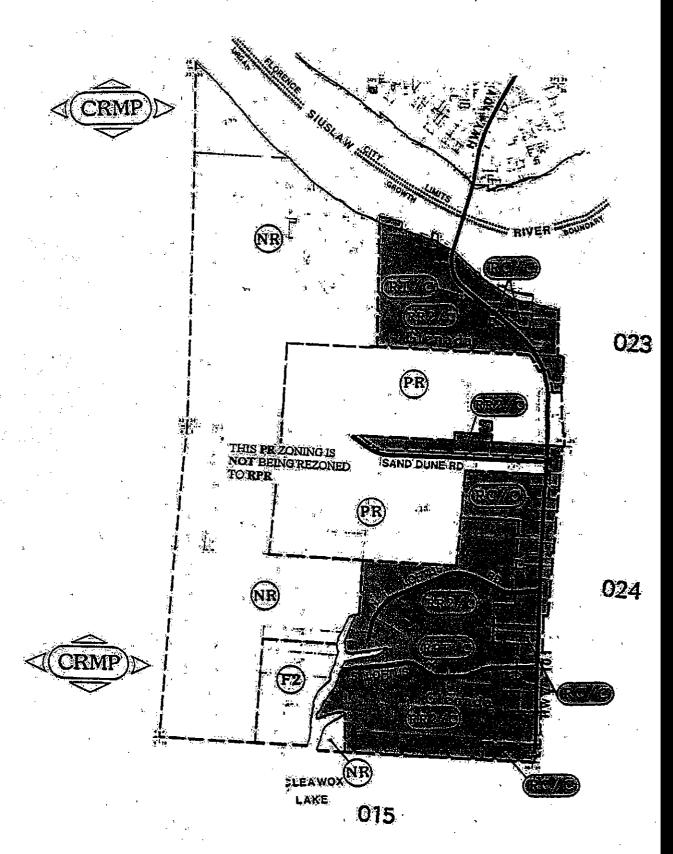
Notwithstanding the plan diagram, areas designated by the plan diagram as Rural, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Residential.

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Destination Resort	Destination Resort	DR, RCP
Historic Structure/Site	Historic Struc. or Sites Combining	/H-RCP
Natural Estuary	Natural Estuary	/NE-RCP
Conservation Estuary	Conservation Estuary	/CE-RCP
Development Estuary	Development Estuary	/DE-RCP
Sign. Natural Shorelands	Significant Nat. Shorelands Comb.	/SN-RCP
Prime Wildlife	Prime Wildlife Shorelands Comb.	/PW-RCP
Natural Resources Consv.	Natural Resources Conservation Comb.	/NRC-RCP
Residential Development	Res. Devel. Shorelands Combining	/RD-RCP
Shorelands Mixed Develop	Shorelands Mixed Devel. Combining	/MD-RCP
Dredge Material/Mitigation	Dredge Mat./Mitigation Site Comb.	/DMS-RCP
Beaches & Dunes	Beaches and Dunes Combining	/BD-RCP
	Floodplain Combing	/FP-RCP
Airport	Commercial Airport Safety District	/CAS-RCP
Airport	Airport Safety District	/AS-RCP
Airport	Airport Operations	/AO-RCP
Nonresource	Rural Residential	RR-RCP
Public Facility	Inmate Work Camp	IWC-RCP

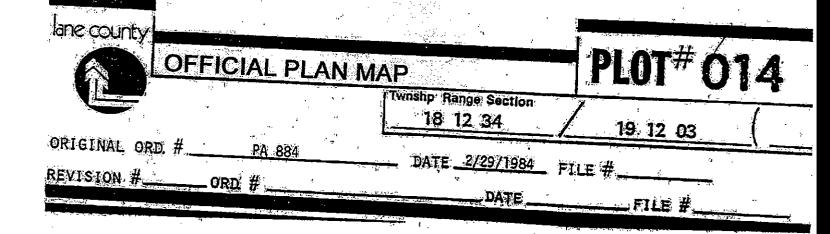
- *NOTE: The "Community" Plan Designation is implemented by various zoning districts as indicated, zones which also implement specific Plan designations other than "Community". A suffix "/C" shall be used in combination with these zoning abbreviations to denote the zoning inside unincorporated community plans adopted to comply with OAR 660 Division 22, the UC Rule: RR, RC, RI, RPF, and RPR.
- 26. Exceptions to resource goals shall be required for transmission line right-of-ways when in excess of fifty (50) feet.
- 27. Errors or Omissions. Lane County will annually initiate and process applications to correct identified errors or omissions in the RCP Official Plan and Zoning Plots resulting from the Official Plan or Zoning Plots not recognizing lawfully existing (in terms of the zoning) uses or from inconsistencies between the Official Plan and Zoning Plots. Changes to correct errors or omissions shall comply with the procedures and requirements of Lane Code Chapter 12 (Comprehensive Plan), Chapter 14 (Application Review and Appeal Procedures), and Chapter 16 (Land Use & Development Code), except as provided for in 27 c. and d., below.
 - a. Circumstances qualifying for consideration by the Board of Commissioners under the Errors or Omission Policy may include one or more of the following:
 - i. Lawful, structural development existing prior to September 12, 1984 and use of the structure(s) at the time qualified as an allowable use in a developed &

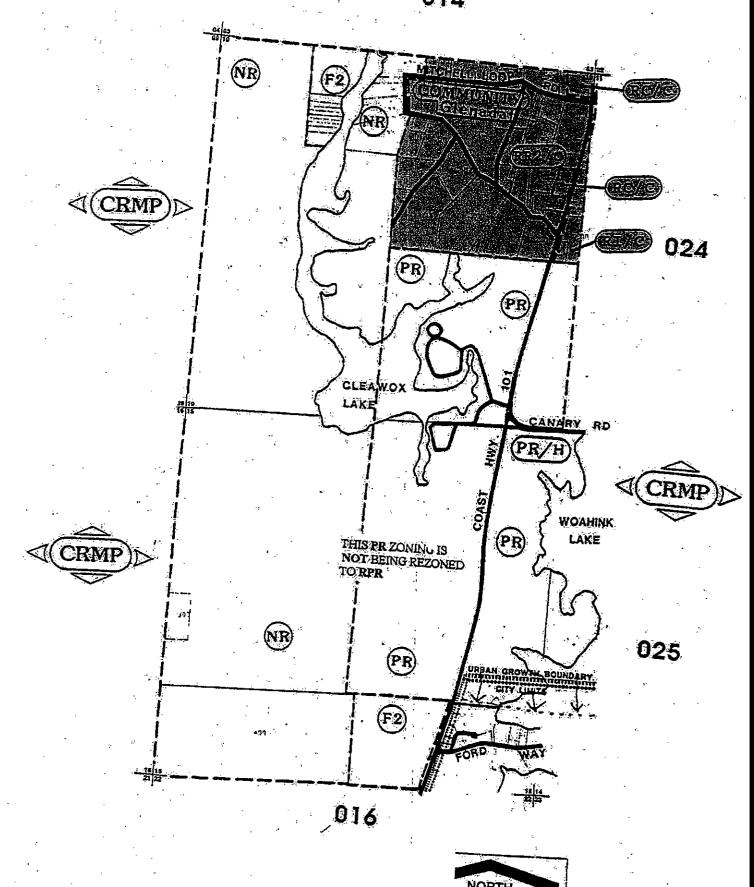
- committed zone designation other than that designated for the land on an Official Plan or Zoning Plot.
- ii. Failure to zone a property Impacted Forest Land (F-2, RCP), where maps used by staff to designate the property Nonimpacted Forest Land (F-1, RCP) zone did not display actual existing legal lots adjacent to or within the subject property, and had the actual parcelization pattern been available to County staff, the Goal 4 policies would have dictated the F-2 zone.
- iii. A property was actively managed primarily as either an agricultural or forestry operation in 1984 and since, and a resource designation other than the primary use was adopted on an Official Plan or Zoning Plot in 1984.
- iv. Correction of a scrivener error on an adopted Official Plan or Zoning Plot.
- v. Correction of an incompatible split-zoning of a legal lot resulting from a survey boundary line error that was discovered after September 12, 1984.
- vi. Compliance by a public jurisdiction or agency with a deed restriction on public land.
- vii. Correction of an inconsistency between the text of an order or ordinance adopted by the Board of Commissioners and an Official Plan or Zoning diagram.
- viii. A circumstance other than as listed in Policy 27. a. i.-vii. above, which the Planning Commission elects to forward a favorable recommendation for consideration by the Board of Commissioners.
- b. Errors or omissions in the Official Plan and Zoning Plots shall not include circumstances requiring that a committed exception be taken or situations involving the designation of Marginal or Nonresource Lands.
- c. By September 30th of each year, property owners who believe that they have errors or omissions in the official plan or zoning of their property and who want those errors corrected shall submit to the Planning Director a completed Conformity Determination Amendment application. Within 45 days of receipt of the application, the Director shall review the application for completeness and provide the applicant with a written notice that explains why the application was accepted or not accepted. The Director shall not accept incomplete applications or applications for changes that do not qualify pursuant to one or more of the criteria of Policy 27. a. i-viii above; and
- d. By March 31st of each year, Lane County shall conduct the first public hearings with the Lane County Planning Commission for all pending Conformity Determination Amendment applications accepted within the deadline specified in Policy 27 c., above.
- e. To partly defray the expense in processing the errors or omission application, a fee shall be charged the applicant. The fee shall be established by order of the Board of County Commissioners.

Official Plan Maps: Amended











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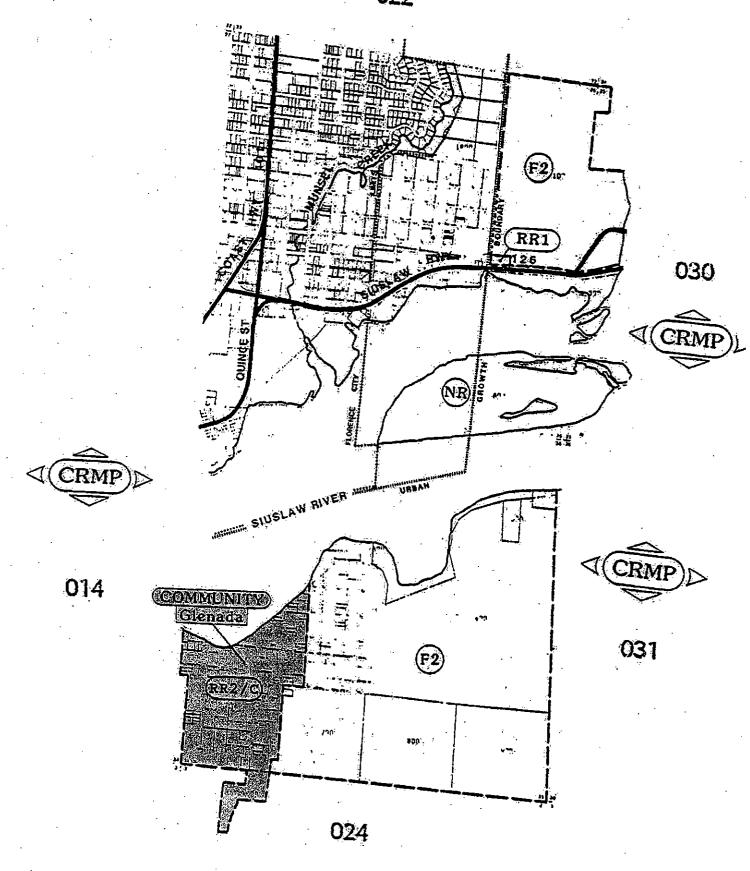
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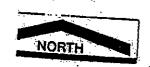
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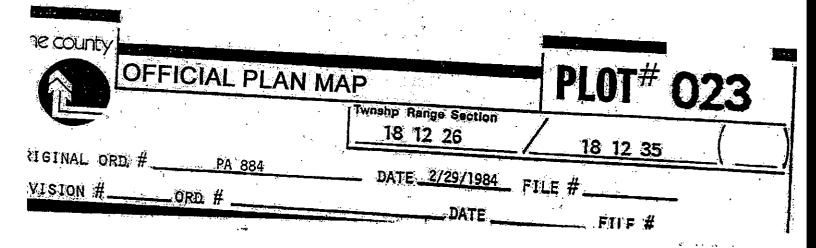
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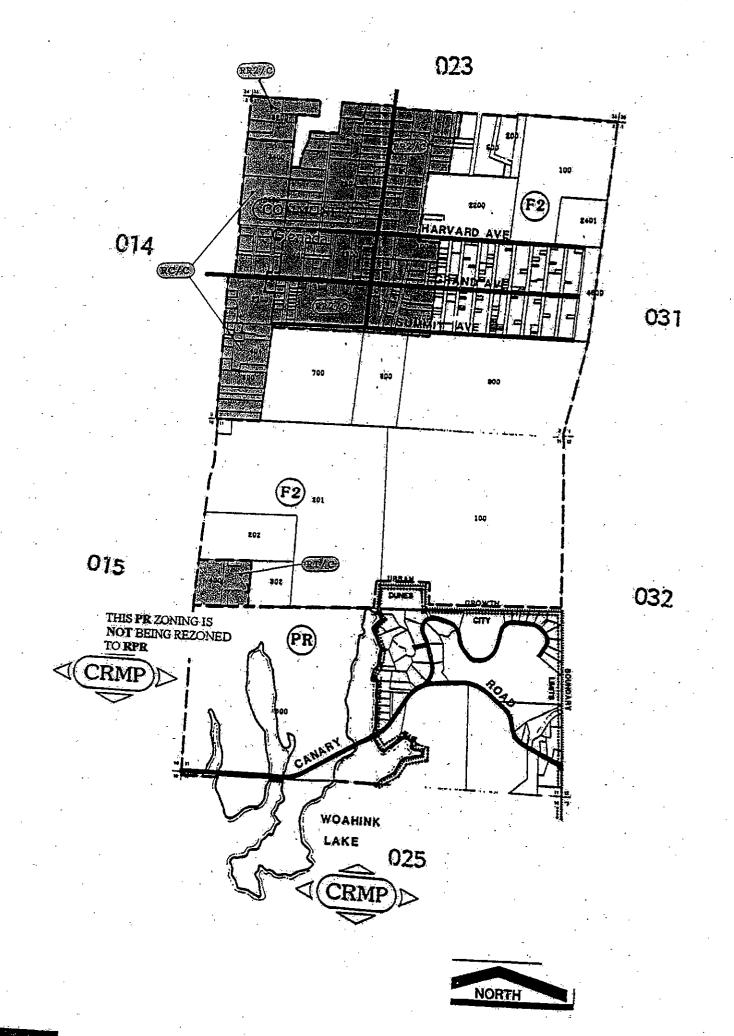
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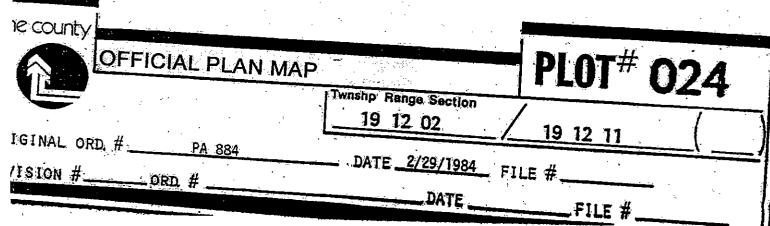
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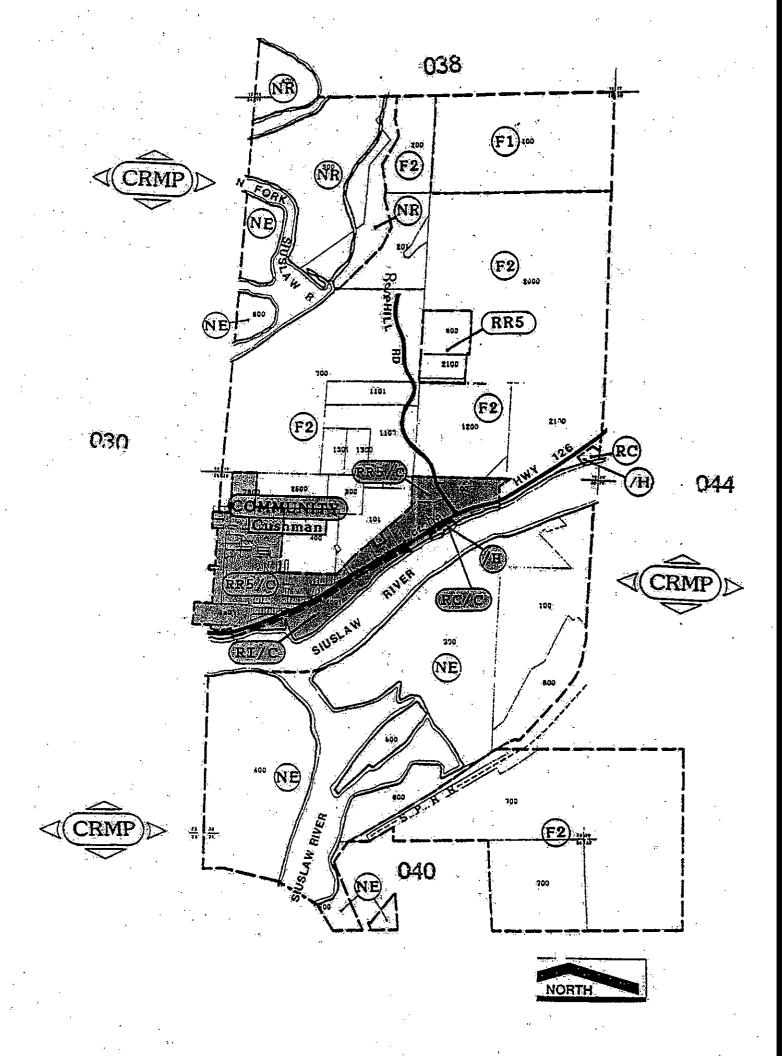


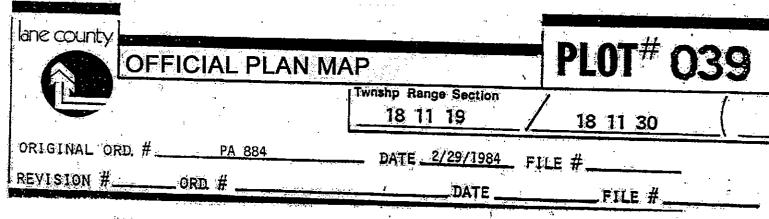


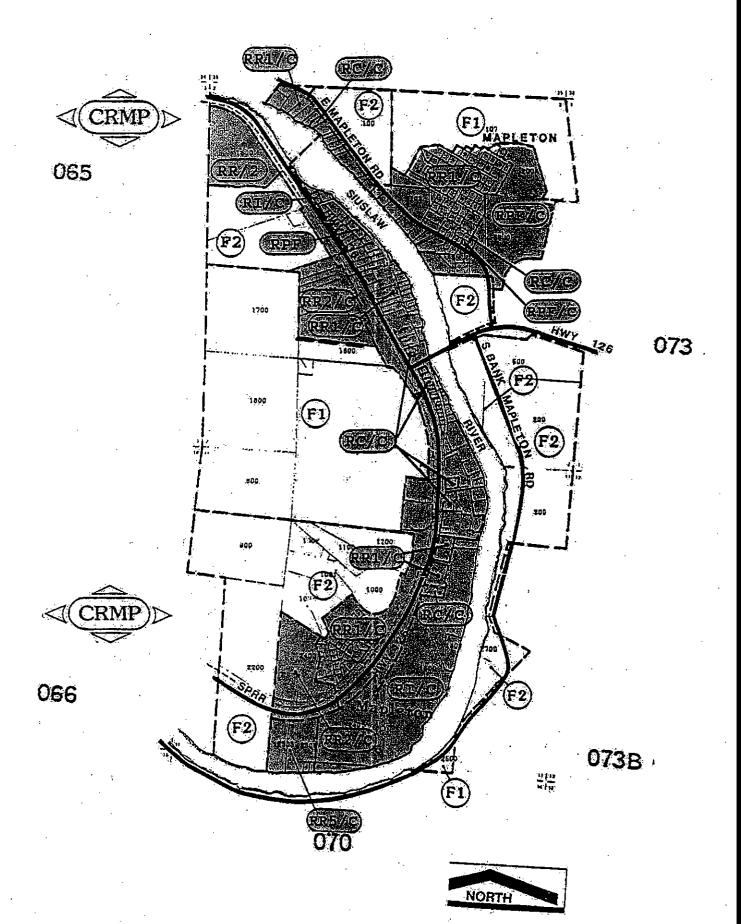


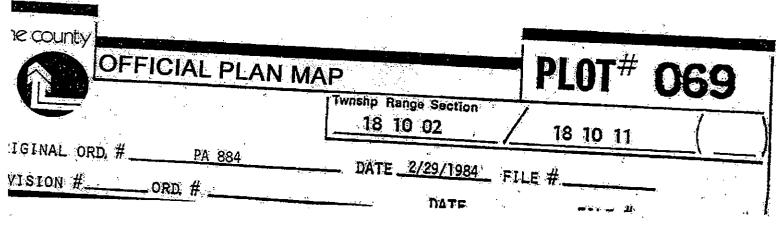


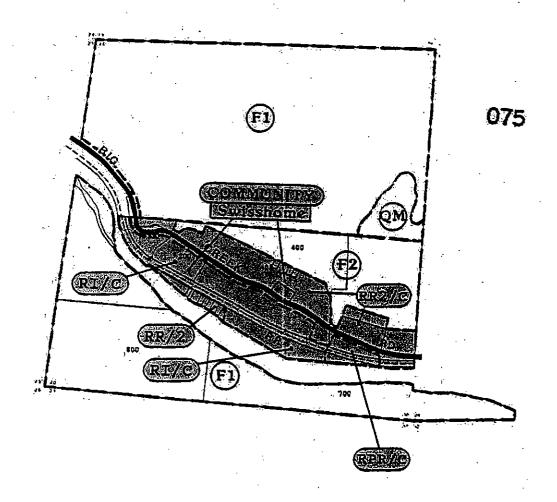


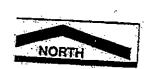


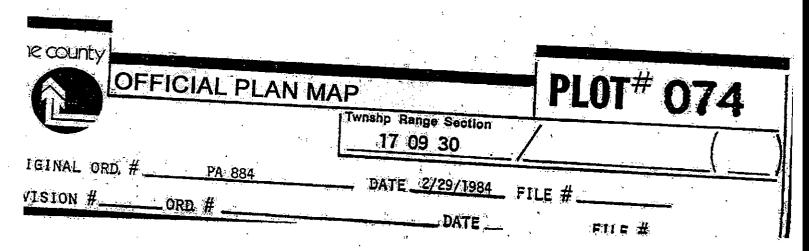


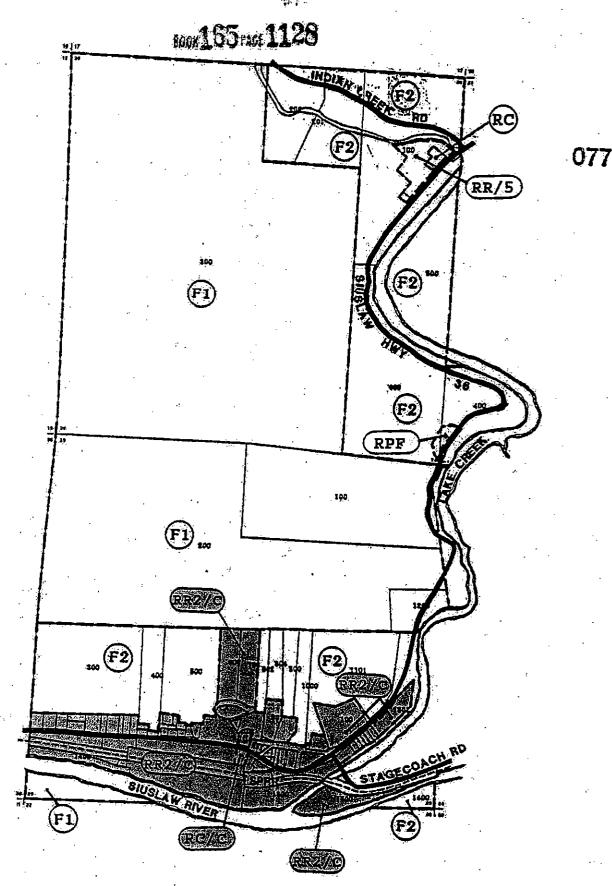


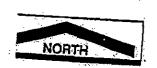




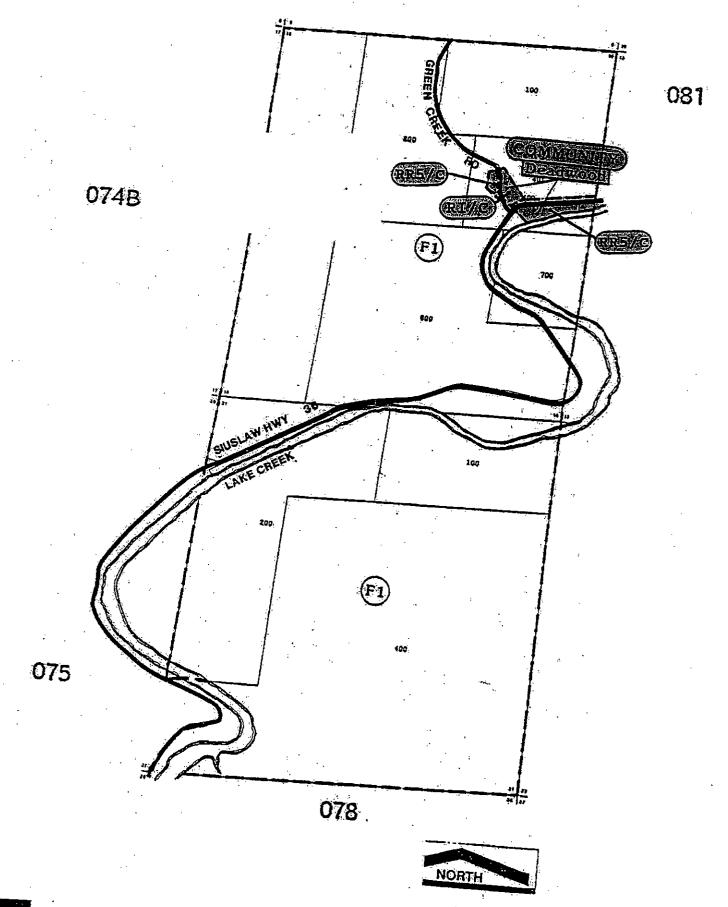


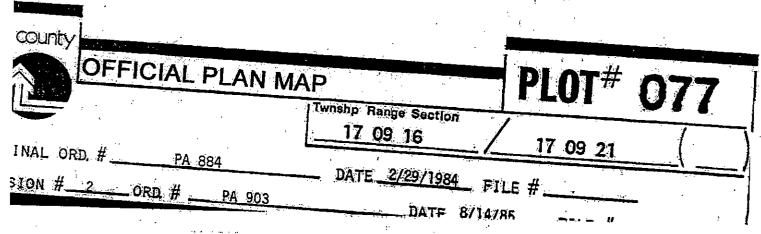


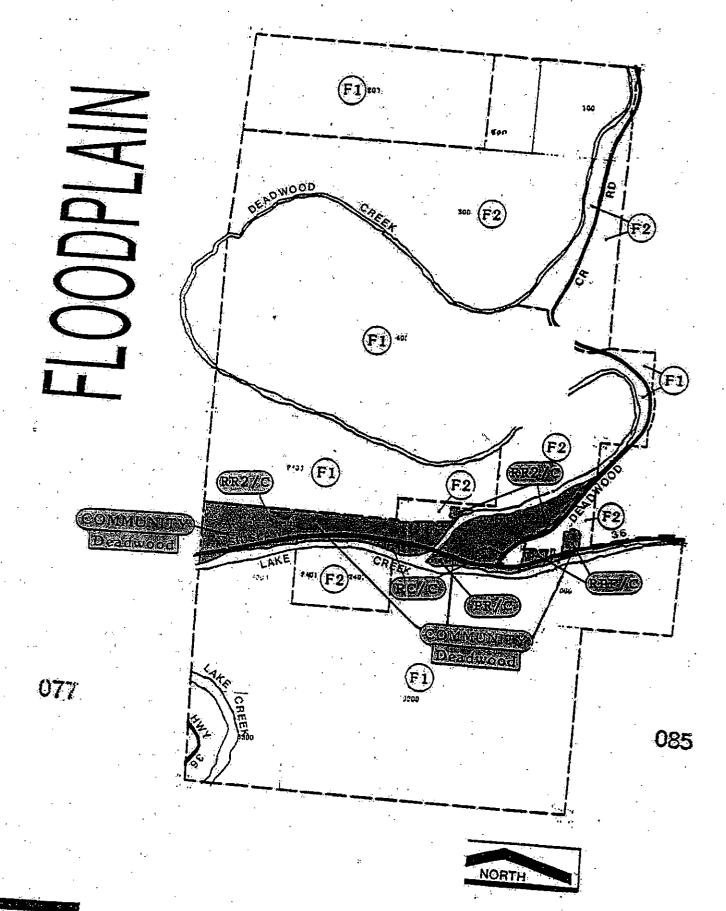


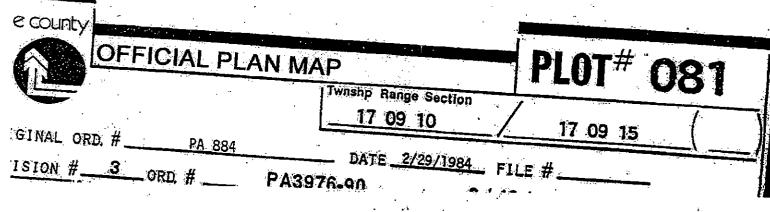


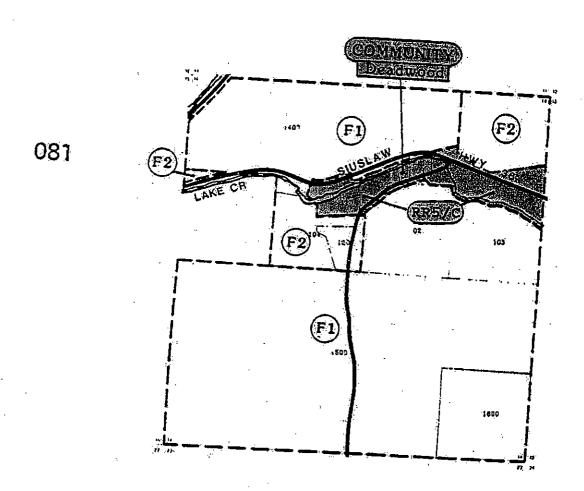
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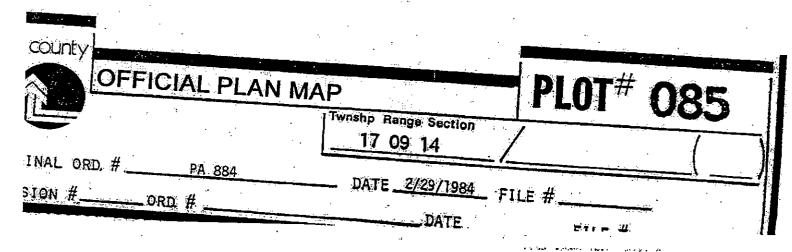












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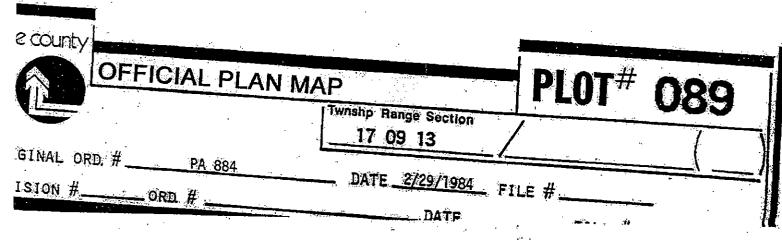
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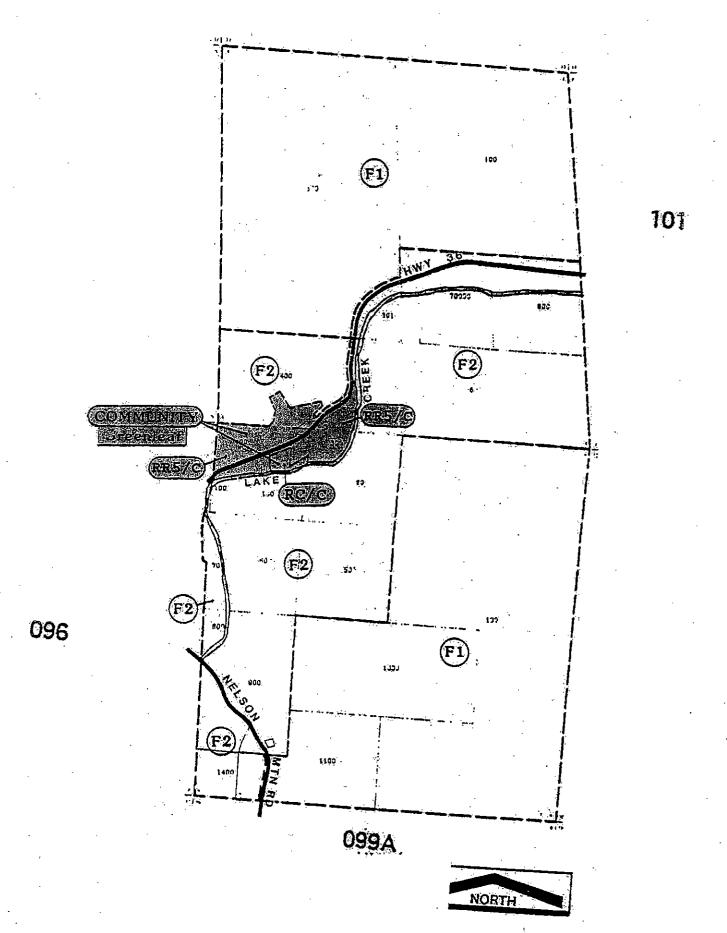
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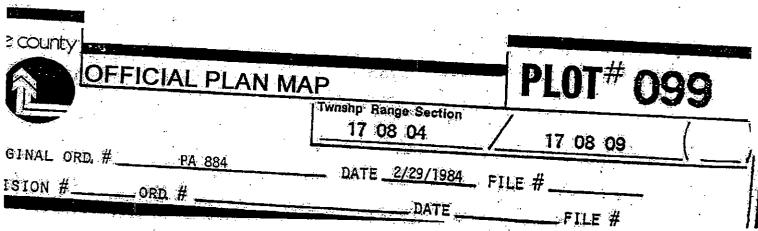
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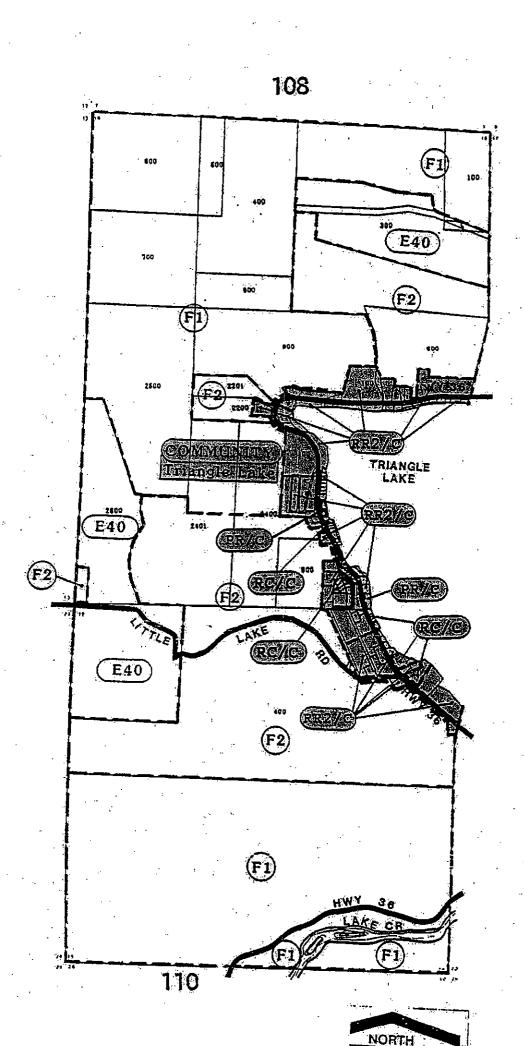
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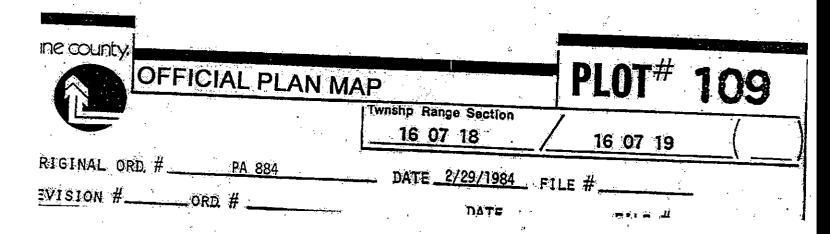


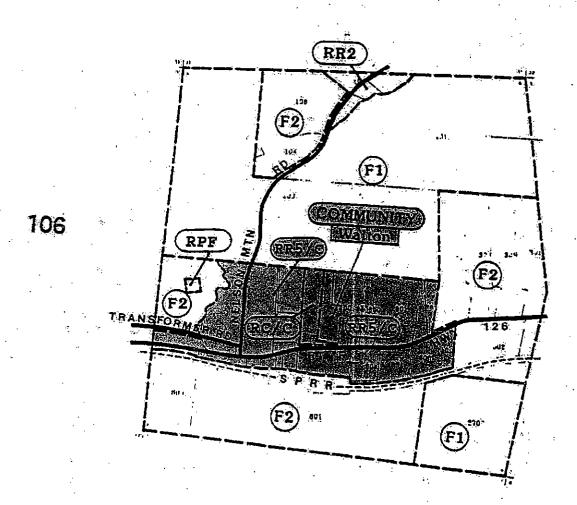


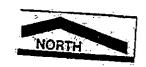


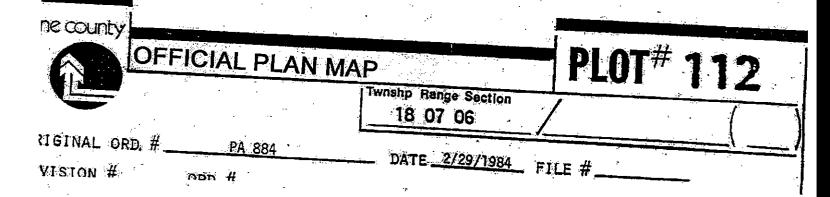












FLOODPLAIN

