

W. G. A-

AGENDA COVER MEMO

DATE: August 16, 2004 (Date of Memo)
September 1, 2004 (Date of First Reading)
September 15, 2004 (Date of Second Reading/Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: Public Works Department/Land Management Division

PRESENTED BY: ^{JK} Jerry Kendall/Land Management Division

AGENDA ITEM TITLE: ORDINANCE NO. PA 1216 -- IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN, TAKING A REASONS EXCEPTION TO GOALS 3 AND 4; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (File PA 04-5003; St. Parks)

I. MOTION

- 1. SEPTEMBER 1, 2004: I MOVE APPROVAL OF THE FIRST READING OF ORDINANCE NO. PA 1216 AND SETTING THE SECOND READING AND PUBLIC HEARING FOR SEPTEMBER 15, 2004, AT 1:30 P.M. IN HARRIS HALL.
- 2. SEPTEMBER 15, 2004: ALTERNATIVE MOTIONS AFTER THE PUBLIC HEARING:
 - A. I MOVE TO TENTATIVELY APPROVE ORDINANCE NO. PA 1216 SUBJECT TO REVISED FINDINGS
 - OR**
 - B. I MOVE TO TENTATIVELY DENY THE APPLICATION IN FILE PA 04-5003 AND DIRECT STAFF TO PREPARE AN ORDER WITH APPROPRIATE FINDINGS FOR FINAL ACTION.

II. ISSUE OR PROBLEM

The Lane County Planning Commission has recommended a major amendment, initiated by the State of Oregon Parks and Recreation Department, to the Rural Comprehensive Plan (RCP), for approval. The proposal is a Reasons Exception to the farm and forest goals. This Ordinance sets the matter before the Board for adoption, modification, or denial.

III. DISCUSSION

A. Background

In January of 2004, application was made for a Reasons Exception to Goals 3 and 4 (farm and forest, respectively), in order to allow construction of an overflow parking area, access road, and minor improvements to restroom facilities at the Heceta Head Lighthouse Scenic Viewpoint. Except for improvements to the existing restrooms, the majority of the project occurs on the east side of highway 101. Refer to the ordinance exhibits; especially exhibit E, for location maps and a plot plan of the proposed development.

The Reasons Exception is made necessary by OAR 660-034-0035, the *State and Local Park Planning* rule. Although the subject property is zoned *Parks and Recreation*, it is still considered as farm and forest land, as no exception to those goals was ever taken. OAR 660-0034-0035(2) lists allowable uses of farm and forest lands. These uses, which include supporting facilities to parks, such as parking lots and roadways, are allowed without the need for an exception to the goals, provided such uses were included in the park's adopted master plan. Since Heceta Head State Park does not have an adopted master plan, this Reasons Exception is required. Granting of the request will not change either the plan or zone designation of the property.

The proposal seeks to alleviate traffic and parking problems at the park, which are reported to occur on 80% of the weekends¹.

Refer to pages 1-4 of the attached findings for more background information.

On June 1, 2004, the Lane County Planning Commission held a public hearing on the proposal. Some concerns were expressed by Leroy Yauger, a caretaker for the private (Brockbank) property, which takes access over the small bridge located northeast of the proposed parking lot. Mr. Brockbank also submitted a letter to the record. The concerns centered on the threat of increased trespass. At the suggestion of Mr. Yauger, the applicant has agreed to place a locked gate at the west end of the bridge, and to post signs as to park hours, and that camping is prohibited.

Two letters in opposition to the request were received. The first letter, from G. & L. Krett of Florence, cites concerns over use of the project area by wildlife (elk, deer, otters, bear, etc.), and the salmonid bearing Cape Creek, which is less than 50' from the parking lot.

A second letter, from J. Oltion of Eugene, indicates the belief that the proposal is for an "RV park", implying overnight camping, not the case here. The letter continues to detail disfavor with RV use, and attendant traffic problems.

¹ Testimony of Jeff Farm, Or. Parks & Recreation Department, June 1, 2004.

All three letters are included in this packet.

Regarding wildlife, the Oregon Department of Fish & Wildlife has reviewed the project, with no comments or objections received. No special wildlife habitat is listed for the area.

Regarding traffic, the project seeks to alleviate congestion by the creation of an access road on the east side of the highway. This road will wind down to the parking area, and loop under the Cape Creek Bridge and back up the main, existing park entrance. Large vehicles coming from either direction off the highway will have the opportunity to enter the park via right turns, eliminating backup created by left hand turns.

The Lane County Planning Commission recommended approval of the proposal by a 5-1 vote.

B. Analysis

The application is being made pursuant to Lane Code 16.400, which governs amendments to the Rural Comprehensive Plan. That ordinance, in turn, evokes the need for compliance with state law, including OAR 660-004, the exception process. Through a *Reasons* exception, simplistically stated, the applicant argues that the subject property has unique location or special features/qualities which leads one to conclude that the proposed use must be so located, that there is a demonstrated need for the use, and that no alternatives of lesser impact exist (OAR 660-004-0020 & -0022). The thrust of the applicant's argument is that the project site is the optimum location, based on its close proximity, historic use, and the need to accommodate the increased number of park users.

The Staff report and other documents produced for the Planning Commission's review of this proposal are attached, -- please refer to it for additional details on the proposal, location of the property, etc. Also attached is Ordinance PA 1216 with exhibits, including the draft findings prepared by the applicant.

If approved, the state would subsequently apply for a Special Use Permit (per LC 16.215(3)(c) for this park related facility, along with a Riparian Modification (per LC 16.253(3)), to allow development within the 100' riparian setback area of Cape Creek.

The draft findings adequately respond in carrying the burden of proof for the proposal. The standards are recited in the findings, so are not repeated here. This evaluation summarizes the responses in the findings, and comments on the items which were unresolved at the close of the Planning Commission hearing.

Goal Compliance: Any plan amendment must show that the proposal complies with state/local goals, or, in the least, is not in conflict with the goals.

- Goal 3/Agricultural Land (see p. 5 in the findings): Of the three acres impacted by the project, 94.3% are capability class 7 and 8, poor soils for farm use.
- Goal 4/Forest Land (p.5): Although 65.7% of the soils within the three acre project area are well suited to timber production, approximately half of that area is already encumbered with existing gravel roads.
- Goals 5 & 6/Water Resources, Wetlands (p. 6): Cape Creek is a Class I, salmon bearing stream which is situated less than 50' from the closest portion of the parking area. To prevent vehicular solvents from reaching the stream or polluting nearby wetland areas, a filtration swale will be employed. Refer to findings exhibit 6 for a schematic. In addition, the Oregon Department of Fish & Wildlife has made recommendations for vegetative improvements to the riparian area, including reintroduction of conifers, spruce, and native shrubs, which will provide channel shading and woody habitat debris. The applicant has agreed to these improvements. In addition, a wetland delineation is on file for a swale/natural drainage that is near to the parking lot. The Division of State Lands is in the process of reviewing the report. The delineation was done in order to eliminate interference with those protected areas. While it is anticipated that DSL will agree with the delineation, any major project changes that would need to occur (an unlikely event) would be subject to further review and possibly, additional process. In the interest of time, the applicant is agreeable to this approach.
- Goal 11/Public Facilities (p.7): Since the new parking lot is to replace unsanctioned parking currently taking place near Cape Creek, no increase demand on public facilities will result.
- Goal 12/Transportation (p.8): The applicant has found that the project will have no "significant affect" on the highway; therefore Goal 12 has been met. ODOT has chosen not to comment, and therefore has no objection to the proposal.
- Goal 17/Coastal Shorelands (p.9): A Preliminary Investigation previously done by staff revealed that only a small portion of the project area, west of the bridge but covered with gravel and used for a roadway, was within the coastal combining zone. As such, no further land use review was warranted for the project.

OAR 660-004-0020/Exceptions Process (p.11-14): This law requires the applicant to address four issues.

- First, why the applicable goals (3 & 4) should not apply to the project. The record reflects that the site is already utilized as a day use/picnicking area, and that the proximity to the existing park dictates the need for use of this resource land.
- Second, can other, non-exception (i.e., not resource) lands be used? The response is no, as no such lands exist near to the park.

- Third, are the ESEE (economic, social, energy and environmental) consequences of using other resource sites less than the selected one? The response again is no, as proximity to the existing park is of utmost importance. Locating the parking area further away would cause a rise in the ESEE costs.
- Fourth, is the use compatible with adjacent lands? Yes it is, as it is contiguous with the existing park facility, and serves to complement it.

OAR 660-004-0022/Reasons Exception Justification

- This provision requires a finding that there is a demonstrated need for the proposed use based on one or more of the goals, and that the use has qualities that necessitate its location at the proposed site. In response, the record shows that the need is driven by the recreational needs of the park (Goal 8), as well as a lesser need to protect the historic (Goal 5) Cape Creek Bridge from the unsanctioned parking that now occurs at its base.

Lane Code 16.400/Plan Amendments

- The proposed Reasons Exception is found to fulfill a public need for traffic safety and park accessibility, and to fulfill a mandate of state law (the parks planning rule), (LC 16.400(h)(iii)(bb)(ii-ii) & (iii-iii), respectively).

Lane County Planning Commission (LCPC) Action

The issues were presented to LCPC for its evaluation in a public hearing on June 1, 2004. Some issues were unresolved at the conclusion of the hearing, including ownership, easements, filtration system review, and project concurrence from ODOT. The Commission voted 5-1 for a recommendation of approval, provided the aforementioned items was resolved before the item was scheduled with the Board. For more information on those items and their resolution, refer to findings exhibit J.

The minutes of that hearing were not available as of the writing of this report. They will be provided to the Board when they become available. Tapes of the hearing and deliberation are available upon request.

The applicant is expected to be on hand at the Board hearing to present the proposal and respond to questions. Should additional written materials or testimony be produced concerning this item, it will be delivered to the Board in a supplement or delivered at the hearing.

C. Alternatives/Options

1. Adopt the Ordinance as presented with findings.
2. Adopt a modified Ordinance with modified findings.

3. Do not adopt the Ordinance and deny the application.

D. Recommendations

If at the close of the hearing, the Board concludes that the applicants' case has adequately been made, alternative 1 above is the appropriate action to take. If not, the Ordinance either will need to be supplemented/ revised to respond to the issues, or denied (alternative 3). Staff recommends option #1.

E. Timing

The Ordinance does not contain an emergency clause.

IV. IMPLEMENTATION/FOLLOW-UP

Should the Board decide against the proposal (alternative 3), an Order with findings setting forth the Board's reasons for denying the Ordinance will need to be prepared and returned to the Board for adoption. Notice of Board action will be provided to DLCD and parties. If the Board adopts the Ordinance as presented or modified, notice will also be provided.

ATTACHMENTS

1. Ordinance PA 1216 with Exhibits "A" and "B".
2. LCPC Staff Report dated May 25, 2004. [Applicants' statements are now part of Exhibit "B".] –5pp.
3. Three letters received (Brockbank, Krett, & Oltion) –4pp.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

**ORDINANCE NO. PA 1216) IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE
) PLAN, TAKING A REASONS EXCEPTION TO GOALS 3 AND 4;
) AND ADOPTING SAVINGS AND
) SEVERABILITY CLAUSES (file PA 04-5003; St. Parks)**

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 884, has adopted Land Use Designations and Zoning for lands within the planning jurisdiction of the Lane County Rural Comprehensive Plan; and

WHEREAS, Lane Code 16.400 sets forth procedures for amendment of the Rural Comprehensive Plan, and

WHEREAS, in January 2004, application no. PA 04-5003 was made for a major amendment, taking a Reasons Exception to Goals 3 and 4 for tax lot 200 of map 16-12-33 and tax lots 300, 900, 1000, 1100 and 1200 of map 16-12-34; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearing of June 1, 2004, and recommended approval of the proposed amendment; and

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

WHEREAS, the Board of County Commissioners has conducted public hearings and is now ready to take action;

NOW, THEREFORE, the Board of County Commissioners of Lane County Ordains as follows:

The Lane County Rural Comprehensive Plan is amended by adopting a Reasons Exception to Goals 3 and 4, for tax lot 200 of map 16-12-33, and tax lots 300, 900, 1000, 1100, and 1200 of map 16-12-34, such territory and Reasons Exception depicted on Plan Plot 006 and further identified on Exhibit "A" and in the Exception Findings set forth in Exhibit "B" attached and incorporated herein and adopted in support of this action. The exception is taken expressly for the development of a recreational vehicle overflow parking facility as proposed in PA 04-5003. Any future change in types or intensity of uses not directly affiliated with this facility will require a new Reasons Exception.

FURTHER, although not a part of this Ordinance except as described above, the Board of County Commissioners adopts Findings as set forth in Exhibit "B" attached, in support of this action.

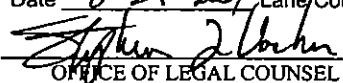
The prior designation repealed by this Ordinance remains in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

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

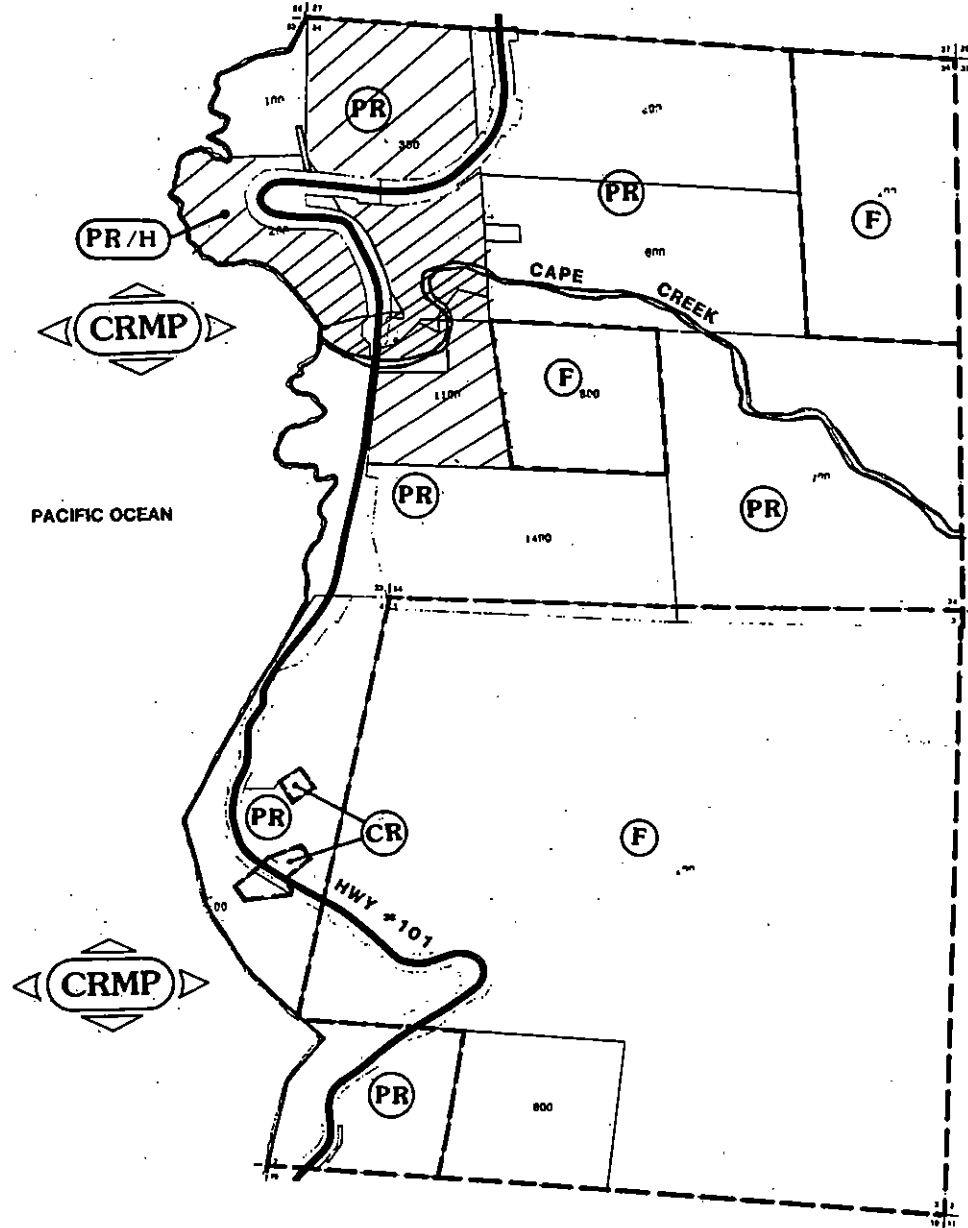
ENACTED this _____ day of _____, 2004.

Chair, Lane County Board of County Commissioners

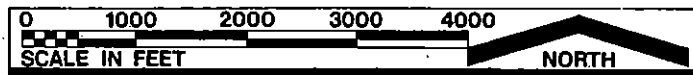
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM
Date 8-24-2004 Lane County

OFFICE OF LEGAL COUNSEL

005



007



lane county



OFFICIAL PLAN MAP

PLOT# 006

Township Range Section

16 12 34

17 12 03

ORIGINAL ORD. # _____ PA 884 _____ DATE 2/29/1984 FILE # _____

REVISION # 1 ORD. # _____ DATE 7/17/84 FILE # _____

FINDINGS OF FACT AND CONCLUSIONS OF LAW
IN SUPPORT OF A MAJOR PLAN AMENDMENT AND GOAL EXCEPTION

**For Heceta Head Lighthouse State Scenic Viewpoint
Access Improvements**

FILE NO. PA 04-5003

OREGON STATE PARKS AND RECREATION DEPARTMENT, APPLICANT

The following findings of fact and conclusions of law support an affirmative decision by the Board to approve the proposed plan amendment and concurrent zone change for the "Subject Property as described below.

- I. Summary of Proposal
- II. General Findings Regarding the Subject Property
- III. Lane Code 16.400 Plan Amendment Criteria
- IV. Conclusion

I. SUMMARY OF PROPOSAL

This application proposes to adopt a plan amendment and goal exception for access improvements at Heceta Head Lighthouse State Scenic Viewpoint. The property is zoned Park and Recreation. OAR 660-034-0035 (Park Uses on Agricultural and Forest Land) requires that a Goal Exception be taken for improvements within parks that do not have an adopted master plan.

II. GENERAL FINDINGS REGARDING THE SUBJECT PROPERTY

The project area is located on parcels identified on County Assessor's Map 16-12-33-00 as Tax Lot 200 and County Assessor's Map 16-12-34-00 as Tax Lots 300, 900, 1000, 1100, and 1200 (Exhibit B). The parcels are zoned Parks and Recreation (PR). Tax Lots 200 and 300 are within the County's Historic zoning overlay district (/H). Portions of Tax Lots 200, 300, and 1100 are within the County's Significant Natural Shorelands Combining Zone (/SN) and the Beaches and Dunes Combining Zone (/BD). Compliance with Oregon Administrative Rule 660-034-0035 (Park Uses on Agricultural and Forest Land), requires that a Goal Exception be taken for parks that do not have an adopted master plan.

A. Purpose and Need

The proposed improvements to the Heceta Head Lighthouse State Scenic Viewpoint park and recreation facility will provide enhanced vehicular access, an improved parking area, and updated restroom facilities to meet current ADA accessibility standards.

Existing vehicular access to the facility is provided by a narrow, steep paved drive located on the west side of Highway 101. The paved drive is approximately 20 feet wide and includes a 180 degree turn at the bottom, immediately prior to accessing the recreation facility parking area. The steep slope, narrowness, and tight turn radius are problematic safety risks for recreational vehicles (RV's), buses, trucks, and other large vehicles attempting to access the recreational facility. Additionally, the location of the access drive on the west side of Highway 101 causes vehicles traveling north on Highway 101 to

make a left turn, across traffic, without an existing left turn lane, causing safety risks for other vehicles traveling on Highway 101. Sight distance for northbound left turn movements from Highway 101 is restricted creating an additional safety hazard.

The Heceta Head Lighthouse State Scenic Viewpoint park and recreation facility currently maintains a parking area that meets passenger vehicle day-use capacity during most of the year. During peak times of the year, the parking area exceeds capacity and overflow parking is forced onto other areas not suitable for vehicular parking. The existing improved parking area is also not large enough to adequately provide parking spaces and turnaround areas for recreational vehicles and buses. The overflow parking occurs beneath the Cape Creek Bridge detracting from scenic views of this historic bridge.

The park and recreation facility contains public restrooms adjacent to the existing parking area. The existing access trail to the public restrooms is in need of improvement and does not meet current ADA accessibility standards.

B. Location and Site Context

The Heceta Head Lighthouse State Scenic Viewpoint park and recreation facility is located approximately 11 miles north of Florence, Oregon. The park and recreation facility includes Heceta Head Lighthouse, Heceta Head State Park, and Heceta Head Trail.

The historic Heceta Head Lighthouse and assistant light keeper's house (Heceta House) were constructed in 1893. Public tours of the lighthouse are offered mid March through October and Heceta House offers bed and breakfast rentals and facilities for group events. Heceta Head State Park is located in a cove at the mouth of Cape Creek. Existing facilities include sheltered picnic tables and restrooms. Heceta Head Trail is part of a recently completed 7 mile long trail network featuring trails of varying difficulty and beach and wildlife viewing areas. A joint day-use parking area, located west of U.S. highway 101 and adjacent to Heceta Head State Park, currently serves all three facilities. Cape Creek borders the park and recreation facility to the south and is classified by the Oregon Department of Fish and Wildlife as a Class I Stream. The proposed project will occur on parcels identified on County Assessor's Map 16-12-33-00 as Tax Lot 200 and County Assessor's Map 16-12-34-00 as Tax Lots 300, 900, 1000, 1100, and 1200.

Tax Lot 200 is located on the west and east sides of U.S. Highway 101 and is approximately 20.25 acres in size. Existing facilities include Heceta Head Lighthouse, Heceta House, restrooms, and parking areas. Tax Lot 200 borders the Pacific Ocean to the west and contains beaches, dunes, picnic and day-use areas, and portions of Heceta Head Trail.

Tax Lot 300 is located on the east side of U.S. Highway 101 and is approximately 63.55 acres in size. Tax Lot 300 is mostly forested with steep topography. Existing improvements include an access road utilized by the U.S. Forest Service and Oregon State Parks Department. The access road enters Tax Lot 300 approximately 140 feet from the north end of the Cape Creek Bridge and continues north through the parcel. The remnants of an old logging road alignment begin near the entrance to the access road and continue east, down slope, toward Cape Creek.

Tax Lot 900 is located east of Tax Lot 300 and is approximately 1.86 acres in size. Tax Lot 900 contains a small one-lane bridge over Cape Creek and portions of a 10' wide gravel access drive that begins at the existing Heceta Head parking area. Cape Creek enters Tax Lot 300 near the southwest property corner and continues north through the parcel.

Tax Lot 1000 is located between Tax Lots 300, 900, and 1100 and is approximately 0.28 acres in size. Tax Lot 1000 contains portions of a gravel access drive that begins at the existing Heceta Head parking area.

Tax Lot 1100 is located on the west and east sides of U.S. Highway 101 and is approximately 29.87 acres in size. Tax Lot 1100 borders Cape Creek to the south and a cove to the west. Existing improvements include a parking area and the aforementioned gravel access drive. Past uses include an employee camp site and gravel crushing staging area during the construction of Highway 101. The central portion of parcel contains evidence of remnant disturbance. The topography is somewhat uneven containing several mounds and depressions that appear to have been created through disturbance, excavation, and/or fill. A 0.12 acre wetland feature exists in the north-central portion of the parcel.

Tax Lot 1200 is located east and adjacent to U.S. Highway 101 and is approximately 0.12 acres in size. Tax Lot 1200 borders Tax Lot 200 to the north and Tax Lot 300 to the south and east. Tax Lot 1200 contains a portion of the entrance to the aforementioned access road found on Tax Lot 300.

C. Project Description

The proposed improvements to the Heceta Head Lighthouse State Scenic Viewpoint park and recreation facility include:

- Development of a new park access drive off the east side of U.S. Highway 101;
- Development of a parking area east of the Cape Creek Bridge as overflow parking, and for RV/tour bus use;
- Accessibility improvements to the lighthouse trail and restrooms.

Access Drive

The proposed access drive will occur on the east side of U.S. Highway 101, approximately 140 feet from the north end of the historic Cape Creek Bridge, at the entrance to an existing forest service access road. The access road will be paved and contain two travel lanes. The access drive will follow the existing alignment of the forest service access road for approximately 70 feet at which point it will continue southeast and follow the alignment of an old roadbed. The access drive will continue east for approximately 320 feet, make an approximate 180 degree turn near Cape Creek, and continue west until it intersects with an existing gravel drive. The access drive will follow the gravel drive alignment west, under the historic Cape Creek Bridge, and will terminate at the entrance to the existing paved parking area. The total length of the proposed access drive is approximately 1250 feet. The majority of the access road will be 24 feet wide (two 12 foot lanes), and within the 180 degree turn, the access road will increase in width to 38 feet. As a result of utilizing the existing forest service access road for a portion of the alignment and resulting construction impacts adjacent to the road, the first 320 feet of the road will be improved as part of the construction. The existing gravel drive extends from the Heceta Head parking area, on the west side of U.S. Highway 101, under the Cape Creek Bridge, and northeast for approximately 840 feet to an existing one lane bridge over Cape Creek. The gravel drive then continues east. The majority of the existing gravel drive will be replaced by the proposed access drive. The remaining portion of the gravel drive accessing the one lane bridge will be realigned with the access road, widened to 12 feet, and paved. The existing one lane bridge will not be impacted. Construction of the proposed access road will occur on portions of Tax Lots 200, 300, 1000, 1100, and 1200.

Parking Area

The proposed parking area will occur on the east side of U.S. Highway 101, approximately 350 east of the Cape Creek Bridge, and adjacent to the proposed access drive. The parking area will be approximately 30,200 square feet in size and accessible by one entrance off the south side of the access drive.

Construction of the parking area will occur on portions of Tax Lots 1000 and 1100. The majority of the parking area will occur in the eastern portion of Tax Lot 1100 in order to avoid impacts to a 0.12 acre wetland feature located in the western portion of Tax Lot 1100.

Accessibility Improvements

The existing restroom facilities and lighthouse trail are located on the west side of U.S. Highway 101 adjacent to the north end of the existing parking area. The restrooms are currently accessed by sidewalks that do not meet current ADA accessibility standards. A new ADA accessible ramp and sidewalk will be constructed beginning at the parking lot and extending approximately 80 feet north and east to the existing facilities. Construction of the accessibility improvements will occur on Tax Lot 200.

III. LANE CODE 16.400 PLAN AMENDMENT CRITERIA

Pursuant to procedures set forth in Lane Code 16.400(6) (a) to (d), the Lane County Planning Commission voted to recommend to the Board of Commissioners that they grant final approval of the plan amendment and goal exception application as described in and supported by these findings.

LCC 16.400(6)(h)(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

(aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

Statewide Planning Goals

Goal 1 - Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The Lane Code implements Statewide Planning Goal 1 by requiring that notice of the proposed amendment be given and public hearings be held prior to adoption. By complying with the submittal requirements contained in the Lane Code, and given that public hearings were held, the proposed amendment complies with Goal 1.

Goal 2- Land Use Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

Lane County implements Goal 2 by providing a land use policy framework in the Rural Comprehensive Plan; the policies contained therein are implemented through the Lane Code which contains specific planning standards and criteria to govern the land use planning process. The present amendment is needed to comply with state law for an area that has been designated for park and recreational use since the plan was adopted in 1984. This project brings together numerous state agencies in planning to improve a state asset with scenic, historic, recreational, and economic value. The coordinated effort of Oregon State Parks and Recreation and Oregon Department of Transportation, with input from Oregon Department of Fish and Wildlife and the Division of State Lands, demonstrates the inter-agency coordination necessary in planning for successful public improvement projects, supporting the guidelines contained in Goal 2.

Goal 3: Agricultural Lands – To preserve and maintain agricultural lands.

State law defines agricultural lands as lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils in Western Oregon. The subject amendment impacts slightly over 3 acres of land, of which only 7,600 square feet, or 5.7% of the impact area, are Class I-IV soils. Soil series affected are shown in the following table and on the map found in Exhibit I.

Table 1
Heceta Head Lighthouse State Scenic Viewpoint
Project Impacts by Agricultural Capability Classification

Soil #	Name	Classification	Impacted Area	% of Area
10	Beaches	Class VIIIw	92 sf	0.1%
48	Fluvents nearly level	Class VIIw	45,821 sf	34.2%
90	Nekoma silt loam	Class IIIw	7,600	5.7%
92G	Neskowin-Salander silt loam	Class VIIe	<u>80,331</u>	<u>60.0%</u>
Total Impacted Area			133,844 sf (3.07 acres)	100%

The affected area is over 95% Class VI and below, as shown in the above table. The proposed amendment complies with Statewide Planning Goal 3 by providing for needed recreational land uses in an area already committed to such use. Allowing recreational uses on PR designated and zoned lands reduces pressure to allow such uses on land planned and zoned for agricultural use. The amendment will allow an expansion of supporting park functions on park owned land without impacting the supply or management of the County's agricultural lands.

Goal 4: Forest Lands – To conserve forest lands by maintaining the forest land base and to 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.

The subject properties are already designated for Park and Recreation use. Goal 4 defines forest lands as those lands designated for forest use in an acknowledged comprehensive plan. However, the area is forested and an exception from Goal 4 was not taken when the Rural Comprehensive Plan was adopted. In addition, the proposed amendment supports Statewide Planning Goal 4 by providing for recreational opportunities. Table 2 shows the project impacts by timber productivity index of the underlying soil.

Table 2
Heceta Head Lighthouse State Scenic Viewpoint
Project Impacts by Timber Productivity Index

Soil #	Name	Site Index – Acre-feet/year	Impacted Area	% of Area
10	Beaches	-		
48	Fluvents nearly level	-		
90	Nekoma silt loam	180 (Douglas fir)	7,600 sf	5.7%
92G	Neskowin-Salander silt loam	133 (Sitka Spruce)	80,331 sf	60.0%*

Although 65.7% of the impact area is characterized by soils with a high timber productivity index, roughly half of the site area characterized by those soils is already impacted by existing road beds.

Due to the requirement to take an exception for this project, exception criteria are addressed under compliance with the applicable Administrative Rule below.

Goal 5: Open Spaces, Natural Resources and Scenic Areas – To protect natural resource and conserve scenic and historic areas and open spaces.

The proposed project is designed to minimize impacts on natural resources by utilizing an old gravel roadbed for the proposed access improvements. The project included early identification of sensitive resources and coordination with affected state agencies to determine the design with the lowest level of adverse impacts. An analysis of the environmental, social, ecological, and energy impacts of the proposal is included below.

Detailed plans for the proposed filtration swale are attached hereto (Exhibit G). The Division of State lands had no comment on the swale design, but did request a wetland delineation in their referral comments. A wetland delineation was completed by Satre Associates last year and has been forwarded to DSL for review. A copy of the delineation has been submitted into the record. The project has been designed so as not to impact any of the identified wetlands. However, if DSL's review of the delineation requires significant changes to the project, re-review of the plan amendment will be required. Small project changes to avoid wetlands (such as shifting the roadway a few feet to the north) are not anticipated to require re-review.

Fish & Wildlife staff submitted the following comments on the proposed swale: *The riparian area adjacent to Cape Creek at Heceta Head would benefit with the reintroduction of conifers, especially spruce and other appropriate native shrubs. This would provide for increased channel shading, future large woody debris and provide habitat for a variety of fish and wildlife. The stream channel next to the proposed parking lot provides aquatic habitat that supports populations of coho, steelhead and cutthroat salmon. The swale should be designed using porous soils and the drainage area should be properly sized to handle large storm events. Also the filtration swale should be inspected for clogging and erosion on an annual basis. The applicant agrees to incorporate these suggestions into the project.*

Based on these findings the proposed amendments comply with the open space, natural resource, and scenic area provisions contained in Goal 5.

With regard to historic resources, Heceta Head Lighthouse is a major historic resource and access thereto will be enhanced by the subject proposal without compromising the integrity of the resource.

With regard to carrying capacity of land, air, and water resources, the proposed amendments will provide for needed land uses inside an area committed to recreational use. The proposed amendment will not impact the ability of the County to meet the carrying capacity of its land, air, and water resources. Based on these findings, the proposed amendment is consistent with the guidelines contained in Goal 5.

Goal 6: Air, Water, and Land Resource Quality – To maintain, and improve the quality of the air, water, and land resources of the state.

The proposed amendments relate to the provision of park facilities for public use and will not alter existing policy related to air, water, or land resource quality. Nevertheless, the proposed amendments comply with Statewide Planning Goal 6 by locating facilities in close proximity to existing infrastructure, and as a result, cause more efficient use of resources near a major recreational land use. Existing road beds and disturbed areas will be used, and water quality will be preserved through the use of filtration swales. These findings demonstrate that the proposed amendments will comply with Statewide Planning Goal 6.

Goal 7: Natural Hazards – To protect life and property from natural disasters and hazards.

As above, the proposed plan amendments do not conflict with plan policies currently in effect regarding Natural Hazards. Mechanisms currently in place to protect life and property will not be impacted by the proposed amendments. Therefore, Statewide Planning Goal 7 does not apply.

Goal 8: Recreational Needs – To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Goal 8 requires the County to plan for the recreational needs of residents of the state. In designating and zoning Heceta Head Lighthouse State Scenic Viewpoint for Park and Recreational use, the County has recognized the value of this recreational resource. Therefore, the proposed amendments comply with Goal 8.

Goal 9: Economy – To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

The proposed amendments will not directly impact the need for or supply of commercial or industrial lands within the County. However, by allowing for the expansion of recreational uses, the proposed amendments will encourage continued investment in Oregon's tourism economy, contributing to the health, welfare, and prosperity of Oregon's citizens. Based on these findings, the proposed amendments comply with Goal 9.

Goal 10 – Housing: To Provide for the housing needs of the state.

Goal 10 requires that communities plan for and maintain an inventory of buildable residential land for needed housing units. The Lane County Rural Comprehensive Plan implements Goal 10 by designating residential lands inside exception areas. No residential exception areas are impacted by the proposed amendment. No residential development would be allowed within the proposed exception area. Therefore, the proposed amendment meets the requirements of Goal 10.

Goal 11- Public Facilities: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The amendment will allow expansion of public facilities in a state park where they already exist. Lands within the amendment area boundary are currently served by public roads and utilities. The proposed amendment will not impact the delivery of those services to the subject property or lands surrounding the same. The amendment will allow efficient use of public and institutional resources. Specifically, the existing brick restroom has three flush toilets and one urinal (two flush toilets on the women's side and one flush toilet and a urinal on the men's side). The septic

tank has a 1,500 gallon capacity, located 15 feet south of the southwest corner of the restroom building. Septic permit records indicate approval for repairs to the system in 1983 (permit number 231-83). No evidence of functional problems or capacity issues with the system has surfaced in the last 21 years. Because this project is not increasing capacity, but rather improving access and paving the overflow parking area further away from the creek, no increase in demand for restroom facilities is anticipated. The well is located on the east side of the pump house. The well was drilled in 1977, is 122' deep and produces 40 gallons per minute. Prior, water was taken from a surface source.

The project area is served by Oregon Department of Forestry (DOF) in case of forest fire. Department of Forestry staff commented that they support the access improvement plan, and that they would like to be provided with multiple keys if a lock is proposed to secure the gate at the bridge over Cape Creek. The applicant agrees to this request. The project area is not within the boundaries of a rural fire protection district. The closest district, Siuslaw Rural Fire District, was provided the opportunity to comment on the proposal and had no comments.

Based on these findings, the proposed amendment complies with Goal 11.

Goal 12- Transportation: To provide and encourage a safe, convenient and economic transportation system.

The project area is served by Highway 101. The existing vehicle access to the park is steep, and has limited sight distance and stacking distance. The Oregon Department of Transportation desires to make this popular visitor destination safer and more accessible to buses, RV's and other oversized vehicles.

Transportation Planning Rule

OAR 660-012-0060 states that land use changes that significantly affect a transportation facility shall require mitigation measures to address the anticipated impact. Specifically, the OAR states:

- (1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:*
 - (a) Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;*
 - (b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;*
 - (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or*
 - (d) Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multimodal travel choices are provided.*

- (2) A plan or land use regulation amendment significantly affects a transportation facility if it:*
 - (a) Changes the functional classification of an existing or planned transportation facility;*
 - (b) Changes standards implementing a functional classification system;*
 - (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
 - (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.*

The proposed plan amendment does not change the functional classification of any transportation facility or standards implementing a functional classification system; thus subsections 2(a) and (b) do not apply.

With regard to subsection 2(c), the proposed plan amendment will not allow types of travel or access to area streets that are inconsistent with their functional classification.

With regard to subsection 2(d), the proposal would not reduce the performance standards of the Highway below the minimum acceptable level. On the contrary, the project will allow access changes that will improve the performance of the Highway in the immediate vicinity. Thus, the proposal does not significantly affect a transportation facility and no mitigation is required under subsection (1). A referral notice sent to ODOT planning staff yielded no comments on the plan amendment.

Goal 13: Energy Conservation –To conserve energy.

The proposed plan amendment furthers the principles of energy efficiency by allowing for a more efficient circulation pattern and smoother traffic flow into the site. Based on these findings, the proposed amendments comply with Goal 13.

Goal 14: Urbanization – To provide for an orderly and efficient transition from rural to urban land uses.

Goal 14 requires planned growth and coordination with affected agencies and service providers. In and of itself, the proposed amendment does not impact the orderly and efficient transition from rural to urban land uses. However, as with Goals 3 and 4 above, this amendment provides for needed land uses inside an area already committed to recreational land uses, thereby reducing potential impacts on the agricultural, forest, and rural residential lands.

Goal 15: Willamette River Greenway: To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

No portion of the amendment area falls within the bounds of the Willamette River Greenway. Therefore, this Goal does not apply.

Goal 16: Estuarine Resources, To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

Lane County implements Goal 16 through the Natural Estuary, Conservation Estuary, and Development Estuary Zones. The project area is not affected by any Estuary zoning. Approval of the requested plan amendment will not affect compliance with local regulations adopted to implement Goal 16 for this or any future projects.

Goal 17: Coastal Shorelands, To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas

shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

The Significant Natural Shorelands combining zone (/SN-RCP) implements Goal 17 in the project vicinity. A portion of the subject site west of Highway 101 is affected by the /SN combining zone. County staff's Preliminary Investigation found the /SN combining zone standards to be inapplicable to the proposed access improvement project, since the area affected by the combining zone is already graded and graveled. Approval of the requested plan amendment will not affect compliance with local regulations adopted to implement Goal 17 for this or any future projects.

Goal 18: Beaches and Dunes. To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

Lane County's Beaches and Dunes combining zone implements Goal 18. The combining zone applies to the area north of Heceta Head Lighthouse State Scenic Viewpoint. The proposed access improvements project is located outside of the /BD combining zone limit. Approval of the requested plan amendment will not affect compliance with local regulations adopted to implement Goal 18 for this or any future projects.

Goal 19: Ocean Resources. To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

Lane County implements Goal 19 through adopted Coastal Resources Management Plan policies. These policies include collaboration with other agencies in decisions affecting off-shore resources, and recognition of the connections among regulations implementing Goals 16 through 18 and Goal 19. Approval of the requested plan amendment will not affect compliance with Coastal Resource Management Plan policies adopted to implement Goal 19 for this or any future projects.

Oregon Administrative Rules

OAR 660-034-0035 Park Uses on Agricultural and Forest Land

(2) A local government is not required to adopt an exception to statewide Planning Goals 3 or 4 for the following uses on agricultural or forest land within a state park provided the uses, alone or in combination, meet all statewide planning goals and are authorized in a state park master plan adopted by OPRD, including state park master plans adopted by OPRD prior to the effective date of this division:

- (f) Support facilities serving only the park lands wherein the facility is located: water supply facilities, sewage collection and treatment facilities, storm water management facilities, electrical and communication facilities, restrooms and showers, recycling and trash collection facilities, registration buildings, roads and bridges, parking areas and walkways;*

Heceta Head Lighthouse State Scenic Viewpoint does not have an adopted state park master plan. Therefore, and because an exception was not taken at the time the Parks and Recreation plan designation was assigned, an exception must be taken for expansion of the park use (reference County staff's Preliminary Investigation Report, PA 03-5197).

OAR 660-004-0020 Goal 2, Part II(c), Exception Requirements

- (1) *If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception.*

This application seeks a reasons exception based on a requirement contained in a recently adopted OAR (OAR 660-034-0035) stating that parks without adopted state parks master plans must go through the exceptions process. Heceta Head Lighthouse State Scenic Viewpoint does not have an adopted state park master plan. However, the park uses proposed are actually allowed by Goal 4, and allowed by the County's implementing ordinance (LCC Chapter 16). Therefore, this application is unique and the first of its kind in the County. Reasons clearly exist to grant the exception, as outlined below.

- (2) *The four factors in Goal 2 Part II(c) required to be addressed when taking an exception to a Goal are:*

- (a) *"Reasons justify why the state policy embodied in the applicable goals should not apply": The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations including the amount of land for the use being planned and why the use requires a location on resource land;*

Heceta Head Lighthouse and the Keeper's House, built in 1894, constitute two of Oregon's most photographed features on the coast and are two of Lane County's most recognizable tourist attractions. Both structures are on the National Register of Historic Places. Situated on a breathtaking ocean bluff, Heceta Head Lighthouse State Scenic Viewpoint is a scenic destination for Lane County residents and visitors alike. As described earlier in this application, the facilities at the park are lacking in terms of wheelchair accessibility, vehicle access safety and maneuverability, and improved parking areas.

The improvements were designed to supplement existing facilities and minimize impacts to the natural environment. In large part, the improvements are located on previously disturbed ground. The proposed improvements are site specific and must occur at the locations in which they are proposed. For example, the accessibility improvements will alter site features including sidewalks and restrooms to assure consistency with current codes. Parking improvements will be adjacent to the existing parking lot. The new driveway on the east side of the highway is located along a graded road bed and greatly improves the safety of access from the highway. For these reasons, the proposed improvements must occur at the location proposed. The total project area is just over three acres; most of this has been previously disturbed.

- (b) *"Areas which do not require a new exception cannot reasonably accommodate the use":*

- (A) *The exception shall indicate on a map or otherwise describe the location of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;*

The exception will apply to the area impacted by the proposed improvements, as shown on the attached map. No other areas which would not require an exception were considered, because any undeveloped portion of the park would require an exception and the improvements must be located in the park. Within the park, location alternatives were considered, including not building the improvements. Through the planning and design process, State Parks determined the improvements to be necessary and the proposed location to be the best of the available alternatives, considering safety and access factors and impacts on natural resources.

- (B) *To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:*

- (i) *Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?*

The proposed use cannot be reasonably accommodated on nonresource land. The entire park is resource land and the improvements must be located within the park. The reason for the improvements is to safely accommodate the number and type of vehicles visiting the park, especially in the summer. Fifty one additional paved parking spaces and four bus parking spaces are proposed. The existing gravel overflow parking area, which is not striped but accommodates a like number of vehicles, will be made inaccessible after completion of the project. Therefore, no net increase in parking area will result.

- (ii) *Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?*

The proposed use cannot reasonably be accommodated on committed lands. There are no officially designated committed lands in the vicinity. The west side of the park is in fact developed and committed to nonresource use, but the existing facilities are inadequate to meet demand. The reason for the existing and proposed improvements being located where they are is the scenic beauty of the historic lighthouse, Heceta Head, Devil's Elbow, and views of the ocean and Cape Perpetua. The proposal accommodates visitor demand and improves the safety of vehicle access without compromising the values people go there to enjoy.

- (iii) *Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?*

The proposed use is dependent on an adjacent scenic resource. Therefore, the improvements could not be located in an urban growth boundary, the closest of which is approximately nine miles to the south (City of Florence).

- (c) *The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;*

The long term environmental impact of the proposed use will be minimal because the design avoids impacts to sensitive natural resources. For example, jurisdictional wetlands were avoided altogether. New planting is planned to mitigate for tree loss. Runoff from the new impervious area will be treated in a grassy swale before it is discharged. The majority of the 3.07 acres that comprise the project area are already impacted by an old graded road bed. The area proposed for parking has been previously used for highway construction staging, and thus its native vegetation has been removed. Other areas within the park would require more grading and vegetation removal to complete the proposed improvements. Therefore, the proposed site will not incur more adverse environmental impacts than would result from the Goal exception being located in another site requiring an exception.

The economic impact of the proposed use is slight, but important nonetheless. Oregon's coastal economy is heavily dependant on tourism in the summer months. The facilities at Heceta Head have not kept up with the changing travel patterns of the tourists they serve. In order to safely meet the demand for tourist facilities, the proposed improvements are necessary. The exception will not stop commercial logging or other resource use that would have otherwise occurred on the property. Therefore, the net economic impact is more positive than a similar project would have on another, more typical site requiring an exception.

The social impacts of the proposed use are beneficial as well. Oregon's state parks are public resources to be used and enjoyed by citizens of and visitors to the state. The proposed access improvements to this public asset will improve the functioning of the park, and thus the experience of visiting it. In addition, the proposed accessibility

improvements will provide the right of equal access to the disabled. Social impacts of the proposed project are not significantly more adverse than would occur at other sites requiring an exception.

In terms of energy, the transportation impacts of the project will be positive, reducing the likelihood of accidents and improving traffic flow, thus decreasing idling time for car engines. The proposed project will not have energy impacts that are significantly more adverse than would result from the same proposal being developed in another area requiring an exception.

- (d) *"The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts." The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. "Compatible" is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.*

The proposed use is located entirely within the boundaries of an Oregon State Park. The proposed improvements, including the new access drive and parking area, will facilitate use of the park and improve its functionality. The proposed uses already exist at the facility; they are simply being relocated and improved. The proposed access drive is situated to reduce impacts by following an existing graded road bed for most of its length. The state park facilities constitute a low impact land use and are compatible with nearby land uses including forest management and natural resources. Use of the state park facilities will have an insignificant impact on these nearby land uses. Impacts to sensitive resources have been mitigated through the project design, including features such as the runoff treatment swale.

660-004-0022

Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)

An exception Under Goal 2, Part II(c) can be taken for any use not allowed by the applicable goal(s). The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule:

- (1) *For uses not specifically provided for in subsequent sections of this rule or OAR 660, division 014, the reasons shall justify why the state policy embodied in the applicable goals should not apply. Such reasons include but are not limited to the following:*

- (a) *There is a demonstrated need for the proposed use or activity, based on one or more of the requirements of Statewide Goals 3 to 19; and either*

There is a demonstrated need for the proposed use as evidenced by the gravel overflow parking area that is currently used during peak season. The proposed project will move overflow parking to a permanent lot away from the historic bridge, protecting historic and scenic resources under Goal 5 and recreational resources under Goal 8.

- (b) *A resource upon which the proposed use or activity is dependent can be reasonably obtained only at the proposed exception site and the use or activity requires a location near the resource. An exception based on this subsection must include an analysis of the market area*

to be served by the proposed use or activity. That analysis must demonstrate that the proposed exception site is the only one within that market area at which the resource depended upon can reasonably be obtained; or

(c) The proposed use or activity has special features or qualities that necessitate its location on or near the proposed exception site.

The proposed use is the development of support facilities enabling use of Heceta Head Lighthouse State Scenic Viewpoint. As such, the proposed use is location dependent. Parking and access facilities must be constructed at the state park they are intended to serve.

The above findings demonstrate consistency with statewide planning goals and Oregon Administrative Rules in compliance with the above criterion.

(bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:

(i-i) necessary to correct an identified error in the application of the Plan; OR

The proposed amendment is not necessary to correct an identified error in the application of the plan.

(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR

The proposed amendment will fulfill an identified public need for safety and accessibility improvements to Heceta Head Lighthouse State Scenic Viewpoint. Not adopting the amendment would stymie programmed improvements to upgrade the facilities and would fail to recognize the park's established plan designation and zoning.

(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; OR

The amendment is necessary in order to comply with OAR 660-034-0035. This OAR requires goal exceptions to be taken for state parks without an adopted master plan, where they have not been previously taken, and prior to making certain park improvements. Findings of compliance with OAR 660-034-0035 are found above.

(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; OR

The proposed amendment is not necessary to provide for the implementation of adopted policy. It is necessary to allow continuation of Heceta Head Lighthouse State Scenic Viewpoint's commitment to serving visitors.

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

The proposed amendment is justified for reasons outlined above. Therefore, other reasons are not required to justify the amendment.

(cc) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

The proposed amendment does not conflict with adopted plan policies. Policies which are supported by the proposal include:

Policy 11. Land use designations and densities appropriate for developed and committed areas shall be determined through compliance with other plan policies and the following criteria:

d. A Park and Recreation designation shall be applied to uses devoted to park and recreational activities (i.e. campgrounds, developed parks, etc.)

The Park and Recreation designation was applied to Heceta Head State Park in compliance with the above policy.

Policy 16: Where lands are not farm and forest lands, they may be designated on the plan diagram as rural residential, or as parks and recreation, provided:

a. Detailed and factual documentation has been presented indicating that the subject lands are not farm and forest lands as defined by Statewide planning goals #3 and # 4.

b. An exception to any of the statewide planning goals is not required.

c. Small isolated non-resource tracts surrounded by farm and forest tracts shall be discouraged if such non-resource designation would create compatibility problems.

The property was designated as Park and Recreation; however, no exception was taken. This policy allows such designation without the taking of an exception. However, as detailed above, a recently adopted OAR requires that an exception be taken prior to completing park improvements. The reasons for such an exception are documented by the findings contained above. Exceptions to other statewide planning goals are not required. Granting of the exception for Heceta Head Lighthouse State Scenic Viewpoint will not change existing land uses nor create compatibility problems for nearby resource lands.

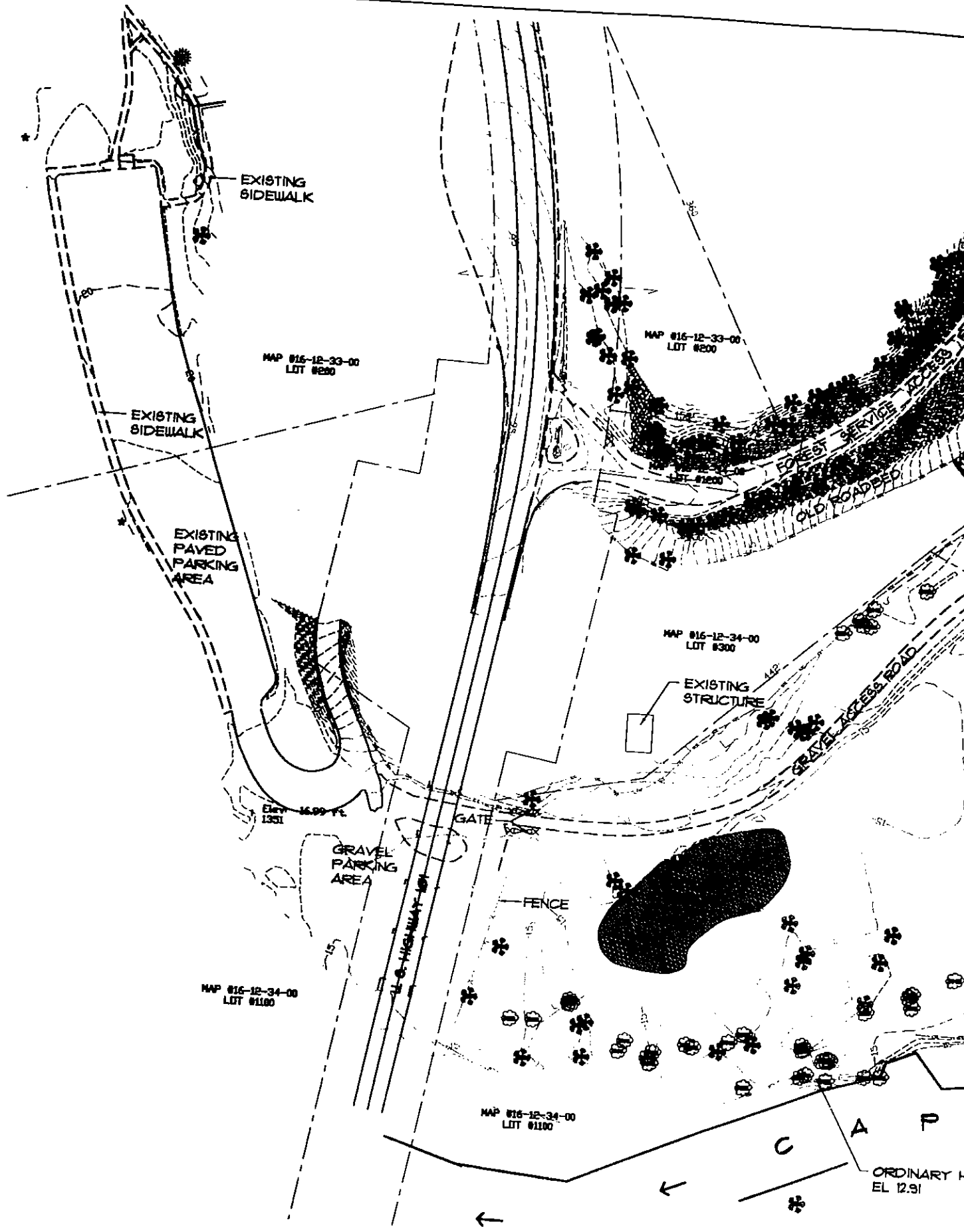
V. CONCLUSION

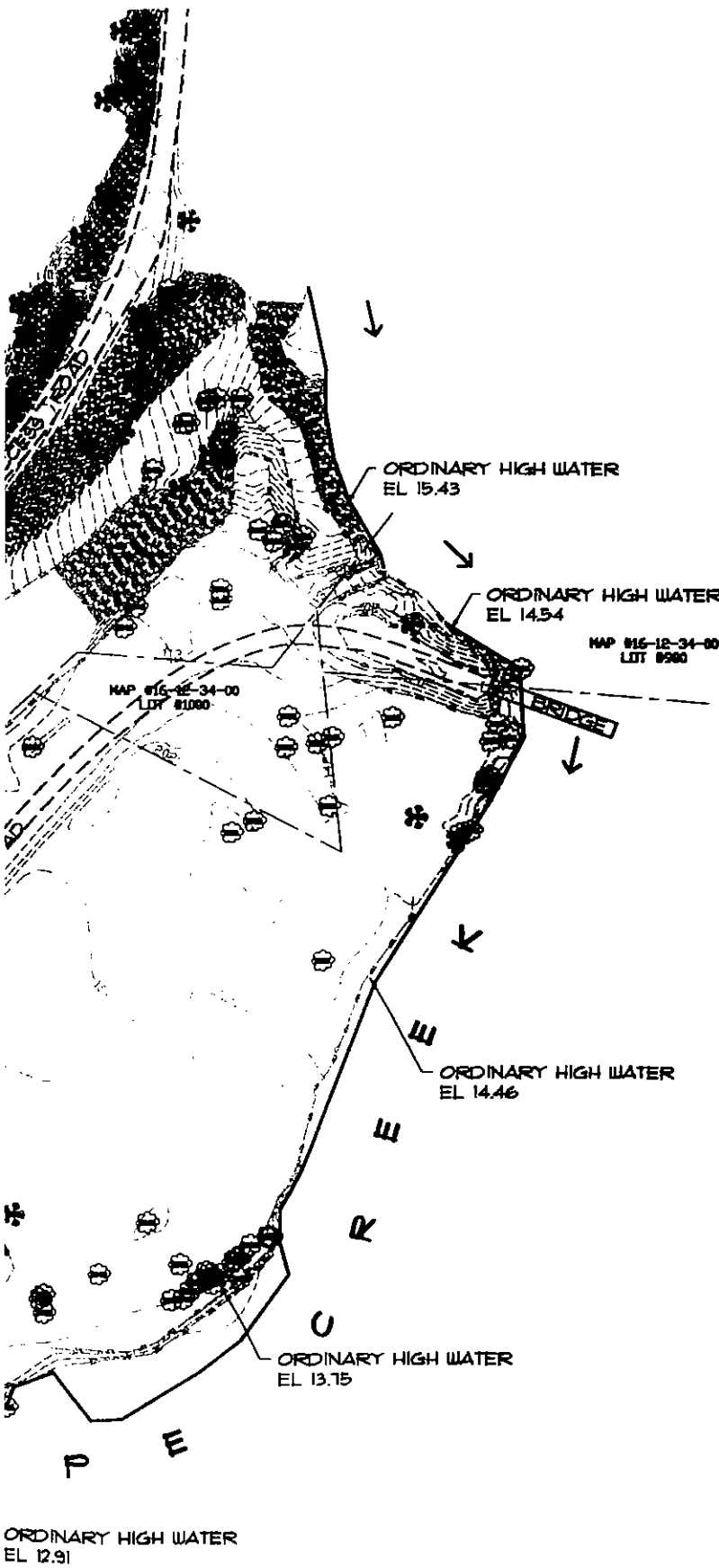
Based on the substantial evidence presented above, the Board of Commissioners finds and concludes that the subject application for plan amendment and goal exceptions meet and satisfy all of the relevant criteria and hereby are granted approval.

PA 03-5004 Exhibits

- A. Vicinity Map
- B. County Assessor's Maps #16-12-33-00 & 16-12-34-00
- C. Aerial Photograph
- D. Site Plan Existing Conditions
- E. Site Development Plan
- F. Road Cross-Sections
- G. Filtration Swale Cross Section and Details
- H. Preliminary Investigation, PA 03-5197
- I. Soils Analysis Map
- J. Responses to Planning Commission Items
- K. Bridge Clearance and Traffic Circulation Diagram

... ASSOCIATES, P.C.





Legend

- PROPERTY LINES
- WETLAND
- 5 FT. CONTOUR INTERVAL
- 1 FT. CONTOUR INTERVAL
- TOP OF BANK
- TOE OF SLOPE
- EXISTING EDGE OF GRAVEL
- EXISTING EDGE OF PAVEMENT
- WATER
- EXISTING TREE

Abbreviations

- SF SQUARE FEET
- AC ACRES
- EL ELEVATION
- FT FEET

Notes

1. SURVEY BY OBEC CONSULTING ENGINEERS, 920 COUNTRY CLUB RD., SUITE 100B, EUGENE, OR 97401. SURVEY WORK DONE DECEMBER 2002 THROUGH JANUARY 2003. HORIZONTAL DATUM NAD 83 (COR896). VERTICAL DATUM NAVD 88.

ORDINARY HIGH WATER
EL 12.91

SITE PLAN - EXISTING CONDITIONS

SCALE: 1" = 100'



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State of Oregon
 Parks and Recreation Dept.
 84505 Highway 101 South
 Florence, Oregon 97439
 (541) 987-5755

Heceta Head Viewpoint
 Heceta Head, Oregon

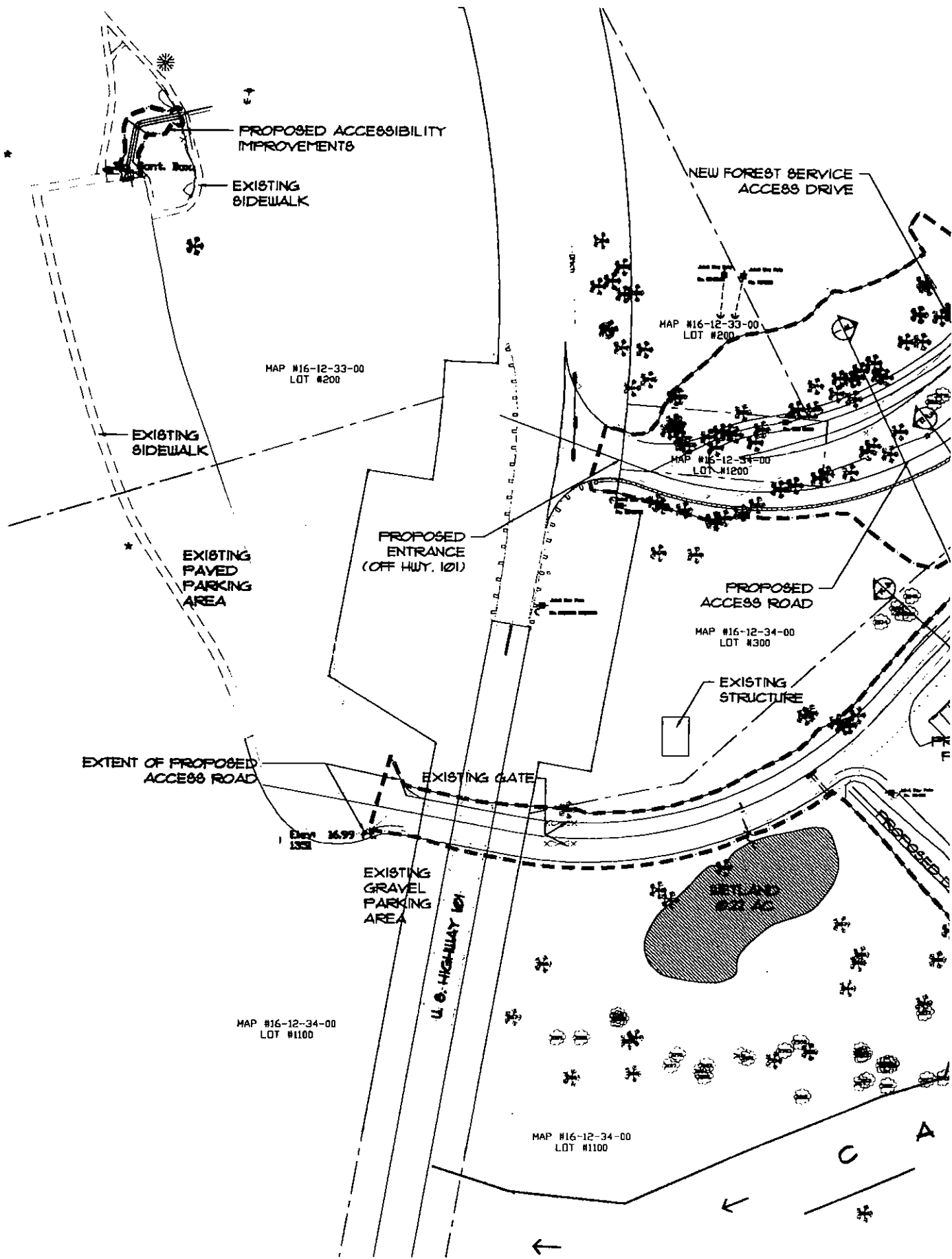
**SITE PLAN - EXISTING CONDITIONS
 PLAN AMENDMENT AND GOAL EXCEPTION**

JOB: 0167
 DATE: 12/8/03
 DRAWN: CBT
 CHECKED: FT
 REVISED: 5/24/04

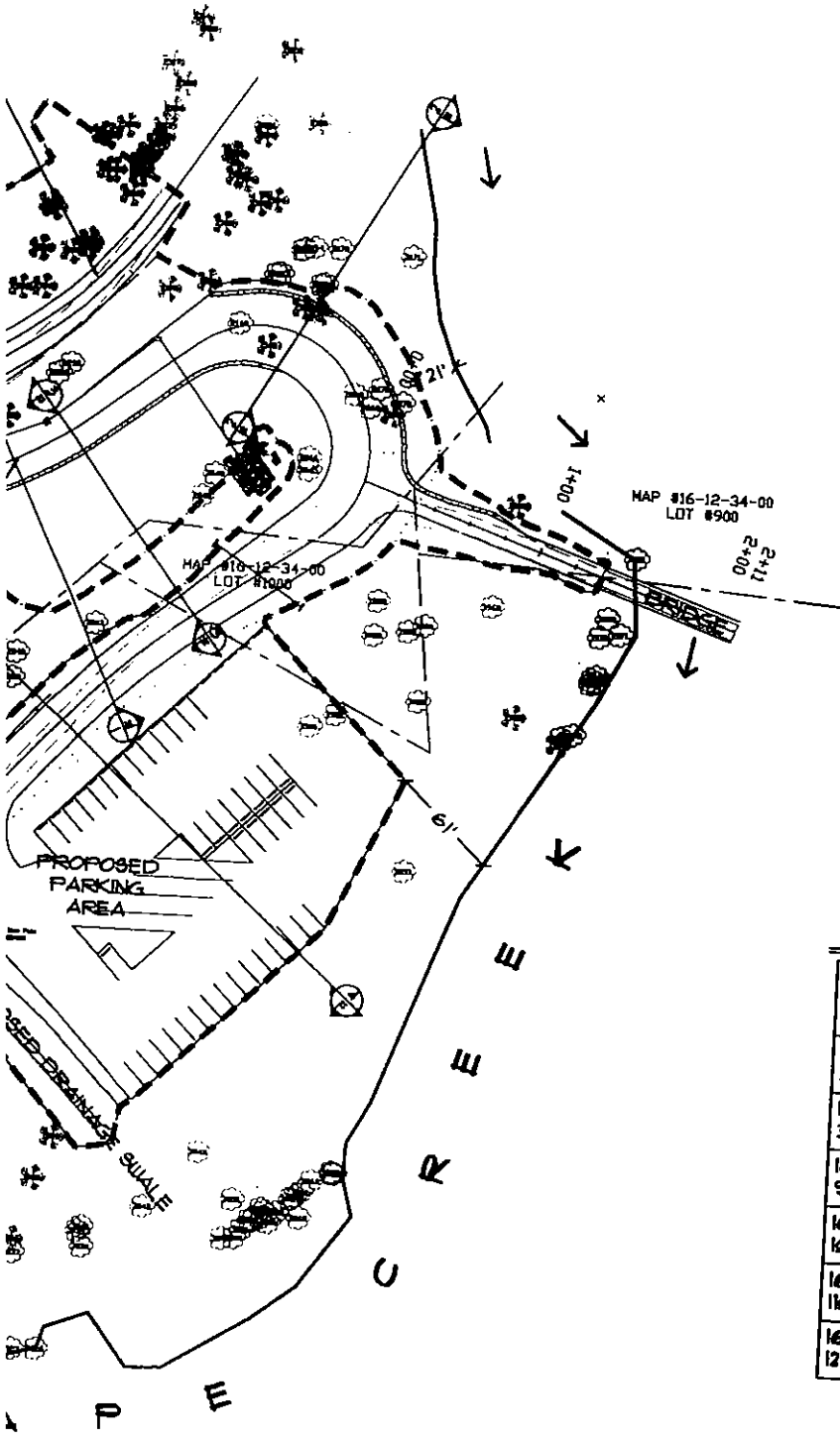
ATTACHMENT

D

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660' FOREST SERVICE EASEMENT B, 274, P.545



Legend

- PROJECT AREA
- PROPERTY LINES
- WETLAND
- PROPOSED EDGE OF PAVEMENT
- PROPOSED ROAD CENTERLINE
- PROPOSED CATCHLINE
- PROPOSED GUARDRAIL
- EXISTING EDGE OF GRAVEL
- EXISTING EDGE OF PAVEMENT
- WATER
- EXISTING TREE

Abbreviations

- SF SQUARE FEET
- AC ACRES
- EL ELEVATION
- FT FEET

Notes

1. SURVEY BY OBEC CONSULTING ENGINEERS, 920 COUNTRY CLUB RD., SUITE 100B, EUGENE, OR 97401. SURVEY WORK DONE DECEMBER 2002 THROUGH JANUARY 2003. HORIZONTAL DATUM NAD 83 (COR96), VERTICAL DATUM NAVD 88.

Coverage

TAX LOT	SIZE	PROJECT AREA
16-12-33-00 200	2025 AC	4219 SF
16-12-34-00 300	6355 AC	53,903 SF
16-12-34-00 900	186 AC	2,121 SF
16-12-34-00 1000	028 AC	4,686 SF
16-12-34-00 1100	29.87 AC	61,119 SF
16-12-34-00 1200	0.12 AC	7,171 SF

SITE DEVELOPMENT PLAN

SCALE: 1" = 100'



SATRE ASSOCIATES, P.C.
Planners, Landscape Architects & Environmental Specialists

State of Oregon
Parks and Recreation Dept.
84505 Highway 101 South
Florence, Oregon 97439

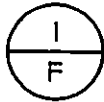
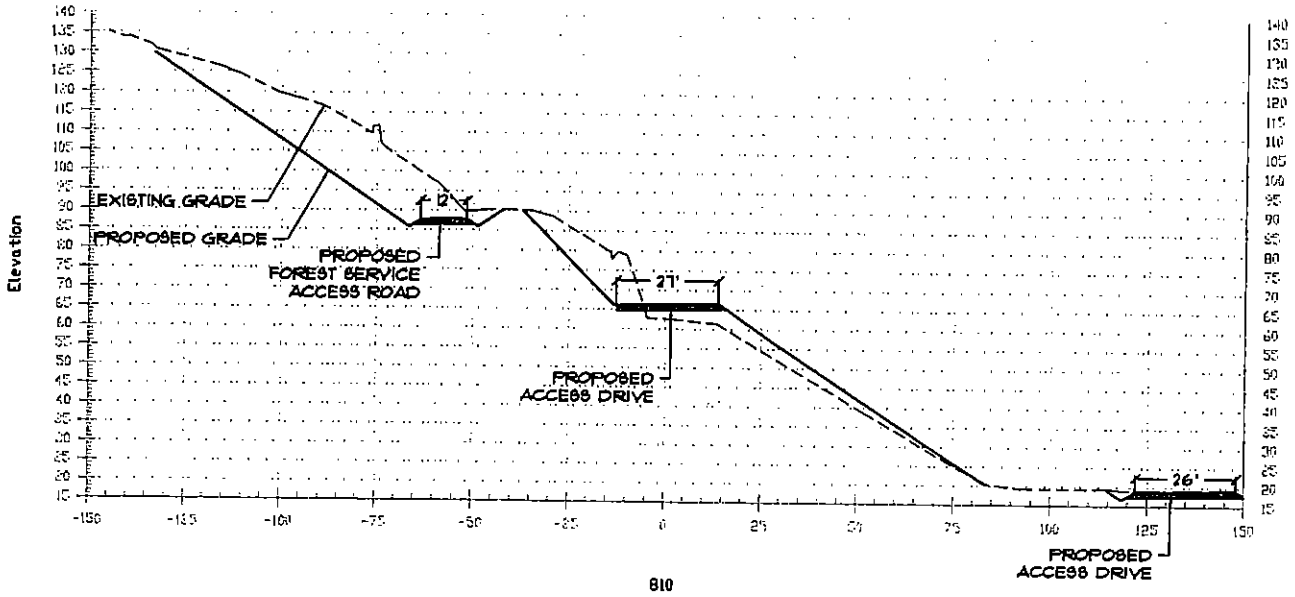
Heceta Head Viewpoint
Heceta Head, Oregon

SITE DEVELOPMENT PLAN
PLAN A

JOB: 02
DATE: 12/05/03
DRAWN: QSM
CHECKED: JH
REVISED:

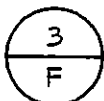
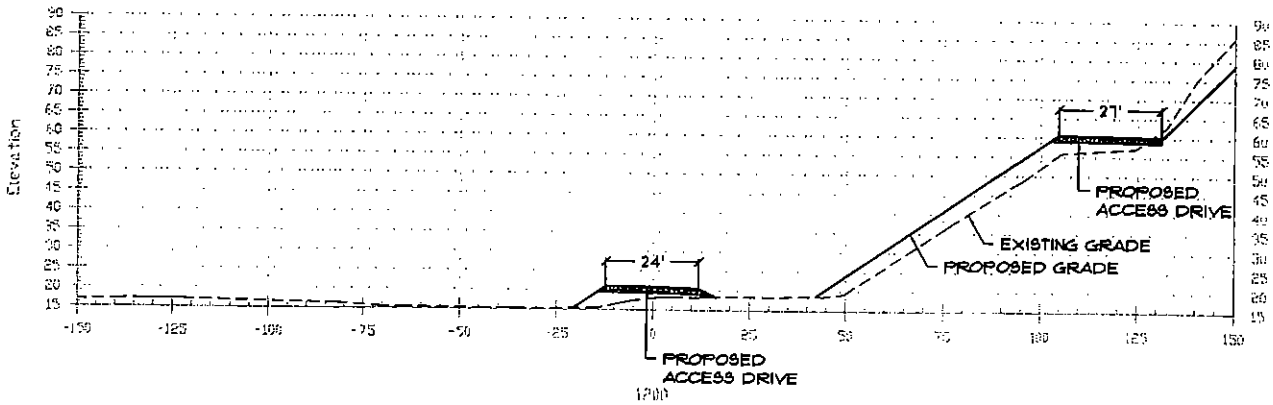
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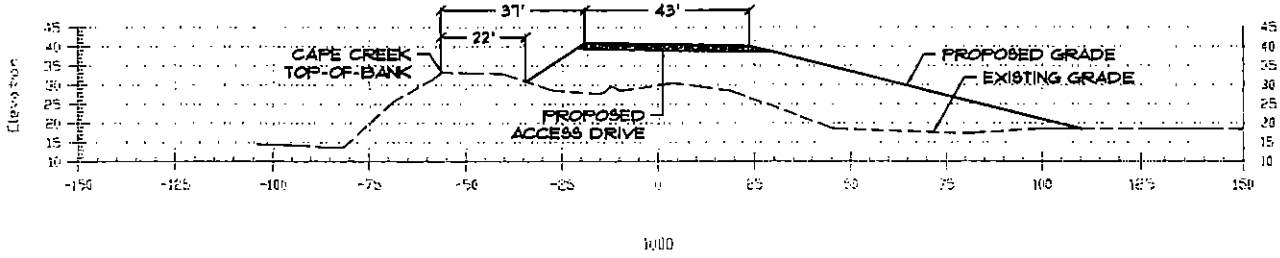
ACCESS ROAD CROSS-SECTION STA. 8+10

SCALE: 1" = 50'

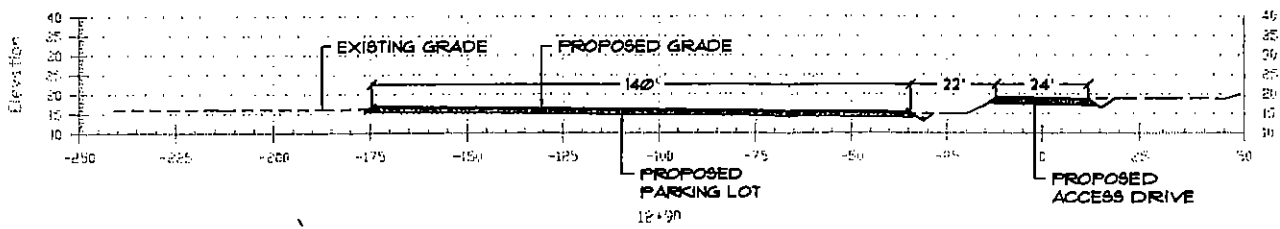


ACCESS ROAD CROSS-SECTION STA. 12+00

SCALE: 1" = 50'



2
F **ACCESS ROAD CROSS-SECTION STA. 10+00**
 SCALE: 1" = 50'



4
F **PARKING LOT CROSS-SECTION STA. 12+90**
 SCALE: 1" = 50'

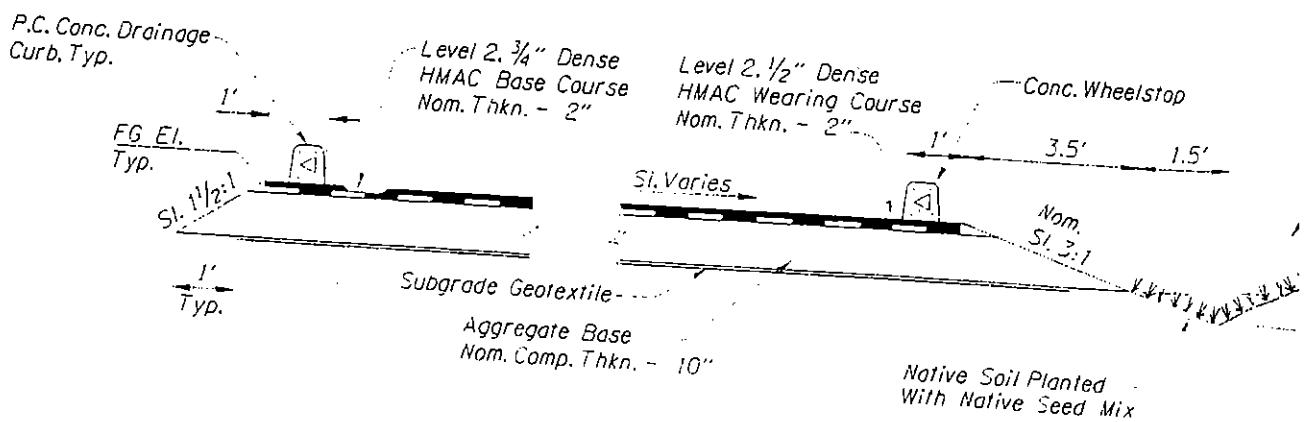
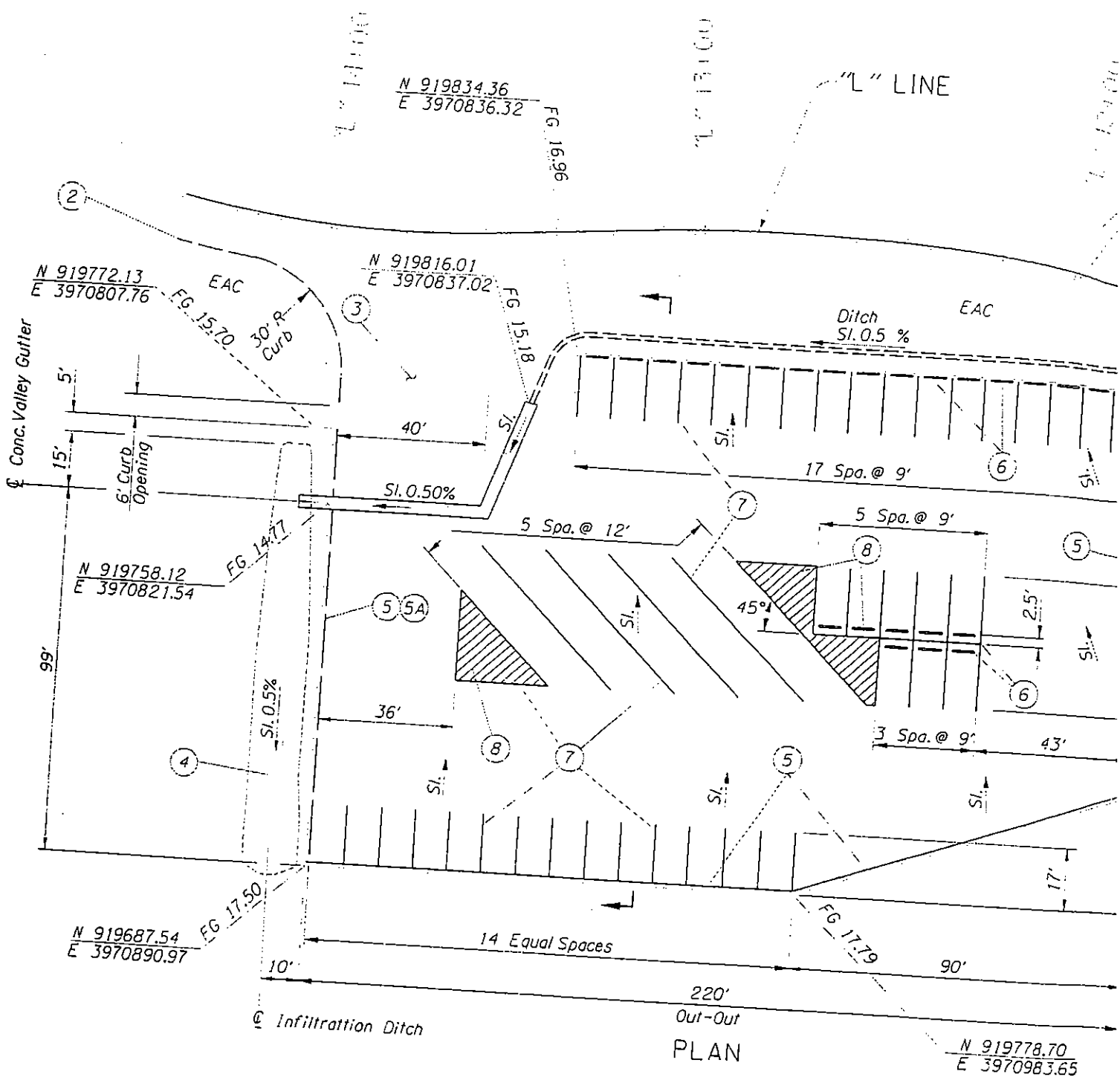
State of Oregon
 Parks and Recreation Dept.
 84505 Highway 101 South
 Florence, Oregon 97439

Heceta Head Viewpoint
 Heceta Head, Oregon

JOBA: 12/
 DATE: 12/
 DRAWN:
 CHECKED:
 REVISED:

ATTACHMENT

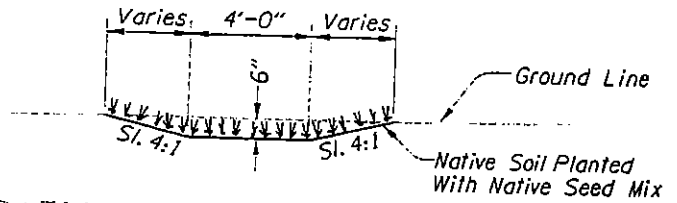
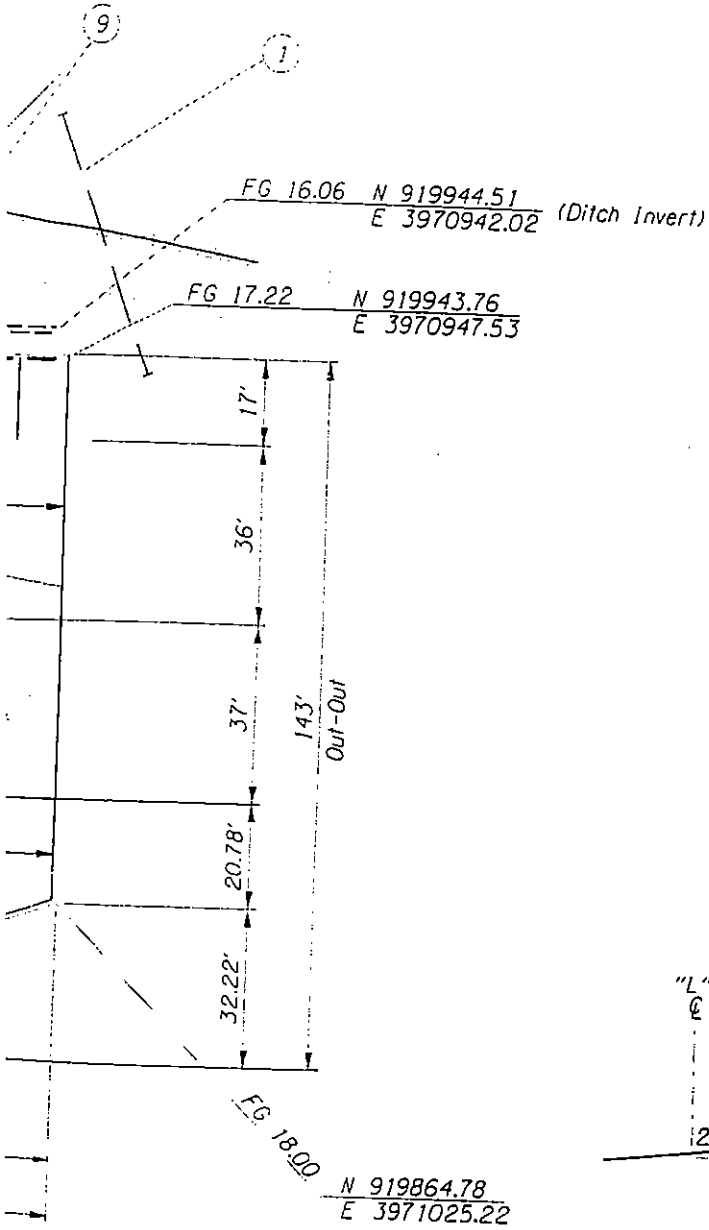
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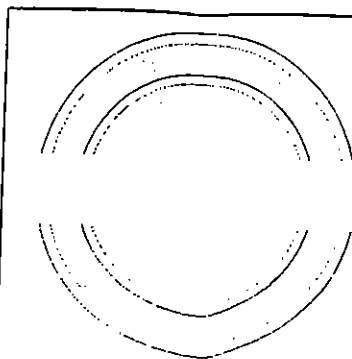
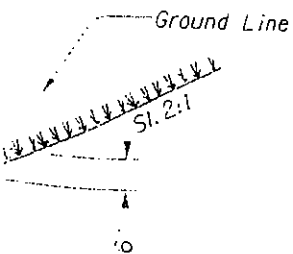
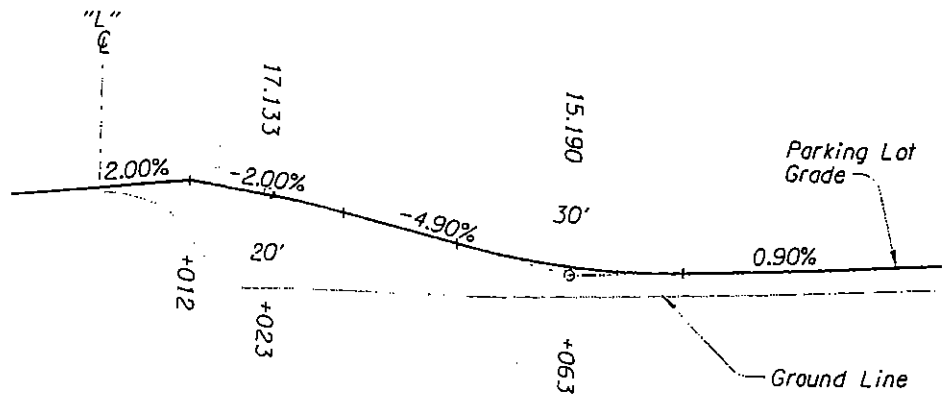
SECTION A-A



- ① See Sht. J, Note 6
- ② See Sht. 3A-2, Note 3
- ③ See Sht. 3A-2, Note 4
- ④ Const. Infiltration Ditch (See Typ. Sec., This Sht.)
- ⑤ Const. P.C. Conc. Drainage Curb - 452 Feet
- ⑤A Const. 2' Wide Drainage Opening At 15' Centers.
- ⑥ Const. 6' Long Conc. Wheelstops Centered In Parking Spaces - 25 (See Spec. Prov. Sec. 759)
- ⑦ Paint 4" White Stripe - 1355 Feet
- ⑧ Paint 4" White Gore Striping At 24" Ctrs.
- ⑨ Paint 4" Double Yellow Stripe - 2430 Feet Centered On The "L" Line Roadway.
- ⑩ Const. Conc. Valley Gutter (See Drg. No. RD700)



INFILTRATION DITCH - TYPICAL SECTION

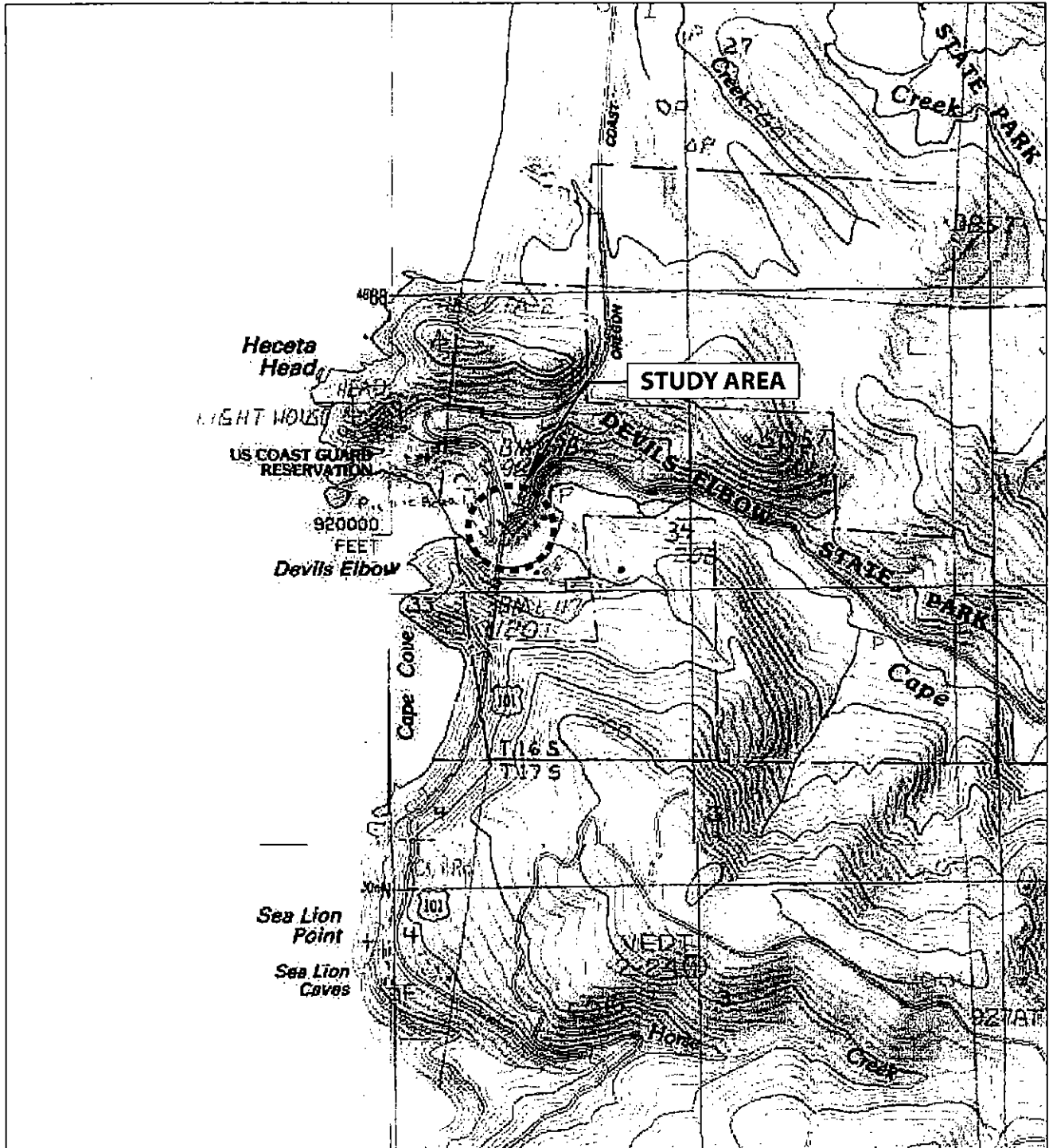


OREGON DEPARTMENT OF TRANSPORTATION
ROADWAY ENGINEERING SECTION

US101 AT MP 178
(HECETA HEAD LIGHTHOUSE ACCESS) SEC.

Design Team Leader - Jerry Lane
Designed By - John Blas
Drafted By - Vern Bolton

PARKING LOT LAYOUT

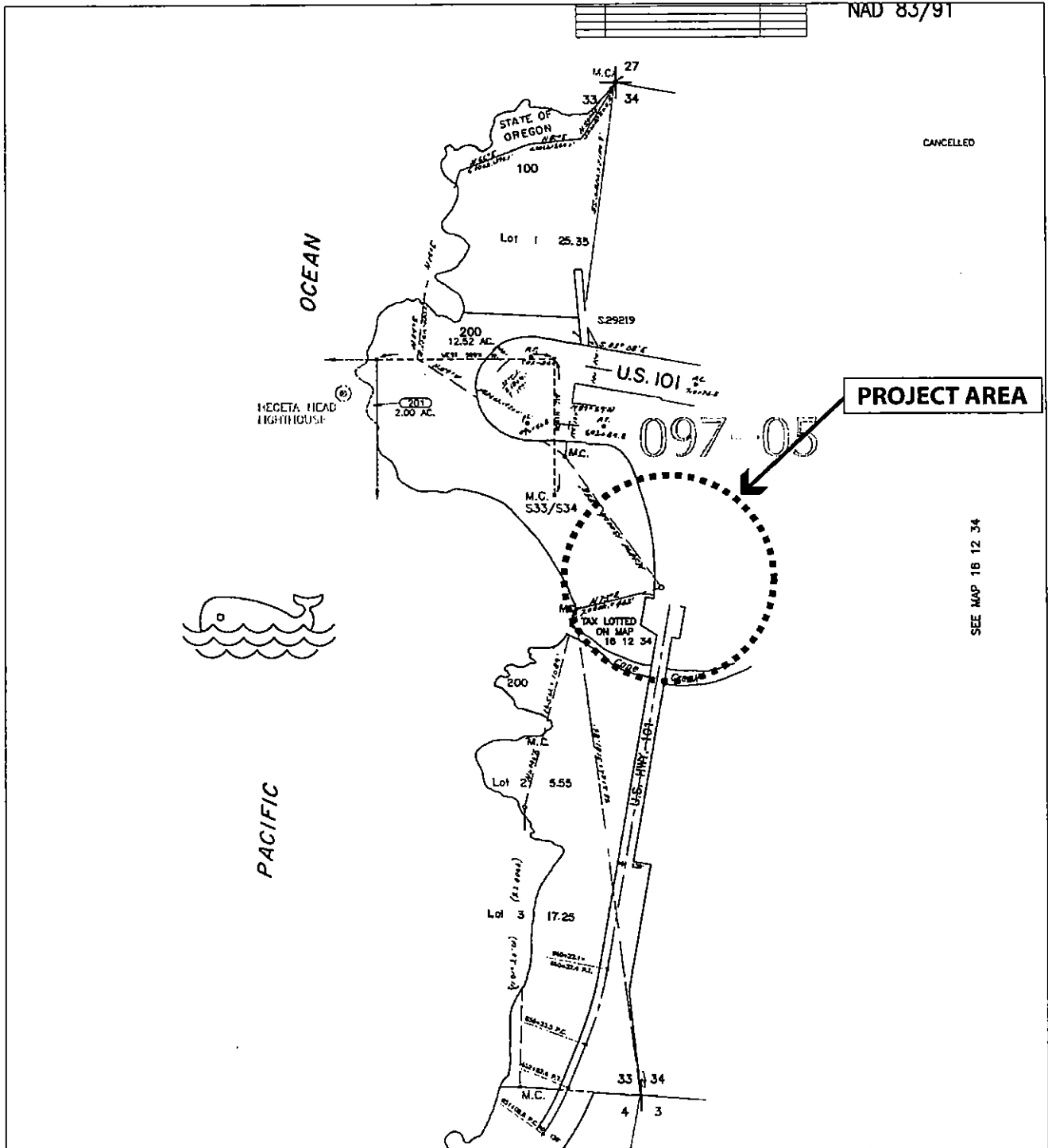


Scale = 1:20,000



Exhibit A
Vicinity Map
Heceta Head, Oregon

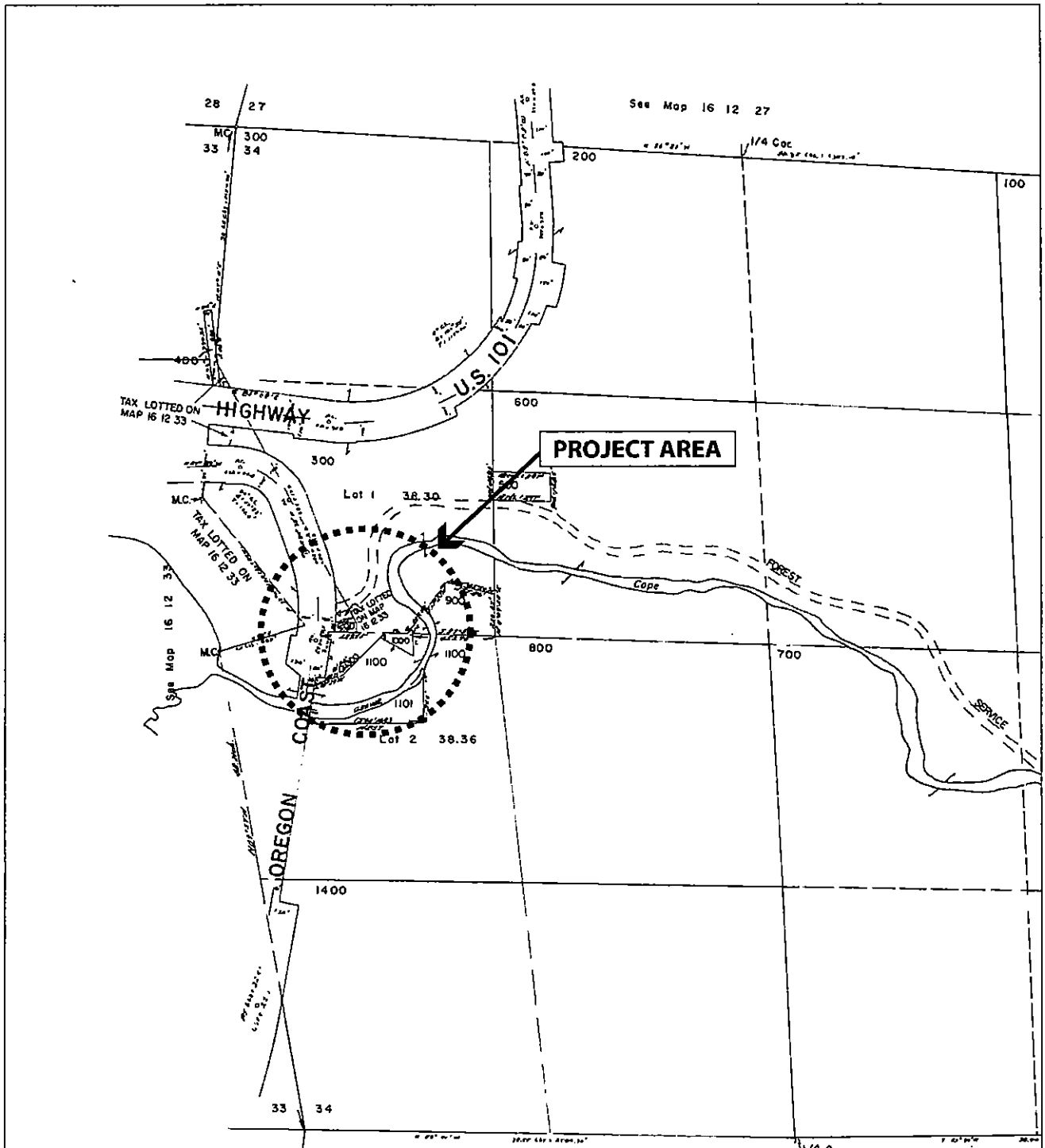
source: USGS



Scale: 1" = 800'



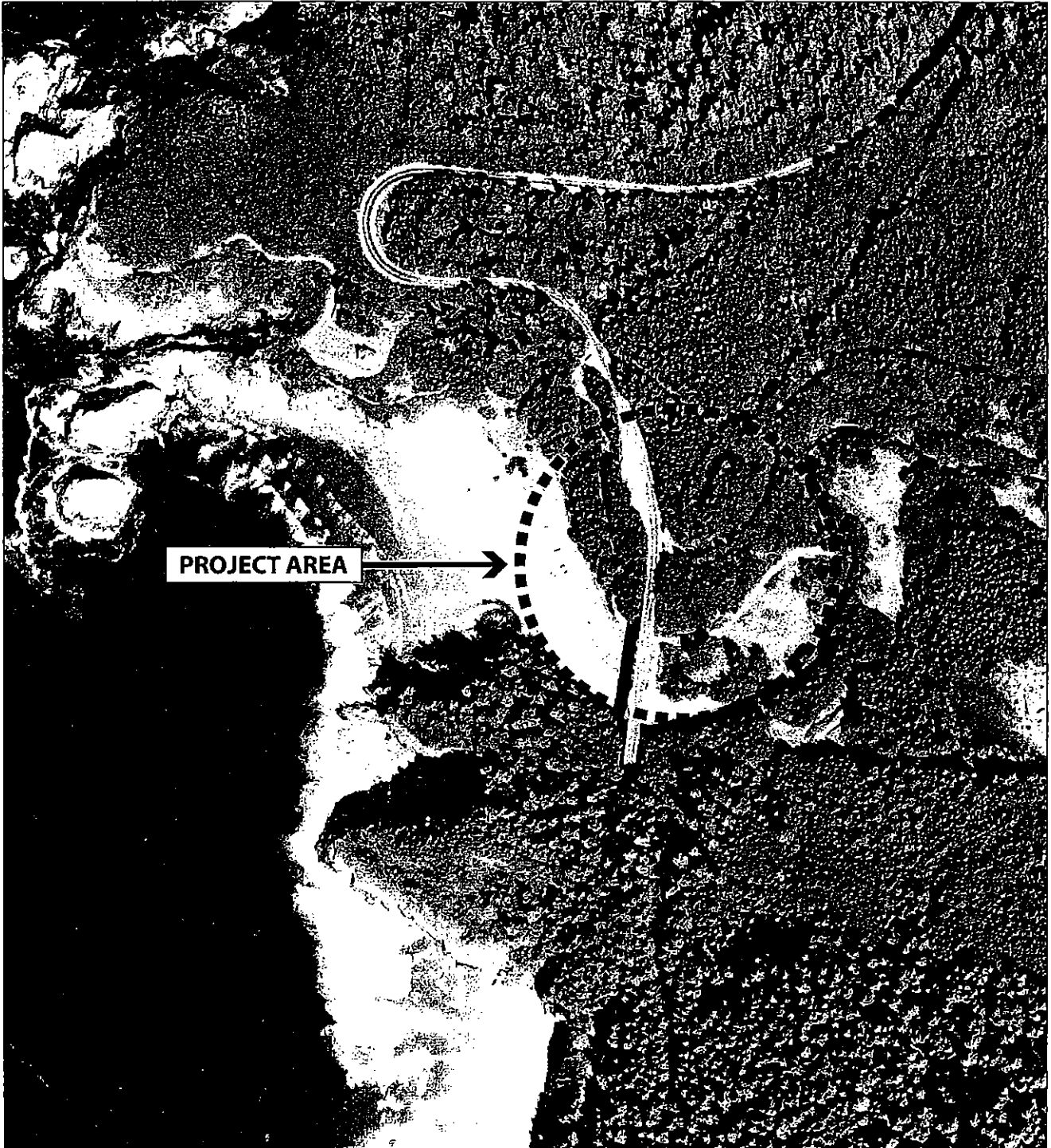
Exhibit B-1
 Assessor's Map #16-12-33-00
 Lane County, Oregon
 source: Lane County



Scale: 1" = 800'



Exhibit B-2
 Assessor's Map #16-12-34-00
 Lane County, Oregon
source: Lane County



not to scale



Exhibit C

1996 Aerial Photograph
Heceta Head, Oregon

source: *University of Oregon*

US101 At MP 178 (Heceta Head Lighthouse Access) Section
Grading, Drainage, & Paving

SECTION 01032 - INFILTRATION DITCHES

Section 01032, which is not in the Standard Specifications, is included in this Project by Special Provision.

Description

01032.00 Scope - This work consists of preparing, constructing, seeding, and establishing infiltration ditches to the lines and grades shown, or as directed.

01032.05 Preparation of Areas - Grade and excavate infiltration ditches to the lines, grades, and elevations shown and according to the applicable portions of Section 00330.

Materials

01032.10 Native Seeding - Provide native seed mix as follows:

Botanical Name (Common Name)	PLS ÷	(% Purity (minimum)	x % Germination) (minimum)	=	Amount (lb/acre)
<i>Festuca rubra</i> (Creeping Red Fescue)	54	_____	_____		_____
<i>Lupinus albiculus, hederma</i> (Hederma Sickle-Keeled Lupine)	9	_____	_____		_____
Total:	63 lb/acre				

01032.40 General - Seed infiltration ditches by billion-seeding, or use a seed drill. Do not perform seeding if soil is saturated. Plant seed mix as soon as feasible after construction. Work a 3-inch thick layer of well composted organic matter such as leaf mulch uniformly into the soil prior to planting.

Maintenance

01032.60 Infiltration Ditch Plant Maintenance and Establishment:

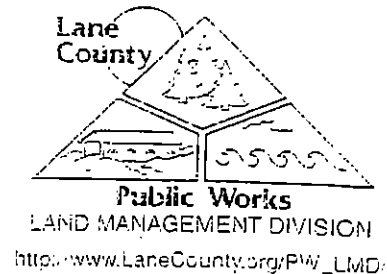
(a) **Watering** - Begin irrigation of infiltration ditches in mid to late May and continue through the establishment period, depending upon weather conditions, at a rate of 100 mm/month, or as necessary to ensure survival of planted areas.

(b) **Establishment Period** - The establishment period begins upon the Engineer's approval of the sowing of the seed and terminates upon issuance of Second Notification.

(c) **Weeding** - During the establishment period, control invasive non-native plants, including Himalayan blackberry (*Rubus discolor*), Canada thistle (*Cirsium arvense*), teasel (*Dipsacus sylvestris*) and reed canarygrass (*Phalaris arundinacea*) on native bio-filter areas by hand pulling, cutting, and/or spot application of an approved herbicide, such as glyphosate. If using herbicide, comply with the manufacturer's instructions. Questions

June 16, 2003

Colin McArthur
Satre Associates P.C.
132 E. Broadway, Suite 536
Eugene, Or. 97401



Re: PA 03-5197/Heceta Head Preliminary Investigation

Dear Colin:

Per the coastal zone plot map #6, no overlay zone applies east of Highway 101 for this project. The /SN zone does cover the 70' x 30' portion of the access road starting below the Cape Creek Bridge and westward, however, per your email of June 13 and our field visit in April, this strip is found to be already graded and graveled for many years. The project simply calls for this access to be paved. Therefore, neither the /SN or /BD overlay zones will apply to this project.

Aside from the above, the overall project, as shown on the provided plot plan (job #0187; 2-28-03) itself will require the following land use approvals:

1. A Special Use Permit for a park in the PR zone. See LC 16.215(3)(c). The standards of LC 16.215(5) apply. In addition, because we have not yet updated the PR zone to correspond to recent OAR changes, and because the subject property is a resource zone, a public park including only those uses specified in OAR 660-034-0035 is allowed, and such will need to be documented in the application. Fee is \$970.
2. What process under LC 16.253, the riparian ordinance, is necessary, is not certain at this point, as the legal lot status of the involved tax lots has not been determined. I call your attention to the linear limit of 100' found in LC 16.253(3)(b)(iii). It appears that the parking lot and a portion of the new access road will exceed the aforementioned standard. Assuming this is the case, the remedy is to gain approval for a Riparian Setback Area Development Plan per LC 16.253(5)(a). Fee is \$1000.

None of the project area is within a FEMA regulated floodhazard area (per Map #41039C0450F, effective 6-2-99). As part of the above actions, referrals will be sent to the Division of State Lands for wetland concerns, as well as ODF&W. You can expect that a drainage collector system of some sort will be required for the parking lot, in order to assure that no vehicle solvents reach Cape Creek or nearby wetland areas.

If you need any blank "Land Use Application" forms, let me know.

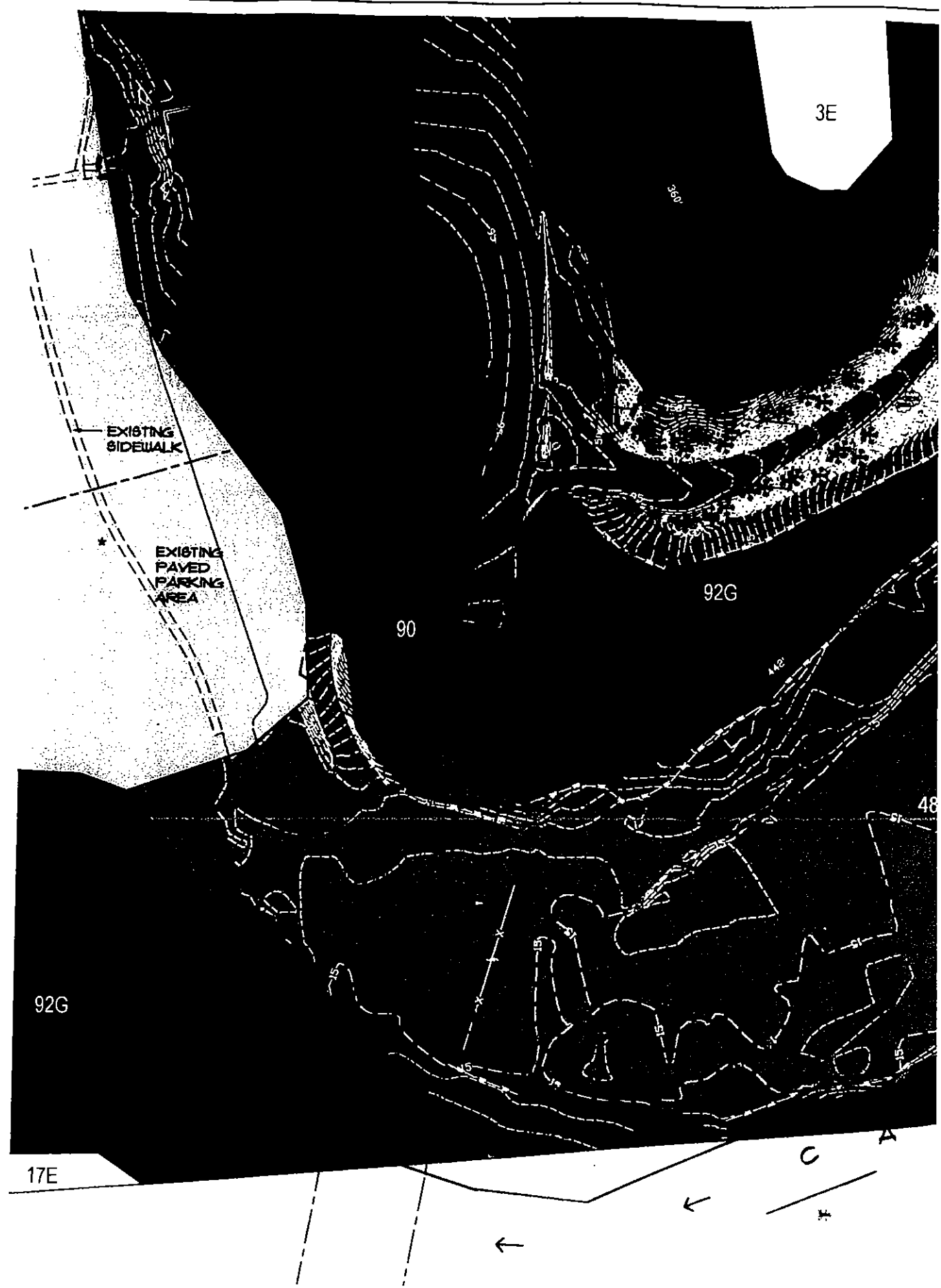
FYI, fees will increase on July 1.

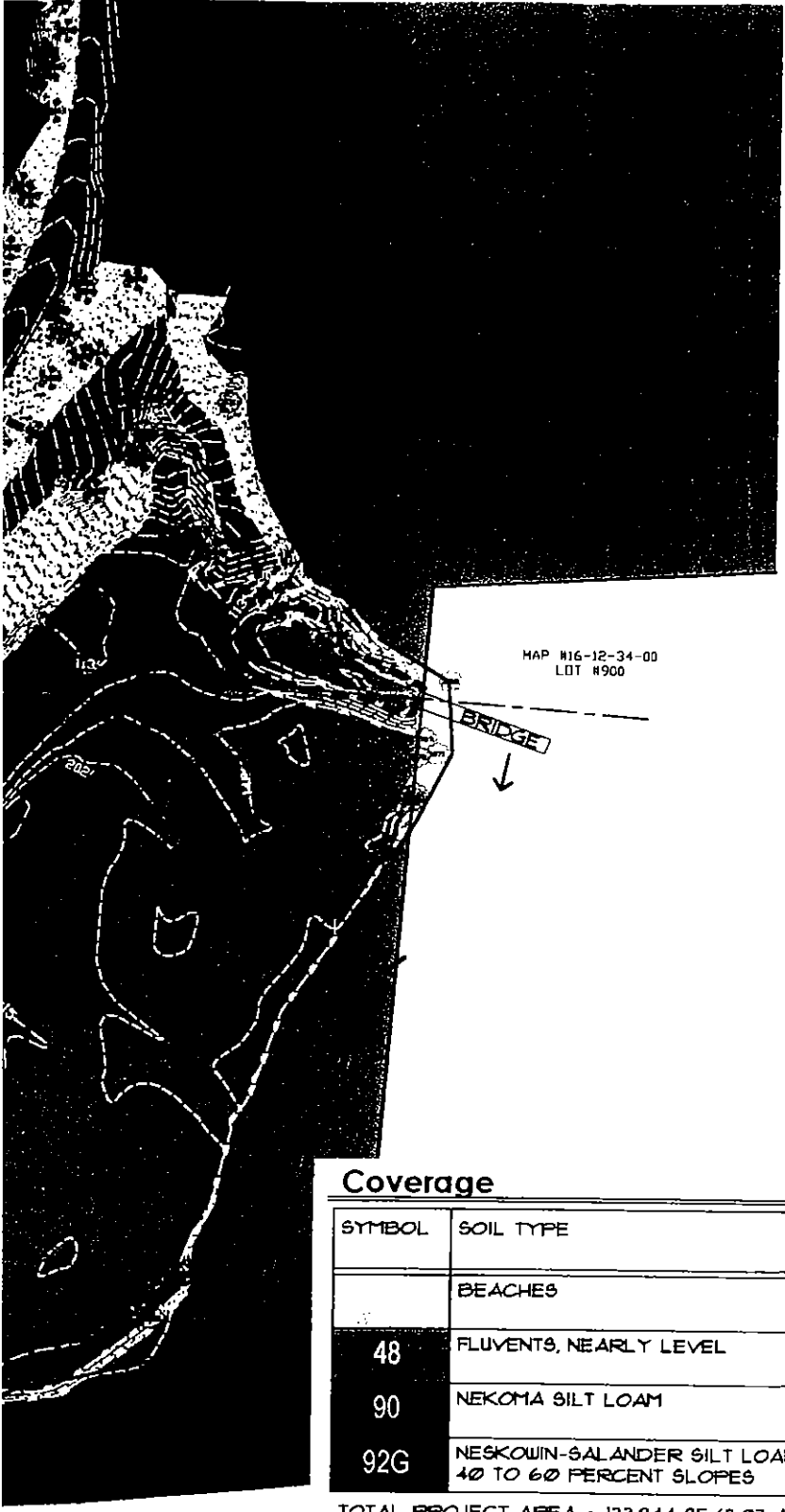
Sincerely,

Jerry Kendall/Associate Planner (682-4057)



COPYRIGHT 2003 SATRE ASSOCIATES, P.C.





Legend

- PROPERTY LINE
- PROJECT AREA
- SOIL TYPE
- 5 FT. CONTOUR INTERVAL
- 1 FT. CONTOUR INTERVAL
- TOP OF BANK
- TOE OF SLOPE
- EXISTING EDGE OF GRAVEL
- EXISTING EDGE OF PAVEMENT
- WATER
- EXISTING TREE

Abbreviations

- SF SQUARE FEET
- AC ACRES
- EL ELEVATION
- FT FEET

Notes

1. SURVEY BY OBEC CONSULTING ENGINEERS, 920 COUNTRY CLUB RD., SUITE 100B, EUGENE, OR 97401. SURVEY WORK DONE DECEMBER 2002 THROUGH JANUARY 2003. HORIZONTAL DATUM NAD 83 (COR96). VERTICAL DATUM NAVD 88.
2. SOILS INFORMATION PROVIDED BY LANE COUNCIL OF GOVERNMENTS (LCOG) GIS DEPARTMENT. OREGON STATE PLANE SOUTH NAD 27.

Coverage

SYMBOL	SOIL TYPE	AREA	PERCENT	CAPABILITY CLASS
	BEACHES	92 SF	0.1	VIIIw
48	FLUVENTS, NEARLY LEVEL	45,871 SF	34.2	VIIw
90	NEKOMA SILT LOAM	7,600 SF	5.7	IIIw
92G	NESKOWIN-SALANDER SILT LOAMS, 40 TO 60 PERCENT SLOPES	80,331 SF	60.0	VIe

TOTAL PROJECT AREA = 133,844 SF (3.07 AC)
 TOTAL PROJECT IMPACTS TO CLASS III SOILS = 7,600 SF

SOILS ANALYSIS MAP

SCALE: 1" = 100'



SATRE ASSOCIATES, P.C.
 Planners, Landscape Architects &
 Environmental Specialists
 232 East Broadway, Suite 536
 Eugene, Oregon 97401
 (541) 465-4721 • Fax (541) 465-4722 • 1-800-662-7094
 www.satrepcc.com



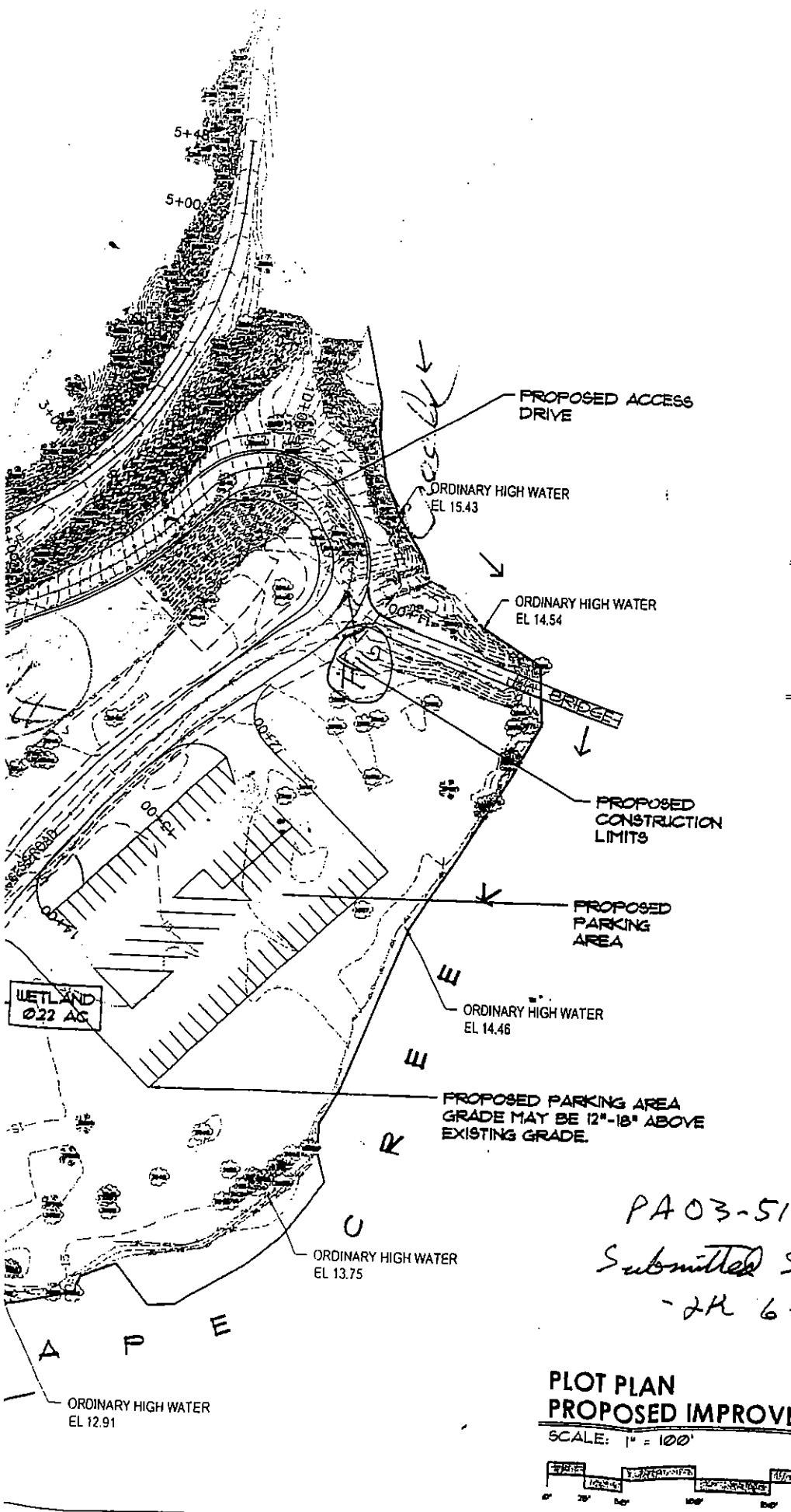
State of Oregon
 Parks and Recreation Dept.
 84505 Highway 101 South
 Florence, Oregon 97439
 (541) 997-5755

Heceta Head Viewpoint
 Heceta Head, Oregon
SOILS ANALYSIS MAP
PLAN AMENDMENT AND GOAL EXCEPTION










JOB # 057
 DATE: 12/8/03
 DRAIN: C.S.T.
 CHECKED: TH
 REVISED:

ATTACHMENT





Legend

-  WETLAND
-  5 FT. CONTOUR INTERVAL
-  1 FT. CONTOUR INTERVAL
-  TOP OF BANK
-  TOE OF SLOPE
-  EDGE OF GRAVEL
-  EDGE OF PAVEMENT
-  WATER
-  EXISTING TREE

Abbreviations

- SF SQUARE FEET
- AC ACRES
- EL ELEVATION
- FT FEET

Notes

1. ESTIMATED ACCURACY OF MAPPED WETLAND BOUNDARY LINE +/- 5 FEET.
2. SURVEY BY OPEC CONSULTING ENGINEERS, 920 COUNTRY CLUB RD., SUITE 100B, EUGENE, OR 97401. SURVEY WORK DONE DECEMBER 2002 THROUGH JANUARY 2003. HORIZONTAL DATUM NAD 83 (CORS96). VERTICAL DATUM NAVD 88.

PA 03-5197
 Submitted Site Plan
 - 2K 6-16-03

**PLOT PLAN
 PROPOSED IMPROVEMENTS**

SCALE: 1" = 100'



SATRE ASSOCIATES, P.C.
 Planners, Landscape Architects &
 Environmental Specialists
 132 East Broadway, Suite 516
 Eugene, Oregon 97401
 (541) 685-1770



State of Oregon
 Parks and Recreation Dept.
 1115 Commercial St. NE
 Salem, Oregon 97301
 (541) 378-4168

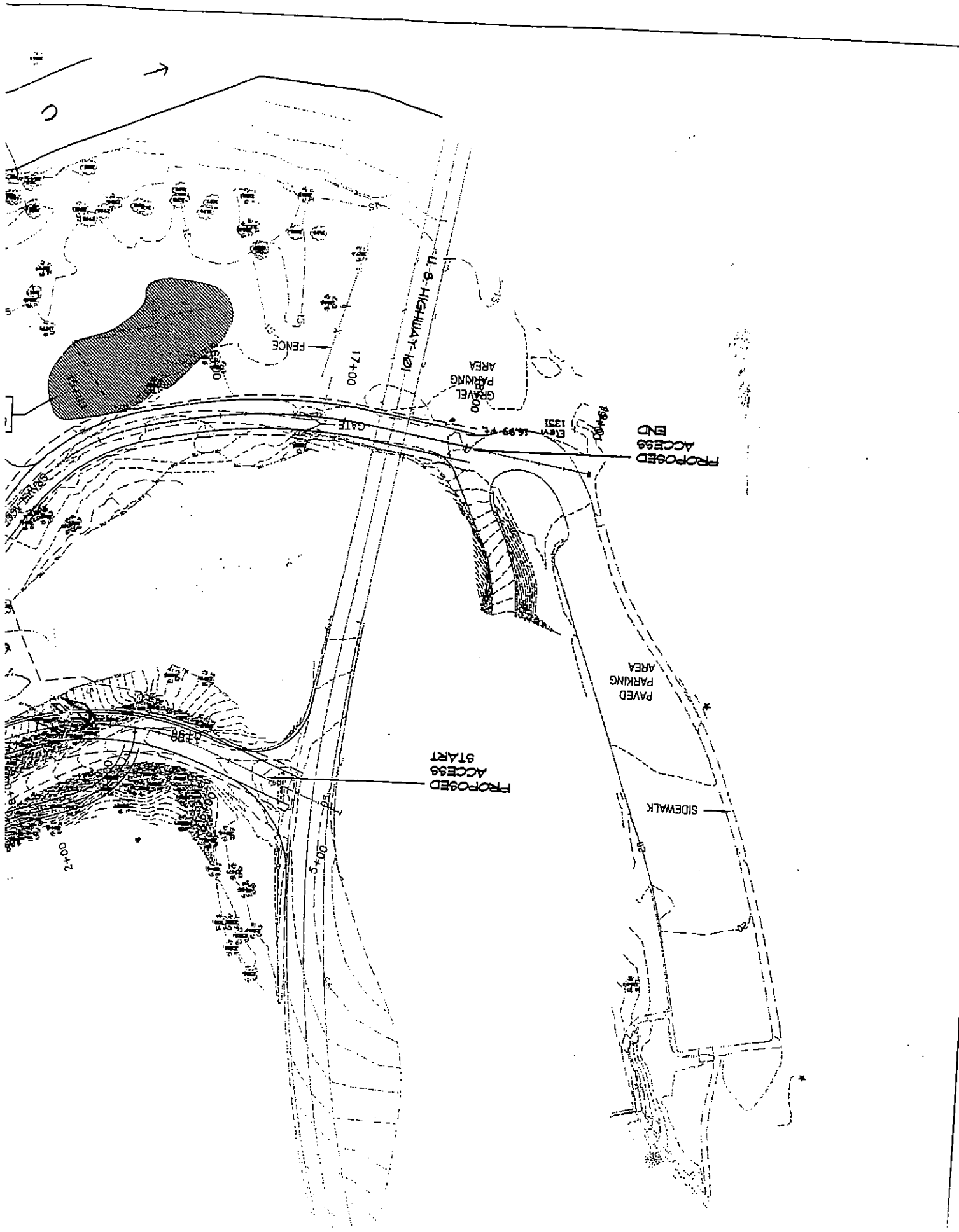
Heceta Head View Point
 Heceta Head, Oregon

**PLOT PLAN
 PROPOSED IMPROVEMENTS**

JOB#: 0187
 DATE: 2/28/03
 DRAWN: CGM
 CHECKED: VM
 REVISED:

FIGURE

1





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Planners, Landscape Architects, and Environmental Specialists
132 East Broadway, Suite 536, Eugene, Oregon 97401
(541) 465-4721 • fax (541) 465-4722 • 1-800-662-7094
www.satrep.com

HECETA HEAD LIGHTHOUSE STATE SCENIC VIEWPOINT

Access Improvements

Plan Amendment and Goal Exception

Response to Planning Commission Items

The following responds to bullet items contained in the May 25, 2004 staff report as modified by the Planning Commission at their June 1 hearing.

- 1) Owner authorization from BLM, ODOT, and Lane County.

Oregon State Parks has documentation showing ownership of the entire park property (deed conveying entire park property to the Oregon Highway Commission in 1939, and subsequent quit claim deed from ODOT to State Parks in 1998, both submitted into the record). The Lane County ownership records are thus incorrect and require updating. Oregon State Parks signed the land use application, satisfying the owner authorization requirement.

- 2) Recorded easement from Lane County for access road over County-owned property.

This item is not necessary due to the documentation described for bullet number one above.

- 3) Right-of-way grant from BLM for access road over BLM-owned property.

This item is not necessary due to the documentation described for bullet number one above.

- 4) Allowance from USFS for shared portion of the access road off Highway 101.

The construction agreement and easement documents between the USFS and State Parks granting the USFS permission to use Parks land for access have been submitted into the record. The agreement spells out the rights and responsibilities of both parties. No further agreement is required from the USFS. The easement will be signed and recorded by the applicant after the plan amendment is approved. A copy will be submitted to the Land Management division for the planning action file.

- 5) Detailed plans for the proposed “filtration swales” and approval thereof by the Oregon Division of State Lands, and Fish & Wildlife.

Detailed plans for the swale are attached to the Board Findings (Exhibit G). The Division of State lands had no comment on the swale design, but did request a wetland delineation in their referral comments. A wetland delineation was completed by Satre Associates last year and has been forwarded to DSL for review. A copy of the delineation has been submitted into the record. The project has been designed so as not to impact any of the identified wetlands. However, if DSL's review of the delineation requires significant changes to the project, re-review of the plan amendment will be required. Small project changes to avoid wetlands (such as shifting the roadway a few feet to the north) are not anticipated to require re-review.

Fish & Wildlife submitted email comments on the proposed swale. The applicant incorporates those comments into the proposal, as detailed in the Board's Goal 5 findings.

- 6) ODOT's concurrence on "no significant effects" in regards to the Transportation Planning Rule.

County staff indicate that this bullet item was satisfied by a discussion with Tom Boyatt, Senior Transportation Planner with ODOT, who had no comments on the proposal.

- 7) The gate currently located on the gravel access road under the highway bridge is to be relocated at the west end of the bridge over Cape Creek that leads to a private residence.

The gate currently located on the gravel access road under the highway bridge will be removed. A new or relocated gate will be placed at the west end of the bridge over Cape Creek leading to the private residence. This will restrict vehicle access on and beyond the bridge. In addition, signage will state that no parking is allowed in front of the gate. The parking area will be posted with signs indicating the hours of the park and that no overnight parking is allowed.

If a lock is placed to secure the gate, keys will be provided to the Oregon Department of Forestry by the Applicant to ensure access in the event of a fire.

In addition to the bullet items, the Commissioners asked for more information related to the existing parking lot, the vehicle and horizontal clearance between the bridge support columns, park restroom facilities, and traffic patterns. The following information is submitted in response.

Existing Parking Lot

The general dimensions of the existing parking lot are 60' x 400' = 24,000 square feet. The current parking lot has 80 stalls with a maximum length of 35'.

Existing Restrooms

The existing brick restroom has three flush toilets with one urinal (two on the women's and two on the men's). The septic tank has a 1,500 gallon capacity, located 15 feet south of the southwest corner of the restroom building. A permit was approved to repair the septic facility in 1983 (permit #231-83). No functional or capacity problems have occurred since this last repair. The access and parking lot project is not increasing capacity; it is improving access and paving the overflow parking area further away from the creek. Thus, no increase in demand for restroom facilities is anticipated. The well is located on the east side of the pump house. The well was drilled in 1977. The well is 122' deep and produces 40 gallons per minute. Prior, water was taken from a surface source.

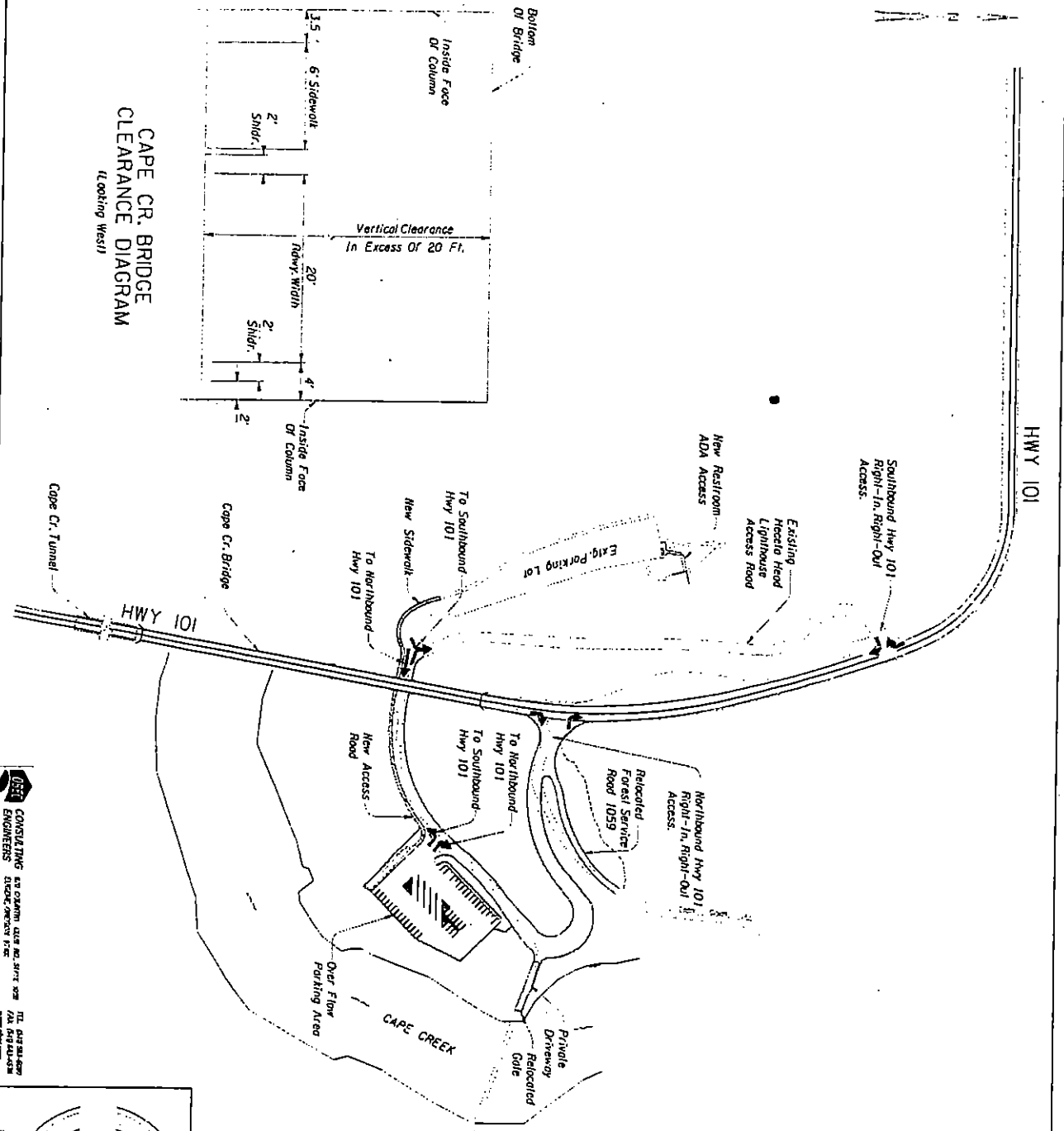
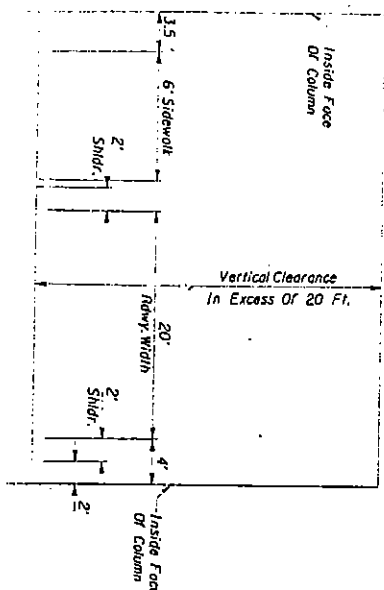
Park Hours

Posted park hours are 6:00am - 9:00pm. No overnight parking is allowed. Monitoring of this policy is provided consistent with other state parks; during periods of high use (summer), the parking lot is checked every morning by park staff.

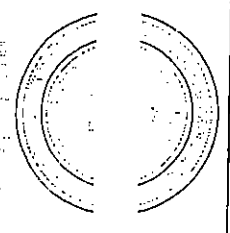
Bridge Clearance and Traffic Patterns

A diagram showing vehicle clearance under the highway bridge and general traffic circulation patterns from the highway into the existing and planned parking areas is attached to the Board Findings (Exhibit K). The diagram shows there is plenty of vehicle clearance under the bridge. It also shows how vehicles traveling north and south on the highway have improved circulation with the proposed improvements. Vehicles can circle under the highway bridge to exit using a right turn whether they are traveling north or south.

**CAPE CR. BRIDGE
CLEARANCE DIAGRAM**
(Looking West)



CONSULTING ENGINEERS
1200 NE Oregon Street, Suite 200
Portland, Oregon 97232
TEL: 503-255-1100
FAX: 503-255-1101



OREGON DEPARTMENT OF TRANSPORTATION
ROADWAY ENGINEERING SECTION
03101 AT WY 115
HECETA HEAD LIGHTHOUSE ACCESS, 1525
Oregon Team Leader: [Name]
Lead Designer: [Name]
Drafting By: [Name]

LANE COUNTY PLANNING COMMISSION

STAFF REPORT



HEARING DATE: June 1, 2004

FILE No. PA 04-5003

REPORT DATE: May 25, 2004

LAND MANAGEMENT DIVISION
http://www.LaneCounty.org/PW_LMD/

I. APPLICATION DESCRIPTION

A. Owners:

Oregon Dept. of Transportation/Hwy. Commission (for Map 16-12-34 #300, 900, 1000,
355 Capitol St., Rm. 119 & 1100)
Salem, Or. 97310

Dept. of Interior BLM & O&C (for Map 16-12-33 #200)
P.O. Box 10226
Eugene, Or. 97440

County Owned Lands Dept. (for Map 16-12-34 #1200)
Lane County Courthouse
Eugene, Or. 97401

Applicant:
State of Oregon-Parks and Recreation Dept.
84505 Hwy. 101 S.
Florence, Or. 97439

Agent:
Terri Harding AICP
Satre & Associates, P.C.
132 E. Broadway, Suite 536
Eugene, Or. 97401

B. Proposal

A Major Plan Amendment to the Rural Comprehensive Plan, taking a "Reasons exception" to Goals 3 and 4 (Farm and Forest Lands), in order to develop a Recreational and bus overflow parking area at Heceta Head State Park. Evaluated per LC 16.400 and OAR 660-004.

II. RECOMMENDATION

Although the substantive issues in the submittal appear to indicate approval, several items need to be resolved. These issues include:

- Owner authorization from the BLM, the Oregon Department of Transportation, and Lane County.



- Recorded easement from Lane County, for the access road over county property.
- Right-of way grant from the BLM for the access road over BLM property.
- Allowance from the USFS for shared portion of the access road off of Highway 101.
- Detailed plans for the proposed “filtration swales” and approval thereof by the Oregon Division of State Lands, and Fish & Wildlife.
- ODOT’s concurrence on “no significant affects” in regards to the Transportation Rule (Goal 12).

Staff advises that the Planning Commission forward a recommendation for approval of the request to the Board, with the understanding that the above items are to be resolved prior to the Board hearing.

See the analysis section below for further details and explanation for this staff recommendation.

III. SITE AND PLANNING PROFILE

A. Project Background

As shown in the applicant’s submittal and attachments, the project site is at the Heceta Head State Park site on Highway 101 and at the Cape Creek Bridge. All of the subject property is zoned *Parks and Recreation*, and is governed by LC 16.215.

The Heceta Head State Park is one of the more popular destinations for visitors to the coast. During the summer months, the existing parking area, adjacent to the beach (on tax lot 200 and west of the project site), is over capacity. In addition, many tourists utilize large recreational vehicles and tour buses, which further congest both the highway and interior park roads. The project, which primarily consists of a 130’ x 215’ parking lot and loop access road, is designed to alleviate this situation. As shown on attachment “E” of the submittal, one end of the loop road starts under the Cape Creek Bridge, proceeds east to the parking lot, then curves back and joins up with an existing forest service road before joining the highway. The applicant is expected to describe the traffic flow patterns at the hearing.

While some of the subject property is subject to the Significant Natural Shorelands and the Beaches and Dunes Combining zones, neither was found to apply to the project site, per Preliminary Investigation PA 03-5197, conducted in the Spring of last year. However, if this proposal is approved, the applicant will need to make application for a Special Use Permit in the Parks and Recreation zone per LC 16.215(3)(c), a Planning Director level application.

As explained on the bottom of page 10 of the applicant’s submittal, this Plan amendment was made necessary by *State and Local Park Planning* rule, specifically, OAR 660-034-0035. Please refer to page 11 of the submittal for the exact text. Although the subject property is zoned *Parks and Recreation*, it is still

considered farm and forest land (Goals 3 & 4, respectively), as no exception to those goals was ever taken. OAR 660-0034-0035(2) lists allowable uses of farm and forest zoned lands. These uses, which include supporting facilities to parks, such as parking lot and roadways, are allowed without the need for an exception to the goals, provided such uses were included in the park's adopted master plan. Since Heceta Head State Park does not have an adopted master plan, this Reasons exception is required.

B. Zoning & Plan Designation

Located on Plot #6

The subject property includes approximately 116 acres of land. The area of that actually impacted by the project is 3.07 acres, not including the existing gravel road extending from the underneath the Cape Creek Bridge to the proposed parking area. All of the subject property is within the *Parks and Recreation Zone*, (LC 16.215), and not *Public Reserve*, as mentioned on page 2 of the submittal. None of the project area is subject to the environmental combining zones, or within the FEMA regulated 100-year flood hazard area.

The subject property has a Plan designation of *Parks and Recreation* (not *Forest* land as mentioned on p.2 of the submittal).

C. Site Characteristics

Heceta Head Park is familiar to most Oregonians. The majority of the project site is found close to sea level and east of the Cape Creek Bridge, in a flat grassy area north of Cape Creek. The proposed parking lot, to be located within the 100' riparian setback area, will require a "riparian modification" approval per LC 16.253(3), a Planning Director level approval (such application has not been applied for, as indicated on p.2 of the submittal).

Beyond the parking lot, a new access road will be constructed, leading upwards and eventually joining a USFS road connecting to the highway, approximately 600' north of Gate Creek. Again, refer to the numerous attachments to the submittal, which include an aerial overview of the area. Refer also to the text submittal for further description of the site.

D. Surrounding Area

Outside of the state park area, the immediate surrounding area is heavily forested and resource zoned, consisting of F-1, F-2, and PR zoned land.

E. Referral Comments Received:

No referral responses have been received as of the writing of this report.

IV. APPROVAL CRITERIA & ANALYSES

A. Approval Criteria & General Comments

Applicable criteria for all RCP amendments are found in Lane Code 16.400(6). These county requirements also refer to standards in the Oregon Administrative Rules (OAR). All of the required standards for approval are recited in the applicant's statement and so are not repeated in this staff report.

There are three methods to take an exception to resource land: 1.) When a parcel is physically developed with non-resource uses to the point where it cannot be used for resource use (OAR 660-004-0025); 2.) When a parcel is "developed and committed", by non-goal uses and/or adjacent to uses which make resource use of the land "impracticable" (OAR 660-004-0028); and 3.) Through a "Reasons" exception, whereby, simplistically stated, the applicant argues that the subject property has unique locational or special features/qualities which leads one to conclude that the proposed use must be so located, that there is a demonstrated need for the use, and that no alternatives of lesser impact exist (OAR 660-004-0020 & -0022). This application has selected the third method.

B. Evaluation

As stated earlier in this report, the applicant's responses to the standards for approval adequately respond in carrying the burden of proof for this proposed Reasons exception. The standards are recited in the submittal, so are not repeated here. This evaluation focuses on the major "gaps" in the submittal, as reflected in the items listed above in Section II, "Recommendation".

Ownership Issues

The applicant lists the owner of the subject property as the State of Oregon, Parks and Recreation Department. While staff assumed the information correct during preliminary application review, further investigation uncovered three separate ownerships: Lane County, the Bureau of Land Management, and the Oregon Department of Transportation.

Applicant's attachment "E" shows the project proposal, and labels the tax lots. Lane Code 14.050(1)(b) requires, in essence, the acknowledgement by the owner of the proposal. This generally consists of the owner's signature on the Land Use Application form. The applicant is requested to provide the signature authorizations from representatives of the three owners as soon as possible, but no later than before scheduling of a hearing before the Board.

The ownership pattern has other repercussions on the project. The BLM must grant the right of access over their ownership (tax lot 200), in the area below and west of the Cape Creek Bridge. Likewise, the access road, at its junction with the highway, passes through tax lot #1200, which is county owned. An easement from the county is required. It is also timely to note that the access road blends in with an existing US Forest Service Road. Although it is staff's understanding the USFS does not issue easements, some form of allowance to use that road must be provided from the USFS, and provided for the record.

In addition, documentation as to the relationship between the ODOT ownership of the majority of the park property and the state Parks and Recreation Department, should be submitted for the record.

Goal 5 and 6: natural resource and water quality protection

Refer to page 7 of the submittal. These goals require protection of natural resource areas, and water resource quality. The parking lot will be paved, with leaking vehicular fluids inevitable. To protect the nearby wetland areas and Cape Creek (a Class I stream) from such contamination, the applicant proposes "filtration swale(s)" (p. 7, under Goal 6), and mentions the "coordinated effort" with various agencies (see p.5, under Goal 2), including the Oregon Department of Fish & Wildlife and the Oregon Division of State Lands. In order to meet goals 5 and 6, it is imperative that the record includes documentation from both these agencies, expressing satisfaction with the filtration system. Such documentation should be provided as soon as possible, but no later than prior to scheduling of this item with the Board of Commissioners. The Planning Commission can either require that this be done before they forward a recommendation, or, make it a condition of their approval recommendation. Staff recommends the latter.

Goal 12/Transportation Planning

Any Plan Amendment requires compliance with the Goal 12, and the Transportation Rule. As stated on pages 8-9 of the submittal, OAR 660-012-0060(1) requires a finding that the proposal will not "significantly affect" a transportation facility, in this case Highway 101. Although the applicant claims that the standard has been met, ultimately ODOT must make that declaration. Again, such needs to be provided to the record as soon as possible.

V. CONCLUDING COMMENTS

A. Summary Remarks

As stated in the section above, closure on several items has not yet been provided for the record. The Planning Commission can either leave the record open for provision of the missing items, or forward a recommendation of approval onto the Board, with the caveat that such recommendation is contingent on provision of the missing items. Whereas the agent contends that ODOT and the property owners (notwithstanding the county) have been partners in the development of this project, securement of the missing items may not prove problematic.

In the alternative, the Planning Commission can recommend denial of the request.

B. Attachments to Staff Report

Applicant's submittal, including attachments.

WAYNE BROCKBANK

92030 Highway 101
Yachats, Oregon 97498
USA

541-547-3262
734-665-2951
Wbrock@umich.edu

Lane Country Planning Commission
Lane County
125 east 8th Ave
Eugene, Oregon 97401.

Attention: Mr. Jerry Kendall

Regarding: Development of an overflow parking area at Haceta Head State Park which is to be discussed at a hearing to be held on June 1, 2004 by the Lane Country Planning Commission

To Whom It May Concern:

We received in the mail a notice for a "land use change being proposed in your areas and opportunity for agency comment". In the notice it was stated, "Failure of an issue to be raised in a hearing in person or by writing, or failure to provide sufficient specificity to afford the Approval Authority who conducts the hearing an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue." The purpose of this document is to raise issues concerning the planned Development of an overflow parking area at Haceta Head State Park.

We are the owners of the forty-acre property that is on the hill immediately to east of the proposed overflow parking and access drive project area.

This letter focuses on limiting access to the single lane bridge over Cape Creek that is situated on Tax Lot 900.

Background. The single lane bridge over Cape Creek was constructed several years ago by the previous owner of our property. The bridge was purposed to meet the vehicle access requirements for private access to a single-family dwelling domicile and for the occasional large truck from the State of Oregon. It was not designed and built for any other reason including frequent public usage. The bridge has very low railings on each side that are approximately 12" high. Because it was constructed on Oregon State Lands, the state owns the bridge by default.

The bridge was not build to accommodate regular usage by public traffic. It is clearly inadequate to ensure the safety needs frequent usage by the public including specifically recreational vehicles. This is noteworthy since the parking area and the new access road are partially designed to accommodate recreational vehicles and other large vehicles. (See page 2 of the Lane County Planning Commission Staff Report, File No. PA 04-5003.) Even though there is no reason for tourists to cross over the bridge, it would undoubtedly occur that curiosity seekers would in fact to drive across the bridge. This danger might be intensified by the inevitable desire on the part of some to drive over the bridge at an unsafe speed.

Allowing the public at large access across the bridge gives added risk and legal exposure to public institutions including

- State of Oregon – Parks and Recreation Dept.
- Department of BLM and O&C
- Oregon Dept. of Transportation/Hwy. Commission
- The State of Oregon

In addition, it is probably safe to assume that the inevitable tourists will not only cross the bridge but will explore the other side of the bridge by driving up the hill to the south and to the east. The curious tourist would get almost to the top of this hill before reaching the gate to our property. There is absolutely no place for a tourist vehicle to turn around at any place on the hill. Thus, the tourist would need to back the ½ mile down the hill that requires at least one 90-degree turn. This again places the public in a dangerous and at-risk situation.

Not allowing the public at-large over the bridge would allow people to enjoy the wonderful surroundings of the Haceta Head Lighthouse Scenic Viewpoint Park and Recreational Facility without putting themselves and the State necessarily at risk by crossing over the bridge.

Recommendation:

We therefore suggest that a gate be constructed on the west side of the single lane bridge that includes a locking arrangement that allows access to both Park and Recreational Officials as well as our family.

We also request information about two additional issues:

- How frequently will the new parking lot be patrolled to ensure that overnight parking restrictions are enforced? As you know, the area surrounding Cape Creek is quite remote. We are interested in protecting the safety and security of our family by having the overnight parking restrictions consistently and rigorously enforced.
- Nowhere in the documents that we have received has the cost of this project been stated. Thus is difficult to evaluate the extent to which clear value of the project is commensurate with the costs. Therefore, what is the total price tag of the project?

Thank you for your considerations for the above issues.

Sincerely,



Wayne Brockbank



Nancy Brockbank

KENDALL Jerry

From: HOWE Kent
Sent: Tuesday, June 01, 2004 10:50 AM
To: 'Gary Krett'
Cc: KENDALL Jerry
Subject: RE: lclm#pao4-5003(devils elbow state park- cape creek)

Thank you for your comments. They will be entered into the record for these proceedings.

Kent Howe
Planning Director

-----Original Message-----

From: Gary Krett [SMTP:krettcarpentry@hotmail.com]
Sent: Tuesday, June 01, 2004 9:00 AM
To: Kent.HOWE@co.lane.or.us
Subject: Fw: lclm#pao4-5003(devils elbow state park- cape creek)

----- Original Message -----

From: Gary Krett <mailto:krettcarpentry@hotmail.com>
To: anna.morrison@co.lane.or.us <mailto:anna.morrison@co.lane.or.us>
Sent: Tuesday, June 01, 2004 8:58 AM
Subject: lclm#pao4-5003(devils elbow state park- cape creek)

To: Anna Morrison and Lane County Land Management,

We write this in response to the proposed development at Devils Elbow State Park and Cape Creek (#PA04-5003). We do not know what the current plans entailed at this site are for potential development, however as Lane County residents of 30 years, and concerned citizens of our area, We have concerns about expansion of the parking lot. We hope that there are no plans to expand the parking lot to the east and south of the Cape Creek bridge area that is currently accessible to vehicles.

The low lands east of the Cape Creek bridge are presently home to many animals native to this area including elk, deer, otters, and bears just to name a few.

This area also helps the watershed for the Cape Creek run of spawning salmon and steelhead that use the lower creek to spawn in. There are 4 areas that We know of that are used by spawning salmon and steelhead in the lower area of Cape Creek and there are now hundreds of fry that need to be protected and there my be more in this area alone.

We walked this area on Monday, (Memorial Day) 5/31/04 between the hours of 11a.m. and 2p.m. As we do at least 4 to 5 times every month throughout the year. It was a beautiful day with many people enjoying one of our most visited state parks, picniking, visiting the light house, playing in the surf and hiking up Cape Creek enjoying the scenery. I noticed that the parking lot was about 2/3rds full. There were plenty of parking spaces for everyone, including the RV's that were there .

I feel any expansion of the parking area to the east or south to be detrimental to the area and would not benefit the parks natural attraction of visitors who come here to see our areas natural beauty not our parking lots.

Gary D. Krett
Lucretia R. Krett
1512 E. Myrtle Loop
Florence, OR 97439

Jerry Oltion 750 Brookside Dr., P.O. Box 50395, Eugene, OR 97405 (541)343-4758

June 23, 2004

Lane County Commissioners
125 E. 8th Avenue
Eugene, OR 97401

JUL 01 2004

Dear Lane County Commissioners,

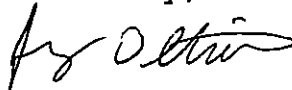
I recently heard that there are plans afoot to build an RV park near Heceta Head. If this is so, I ask you to please do everything in your power to stop this from happening.

Heceta Head is one of the most beautiful areas on the Oregon coast. It draws tourists from all over the country, but few of them come here to see a parking lot full of ugly metal boxes. And even if the RV park were hidden from sight, the increase in usage of the area would inevitably degrade the experience for everyone.

The impact would not be limited to Heceta Head, either. Highway 101 is already congested during tourist season, and motor homes are the primary cause of that congestion. Drive out there any time between May and September and you're practically guaranteed to wind up in a long line of cars behind a motor home. If we put in yet another RV park, the number of motor homes on the highway will only increase, and congestion will only get worse.

The County Commissioners should be promoting alternate methods of tourism that reduce such congestion, rather than encouraging more motor homes to block our highways. And you should be looking at ways to preserve our most beautiful attractions, rather than subject them to overuse. Please do not allow any new RV parks in the Heceta Head area, or anywhere else, for that matter.

Sincerely,



Jerry Oltion