



# Lane Council of Governments

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March 1, 2004

**TO:** Eugene Mayor and City Council  
Springfield Mayor and City Council  
Lane County Board of Commissioners

**FROM:** Metropolitan Periodic Review Coordination Team

**SUBJECT:** Eugene-Springfield Metro Plan Periodic Review Text and Diagram Amendments

## **ACTION REQUESTED:**

Adopt the Ordinance for Eugene-Springfield Metro Plan Periodic Review Text and Diagram Amendments in Exhibits A, B, and C, as amended through the amendments presented in the "Staff Recommendations" section on page 2 of these staff notes.

## **BRIEFING STATEMENT:**

The Eugene and Springfield City Councils and the Lane County Board of Commissioners held a joint work session and public hearing on February 10, 2004 on the draft Eugene-Springfield Metro Plan Periodic Review Text and Diagram Amendments. The Metro Plan amendments were recommended for adoption to the elected officials by the planning commissions of the three jurisdictions.

This memo responds to questions and issues raised by elected officials and the public at the joint work session and public hearing. In addition, specific amendments to Exhibits A, Metro Plan Housekeeping Revisions, Exhibit B, Metro Plan Chapter III-C: Environmental Resources Element, and Exhibit C, Metro Plan Diagram, are proposed. These additional changes are found in the "Staff Recommendations" section beginning on page 2 of this memo.

Attachments to these staff notes are the following supporting materials and testimony:

- Exhibit A: Metro Plan Housekeeping Revisions Replacement Pages, March 10, 2004
- Exhibit B: Metro Plan Chapter III-C. Environmental Resources Element
- Exhibit C: Metro Plan Diagram, March 2, 2004

(continued....)

- Attachment A: February 10, 2004 Minutes of the Joint Work Session and Public Hearing of the Eugene and Springfield City Councils and Lane County Board of Commissioners
- Attachment B: Testimony and additional information submitted for the February 10, 2004 public hearing record
- Attachment C: Minutes of elected officials' meetings providing direction to remove urban reserves
- Attachment D: Section IV: Summary of the Residential Land Supply and Demand Analysis

## **STAFF RECOMMENDATIONS:**

Staff recommends the following additional or new amendments to the materials presented at the February 10, 2004 public hearing in response to materials submitted for the record or to elected officials' questions and comments at the hearing. No other changes to Exhibits A, B, or C are recommended.

### **Exhibit A: Metro Plan Housekeeping Revisions**

The following changes are reflected in Exhibit A: Metro Plan Housekeeping Revisions Replacement Pages, March 10, 2003, attached:

- Replacement page II-C-6 to fix the typo that inadvertently marked the words "and electrical" for deletion in policy #17, in response to a question raised at the hearing.
- Replacement Pages III-I-1 through III-I-3 to provide additional staff edits to the Historic Preservation Element to remove or update outdated material.

The Eugene Modernism 1935-1965 historic context statement contains a strategy that states: "Strategy 19. Revise the Historic Preservation Element in the Metro Plan to eliminate outdated findings and policies. (High Priority) [Page 16.3]" Eugene's Historic Review Board identified the need to revise the Historic Preservation Element because it contains outdated wording for Finding #6, and Policies #6, #7, and #8.

The purpose of the proposed changes are to remove the specific focus on identifying and protecting archeological resources and balance protection with all historic resource types which traditionally include buildings, districts, sites and objects. Archeological resources are traditionally classified as "sites."

Finding 7 recommends removing the first sentence as it seems unnecessarily directed at archeological sites. Proposed wording is intended to be inclusive of historic and archeological sites. Policy 6 points to completing a working paper for resource management of archeological sites which we do not have funding for.

We recommend deleting Policy 6. Policy 7 tells local governments to develop a list of experts to identify and evaluate archeological sites. The Oregon State Historic Preservation Office already provides this service, removing the onus from the local jurisdictions. We recommend deleting Policy 7. Policy 8 is specific to seeking grants for archeology. The suggested change is worded to seek funding for “historically significant” sites, which would be inclusive of archeology, should the need arise.

### **Exhibit B: Metro Plan Chapter III-C: Environmental Resources Element**

The following changes are reflected in Exhibit B: Environmental Resources Element, attached:

- Change the proposed revisions to existing finding 31 (new finding 21 on page 21 of Exhibit B) to reflect updated data. The revised finding would read as follows:

21. The City of Eugene Mahlon Sweet Field Airport Noise Exposure Impact Boundary Analysis, April 2000 ~~November 1980~~, was found to be in compliance with state airport noise standards by the State of Oregon Department of Environmental Quality ~~in January 1981~~.

- Change proposed new policy C.4(o) (page 6 of Exhibit B) to recognize that ORS 215.253 applies to land zoned Exclusive Farm Use and Marginal Lands. The revised policy would read as follows:

o. Lane County recognizes ORS 215.253 shall apply on land zoned EFU and Marginal Lands.

### **Exhibit C: Metro Plan Diagram, March 2, 2004**

The following changes are reflected in Exhibit C: Metro Plan Diagram, attached. The reasons for these changes are discussed in the next section of this report under the heading: Exhibit C: Metro Plan Diagram.

- Correct the Urban Growth Boundary on the RLID Metro Plan Diagram so that it generally follows the 100 year flood plain through RiverRidge Golf Course, and follows existing tax lot lines at the south end of the subject area and designate the area outside the UGB EFU;
- Designate the entire Santa Clara Elementary School site as Low Density Residential (Tax lot #s: 17-04-11-44-00200; 00300; 00400; and 17-04-11-41-09100; 09200; and 09300);
- Designate all of Tax Lot 17-04-02-34-00300 (Irvington Road) as Low Density Residential; and
- Designate the entire Westmoreland Elementary School site as Medium Density Residential (Tax lot #s: 17-04-36-33-00201 and 00400).

## **RESPONSES TO ELECTED OFFICIAL COMMENTS AND QUESTIONS AND PUBLIC TESTIMONY:**

The following section summarizes the issues raised in the record of the February 10, 2004 Joint Elected Officials' Public Hearing and provides staff responses. For the complete set of comments, questions, and testimony, please refer to Attachment A: February 10, 2004 Minutes of the Joint Work Session and Public Hearing and Attachment B: Testimony and additional information submitted for the February 10, 2004 public hearing record.

Non-Periodic Review issues and responses are presented first, as these are outside the scope of this Periodic Review effort. This section is followed by issues and comments specific to Periodic Review Exhibits A, B, and C.

### **NON-PERIODIC REVIEW ISSUES:**

At the hearing, several issues were raised that were unrelated to the Periodic Review work tasks proposed for adoption as part of this public hearing process. Staff offers the following responses to these issues.

1. **Metro Plan Policies Related to Urban Services and Local Autonomy in Metro Planning**

At the hearing, the elected officials directed staff to prepare a Scope of Work to address these issues and to bring the scope to MPC. Staff has developed a Draft Scope of Work which will be presented to MPC in the near future.

2. **Complete the Willamette River Greenway Study**

The original Periodic Review Work Program contained a work task to complete this study. No Metro Plan policy changes were anticipated from this study. The purpose of the study was to report on the cumulative impacts to the Greenway of development permits issued since the Metro Plan was last updated in 1987. Staff began work on the study but the intensity of the focus has shifted to the adoption of the mandated work tasks that are the subject of the current adoption process. The study was removed from the Periodic Review work program because, with the passage of Senate Bill 920, it was no longer mandated. The study is currently on the local work program and can be programmed for completion in keeping with local work program priorities.

3. **Increase Air Quality Monitoring Stations**

The research and analysis needed to draft policy direction related to the number and/or location of stations is outside the scope of this Periodic Review effort. If there is interest on the part of the three elected bodies to pursue this work in the future, the task could be added to local work programs.

The Lane Regional Air Pollution Authority (LRAPA) has jurisdiction over most air quality issues in Lane County. LRAPA has five air quality monitoring sites in the metro area: Springfield City Hall (particulate matter); Downtown Eugene, Lane Community College campus (particulate matter and carbon monoxide); Highway 99 and Four Corners (particulate matter); Sacred Heart Hospital (carbon monoxide); and Amazon Park (particulate matter and ozone). There also is a site in Saginaw that monitors for ozone. LRAPA is the appropriate agency to contact about air quality monitoring sites in Lane County.

**4. Change Growth Management Policies in the Metro Plan**

The request was made to change policies in the Metro Plan related to growth management. This work is outside the scope of this Periodic Review effort.

**5. Relationship of Metro Plan amendments to recent court case involving EPUD and PPL**

There is no relationship between the court action and the proposed Metro Plan amendments. In January 1999, the Emerald Peoples Utility District (EPUD) Board initiated annexation of the Halsey Territory (utility service area) with the intent to provide electrical service to the area. Local residential customers approved the annexation. PacifiCorp dba Pacific Power and Light (PPL) objected to the annexation in Linn County Court. In October 1999, EPUD instituted eminent domain proceedings against PPL and filed a condemnation complaint with the Court. During the condemnation proceedings, the Court upheld the annexation and affirmed EPUD's right to condemn PPL property. Mediation resulted in the transfer of property from PPL to EPUD for an amount agreed upon by both parties and approved by Oregon Public Utility Commission in May 2002.

**6. Process Issues**

Mr. Ritter testified that citizen involvement in this process was insufficient. Please refer to the materials presented at the February 10, 2004 public hearing for an in-depth description of the public involvement process used in this process since March, 2003. Staff conclude that the activities and timelines presented have afforded sufficient opportunity for participation in this adoption process.

An extension of time for review of the materials was requested by Mr. Kloos, based on his contention that all of the materials needed for sufficient comment were not included in the record or were not included in the record in a timely manner. Staff does not recommend an extension of time for review and does not agree that the availability of materials needed for review and comment were limited or restricted as claimed.

All of the materials requested by Mr. Kloos, including the impact of the Metro Plan diagram changes on the buildable lands supply have been in the record and have been available for reviewing since September or June 2003. Some of the materials he requested, such as hand written staff notes tracking each Metro Plan Diagram change

were included in the record as a result of Mr. Kloos request for these materials; but, had Mr. Kloos not requested them, staff would not have added them to the record because the changes reflected in those notes were draft and the final changes were reflected in the tables that were available on line during the Planning Commission process and in hard copy format since the Planning Commission process commenced in June 2003.

## PERIODIC REVIEW ISSUES

### EXHIBIT A: METRO PLAN HOUSEKEEPING REVISIONS

#### 1. Population Projections

**Issue:** The Lane County Homebuilders' Association representative raised the concern that the changes to the text Exhibit A related to population projections would alter the conclusions and analysis of residential lands conducted as part of the Metropolitan Residential Land and Housing Study in 1999. Elected officials requested additional information about this topic, including how the population figure relates to and/or incorporates information about economic and employment trends.

**Staff Analysis:** The edits to the population figures in Exhibit A report a population figure for the UGB in the year 2015. The figure is not different from previous UGB figures because the edits proposed to population figures in Exhibit A provide, *for the first time*, an anticipated 2015 population figure for the metropolitan UGB. The reporting of these data do not alter in any way the conclusions or analysis performed as part of the 1999 Metropolitan Residential Land and Housing Study. See Attachment D: Excerpt from Section IV: Summary of the Residential Land Supply and Demand Analysis.

The current Metro Plan provides a projected population range and an anticipated population projection figure for an area known as the "Metropolitan Study Area." The methodology used to develop this projection is described in Attachment D: Excerpt from Section IV: Summary of the Residential Land Supply and Demand Analysis. The housing demand for 2015 for the UGB was derived from the housing demand in the Metropolitan Study Area, just as the proposed population figure for the UGB was derived from the Metropolitan Study Area population projection.

The Metropolitan Study Area contains census tracts that extend far beyond the metro UGB. This area was used as the start of the population projection methodology because the U.S. Census Bureau does not report demographic data at the UGB level and demographic and economic data are used in the projection methodology. In addition, this larger area serves as the starting point for population projections used in TransPlan. The reason the population projection for the Metropolitan Study Area was originally put in the existing Metro Plan was because that was the figure that was produced through a projection of past trends by LCOG's analyst. The UGB figure now being included in the Metro Plan for the year 2015 for the UGB was *derived* from the projected figure of the larger land area. The reason the Planning Commissions wanted to provide the population

figure for the UGB is because the UGB, not the Metropolitan Study Area, is the area of the Metro Plan's planning jurisdiction. The current figure and range for the Metropolitan Study Area is merely a technical number used in the analysis. It has no relationship to the population size Eugene and Springfield are required to serve in the year 2015.

*How the UGB 2015 population was derived:*

The Eugene-Springfield urban growth boundary (UGB) population projections were derived starting with the 2015 expected housing demand for the Metro Study Area. From the 2015 expected housing demand for the Metro Study Area, the existing and expected housing units inside the Metro Study Area and outside the Eugene-Springfield UGB were subtracted to arrive at the 2015 expected housing demand for the UGB. Vacant housing units (assumed at 3.5%) were subtracted from 2015 expected housing demand for the UGB to arrive at total 2015 households in the UGB. The 2015 projected average household size of 2.27 was then applied to total expected households which resulted in total 2015 expected population in households. Then the group quarters population (assumed at 3% of the total population) was added to the total 2015 expected population in households to arrive at the 2015 total expected UGB population.

*Relationship of Population Projection to Employment:*

In developing the 2015 Lane County and Metropolitan Study Area population projections, the civilian labor force was projected for use in the migration component of the model. The employment projection was forecast independently; although population played a role in forecasting employment, particularly retail employment. Once both the employment and population projections were generated, the population to employment ratio was developed and reviewed for reasonableness.

**Recommendation:** Staff recommends retaining the edits to the population figure in Exhibit A. The UGB population for the year 2015 is necessary in order to ensure coordination with public facility planning and coordinated population projections with other jurisdictions in Lane County.

## **2. What were the specific reasons for proposing changes to the policies?**

Text changes throughout Exhibit A, including some of the policies, were changed for the following general reasons:

- “Projected service area” is changed to UGB throughout the document because the concept of a projected service area was replaced with the UGB when the Metro Plan was adopted in 1982 but the old language was not removed at that time;
- Text edits to improve grammar that do not alter the meaning, e.g. “that” to “which” and “sanitary sewer” to “wastewater,” etc;

- Text edits to reflect the removal of urban reserves;
- Text edits to describe the Metro Plan Diagram (Metro Plan Chapter II-G)

The following list of policies are proposed for specific changes in Exhibit A; the reasons for the changes are presented in italics below each listed policy or group of policies:

Page II-G-5:

13. Police, fire and emergency medical services may be provided through extraterritorial extension wWith a signed annexation agreement or initiation of a transition plan, and upon concurrence by the serving jurisdiction, extraterritorial extension of services for specific life safety services shall be granted.

*This change was recommended because it more clearly states the original intent of the policy and clarifies what was meant by "specific fire and life safety services."*

Page II-C-7:

22. Cities shall not extend water or sanitary sewer/wastewater service outside city limits to serve a residence or business without first obtaining a valid "triple-majority" annexation petition, a consent to annex agreement, or when a health hazard annexation is required.

*Triple majority is no longer an option under Oregon law.*

25. When conducting metropolitan planning studies, particularly the *Pubic Facilities and Services Plan and Alternative Growth Areas Study*, consider the orderly provision and financing of public services and the overall impact on population and geographical growth in the metropolitan area. Where appropriate, future planning studies should include specific analysis of the growth impacts suggested by that particular study for the metropolitan area.

*The Alternative Growth Areas Study has already been done. This policy refers to future action.*

26. Based upon direction provided in Policies 34, 78, and 2324 of this section, any development taking place in an urbanizable area or in rural residential designations in an urban reserve area shall be designed to the development standards of the city which would be responsible for eventually providing a minimum level of key urban services to the area. Unless the following conditions are met, the minimum lot size for campus industrial designated areas shall be 50 acres and the minimum lot size for all other designations shall be 10 acres. Any lot under ten acres in size but larger than five acres to be created in this area on



~~undeveloped or underdeveloped land will require the adjacent city and Lane County to agree that this lot size would be appropriate for the area utilizing the following standards; Creation of new parcels in the urbanizable area will comply with the following standards;...~~

*These changes are to clarify how the policy has always been interpreted by the local governments.*

Page II-C-8:

27. ~~Any lot under five acres in size to be created in the area described in policy 25 above an urbanizable area will require city-county agreement utilizing the following additional standards:~~
- a. ~~The property will be owned by a governmental agency or public utility.~~
  - b. ~~A majority of parcels located within 100 feet of the property are smaller than five acres.~~
  - c. ~~No more than three parcels are being created, unless otherwise agreed.~~

*The first change is to rid the policy of a policy number reference and restates the policy to reflect the intent; the other change reflects current practice, e.g., there is no process for agreeing on the number of parcels.*

Page II-C-9:

32. ~~The Mohawk Valley, LCC Basin, and urban reserve areas were identified in the Metro Plan as alternatives for UGB expansion. The Awbrey Meadowview area has been identified as another alternate growth area. Prior to initiation of the next major Metropolitan Plan update, an intergovernmental growth study, jointly funded by all three metropolitan area governments, shall be completed. This study will include a comparative analysis of public costs and policy implications of balanced growth into each of these alternative areas.~~

*The study has been completed. The policy is outdated.*

Page III-B-7:

- ~~B.31—Conduct a commercial lands study prior to the next major Metro Plan update.~~
- ~~B.32—The City of Springfield shall include development guidelines in the Downtown Refinement Plan to address mixed use on the Booth Kelly site. These standards shall allow for light industrial, general commercial and medium residential uses on the site, and ensure compatibility of these uses.~~

*These policies are out of date.*

Page III-D-5:

~~D.9 The specific use management considerations and requirements of Statewide Planning Goal 15, "Willamette River Greenway," shall be applied, where they are not specifically addressed in policy or land use designations elsewhere in the Metro Plan, in local refinement plans, and local implementing ordinances.~~

~~D.11 Eugene and Springfield shall continue to use the conditional use permit system to address the setback and vegetative fringe requirements of Statewide Planning Goal 15. Lane County shall address the setback and vegetative fringe requirements of Goal 15 in its Greenway implementing ordinance.~~

*These policies are more accurately and currently reflected in the following new finding #8:*

8. The following Compatibility Review pPermits are required by Eugene, Springfield, and Lane County to implement Statewide Planning Goal 15 within their respective areas of jurisdiction as defined in Chapter II-D: for any intensification, change of use, or new development within the Greenway boundaries:
  - a. The City of Eugene requires Greenway Permits for any activity in the Willamette Greenway involving intensification of use, change in use, or development.
  - b. The City of Springfield requires a Discretionary Use Permit for any change or intensification of use, or construction that has a significant visual impact in the Willamette Greenway Overlay District, which is combined with a "Greenway Setback Line."
  - c. Lane County requires a Greenway Development Permit for intensification or change of use or development allowed in applicable zones, including public improvements and including partitions and subdivisions as defined in LC 13.020 for lands within the boundaries of the Willamette River Greenway.

Page III-G-4:

- G.3 Modifications and additions to or deletions from the project lists in the *Public Facilities and Services Plan* for water, wastewater, and stormwater public facility projects or significant changes to project location, from that described in the *Public Facilities and Services Plan* planned facilities Maps 1, 2 and 3, requires

amending the *Public Facilities and Services Plan* and the *Metro Plan*, except for the following:

- a. Modifications to a public facility project which are minor in nature and do not significantly impact the project's general description, location, sizing, capacity, or other general characteristic of the project; or
- b. Technical and environmental modifications to a public facility which are made pursuant to final engineering on a project; or
- c. Modifications to a public facility project which are made pursuant to findings of an Environmental Assessment or Environmental Impact Statement conducted under regulations implementing the procedural provisions of the national Environmental Policy Act of 1969 or any federal or State of Oregon agency project development regulations consistent with that act and its regulations; or
- d. Public facility projects included in the PFSP to serve land designated Urban Reserve prior to the removal of the Urban Reserve designation, which projects shall be removed from the PFSP at the time of the next Periodic Review of the *Metro Plan*.

*Section d is added to reflect the action necessary in removing urban reserves.*

Page III-H-5:

- H.2 Local parks and recreation plans and analyses shall be prepared by each jurisdiction and coordinated on a metropolitan level. The park standards adopted by the applicable city and incorporated into the city's development code shall be used in local development processes.

*This change reflects the current practice of applying park standards.*

Page III-I-2:

- ~~I.6 — Local jurisdictions shall develop a working paper before the end of the next Plan update and adopt policy guidelines for resource management of archaeological sites using the information from the University of Oregon study entitled "Archaeological Resources of the Eugene-Springfield Metropolitan Area, Oregon: Overview and Management Recommendations," and any other available information. This working paper shall (inventory) and examine a process for determining significance of the archaeological sites identified in the University of Oregon study and shall contain a procedure for determining the significance of new sites. A public hearing will be held prior to the adoption of the working paper and accompanying inventory.~~

~~I.7 — Local governments shall develop a list of experts qualified to assist with the identification and evaluation of archaeological sites.~~

I.8 Local governments shall pursue grants from all available sources to assist with the identification and evaluation of archaeological historically significant sites.

*Please refer to the section "Staff Recommendations" for the reasons for these changes to Chapter III-I policies.*

Page III-J-4:

~~J.1 — It is recommended that the coordinated development of a detailed metropolitan energy management plan or plans be undertaken, recognizing existing related energy documents, with the active participation of local jurisdictions in order to address local energy issues in greater depth than can be attempted in a metropolitan general plan. The products of this additional process would be considered as part of all metropolitan area planning policies in shaping the development of the region and should be continually monitored and reviewed to ensure their continued relevancy. Most of the energy data needed for this planning effort can be best be collected and stored by a unified energy data bank that would, at a minimum, serve the entire metropolitan area.~~

This effort should at least:

- ~~a. — Establish the current demand and projected energy demand for the various sectors of the economy in the metropolitan area.~~
- ~~b. — Inventory the current supply sources of energy for the metro area and include projected sources, renewable and nonrenewable, centralized and decentralized, and the price projections for each source.~~
- ~~c. — Coordinate the development of a uniform reporting system to be used by the various energy suppliers in the metropolitan area in order to generate an ongoing, accurate data base for energy planning.~~
- ~~d. — Examine the potential economic impacts to metro area residents resulting from projected energy demand, supply, and price.~~
- ~~e. — Determine the impact of current land use policies and actions on energy use and reaffirm or point out adjustments to land use policies, regulations, and activities, as necessary, to reflect these considerations.~~
- ~~f. — Research revisions to regulations which would have a positive effect on the use of renewable, decentralized energy sources, such as solar energy.~~

~~g. Research land use patterns which would facilitate the use of centralized, small scale energy generation and storage in residential, commercial, industrial, and mixed use applications.~~

~~h. Specify implementation processes.~~

*The energy providers in the region met to discuss this policy and decided not to pursue the work outlined.*

Page III-J-6:

~~J.16 Prior to July 1987, Eugene, Springfield, and Lane County shall cooperate with the Bonneville Power Administration and affected local electrical utilities in designing a work program and initiating a study of major transmission line routes in the metropolitan region. Metro Plan amendments resulting from that study will be considered during the update process.~~

*This policy is out of date. The study has been completed.*

## **EXHIBIT B: METRO PLAN CHAPTER III-C. ENVIRONMENTAL RESOURCES ELEMENT**

### **3. Statewide Planning Goal 3: Agricultural Lands**

#### **a. Goal 3 Agricultural Lands Policy for UGB Amendments**

**Issue:** Including additional agricultural land identification factors to those provided in the Goal 3 Rule is inconsistent. Policy C.1.

**Staff Analysis:** This is an existing policy adopted by the elected officials and acknowledged by the Land Conservation and Development Commission. The local elected officials can include additional factors to those provided in the Goal 3 Rule.

**Recommendation:** No change to Policy C.1.

#### **b. Policy to Study Protection for Agricultural Lands**

**Issue:** Policy should be deleted. Policy C.3.

**Staff Analysis:** This is an existing policy adopted by the elected officials and acknowledged by the Land Conservation and Development Commission that encourages the jurisdictions to examine ways to protect lands on the urban fringe and maintain separation from outlying communities.

**Recommendation:** No change to Policy C.3.

**c. Farm Dwelling Requirements on Smaller Parcels**

**Issue:** State law does not provide a basis for this policy which establishes an increased burden of proof for applicants to substantiate proposed agricultural activities in order to obtain a farm dwelling on smaller parcels (down to 20 acres). Policy C.4.

**Staff Analysis:** This is an existing policy adopted by the elected officials and acknowledged by the Land Conservation and Development Commission that authorizes farm dwellings consistent with State law. LC16.212(7) authorizes a dwelling on smaller parcels (down to 20 acres) if the applicant can demonstrate that the farm operation or woodlot is not smaller than the average farm in Lane County producing at least \$2500 in annual gross income from the crops, livestock or forest products to be raised on the farm operation or woodlot. This Lane Code language is a direct quote of ORS 215.213 (2)(a). Demonstrating that this requirement can be met for the more specialized commercial agricultural activities represents an increased burden of proof that is greater than required in other farm dwelling provisions.

**Recommendation:** No change to Policy C.4.

**d. Exception to Local Ordinance Regulations of Farm Use in the Exclusive Farm Use and Marginal Lands Zones.**

**Issue:** Inconsistency of Policy C.4.(o) with ORS 215.253. Policy C.4.(o)

**Staff Analysis:** Lane County adopted provision for Marginal Lands in 1984. Existing Metro Plan Policies adopted in 1987 inadvertently left out provision for Marginal Lands. The language in Policy C.4.(o) is inconsistent with ORS 215.253.

**Recommendation:** Policy C.4.(o) should be changed to recognize ORS 215.253 applies to land zoned Exclusive Farm Use and Marginal Lands.

**4. Statewide Planning Goal 4: Forest Lands**

**a. Forest Land Definition**

**Issue:** The Goals (Rules and Statutes) do not define “forest”, but characterize the lands that should be considered forest lands. Finding #4.

**Staff Analysis:** This is an existing finding adopted by the elected officials and acknowledged by the Land Conservation and Development Commission that describes the basis for identifying forest land utilizing soils and forest cover.

**Recommendation:** No change to Finding #4.

**b. Relation of Other Resource Values to Timber Harvest Within UGB**

**Issue:** Policy is vague and should be reworded. Policy C.5

**Staff Analysis:** This is an existing policy adopted by the elected officials and acknowledged by the Land Conservation and Development Commission that places the value of timber harvest within the UGB lower than other natural resource values.

**Recommendation:** No change.

**c. Limitation on Regulation of Forest Lands**

**Issue:** Policy C.6 cannot establish levels of importance of uses proposed on commercial forest lands. Policy C.6

**Staff Analysis:** This policy is not establishing levels of importance of uses proposed on commercial forest lands. This policy establishes that the Oregon Forest Practices Act controls commercial forest uses. The policy states that if the Metro Plan establishes a greater importance for uses other than commercial forest uses, Lane County shall protect the other values by applying appropriate implementation measures, such as a Plan amendment and zone change to remove the land from a forest designation.

**Recommendation:** No change.

**d. Existing Forest Policy 17. Language Protecting Forest Land Outside UGB**

**Issue:** The language regarding the values of forest land shall not be destroyed or deteriorated by nonforest uses should not be eliminated.

**Staff Analysis:** When looked at in the combined context of Finding 5, the direction for treatment of other values on forest lands in Policy C.6., the conservation emphasis of Policy C.7.(a) and the Forest Practices Act limitations of Policy C.7.(d) staff and the joint planning commissions feel existing Forest Policy 17 is redundant.

**Recommendation:** No change.

**5. Statewide Planning Goal 5: Natural Resources**

**a. Purpose of the Goal 5 Rule**

**Issue:** The Goal 5 Rule does not require an inventory and evaluation of Goal 5 resources.

**Staff Analysis:** The Goal 5 Rule spells out the “how to” of complying with Goal 5. State periodic review requirements for the Eugene-Springfield *Metro Plan*

direct the three local governments to comply with the Goal 5 Rule (OAR 660-023-000).

The Purposes and Intent section of the Goal 5 Rule (OAR 660-023-000) states: "This division establishes procedures and criteria for inventorying and evaluating Goal 5 resources and for developing land use programs to conserve and protect significant Goal 5 resources. This division explains how local governments apply Goal 5 when conducting periodic review and when amending acknowledged comprehensive plans and land use regulations."

**Recommendation:** No change.

**b. Use of Both Standard Process and Safe Harbor Process within One Resource Category**

**Issue:** Can a local government use both the standard process and the safe harbor process for one resource category?

**Staff Analysis:** In July 2003, Eugene staff asked DLCD whether or not a jurisdiction could apply the standard inventory process and the safe harbor inventory process to different sites of the same resource type, or to different portions of the same site. In a July 3, 2003 email response, DLCD staff said that a local jurisdiction can not only apply both standard and Safe Harbor processes to a single resource category, it can also split a single site between the two processes. The DLCD response states, in part, "A city may divide use of the standard and safe harbor approach for a single resource site when it is determined through the standard process that there are significantly different on-site characteristics that would allow a clear distinction among various portions of the site." This question of whether the Goal 5 rule allows a split approach on methodology within a resource type may be confused with the applicability requirements of the new Goal 5 Rule, which require a jurisdiction to use only the old Goal 5 rule or only the new Goal 5 rule within all sites of a given resource type.

**Recommendation:** No Change.

**c. Use of the Safe Harbor Approach Outside the UGB**

**Issue:** Do not adopt the safe harbor approach proposed for the area outside the Urban Growth Boundary (UGB).

**Staff Analysis:** The elected officials directed staff in the spring of 1997 to proceed with the Natural Resources Study, with specific direction to apply the "safe harbor" approach on lands outside the UGB but inside the Metro Plan boundary. The Goal 5 Rule provides for a safe harbor approach, a streamlined process that allows local governments to use existing mapped data to inventory the resource and skip the analysis step, provided they adopt the protection measures specified in the rule.



The safe harbor approach was chosen for the area outside the UGB because: the protection measures provided under the safe harbor approach are reasonably adequate given the lower level of development and the more intact natural systems outside the UGB; State zoning and density restrictions already limit development outside the UGB; the safe harbor approach is more affordable and fits within funding constraints for the study; and the safe harbor approach is more clear and objective and less subject to legal challenge.

**Recommendation:** No change.

**d. Text Written “As If” Adoption Already Has Occurred**

**Issue:** The draft Metro Plan findings and policies to implement the Natural Resources Study (NR Study) in the materials for the February 10, 2004 Joint Elected Officials Public Hearing refer to the inventory outside the UGB as if it already has been adopted. This is confusing and inaccurate.

**Staff Analysis:** Writing the draft text “as if” the items being processed have been adopted is a standard technique that allows those reviewing the draft to see the changes as they would appear in final format upon adoption. Finding and policy language clarify that there are additional Goal 5 requirements that Springfield and Eugene must meet. Proposed new finding #11 (page 14, Exhibit B) indicates that Springfield and Eugene are required to complete Goal 5 requirements for wetlands, riparian areas, and wildlife habitat inside the UGB. Proposed new policy C.9, which revises existing policy 19 (page 14, Exhibit B), directs the cities to meet the Goal 5 requirements for these three resources for the area inside the UGB.

**Recommendation:** No change recommended.

**6. Statewide Planning Goal 6: Air, Water, and Land Resources Quality**

**a. Airport Noise Finding**

**Issue:** Is there an updated reference for airport noise data in existing finding 31 (new finding 21 on page 21 of Exhibit B)?

**Staff Analysis:** This comment came up during legal review of Exhibit B in preparation for the February 10, 2004, Joint Elected Officials Public Hearing. Staff requested updated information from Bob Noble, Manager of the Eugene Airport.

**Recommendation:** Staff recommends changing the proposed revisions to existing finding 31 (new finding 21 on page 21 of Exhibit B) to reflect the updated data. The revised finding would read as follows:

21. The City of Eugene ~~Mahlon Sweet Field~~ Airport Noise Exposure Impact Boundary Analysis, April 2000 ~~November 1980~~, was found to be in compliance with state airport noise standards by the State of Oregon Department of Environmental Quality ~~in January 1981~~.

**b. Proposed Amendments to Existing Goal 6 Policy #1**

**Issue:** Amend existing Policy 1 (new policy C.25 on page 23 of Exhibit B) as follows:

“Springfield, Lane County, and Eugene shall consider downstream impacts for water quality when planning for urbanization, flood control, urban storm runoff, recreation, and water quality and recreational needs in near proximity to along the Willamette and McKenzie Rivers.”

**Staff Analysis:** The proposed changes would limit the consideration of downstream impacts to only those that affect water quality. The existing policy language already addresses water quality and is worded to allow broader consideration of downstream impacts.

**Recommendation:** No change.

**c. Proposed Amendments to Existing Policy 36**

**Issue:** Amend existing Policy 36 (new policy C.29 on page 24 of Exhibit B) as follows:

“The air, water, and land resource quality of the metropolitan area has not been assessed since adoption of the Metro Plan in 1982. Prior to the completion of the next Metro Plan update, the air, water, and land resource quality of the metropolitan area will must be assessed.”

**Staff Analysis:** The first sentence of the proposed amendment to existing policy 36 is a finding, and not appropriate language for a policy. A number of studies have been completed that address air, water, and land resource quality for various portions of the metro area, although there has not been a systematic metro-wide assessment. Proposed amendments to existing air quality findings 4, 5, and 6 (new findings 26 and 27 on pages 23 and 24 of Exhibit B) update references to the status of air quality in the metro area.

The proposed verb change from “will” to “must” would not change the meaning nor effect of the existing policy.

**Recommendation:** No change.

## EXHIBIT C: METRO PLAN DIAGRAM

### 7. Parcel-Specific Plan Diagram and Adequacy of Residential Land Supply

**Issue:** Elected officials requested information on the magnitude of the interpretations that would occur under the proposed Metro Plan policy guidance regarding the parcel-specificity of the Metro Plan Diagram. They also requested information on the negative impacts of having a diagram that is parcel specific in its entirety. In addition, testimony was submitted that the land use designations in the Metro Plan Diagram should be entirely parcel-specific and that no interpretations of the designation of any properties should be allowed. The following arguments were offered to support this contention:

- Home Builders Association has objected to this as being contrary to Goal 2.
- This would be contrary to state statutes, specifically ORS 197.296 and contends that there is not a sufficient supply of residential land.
- This is a refusal to use available technology.
- It is a dumbing down of predictability and certainty in planning.
- It is an accommodation for Eugene (as Lane County and Springfield are ready to go 100% parcel specific).
- The proposed housekeeping changes would continue the ambiguous, conflicting relationship between the refinement plans and the Metro Plan.

**Staff Analysis:** Staff offers the following responses.

- A GIS analysis of the proposed Metro Plan Diagram indicates that about 8,355 parcels, between 10 and 11 percent of the 80,310 parcels in the Metro Plan area, border a different plan designation and thus potentially could be subject to interpretation in the revised Metro Plan text and diagram. This is a conservative estimate because interpretations of the designations of some of these parcels has already been made through a formal Metro Plan Diagram amendment or zone change process. In many of these cases, the interpretation will be clear, such as where a single family residence (Low Density Residential) borders a park (Parks and Open Space).
- Staff recognizes the following significant problems with a diagram that is entirely parcel specific inside urban areas at this time:
  - All challenges and interpretations to the Metro Plan Diagram will need to be processed as an amendment to the Metro Plan Diagram, which requires both Planning Commission and City Council hearings; these are time consuming and expensive processes and would not be well integrated with other procedures (e.g., conditional use permit or zone change).

- Property owners would need to go through a Metro Plan amendment process to challenge staff interpretation reflected in the diagram for parcels that border a different plan designation.
  - The flexibility to analyze zoning/land use consistency for these parcels would be removed, potentially requiring Measure 56 notice. Many existing nonconforming businesses may suffer if they had to amend the Metro Plan to make their businesses or zoning conform to the land use designation.
  - A parcel-specific diagram does not allow the same flexibility that may be allowed by neighborhood refinement plans.
  - A parcel-specific diagram will have to be amended for simple actions, such as lot line adjustments, which will be expensive and time consuming for the applicant and cities.
  - The applicants and neighborhood organizations will lose flexibility to interpret land use designations in a manner that best meets the intent of the refinement plans and needs of the neighborhood.
- **Goal 2 Compliance:**

The interpretation of the plan designation for parcels that border a different plan designation would not be contrary to Statewide Planning Goal 2: Land Use Planning. According to Eugene legal council, Statewide Planning Goal 2 does not require parcel specificity for a comprehensive plan, nor does ORS Chapter 197, the Oregon Administrative Rules for DLCD, or relevant case law. Several cases discuss comprehensive plans and provide insight into the required level of specificity, but they do not impose a parcel-specific requirement.

Statewide Planning Goal 2 provides an outline of the basic procedures for Oregon's land use planning program. It states the planning process is to be the basis for all land use decisions and actions, and ensures an adequate factual base for those decisions and actions. Goal 2 further requires that:

All land use plans (which include comprehensive plans, as well as single-purpose plans of cities and counties) shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy, and environmental needs. The required information shall be contained in the plan document or in supporting documents. **The plans shall be the basis for specific implementation measures.** (Emphasis added).

As stated, Goal 2 provides an outline of the planning program requirements and even though it calls for land use plans, it describes the plans in very general terms. Also, the statement that "the plans shall be the basis for specific implementation measures" indicates the plans are not intended to be the most specific component of the land use planning process, but rather there are other components that provide for more

specificity, such as zoning ordinances and maps, and other methods for implementing the plans' provisions. Nothing in the text of Goal 2 appears to require comprehensive land use plans and their use designation maps be parcel-specific.

ORS chapter 197 supports the conclusion that the comprehensive plan is not intended to be the most specific land use planning document, but rather a more generalized document that does not require a parcel-specific map of use designations. In addition, several cases that discuss comprehensive plans provide support for the proposition that comprehensive plans are to be general in nature.

It is important to note that current adopted inventories are among the criteria that guide the interpretations. Staff would provide a recommendation that is based on an analysis of the criteria stated in the Metro Plan Housekeeping Revisions pages II-G-1 and 2 (i.e., Metro Plan designation descriptions, Metro Plan policies, adopted buildable lands inventory analyses, refinement plans, and local codes) in determining the appropriate Plan designation of parcels that border more than one Plan designation within the metropolitan UGB, as follows:

*“The Diagram’s depiction of land use designations is not intended to invalidate local zoning or land uses which are not sufficiently intensive or large enough to be included on the Metro Plan Diagram.*

*The Plan designation of parcels in the Metro Plan Diagram is parcel-specific in the following cases:*

- 1. Parcels shown on the Metro Plan Diagram within a clearly identified Plan designation, i.e., parcels that do not border more than one Plan designation;*
- 2. Lands outside the UGB within the Metro Plan boundary;*
- 3. Parcels with parcel-specific designations adopted through the citizen-initiated Plan amendment process;*
- 4. Parcels shown on a parcel-specific refinement plan map that has been adopted as an amendment to the Metro Plan Diagram.*

*There is a need for continued evaluation and evolution to a parcel-specific diagram. The Metro Plan designation descriptions below, Metro Plan policies, adopted buildable lands inventory analyses, refinement plans, and local codes provide guidance to local jurisdictions in determining the appropriate Plan designation of parcels that border more than one Plan designation within the metropolitan UGB.”*

These interpretations would occur as part of a process to change the zoning on specific parcels, and, less frequently, for subdivisions and conditional use permits. Staff would make findings of Metro Plan consistency for subdivisions and conditional use permits, as well as zone changes which are approved by the hearings officials. In

the case of zone changes, adjacent property owners would be provided an opportunity to comment on the interpretation of the Metro Plan designation as part of these quasi-judicial hearings. These processes are clearly consistent with Statewide Planning Goal 2.

Another aspect of the Goal 2 compliance issue raised in the testimony is the concern that the proposed Metro Plan Diagram in Exhibit C is not reflective of current adopted land inventories; and, further, that if some parcels on the Diagram are subject to interpretation in the future, the interpretations that result in a changed designation will make the Metro Plan Diagram more inconsistent with the inventories. The statement in the testimony that “there has not been a governing body adoption of the RLID inventories, and none is proposed here” is inaccurate. All of the land inventories currently adopted and acknowledged by DLCD are based on GIS data in RLID. The Diagram presented in Exhibit C is reflective of those inventories except to the extent that the designations of some parcels are proposed to change as described in the proposal. During the Planning Commission process, an analysis of the impact of these changes on the buildable lands supply in each land use category was conducted and this resulted in the conclusion: “the net effect of the proposed Plan Diagram changes does not result in a net shortage of buildable land in any of the categories.”

The interpretation of the parcels that border a different plan designation may affect the inventories in the future. The same is true for all Metro Plan diagram changes made in the interim between periodic reviews. This is the reason why an analysis of the cumulative impact of plan designation changes since the last periodic review is required as part of the Periodic Review process, and was accomplished for this Periodic Review in 1995.

- Continuing to allow interpretations of plan designations for the parcels specified is consistent with state law, including ORS 197.296. ORS 197.296 requires there be a 20 year supply of residential land at the time of periodic review or during a legislative review of the UGB. The 1999 Residential Land and Housing Study was adopted and acknowledged by DLCD to be in compliance with Statewide Planning Goals and administrative rules as part of this periodic review process. The DLCD notice for this metropolitan region to complete the residential land analysis was dated prior to the effective date of ORS 197.296 and, at the time that study was conducted, DLCD determined that the local governments were not required to meet ORS 197.296 during this periodic review. The 1999 Residential Land and Housing Study determined that there was a sufficient supply of residential land in all categories until at least the year 2015.
- The local governments are not refusing to use available technology, and, in fact, are using the GIS technology to its best advantage. The Regional Land Information Database (RLID) is a *database*. *It is a tool* to report, through the generation of maps from data files, the plan designation that has been entered into that data base. Where

the plan designation that has been determined through a formal adoption process is different from the designation in the database, the database must be corrected to reflect the adopted designation. The example offered in the testimony provides an excellent demonstration of this point. The map reference used by the applicant was not the “adopted” designation, but an incorrect data entry in RLID.

The determination of most parcels is clear through a comparison to the adopted “blob” diagram and staff feels confident that those 90+% of all parcels in the metro area match the adopted Metro Plan Diagram. Staff cannot be confident about the edges of designated areas because the blob diagram does not follow tax lot lines. For this reason, the public process involved in making a case-by-case determination is the best and most reasonable course of action for those parcels. The alternative would be for the elected officials of Eugene and Springfield to go through a Metro Plan Diagram amendment process for each of those parcels where a zone change is requested. These zone changes are currently processed by hearings officials.

- The proposal for a parcel specific diagram except for parcels that border a different plan designation provides less certainty for property owners than a diagram that is parcel-specific in its entirety. However, this certainty will work against property owners seeking a determination on their designation far more often than it would work in their favor because, again, a Metro Plan amendment would be required for every zone change where the owner wants to retain a zone that does not comply with the Diagram. The proposed level of parcel-specificity also works in favor of adjacent property owners who can comment on the interpretation of the designation during the zone change process.
- The proposal is not an accommodation for Eugene. The same responses, above, apply equally to the City of Springfield. The proposal is an urban issue because the area designated for urbanization and development is within the UGB, where the two cities have jurisdiction for planning. For this reason, the area shown on the Metro Plan diagram outside the UGB is proposed to be parcel-specific.
- The proposal for the Metro Plan Diagram will improve the relationship between refinement plans and the Metro Plan Diagram. Over 90% of the parcels in the new diagram will be parcel-specific. Refinement plans will be one of the tools used to help determine the plan designation for parcels that border a different plan designation.

**Recommendation:** Staff recommends adoption of the Metro Plan Diagram proposed in Exhibit C and the text as proposed, which will allow this metro area to evolve comfortably into a parcel-specific plan diagram.

## 8. Urban Reserves

**Issue:** Testimony submitted at the hearing requested retaining the existing Urban Reserve designations in the Metro Plan diagram, now proposed for deletion. In addition, there is continued interest on the part of Eugene planning staff to retain the designation of Urban Reserve in the north Eugene area. The owner of property in that current Urban Reserve has discussed the possibility of withdrawing forested hillside and ridgeline property from the UGB on the south end of town if the flatter land in the urban reserve with readily available services could be added to the UGB. The owner has offered to donate to the City an extensive area of land for future parks to make the developable acreages between the two sites equal. The City of Eugene staff believe this “UGB swap” could be in the best interests of the Eugene community in the long run, and retention of the Urban Reserve designation may facilitate this “UGB swap.”

**Staff Analysis:** At the November 29, 2000, Joint Work Session of Eugene and Springfield City Councils and Lane County Board of Commissioners, elected officials asked staff to schedule individual work sessions with each elected body to further discuss the future of urban reserve areas in the Eugene-Springfield metropolitan area. Work sessions were held with the Eugene City Council on February 21, 2001, with the Springfield City Council on March 5, 2001, and with the Lane County Board of Commissioners on March 21, 2001.

The result of the actions taken at these meetings was that the elected officials unanimously directed staff to proceed to remove urban reserves from the Metro Plan Diagram (see Attachment C: Minutes of elected officials’ meetings providing direction to remove urban reserves). The decision of the elected officials was based on the analysis and recommendations contained in the staff report and the report, *Eugene-Springfield Metropolitan Area Urban Reserve Analysis and Alternatives Report*, June 2001. This report is included in the record of the planning commission hearing process for the amendments subject to this request. The conclusion of that study was that the existing urban reserves do not meet the criteria in the administrative rule and therefore they should be removed from the diagram. DLCD has issued a letter stating that the existing urban reserves must be removed in order to complete this Periodic Review work task.

**Recommendation:** Staff recommends removing all existing urban reserves from the Metro Plan diagram in order to be consistent with existing state law. Staff further recommends that urban reserves be reconsidered through Region 2050, a collaborative process now underway to develop a Regional Growth Management Strategy for the Southern Willamette Valley.

## 9. UGB Location at RiverRidge Golf Course

**Issue:** Testimony indicated that the location of the Urban Growth Boundary as shown on the GIS map as it passes through RiverRidge Golf Course (TL 1703070000304) is incorrect, and has been shown incorrectly since at least 1988. Materials submitted into



the record indicate that several Lane County land use application documents and City of Eugene zone change application from 1988 all refer to an area of approximately 33 acres that were outside the Urban Growth Boundary. The current location of the Urban Growth Boundary shown on the GIS map leaves substantially less than 33 acres outside the UGB.

**Staff Analysis:** There is clearly a conflict between the statement that 33 acres of the property were outside the UGB and the fact that the map shows only about 19 acres outside the UGB. Either the 33 acre figure is incorrect or the location of the UGB shown on the GIS map is incorrect. The source of the 33 acre figure referenced in the Lane County land use application documents is not clear. It is possible that the 33 acre figure was an error, and that the error was repeated in all subsequent documents associated with the Jeffries' application for approval to construct a golf course on the site. One map submitted for the City zone change (file Z 88-6) shows a different UGB location, a location that roughly follows the 100-year floodway.

Staff conducted a brief GIS analysis of the area in question, and determined that if the UGB was drawn to follow the 100 year floodway across RiverRidge golf course, there would be almost exactly 33 acres of the site outside the UGB. Staff then consulted the 1987 Update to the Metropolitan Area General Plan, which contains broad descriptions of the location of the UGB and the basis for its location. In the location of RiverRidge Golf Course, the diagram indicates the following were used to determine the location of the UGB in this general area: protecting agricultural lands, the floodway fringe, protecting wetlands, protecting sand and gravel resources, and meeting housing goals. The 33 acres that lie east of the 100 year floodplain (formerly called the floodway fringe) were, at the time of the rezoning application to the County, designated for Sand and Gravel. The former sand and gravel resource area and the location of the floodplain coincide with the 33 acre figure. Written testimony included assessor maps that have a dashed line that early Metro Diagram cartographers may have incorrectly followed instead of the floodway line. This information appears to indicate that the 33 acre figure cited in the 1998 documents was correct, and that the location of the UGB shown on the GIS map was incorrect.

The land in question was not included in the residential buildable lands inventory. The UGB correction on the GIS map would not adversely affect this inventory.

**Recommendation:** Staff recommends correcting the Urban Growth Boundary on the GIS Metro Plan Diagram so that it generally follows the 100 year flood plain through RiverRidge Golf Course, and following existing tax lot lines at the south end of the subject area as shown in Exhibit C. The change to the data layer and file is consistent with the current, adopted text of the Metro Plan and reflects the actual UGB location adopted as of record.

## 10. Designation of 4J Schools: Santa Clara Elementary School

**Issue:** What is appropriate Land Use Designation of school sites that will no longer be used for “Government and Education” purposes? School District 4J requests Commercial designation for the Santa Clara Elementary School.

**Staff Analysis:** One of the purposes of the Metro Plan diagram update is to have the diagram better reflect land use designations shown in approved refinement plans. Many Eugene neighborhood refinement plan designations reflect current use of public properties, such as schools and fairgrounds, as “Government and Education.” When the refinement plans were prepared (often over 15 years ago), it was not forecast that school districts may discontinue school activities and sell these properties. The timing of this Metro Plan diagram update corresponds with District 4J’s disposition of two school sites, Santa Clara and Westmoreland Elementary Schools. It would be efficient if the land use designation were determined at this time, so as to inform the zone change application, if possible. On the other hand, more public discourse about the future use of these properties could be required, at 4J’s expense, if the sites were designated Government and Education and refinement plan amendments required prior to or concurrent with any zone changes. Amendments to the Metro Plan diagram will not automatically change the refinement plans, but could inform future interpretations. The written testimony provides data regarding the interim nature of the “Government and Institutional” designation, current Metro Plan designations, and zoning of these sites.

The old Metro Plan “blob” diagram shows commercial designation extending along both sides of River Road, to just north of Hunsaker Lane. The rest of this area is designated Low Density Residential. The Metro Plan diagram could suggest that some Commercial is on the Santa Clara School site. Narrow commercial zoning patterns suggest that the Commercial designation is not so wide as to encompass the entire school property.

The River Road-Santa Clara Urban Facilities Plan (a non-site specific refinement plan) appears to designate the entire Santa Clara School site as Education. The plan narrative recognizes problems created by the strip commercial development patterns along River Road and encourage buffering between commercial and residential uses. Policies in the plan discourage linear expansion of the strip commercial development patterns, but allow expansion “*by infilling, redevelopment, or expansion onto contiguous property that does not front on River Road*” (Policy 3.0, page 2-18) and to locate new neighborhood commercial uses “*away from River Road in locations that facilitate the provision of commercial facilities scaled to a residential area and that allow for dispersal of uses throughout River Road-Santa Clara*” (policy 6.0, page 2.19). Policy 22.0 in the Eugene Commercial Lands Study (1992, adopted as a refinement of the Metro Plan) states, in part, “*Recognize that the commercial sites designated in the RiverRoad/Santa Clara Urban Facilities Plan provide adequate commercial supply for the area. . .*” [the Santa Clara school site is not designated Commercial in the RR/SC Urban Facilities Plan]. Policy 11.0 states, “*Promote neighborhood-oriented commercial facilities and community commercial areas rather than additional major retail centers.*”

Current zoning of the school property is a combination of Public Land and Neighborhood Commercial. Neighborhood Commercial is not a Metro land use designation and may be compatible with Residential land use designations (determined at time of zone change).

This site is located within potential Nodal Development Area 5C as identified in TransPlan.

Based on this evidence, staff feels that designation of the entire school property as Commercial could be contrary to adopted policies. Some Neighborhood Commercial development, as current zoning allows, is compatible. Commercial land use designation is not necessary to retain the Neighborhood Commercial zoning.

**Recommendation:** Have the Metro Plan Land Use Diagram designate the entire Santa Clara Elementary School site as Low Density Residential (Tax lot #s: 17-04-11-44-00200; 00300; 00400; and 17-04-11-41-09100; 09200; and 09300). This designation should not be interpreted to prejudice future land use amendments to support nodal development.

#### **11. Designation of 4J Schools: Westmoreland Elementary**

**Issue:** What is appropriate Land Use Designation of school sites that will no longer be used for “Government and Education” purposes? School District 4J requests Medium Density Residential designation for the Westmoreland Elementary School site.

**Staff Analysis:** See introductory remarks in number 10, above.

The old Metro Plan “blob” diagram depicts the Westmoreland School site as “Medium Density Residential.” The school district’s pending zone change application would have the site be R-2, Medium Density Residential, which is consistent with that land use designation. A public hearing was held on January 28, 2004, at which time there was some testimony suggesting that part of the site should be designated for Parks and Open Space. The Hearings Official’s decision has not been issued yet.

**Recommendation:** Have the Metro Plan land Use Diagram designate the entire Westmoreland Elementary School site as Medium Density Residential (Tax lot #s: 17-04-36-33-00201 and 00400).

#### **12. Commercial or Residential on Tax lot 17-04-02-34-00300 (Irvington Road)**

**Issue:** A pending zone change application on this Irvington Road property brought to light that a refinement plan interpretation reflected in the draft Metro Plan diagram overstated the amount of commercial.

**Staff Analysis:** As stated in the written testimony, analysis suggests that the commercial area in the draft Metro Plan land use diagram was too large, and that the subject parcel should be all Low Density Residential. This conclusion is consistent with the property owner's pending zone change application.

**Recommendation:** Amend the diagram to designate all of Tax Lot 17-04-02-34-00300 as Low Density Residential.

**REPLACEMENT PAGES**

**March 1, 2004**

**Exhibit A**

**Metro Plan Housekeeping Revisions**

**Draft January 8, 2004**



- c. The district or zone of benefit is an interim service delivery method, and there are legal assurances, such as annexation agreements, to ensure that annexation to the appropriate city occurs within the planning period.
  - d. The servicing city is not capable of providing the full range of urban facilities and services in the short term, although it is recognized that urban facilities and services will be provided by a city consistent with adopted public facilities plans and capital improvement programs.
  - e. The district or zone of benefit will contract with the appropriate city for interim service delivery until ~~annexation~~ annexed to the appropriate city.
16. Ultimately, land within the UGB shall be annexed to a city and provided with the required minimum level of urban facilities and services. While the time frame for annexation may vary, annexation should occur as land transitions from urbanizable to urban.
  17. Eugene and Springfield and their respective utility branches, Eugene Water & Electric Board (EWEB) and Springfield Utility Board (SUB), shall be the water and electrical service providers within the UGB.
  18. As annexations to cities occur over time, existing special service districts within the UGB shall be dissolved. The cities should consider developing intergovernmental agreements, which address transition issues raised by annexation, with affected special service districts.
  19. The realignment (possible consolidation or merger) of fringe special service districts shall be examined to:
    - a. Promote urban service transition to cities within the UGB.
    - b. Provide continued and comprehensive rural level services to property and people outside the UGB.
    - c. Provide more efficient service delivery and more efficient governmental structure for serving the immediate urban fringe.
  20. Annexation of territory to existing service districts within the UGB shall occur only when the following criteria are met:
    - a. Immediate annexation to a city is not possible because the required ~~public~~ minimum level of key urban facilities and services cannot be provided in a timely manner (within five years, as outlined in an adopted capital improvements program).

## **I. Historic Preservation Element**

The metropolitan area has experienced, and it appears will continue to experience, growth and change. On the other hand, public interest and commitment to historic preservation has been increasing, at least partly due to recognition that historic structures, sites, and areas which provide a tangible physical connection with the past are a nonrenewable resource. This link with previous times provides a sense of permanence, continuity, and perspective to our lives, as well as a context within which change occurs. Historic structures can enrich our lives by offering architectural diversity to the visual environment and provide tangible links to the future.

### **Goal**

Preserve and restore reminders of our origin and historic development as links between past, present, and future generations.

## **Findings and Policies**

### **Findings**

1. Programs and publications that identify sites, structures, objects, and cultural areas and activities of historic significance serve as a visual and educational experience for the public.
2. Structures and sites of historic significance contribute to an area's ability to attract tourism.
3. The metropolitan area has an important heritage of historic sites, structures, and objects worthy of preservation.
4. When positive measures are not taken, visible evidence of ties to the past and reminders of our heritage disappear.
5. ~~To varying degrees, Springfield, Lane County, and Eugene are currently designing and implementing programs of historic preservation and awareness.~~
6. ~~While several archaeological sites are located in the metropolitan area, the value and significance of only one has been determined.~~ There remain many sections of the metropolitan area in which no surveying has been done to locate historic and archaeological sites.
7. Historic preservation programs generally allow continued and changing occupancy of historic structures and sites.
8. Beginning with the Antiquities Act of 1906 and through the present time, both the federal and Oregon state governments have expressed an interest in and enacted laws providing for the protection and preservation of sites, structures, objects, and areas of historic significance.



9. Depending on the nature and condition of an individual structure, rehabilitation, rather than replacement, may be less costly per square foot, more labor-intensive, and less energy-consuming, thereby resulting in net savings.

### **Goal**

~~Preserve and restore reminders of our origin and historic development as links between past, present, and future generations.~~

### **Objectives**

1. Develop and expand public awareness of the metropolitan area's origin, development, and history.
2. Encourage preservation and restoration of sites, structures, objects and areas of cultural, historic, or archaeological significance for the enjoyment and knowledge of present and future generations.

### **Policies**

- I.1 Adopt and implement historic preservation policies, regulations, and incentive programs that encourage the inventory, preservation, and restoration of structures; landmarks; sites; and areas of cultural, historic, or archaeological significance, consistent with overall policies.
- I.2 Institute and support projects and programs that increase citizen and visitor awareness of the area's history and encourage citizen participation in and support of programs designed to recognize and memorialize the area's history.
- I.3 Explore the feasibility of a metropolitan non-profit historic preservation development organization to bring together public and private funding sources.
- I.4 Periodically review state and federal programs intended to assist in preservation of historic and archaeological sites for possible use in connection with local implementation programs.
- I.5 Monitor and evaluate the effect of these actions on other adopted policies and the metropolitan area as a whole.
- ~~I.6 Local jurisdictions shall develop a working paper before the end of the next Plan update and adopt policy guidelines for resource management of archaeological sites using the information from the University of Oregon study entitled "Archaeological Resources of the Eugene-Springfield Metropolitan Area, Oregon: Overview and Management Recommendations," and any other available information. This working paper shall (inventory) and examine a process for determining significance of the archaeological~~

~~\_\_\_\_\_ sites identified in the University of Oregon study and shall contain a procedure for determining the significance of new sites. A public hearing will be held prior to the adoption of the working paper and accompanying inventory.~~

- ~~I.7 Local governments shall develop a list of experts qualified to assist with the identification and evaluation of archaeological sites.~~
- I.8 Local governments shall pursue grants from all available sources to assist with the identification and evaluation of archaeological historically significant sites.

## **Exhibit B**

### ***Metro Plan* Chapter III-C. Environmental Resources Element**

**Note:** This document shows proposed changes to Chapter III-C of the *Metro Plan*. It is a draft in legislative format. It is a product of the metropolitan-wide policy component of the *Eugene-Springfield Metropolitan Natural Resources Study (NR Study)* and the Lane County component of the study, for the area outside the urban growth boundary. Additions are shown in double underline. Deletions are shown in ~~strikeout~~. The draft includes proposed changes to the element resulting from the *NR Study*, which include new and amended findings to comply with Statewide Planning Goal 5 as implemented in Oregon Administrative Rule (OAR) 660 Division 23. This draft also includes amendments to the policies for Goal 3: Agricultural Lands, and Goal 4: Forest Lands, which are products of a separate Periodic Review study.

### **C. Environmental Resources Element**

The Environmental Resources Element addresses the natural assets and hazards in the metropolitan area. The assets include agricultural land, clean air and water, forest land, sand and gravel deposits, scenic areas, vegetation, wildlife, and wildlife habitat. The hazards include problems associated with floods, soils, and geology. The policies of this element emphasize reducing urban impacts on wetlands throughout the metropolitan area and planning for the natural assets and constraints on undeveloped lands on the urban fringe.

Numerous local efforts reflect a positive attitude by the community toward the natural environment. For example, the Eugene-Springfield metropolitan area has a long history of commitment to local programs directed toward problems of air and water quality. Examples of regional parks that provide significant public open space areas for metropolitan residents include Eugene's Skinner Butte, Spencer Butte, Alton Baker, and Hendrick's Parks and Whilamut Natural Area; ~~Lane County's Alton Baker, Clearwater, and Lane County's~~ Howard Buford Recreation Area (Mt. Pisgah), and Willamalane Park and Recreation District's Clearwater Park, Eastgate Woodlands, and Dorris Ranch. Eugene has focused special planning efforts toward controlling development and maintaining the scenic and environmental assets in the South Hills of the city. A tax levy passed by Eugene voters is resulting in additions to the park and open space system in the metropolitan area. Lane County, Springfield, and Eugene all contribute to the local success of the Willamette River Greenway (Greenway) program.

The natural environment adds to the livability of the metropolitan area. Local awareness and appreciation for nature and the need to provide a physically and psychologically healthy urban environment are reasons for promoting a compatible mix of nature and city. Urban areas provide a diversity of economic, social, and cultural opportunities. It is equally important to provide diversity in the natural environment of the city. With proper planning, it is possible to allow intense urban development on suitable land and still retain valuable islands and corridors of open space. Open space may reflect a sensitive natural area, such as the floodway fringe, that is protected from development. Open space can also be a park, a golf course, a cemetery, a body of water, or an area left undeveloped within a private commercial or residential development.

Agricultural and forested lands on the fringe of the urban area, in addition to their primary use, provide secondary scenic and open space values.

Air and water resources are especially vital in an urban area. Internal and external factors contribute to problems associated with air quality and water quality and quantity, but techniques are available to help reduce these problems and make the environment more livable.

The compact urban growth form concentrates urban development and activities, thus protecting valuable resource lands on the urban fringe. But concentrating development increases pressures for development within the urban growth boundary (UGB), making planning for open space and resource protection a critical concern within that boundary. Planning can ensure the coexistence of city and nature; one example is the ~~Willamette River~~ Greenway.

The Environmental Resources Element provides broad direction for maintaining and improving our natural urban environment. Other elements in the Metro Plan that provide dealing in more detail with particular aspects of the natural environment: Greenway, River Corridors and Waterways; Environmental Design; Public Facilities and Services; and Parks and Recreation Facilities and Environmental Design (scenic). The emphasis in the Environmental Resources Element ~~is element~~ is the protection of waterways as a valuable and irreplaceable component of the overall natural resource system important to the metropolitan area. Waterways are also ~~the~~ addressed in the subject of Section D, "Willamette River Greenway and Public Facilities and Services elements, River Corridors, and Waterways." While some overlap repetition is unavoidable, the Greenway element that section emphasizes the intrinsic value of the Willamette River waterways for enjoyment and active and passive use by residents of the area. The public facilities element deals with components of the natural resource system in the context of the water and stormwater systems. The public facilities element includes findings and policies related to waterways, groundwater, drinking water protection, the Clean Water Act, and the Endangered Species Act.

The inventories conducted as the basis for this element and the goals, ~~objectives,~~ and policies contained herein, address ~~numerous~~ Statewide Planning Goals 3, 4, 5, 6, and 7 and interpret those goals in the context of the needs and circumstances of the metropolitan area.

Lane County and the Cities of Springfield and Eugene completed the Goal 5 requirements for wetlands, riparian corridors, and wildlife habitat for the area between the UGB and the Metro Plan Plan Boundary (Plan Boundary). The three local governments jointly adopted Metro Plan text and policy amendments to the Environmental Resources Element to implement the Goal 5 requirements in 2004. Lane County adopted amendments to the riparian protection ordinance (Class I Stream Riparian Protection regulations, Lane Code Chapter 16.253) to implement Goal 5 in the area outside the UGB and inside the Plan Boundary in 2004. In 2004, Springfield and Eugene were undertaking work to comply with Goal 5 requirements for wetlands, riparian corridors, and wildlife habitat within their respective urban growth boundaries for adoption by the applicable jurisdictional land use authorities.

This element of the *Metro Plan* organizes the findings and policies into categories related to Statewide Planning Goals 3, 4, 5, 6, and 7.

Agricultural Lands (Goal 3)  
Forest Lands (Goal 4)  
Riparian Corridors, Wetlands, and Wildlife Habitat (Goal 5)  
Mineral and Aggregate Resources (Goal 5)  
Open Space (Goal 5)  
Noise (Goal 6)  
Air, Water, and Land Resources Quality (Goal 6)  
Natural Hazards (Goal 7)

## Goals

1. Protect valuable natural resources and encourage their wise management, use, and proper reuse.
2. Maintain a variety of open spaces within and on the fringe of the developing area.
3. Protect life and property from the effects of natural hazards.
4. Provide a healthy and attractive environment, including clean air and water, for the metropolitan population.

## Objectives

- ~~1. Maintain the benefits associated with environmental resources in an urban setting. Those resources include agricultural lands, clean air and water, forest lands, sand and gravel deposits, scenic areas, wildlife and wildlife habitat, and vegetation. Policies directed toward these resources may differ, depending upon whether they are located on urban, rural, or urbanizable land.~~
- ~~2. Maintain the livability of the metropolitan area by integrating open spaces into urban development; by planning for a variety of public and private open spaces; and by considering the natural environment when making planning decisions.~~
- ~~3. Improve and maintain air and water quality to meet federal, state, and local standards.~~
- ~~4.4. Minimize problems associated with water quantity and noise.~~
- ~~5. Manage open space areas for their diverse and multiple values.~~
- ~~6. Prevent damage to life and property and expenses associated with flooding and problem soils.~~

- ~~7. Minimize the impacts of urban development upon agricultural lands, forest lands, other natural resource lands, and other valuable open space by promoting compact urban growth and by using urban land efficiently (e.g., increasing urban densities).~~
- ~~8. Protect non-renewable (sand and gravel) resource lands from premature urban development, thus allowing for extraction and production of that resource.~~

## **Findings and Policies**

### **Agricultural Lands (Goal 3)**

#### **Findings**

- ~~151.~~ The statewide goal definition for agriculture is based upon: (a) U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) agricultural soil capability classification system for Class I through IV soils, (b) other agricultural uses on Class V through VIII soils, and (c) proximity of other lands to (a) and (b). The majority of land in the metropolitan area is located on agricultural soils rated Classes I through IV, and much of this area is developed with urban uses. The hillside soils are generally Classes VI through VIII soils, and some are suited for grazing and other agricultural uses.
- ~~162.~~ The most productive agricultural lands in the metropolitan area are located on Class I through IV soils on bottomlands along the McKenzie River and the Middle Fork of the Willamette River.
- ~~283.~~ Where urban and agricultural lands abut, farm use management problems are frequently created.

#### **Policies**

- ~~5C.1~~ Where agricultural land is being considered for inclusion in future amendments to the UGB, least productive agricultural land shall be considered first. Factors other than agricultural soil ratings shall be considered when determining the productivity of agricultural land. Relevant factors include suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation, ownership patterns, land use patterns, proximity to agricultural soils or current farm uses, other adjacent land uses, agricultural history, technological and energy inputs required, accepted farming practices, and farm market conditions.
- ~~8C.2~~ Designated agricultural lands shall be protected for agricultural uses through zoning for exclusive farm use or equivalent acceptable zoning and through application of other protective measures.
- ~~9C.3~~ During the next *Metro Plan* update, a study should be initiated to examine ways of buffering and protecting agricultural lands on the urban fringe from the effects of urban

development. The study should also evaluate approaches to use in order to maintain physical separation between the Eugene-Springfield metropolitan area and smaller outlying communities.

C.4 In addition to any of the above policies, these policies apply to agricultural lands within the jurisdictional boundaries Plan Boundary of the *Metro Plan* but outside the UGB. Lands within the UGB with agricultural soils or that are used for agricultural purposes are not entitled to protection under these policies.

- a. Encourage agricultural activities by preserving and maintaining agricultural lands through the use of an exclusive agricultural zone which is consistent with ORS 215 and OAR 660 Division 033.
- b. In Agricultural Rent Zones 1 and 2 preference will be given to Goal 3. In Rent Zone 3, unless commercial agricultural enterprises exist, preference will be given to Goal 4.
- c. Reserve the use of the best agricultural soils exclusively for agricultural purposes.
- d. To ensure that zoning districts applied to agricultural lands encourage valid agricultural practices in a realistic manner emphasis shall be placed on minimum parcel sizes which are based upon a countywide inventory and which are adequate for the continuation of commercial agriculture. As minimum parcel sizes decrease to accommodate more specialized commercial agricultural activities, the burden of proof upon the applicant shall increase in order to substantiate the proposed agricultural activity and restrictions shall increase in order to obtain a residence on the commercial farm unit. Deviation from minimum parcel sizes of the Exclusive Farm Use (EFU/RCP) 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.
- e. Use planning and implementation techniques that reflect appropriate uses and treatment for each type of land.
- f. Encourage irrigation, drainage and flood control projects that benefit agricultural use with minimum environmental degradation in accordance with existing state and federal regulations.
- g. Some agricultural land is not suitable or available for agricultural use by nature of being built upon, committed to or needed for nonagricultural uses, by using applicable comprehensive plan policies and the exceptions process of Goal 2, Part II.

- h. Provide maximum protection to agricultural activities by minimizing activities, particularly residential, that conflict with such use. Whenever possible planning goals, policies, and regulations should be interpreted in favor of agricultural activities.
- i. Agricultural lands shall be identified as high value farm lands and farm lands in other soil classes in accordance with OAR 660 Division 033.
- j. Such minimum lot sizes or land division criteria as are used in EFU/RCP zones shall be appropriate for the continuation of the existing commercial agricultural enterprise in the region. The commercial agricultural minimum field or parcel sizes and corresponding farming regions identified in the *Addendum to Working Paper: Agricultural Lands* shall be used to determine the appropriate division requirements for lands zoned EFU/RCP.
- k. Conversion of rural agricultural land to urbanizable land shall follow the process and criteria set forth in Goals 3 and 14.
- l. Regard non-agricultural uses within or adjacent to agricultural lands as being subject to the normal and accepted agricultural practices of that locality.
- m. No policy shall be construed to exclude permitted and specially permitted non-farm uses, as defined in ORS 215.213 and OAR 660 Division 033, from the EFU/RCP zones. Implementing ordinances shall provide for such uses, consistent with the statutory and OAR 660 Division 033 requirements. Special permits for commercial uses in conjunction with farm use shall have the same effect as making the use an outright permitted use on the affected parcel.
- n. Land may be designated as marginal land if it complies with the requirements of ORS 197.247 (1991 Edition).
- o. Lane County recognizes ORS 215.253 shall apply on land-zoned EFU and Marginal Lands.
- p. Recreational activities in the Park and Recreation (PR/RCP) zone district within agricultural areas that are outside lands for which a built or committed exception to a statewide planning goal has been taken shall be limited to those uses consistent with Statewide Planning Goals 3 and 4.

#### Forest Lands (Goal 4)

#### Findings

174. The statewide goal definition for forest is based upon: (a) U.S. Department of Agriculture soils information translated into a potential forest growth productivity rating



and (b) existing forest cover. Many soils in the metropolitan area have forest growth potential. Existing forest cover consists of coniferous and deciduous hardwood forests located primarily in the hills south of Eugene and Springfield and of riparian (streamside) forests along rivers, streams, ponds, and sloughs.

185. Forest lands provide multiple values in the metropolitan area including: scenic resources; watershed and soil protection, recreational opportunities; fish and wildlife habitat; commercial timber harvest; livestock grazing; and other urban uses, such as buffering. Within the UGB, and particularly within cities, timber harvest has less value to the general public than do other values.

### Policies

- 14C.5 Metropolitan goals relating to scenic quality, water quality, vegetation and wildlife, open space, and recreational potential shall be given a higher priority than timber harvest within the UGB.

- 15C.6 The Oregon Forest Practices Act shall control commercial forest practices when commercial forest uses are the primary or one of two or more primary uses identified on forest lands ~~on Metro Plan~~ rural lands outside the UGB. When other policies of the *Metro Plan* establish a greater importance for uses other than commercial forests, Lane County shall protect those other values by applying appropriate implementation measures.

- ~~16. Lane County shall support programs (state laws, for example) which benefit small woodlot management in rural areas.~~

- ~~17. In rural lands outside the urban growth boundary, forest lands designated in the Metropolitan Plan shall be protected for forest uses through zoning for forest use and through application of other protective measures. The values of forest lands shall not be destroyed or deteriorated by nonforest uses.~~

- 40C.7 In addition to any of the above policies, these policies apply to forest lands within the jurisdictional boundaries Plan Boundary of the *Metro Plan* but outside the UGB:

- a. Conserve forest lands by maintaining the forest land base and protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture for the multiple forest uses of commercial timber management; watershed protection; wildlife, fisheries, and livestock habitat; and recreation, as per Goal 4

Forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations

or practices and other forested lands that maintain soil, air, water, and fish and wildlife resources.

- b. Forest lands will be separated into two zoning categories, Non-impacted and Impacted, and these categories shall be defined and mapped by the general characteristics specified in the Non-impacted Forest Land (F-1/RCP) and Impacted Forest Land (F-2/RCP) zones general characteristics.
- c. ~~On Nonimpacted Forest Lands or lands adjacent to Nonimpacted Forest Lands, limit nonforest uses.~~

Forest lands that satisfy the requirements of ORS 197.247 (1991 Edition), may be designated as Marginal Lands. Uses and land divisions allowed on Marginal Lands shall be those allowed by ORS 197.247 (1991 Edition).

- d. ~~On Impacted Forest Lands, limit nonforest uses.~~

Forest operations, practices and auxiliary uses shall be allowed on forest lands and shall be subject only to such regulation of uses as are found in the Oregon Forest Practices Act, ORS 527.722.

- e. ~~Prohibit residences on F-1/RCP zone lands except for the maintenance, repair, 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.~~

Dwellings shall be allowed in the F-2/RCP zoning district as provided in Lane Code 16.211.

- g. ~~Regard nonforest uses within or adjacent to forest lands as being subject to any normal and accepted forest practices in the locality.~~

The minimum land division size for the F-1/RCP zone and the F-2/RCP zone shall comply with Lane Code 16.210 and 16.211.

- h. ~~Require that nonforest uses other than a residence on Nonimpacted 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 Nonimpacted Forest Land or evidence that the proposed site is on land generally unsuitable for forest uses.~~

New structures must comply with the *Siting and Fire Safety Standards* of Lane Code 16.210 and 16.211.

- 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.~~

Recreational activities in the Park and Recreation (PR/RCP) zone district within resource areas that are outside lands for which a built or committed exception to a statewide planning goal has been taken shall be limited to those uses consistent with Statewide Planning Goals 3 and 4.

- j. ~~Parcel sizes for Nonimpacted Forest Land must conserve forest land for nonimpacted forest uses and be consistent with the Nonimpacted Forest Land Zone General Characteristics.~~

The effects of a projected shortfall in timber supplies within the near future are of considerable concern to Lane County. Lane County supports efforts by state and federal agencies in developing plans that will address the situation. Lane County intends to be an active, committed participant in such plan development.

- k. ~~The following division standards are consistent with and will implement this policy:~~

- ~~(1) Forty 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 wood lot 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.

<del>Cubic Foot</del>	<del>Potential Yield</del>	<del>Acreage</del>
<del>Site Class</del>	<del>Cu Ft/Acre/Year</del>	<del>Minimum</del>
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:~~
  - (a) ~~Zoned F 2~~
  - (b) ~~Containing at least 160 acres~~
  - (c) ~~For the creation of lots or parcels adjacent to F 1, RCP zoned lands~~
- (3) ~~Deviation from the standard specified in subsections 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 on if consistent with accessory dwelling standards in the EFU zone.~~
- (4) ~~Deviation from the standard specified in subsections 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 Lane County 16.090 are permissible.~~

- ~~(6) Land divisions for nonfarm or nonforest dwellings are per EFU standards.~~
- ~~n.k.~~ Encourage the consolidation of forest land ownership in order to form larger, more viable forest resource units.
- ~~n.l.~~ 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.~~
- m. Encourage the development of assistance programs, tax laws, educational programs, and research that will assist small woodland owners with the management of their forest land.
- n. Lane County recognizes that the Oregon Forest Practices Act shall be the only mechanism regulating the growing and harvesting of forest tree species on commercial forest lands unless Goal 5 resource sites have been recognized and identified as being more important through an analysis of the environmental, social, economic, and energy (ESEE) consequences and conflict resolution as per Goal 5. No other findings, assumptions, goal policy, or other planning regulation shall be construed as additional regulation of forest management activities.
- po. Lands designated within the *Metro Plan* as forest land shall be zoned F-1/RCP or F-2/RCP. A decision to apply one of the above zones or both of the above zones in a split zone fashion will be based upon 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 (1) and (2). This conclusion shall be supported by a statement of reasons explaining why the facts support the conclusion.
- (1) Non-impacted Forest Land (F-1/RCP) zone characteristics:
- (a) Predominantly ownerships not developed ~~by~~ with residences or non-forest uses.
  - (b) Predominantly contiguous ownerships of 80 acres or larger in size.
  - (c) Predominantly ownerships contiguous to other lands utilized for commercial forest or commercial farm uses.
  - (d) Accessed by arterial roads or roads intended primarily for forest management.
  - (e) Primarily under commercial forest management.

(2) Impacted Forest Land (F-2/RCP) zone characteristics:

- (a) Predominantly ownerships developed ~~by~~ with residences or non-forest uses.
- (b) Predominantly ownerships 80 acres or less in size.
- (c) 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 *Metro Plan*.
- (d) Provided with a level of public facilities and services, and roads intended primarily for direct services to rural residences.

**Riparian Corridors, Wetlands, and Wildlife Habitat (Goal 5)**

**Findings**

~~24. Inventories of vegetation, wildlife, and wildlife habitats resulted in the identification of several significant areas. Water, wetlands, and areas of diverse vegetation are the most productive wildlife habitats within the metropolitan area. Over half of the significant vegetation and wildlife areas identified in the inventories are in public ownership.~~

~~266. Literature search~~ Data from the Oregon Natural Heritage Program (acquired in 2000) and interviews with specialists resulted in the identification of sites with species of concern, or endangered and threatened (as recognized on existing and proposed state and federal lists) plant and wildlife species whose normal or historic range includes the metropolitan area. Without additional comprehensive field studies (including field work), it is not possible to determine the actual existence and location of many of these species.

~~347.~~ Natural resources may be identified within the metropolitan area after acknowledgment of the *Metro Plan*. Statewide Planning Goal 5 requires that these resources, if determined to be significant, be subject to a conflict resolution process.

~~8.~~ Lane County, Springfield, and Eugene jointly completed the Goal 5 requirements for riparian corridors for the area between the UGB and the Plan Boundary. The inventory consisted of data from the Oregon Department of Forestry stream classification maps, U.S. Geological Service 7.5 minute quadrangle maps, Statewide Wetlands Inventory maps, and aerial photographs. The boundaries of significant riparian corridors were determined using the standard setback distance from all fish-bearing lakes and streams shown on the inventory as follows: 75 feet upland from the top of each bank along all streams with average annual stream flow greater than 1000 cubic feet per second; and 50 feet upland from the top of each bank along all streams with average annual stream flow less than 1000 cubic feet per second.

9. Lane County, Springfield, and Eugene jointly completed the Goal 5 requirements for wetlands for the area between the UGB and the Plan Boundary. The inventory consisted of data from the Statewide Wetlands Inventory.
10. Lane County, Springfield, and Eugene jointly completed the Goal 5 requirements for wildlife habitat for the area between the UGB and the Plan Boundary. The inventory consisted of data from the Oregon Natural Heritage Program and the Oregon Department of Fish and Wildlife, which included: threatened, endangered, and sensitive wildlife species habitat information; sensitive bird site inventories; and wildlife species of concern and/or habitats of concern identified and mapped by the Oregon Department of Fish and Wildlife. The Goal 5 wetland and riparian corridor requirements for the area between the UGB and the Plan Boundary adequately address fish habitat. Consequently, for purposes of applying Goal 5 requirements to this portion of the metro area, wildlife does not include fish habitat. Significant wildlife habitat includes only those sites where one or more of the following conditions exist: the habitat has been documented to perform a life support function for wildlife species listed by the federal government as a threatened or endangered species or by the State of Oregon as a threatened, endangered, or sensitive wildlife species; the habitat has documented occurrences of more than incidental use by a threatened, endangered, or sensitive wildlife species; the habitat has been documented as a sensitive bird nesting, roosting, or watering resource site for osprey or great blue herons; the habitat has been documented to be essential in achieving policies or population objectives specified in a wildlife species management plan adopted by the Oregon Fish and Wildlife Commission; or the area is identified and mapped by the Oregon Department of Fish and Wildlife as habitat for a wildlife species of concern.
11. Springfield and Eugene are required ~~were undertaking work in 2003 to complete~~ Goal 5 requirements for wetlands, riparian corridors, and wildlife habitat within their respective urban growth boundaries for adoption by the applicable jurisdictional land use authorities. Each city will conduct a separate study to: inventory; determine significance; identify conflicting uses; analyze the economic, social, environmental and energy consequences that could result from a decision to allow, limit, or prohibit a conflicting use; and implement protection measures. Lane County and the respective city jointly will adopt the inventory and protection measures for the area outside the city limits and inside the

## Policies

- 18C.8 Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies, and restrict development in wetlands in order to prevent erosion and protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas.
- 19C.9 Local governments shall develop policies and local controls for protection and management of wetland areas by completion of the next Metro Plan update. Each city shall complete a separate study to meet its requirements under the Goal 5 Rule for

wetlands, riparian corridors, and wildlife habitat within the UGB. Lane County and the respective city jointly will adopt the inventory and protection measures for the area outside the city limits and inside the UGB.

~~26C.10~~ Local governments shall encourage further study (by specialists) of endangered and threatened plant and wildlife species in the metropolitan area.

~~27C.11~~ Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input.

~~28C.12~~ Local governments shall work with owners of designated environmentally sensitive areas to require that reasonable actions are taken to protect these lands, e.g., the heronry at the confluence of the Willamette and McKenzie Rivers and the site of the Aster Curtis in the Willow Creek Basin. Property owners may pursue efforts to protect natural vegetation and wildlife habitat areas on their land to conserve these areas, e.g., through conservation easements, public acquisition, donation, land trusts, etc.; and local governments are encouraged to assist in these efforts.

~~29.~~ In the Willow Creek Wetlands, transfer of density may occur through the planned unit development process. This transfer would be from “natural resource” designated lands to undeveloped portions of tax lots and adjacent tax lots under common ownership, which are designated for low density residential use. This transfer may occur at overall densities within the range between those assumed in plan development and the maximum allowed plan densities.

~~30.~~ Site review criteria shall be applied to large vacant parcels on Gillespie Butte to protect vegetation and scenic values to the maximum extent practicable.

~~31.~~ Further studies are required for the Pudding Creek heronry and the Upper Russel Creek Drainage Basin potential natural areas.

~~35C.13~~ Newly identified Wetland, riparian corridor, or wildlife habitat natural resources or sites inside the UGB identified after adoption of the applicable Goal 5 inventory of significant sites, that have not been previously considered for inclusion in the inventory, shall be addressed in the following manner:

- a. The jurisdiction within which the natural resource is located shall inventory study the site according to the requirements in the Goal 5 administrative rule, incorporating the use of experts, for specific location, quantity, and quality. ~~Whenever feasible, this inventory should be done within 30 days. Constraints on access to private lands, availability of qualified experts, and the difficulty of identifying the suspected natural resource at certain times of the year may require an exception to the time frame.~~



- b. Upon the completion of the preliminary inventory study, the affected jurisdiction shall determine ~~within ten days~~ whether the identified natural resource is significant according to the adopted significance criteria of the affected jurisdiction and adopt supporting findings. ~~Significance will be determined on a case-by-case basis by the jurisdiction, according to whether the resource is on a federal, state, or local listing, and because of the uniqueness or scarcity of the resource locally. If necessary to protect the site, the local jurisdiction shall apply interim protection. The jurisdiction shall notify the other jurisdictions, MPC, and interested parties of the decision and any interim protection measures to be undertaken. This decision may be appealed in writing within ten days notification of the jurisdiction's decision to MPC. MPC shall consider the refinement of the inventory, the decision of the affected jurisdiction, and the written basis for appeal. The written appeal must include specific facts and reasons why the decision of the jurisdiction was inappropriate. MPC must reach a decision on significance within 40 days of receipt of an appeal.~~
- c. ~~If the newly identified site~~ a natural resource is determined significant, ~~in no later than six months~~ the affected jurisdiction shall complete the conduct a Goal 5 requirements for the site, which includes adoption of protection measures for sites identified for protection Environmental, Social, Economic, and Energy conflict resolution analysis and release a draft working paper with recommendations to MPC.
- d. The affected jurisdiction Staff will notify coordinate with affected property owners and interested parties throughout the process.

38. ~~Prior to the completion of the next Plan Update, the Goodpasture Island Great Blue Heronry shall be inventoried and assessed for its significance as a Goal 5 resource. A Goal 5 ESEE analysis shall be conducted, if required.~~

39C.14 These policies apply to the Pudding Creek Heronry and Confluence Heronry on the Willamette River.

- a. ~~For the Pudding Creek Heronry:~~
  - (1) ~~Sand and Gravel Operations Management Plan~~ for the Heronry shall be filed with Lane County, requiring a vegetative, natural resource buffer and a 1000-foot operational buffer.
  - (2) ~~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.~~

- (3) ~~The 1000 foot operational buffer area shall extend outward 1000 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.~~
- (4) ~~Personnel from the Oregon Department of Fish and Wildlife (ODFW) shall monitor the heronry annually during the months of February through July to verify nesting activity of the heronry. Should the ODFW verify that fledging is completed prior to the July 15 date stated above, restrictions applicable to the operations buffer shall be lifted.~~
- (5) ~~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 ODFW that the heronry has been abandoned. Upon initial verification by the ODFW that the heronry has been abandoned, Eugene, Springfield, Lane County, and the ODFW 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 not to 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 of the ODFW is received that the heronry has again been abandoned, the three-year period of assessment shall start anew.~~
- (6) ~~Lane County, Eugene, and Springfield shall continue to support the Oregon State Parks Division, the State Land Board, and the ODFW in pursuing long-term protection of the heronry. A land exchange has been identified as the preferred option to provide long term protection of the heronry. Progress toward providing long-term protection of the heronry through land exchange shall be closely monitored during plan updates.~~

b. ~~For the Confluence Island Heronry:~~

- (4)a. The heronry shall be protected by a Natural Resource designation on the -Metro Plan Diagram, protective designation and zoning, and the application of restrictions identified below.
- (2)b. 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 and 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.
- (3)c. 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.
- (4)d. 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.
- (5)e. Park use on the island should be discouraged by the state.
- (6)f. 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.
- (7)g. 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.
- e. ~~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. This master plan shall be completed within three years.~~

C.15 The Statewide Wetland Inventory as shown on the map titled *Goal 5 Wetlands for the area inside the Metro Plan Boundary and outside the UGB*, dated January 2004, adopted and incorporated here, shall be used to identify wetlands for purposes of notifying the Division of State Lands concerning applications for development permits or other land use decisions affecting Goal 5 wetlands in the area outside the UGB and inside the Plan Boundary. The map is on file at the Lane County Land Management Division.

C.16 The map titled *Goal 5 Significant Wildlife Habitat for the area inside the Metro Plan Boundary and outside the UGB*, dated January 2004, adopted and incorporated here, shall be used to identify significant wildlife habitat for purposes of notifying the Oregon Department of Fish and Wildlife concerning applications for development permits or other land use decisions affecting significant wildlife habitat on the Goal 5 inventory for areas outside the UGB and inside the Plan Boundary. The map is on file at the Lane County Land Management Division.

C.17 The map titled *Goal 5 Significant Riparian Corridors for the area inside the Metro Plan Boundary and outside the UGB*, dated January 2004, adopted and incorporated here, shall be used to identify significant riparian corridors for purposes of applying Goal 5 riparian protection provisions in Lane Code Chapter 16 for areas outside the UGB and inside the Plan Boundary. The map is on file at the Lane County Land Management Division.

## **Policies**

20. ~~Positive steps shall to be taken to protect the Springfield municipal groundwater supplies along the McKenzie River and the middle fork of the Willamette River.~~

## **Findings**

10. ~~Known and potential groundwater pollution exists in the metropolitan area. Known and potential sources of groundwater pollution include septic tank wastes, industrial, commercial, and residential runoff; leakage from sanitary sewer pipes; leaking from sanitary landfills; agricultural non-point sources (spraying and animal wastes); chemical and petroleum spills, and natural contaminants (arsenic).~~
11. ~~Beneficial uses of groundwater in the metropolitan area include domestic and municipal water supplies, industrial supplies, and domestic and commercial irrigation. The value and frequency of these uses varies among incorporated, urbanizable, and rural areas.~~

## **Mineral and Aggregate Resources (Goal 5)**

### **Findings**

12. Total land designated and zoned for sand and gravel extraction in the metropolitan area and immediately adjacent sub-areas appears adequate for demand through the planning period.
13. Sand and gravel deposits are an important natural resource necessary for construction in the metropolitan area. Nevertheless, the extraction of sand and gravel can conflict with other open space and recreation values associated with water resources, vegetation, wildlife habitat, and scenic quality. Proper rehabilitation and reuse of abandoned sand and gravel sites results in the return of valuable land for urban uses, including open space.

14. Lane County addressed the Goal 5 requirements in effect at the time of *Metro Plan* designation, zoning or permitting for mineral and aggregate operations outside the UGB including potential conflicts with inventoried wetlands, riparian corridors, and wildlife habitat. The permitting process of the Department of Geology and Mineral Industries (DOGAMI) will require necessary and adequate protections for inventoried wetlands, riparian corridors, and wildlife habitat for these existing operations. Future *Metro Plan* amendment, rezoning, or permitting processes for new mineral and aggregate operations not already authorized or permitted will be subject to applicable requirements of Goal 5 and DOGAMI regulations.

## Policy

- ~~10C.18~~ Sand and gravel sites identified as significant by the *Metro Plan* resource areas shall be protected in accordance with the requirements of the Goal 5 Rule, from premature urban development in order to maintain existing and future sources of this important, nonrenewable resource in close proximity to the metropolitan market. The relationship between the demand for the resource and the amount of land planned and zoned for sand and gravel extraction and processing shall be closely monitored so as to ensure the future availability of aggregate material.
11. Local governments shall continue, through land use planning and special regulations, to control sand and gravel extraction and production in order to:
- a. Minimize negative effects on surrounding land uses, on air and water quality, and on other natural resources.
  - b. Require reclamation plans for extraction and processing areas which encourage reuse of such lands in a manner compatible with adjacent land uses, adopted plans, and in accordance with state law.
  - c. Allow other appropriate uses, such as agricultural production, timber production, parks, and other open space uses.
12. The plan diagram's intent is to include existing sand and gravel zoned areas in sand and gravel designation.
13. Lane County shall conduct studies to determine:
- a. The location, quality, and quantity of sand and gravel resources within the resource areas designated in the Technical Supplement.
  - b. Conduct reanalysis of the relationship between the demand for the resource and the land planned, zoned, and actually usable for extraction.  
These studies should be conducted in cooperation with local sand and gravel industries.

## Open Space (Goal 5)

## Findings

2215. While development and in-filling have decreased the amount of open space (and associated vegetation and wildlife habitat) within the urban service area, the compact urban growth form has protected open space on the urban fringe and in rural areas within the Plan Boundary.
2316. Compact urban growth results in pressure on open space within the current ~~urban service area~~ UGB. Programs for preserving quality open space within the projected ~~urban service area~~ UGB become more important as the area grows.
2517. Open space provides many benefits in an urban area, including: retention of habitat for wildlife; filtration of polluted water, absorption of storm runoff flow; protection of scenic quality; provision of recreation opportunities; reduction of atmospheric temperatures, and personal well-being.
2718. Urban agriculture, in other words, backyard and community gardens, and interim use of vacant and underdeveloped parcels, provides economic, social, and environmental benefits to the community.

### Policies

- 6-C.19 Agricultural production shall be considered an acceptable interim and temporary use on urbanizable land and on vacant and underdeveloped urban land where no conflicts with adjacent urban uses exist.
- 7-C.20 Continued local programs supporting community gardens on public land and programs promoting urban agriculture on private land shall be encouraged. Urban agriculture includes gardens in backyards and interim use of vacant and underdeveloped parcels.
- 24C.21 When planning for and regulating development, local governments shall consider the need for protection of open spaces, including those characterized by significant vegetation and wildlife. Means of protecting open space include but are not limited to outright acquisition, conservation easements, planned unit development ordinances, streamside protection ordinances, open space tax deferrals, donations to the public, and performance zoning.

### Noise (Goal 6)

#### Findings

- 29.19. Noise sources of a nuisance nature (such as barking dogs, lawn mowers, loud parties, noisy mufflers, and squealing tires) are best addressed through nuisance ordinances rather than land use policies.
3020. Major sources of noise in the metropolitan area are airplanes, highway traffic, and some industrial and commercial activities.

~~3121.~~ The City of Eugene Mahlon Sweet Field Airport Noise Exposure Impact Boundary Analysis, ~~November 1980~~ April 2000, was found to be in compliance with state airport noise standards by the State of Oregon Department of Environmental Quality in ~~January 1981~~.

~~32.22.~~ Federal Highway Administration noise standards apply whenever federal funds are used in the construction or reconstruction of a highway. A noise study is required if the construction will add a through-lane of traffic or significantly alter either the horizontal or vertical alignment of the highway. The significance of a change in alignment has to do with the effect that the alignment change has on noise levels. State funded Oregon Department of Transportation projects are generally developed in conformance with the federal noise standards.

### **Policies**

~~32C.22~~ Design of new street, highway, and transit facilities shall consider noise mitigation measures where appropriate.

~~33C.23~~ Design and construction of new noise-sensitive development in the vicinity of existing and future streets and highways with potential to exceed general highway noise levels shall include consideration of mitigating measures, such as acoustical building modifications, noise barriers, and acoustical site planning. The application of these mitigating measures must be balanced with other design considerations and housing costs.

~~34C.24~~ Local governments shall continue to monitor, to plan for, and to enforce applicable noise standards and shall cooperate in meeting applicable federal and state noise standards.

~~37.~~ ~~A metropolitan wide inventory of noise sources and complaints shall be addressed during each Plan Update and Periodic Review process.~~

### **Air, Water and Land Resources Quality (Goal 6)**

#### **Findings**

~~123.~~ The high value placed on clean air and water by local residents is reflected in local commitments to plans and programs directed toward reducing air and water pollution.

~~224.~~ The Eugene-Springfield metropolitan area has a strong potential for elevated levels of air pollution due to the surrounding mountains, which provide a barrier to ventilation and contribute to periodic episodes of stable atmospheric conditions. These conditions effectively limit dilution and dispersion of air pollutants, resulting in the build-up of concentrations near the ground.