

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 18-12

IN THE MATTER OF AMENDING LANE CODE 16.400(4) TO ADD A REFERENCE TO PLAN COMPONENTS ADOPTED WITH ORDINANCE NO. PA 1364 AND ADOPTING A SAVINGS AND SEVERABILITY CLAUSE (DEPARTMENT FILE NO. 509-PA18-05762).

WHEREAS, the 2018 Parks & Open Space Master Plan, a refinement to the adopted Parks Master Plan, 1994 Howard Buford Recreational Area (HBRA) Master Plan, and HBRA Habitat Management Plan have been adopted as Special Purpose Plans of the Rural Comprehensive Plan with Ordinance No. PA 1364;

WHEREAS, Lane Code 16.400 sets forth procedures and requirements for Rural Comprehensive Plan Amendments, references Special Purpose Plans adopted as components of the Rural Comprehensive Plan, and requires in the case of adoption of a plan component a concurrent amendment to LC 16.400(4) to insert the number of the amending ordinance; and

WHEREAS, the Lane County Planning Commission reviewed the proposal at a public hearing held on November 6, 2018, and made a recommendation for approval to the Board of County Commissioners; and

WHEREAS, the Parks Advisory Committee reviewed the proposal at a special meeting held with the Lane County Planning Commission on November 6, 2018, and made a recommendation for approval to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners has conducted a public hearing on December 18, 2018, and is now ready to take action.

NOW, THEREFORE, IT IS HEREBY ORDAINED, Lane Code 16.400(4) is amended to add a reference to Ordinance No. PA 1364 adopting the 2018 Parks & Open Space Master Plan, a refinement to the adopted Parks Master Plan, 1994 HBRA Master Plan, and HBRA Habitat Management Plan as Special Purpose Plans of the Rural Comprehensive Plan, and to remove, substitute, and add the following sections of Lane Code:

REMOVE THESE SECTIONS

16.400

INSERT THESE SECTIONS

16.400

The Lane Code sections are attached hereto and incorporated herein by this reference. 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 constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

Nothing herein is intended to, nor acts to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

Ordinances, Lane Code sections, and regulations amended by this Ordinance remain in force to authorize a punishment, penalty or forfeiture incurred, or a suit, prosecution, or proceeding pending when the amendment takes effect, for an offense or violation committed under the amended Ordinance, code section, or regulation prior to the effective date of this Ordinance.

ENACTED this 18th day of December 2018.

APPROVED AS TO FORM

Date

11-20-18

LANE COUNTY OFFICE OF LEGAL COUNSEL



Jay Bozievich, Chair
Lane County Board of Commissioner



Recording Secretary for this Meeting of the Board

area that would result in a greater number of average daily trips or an increase in large truck trips will require written approval from ODOT and subject to the limits of applicable provisions of Lane Code.

(b) Notice. Lane County will provide notice to ODOT for land use actions within the Coburg IAMP Combining Zone area, including, but not limited to, the following:

(i) Amendments to the Lane County Rural Comprehensive Plan or the Lane County Transportation System Plan;

(ii) Zone changes or other land use proposals;

(iii) Land use proposals involving requests for new access to Van Duyn Road.

(Revised by Ordinance No. 6-11, Effective 7.21.11)

LAND DIVISIONS RURAL COMPREHENSIVE PLAN

16.300 Land Divisions.

(1) Relationship of Lane Code Chapter 13 into Lane Code Chapter 16. LC Chapter 13 is the procedure for partitioning or subdividing lands under the jurisdiction of the Lane County Rural Comprehensive Plan with the following addition:

(a) Definitions. Abbreviations, terms, phrases, words and their derivatives shall be construed as specified in LC 16.090 instead of as specified in LC 13.010. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

RURAL COMPREHENSIVE PLAN AMENDMENTS RURAL COMPREHENSIVE PLAN

16.400 Rural Comprehensive Plan Amendments.

(1) Purpose. The Board shall adopt a Rural Comprehensive Plan. The general purpose of the Rural Comprehensive Plan is the guiding of social, economic and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare. The Rural Comprehensive Plan shall be considered to be a dynamic policy instrument that can be modified to reflect changing circumstances and conditions as well as to correct errors and oversights. It is recognized that the Rural Comprehensive Plan affects the people of Lane County, and it is, therefore, important that the ability by individuals to propose amendments be free of restraint.

(2) Scope and Organization. The Rural Comprehensive Plan shall conform to the requirements of Statewide Planning Goals. The Rural Comprehensive Plan shall consist of components which shall be organized into categories by Plan type or geographic area as described in LC 16.400(3) below.

(3) Plan Categories.

(a) Rural Comprehensive Plan. This category includes all plans relating to lands beyond the Eugene-Springfield Metropolitan Area General Plan boundary and the urban growth boundaries of the cities within Lane County.

(b) Special Purpose Plan. This category includes Plans addressing a single or special need. The Plans may apply Countywide or to a limited area.

(4) Rural Comprehensive Plan Described. The Rural Comprehensive Plan of Lane County shall consist of the following components:

(a) Rural Comprehensive Plan.

(i) General Plan Policies and Plan Designations applying throughout Lane County outside of the Metropolitan Area General Plan and outside of all urban growth boundaries (Adopted by Ordinance No. 883).

(b) Special Purpose Plans.

(i) Transportation System Plan (Adopted by Ordinance No. 3-80 and Amended by Ordinance No. 10-04PA 1202) and the following component of the Transportation System Plan:

(aa) Coburg/Interstate 5 Interchange Area Management Plan (Adopted by Ordinance No. PA 1258).

(bb) Highway 126 Fern Ridge Corridor Plan (Adopted by Ordinance No. PA 1297).

(ii) Willamette Greenway Plan Ordinance No. 783).

(iii) Parks and Open Space Plan (Adopted by Ordinance No. 850 and Refinement Adopted by Ordinance No. PA 1364).

(iv) Solid Waste Management Plan (Adopted by Ordinance No. 771) (Amended by Ordinance Nos. 79-80, PA 918 and PA 1179).

(v) Coastal Resources Management Plan (Adopted by Ordinance No. 803) (Amended by Ordinance Nos. 862 and 876).

(vi) Siuslaw River Dredged Material Disposal Plan (Adopted by Ordinance No. 749) (Amended by Ordinance Nos. 861 and 877).

(vii) Housing Plan (Adopted by Ordinance No. 1-78).

(viii) 1994 Howard Buford Recreation Area Master Plan (Adopted to Eugene-Springfield Metropolitan Area General Plan by Ordinance PA No. 1056; Adopted to Rural Comprehensive Plan by Ordinance No. PA 1364).

(ix) Howard Buford Recreation Area Habitat Management Plan (Adopted by Ordinance No. PA 1364).

(5) Interrelationship of Plan Components. New Comprehensive Plan components shall include a description of relationship to other Plan components within the respective Plan category and to the overall Rural Comprehensive Plan. Existing Plan components not containing such a description of relationship shall, at the next update of that Plan, be amended to include such a description.

(6) Plan Adoption or Amendment - General Procedures. The Rural Comprehensive Plan, or any component of such Plan, shall be adopted or amended in accordance with the following procedures:

(a) Referral to Planning Commission. Before the Board takes any action on a Rural Comprehensive Plan component, or an amendment to such Plan component, a report and recommendation thereon shall be requested from the County Planning Commission and a reasonable time allowed for the submission of such report and recommendation. In the event the Rural Comprehensive Plan component, or amendment applies to a limited geographic area, only the Planning Commission having jurisdiction of that area need receive such referral.

(b) Planning Commission - Hearing and Notice.

(i) The Planning Commission shall hold at least one public hearing before making a recommendation to the Board on a Rural Comprehensive Plan component, or an amendment to such Plan component, and the hearing shall be conducted pursuant to Type IV hearing procedures of LC Chapter 14.

(ii) Notice of the time and place of hearing shall be given, pursuant to Type IV noticing procedures of LC Chapter 14.060.

(iii) If an exception to State Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notices of such hearing.

(iv) The proposed Rural Comprehensive Plan component, or an amendment to such Plan component, shall be on file with the Director and available for public examination for at least 10 days prior to the time set for hearing thereon.

(c) Planning Commission - Consideration With Other Agencies.

(i) In considering a Rural Comprehensive Plan component, or an amendment to such Plan component, the Planning Commission shall take account of and seek to harmonize, within the framework of the needs of the County, the Comprehensive Plans of cities, and the Plans and planning activities of local, state, federal and other public agencies, organizations and bodies within the County and adjacent to it.

(ii) The Planning Commission, during consideration of a Rural Comprehensive Plan component or an amendment to such Plan component, shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally to the end that maximum coordination of Plans may be secured.

(iii) Whenever the Planning Commission is considering a Rural Comprehensive Plan component, or an amendment to such Plan component, it shall be referred to the planning agency of every city and county affected to inform them and solicit their comments.

(iv) The provisions of this subsection are directory, not mandatory, and the failure to refer such Plan, or an amendment to such Plan, shall not in any manner affect its validity.

(d) Planning Commission - Recommendation and Record.

(i) Recommendation of the Planning Commission on a Rural Comprehensive Plan component, or an amendment to a Plan component, shall be by resolution of the Commission and carried by the affirmative vote of not less than a majority of its total voting members.

(ii) The record made at the Planning Commission hearings on a Rural Comprehensive Plan component, or an amendment to such Plan component and all materials submitted to or gathered by the Planning Commission for its consideration, shall be forwarded to the Board along with the recommendation.

(e) Board Action - Hearing and Notice.

(i) After a recommendation has been submitted to the Board by the Planning Commission on the Rural Comprehensive Plan component, or an amendment to such Plan component, all interested persons shall have an opportunity to be heard thereon at a public hearing before the Board conducted pursuant to Type IV hearing procedures of LC Chapter 14.

(ii) Notice of the time and place of the hearing shall be given pursuant to Type IV noticing procedures of LC Chapter 14.060.

(iii) If an exception to Statewide Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notice of such hearing.

(iv) Hearings to consider amendments of the Plan Diagram that affect a single property, small group of properties or have other characteristics of a quasi-judicial proceeding shall be noticed pursuant to Type IV noticing procedures of LC Chapter 14.060.

(f) Concurrent Consideration. The Board and Planning Commission may hold a single joint meeting to consider the proposed Plan amendment consistent with the requirements of LC 16.400(6)(e)(ii),(iii) and (iv) above.

(g) Board Referral. Before the Board makes any change or addition to a Plan component, or Plan component amendment recommended by the Planning Commission, it may first refer the proposed change or addition to the Planning Commission for an additional recommendation. Failure of the Planning Commission to report within 21 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Planning Commission to hold a public hearing on such change or addition.

(h) Method of Adoption and Amendment.

(i) The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.

(ii) The adoption or amendment shall be concurrent with an amendment to LC 16.400(4) above. In the case of a Rural Comprehensive Plan adoption, the Code amendment shall place such Plan in the appropriate category. In the case of a Rural Comprehensive Plan amendment, the Code amendment shall insert the number of the amending Ordinance.

(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.

(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

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

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

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

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

(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.

(dd) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.

(i) A change of zoning to implement a proposed Plan amendment may be considered concurrently with such amendment. In such case, the Board shall also make the final zone change decision, and the Hearings Official s consideration need not occur.

(7) Validation of Prior Action. The adoption of a Rural Comprehensive Plan component, or an amendment to such Plan component under the authority of prior acts, is hereby validated and shall continue in effect until changed or amended under the authority of these provisions.

(8) Additional Amendment Provisions. In addition to the general procedures set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components.

(a) Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:

(i) Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.

(ii) Major Amendment. Any amendment that is not classified as a minor amendment.

(b) Amendment proposals, either minor or major, may be initiated by the County or by individual application. Individual applications shall be subject to a fee established by the Board and submitted pursuant to Type IV procedures of LC Chapter 14.

(c) Minor amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(iii) above can be affirmatively made. Unless waived in writing by the Planning Director, the applicant shall supply documentation concerning the following:

(i) A complete description of the proposal and its relationship to the Plan.

(ii) An analysis responding to each of the required findings of LC 16.400(6)(h)(ii) above.

(iii) An assessment of the probable impacts of implementing the proposed amendment, including the following:

(aa) Evaluation of land use and ownership patterns of the area of the amendment;

(bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply and sewage disposal;

(cc) Impact of the amendment on proximate natural resources, resource lands or resource sites, including a Statewide Planning Goal 5 "ESEE" conflict analysis where applicable;

(dd) Natural hazards affecting or affected by the proposal;

(ee) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;

(ff) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan, within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;

(gg) For a proposed amendment to a Non-resource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983).

(9) Addition Amendment Provisions - Special Purpose Plans. In addition to the general provisions set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components classified in LC 16.400(4) above as Special Purpose Plans. Amendments to Special Purpose Plans may only be initiated by the County. Any individual, however, may request the Board to initiate such amendment. Requests must set forth compelling reasons as to why the amendment should be considered at this time, rather than in conjunction with a periodic Plan update. An offer to participate in costs incurred by the County shall accompany the request.

(10) Designation of Abandoned or Diminished Mill Sites. A minor plan amendment pursuant to LC 16.400(8)(a)(i), to the Rural Comprehensive Plan for an abandoned or diminished mill site on a lot or parcel zoned Nonimpacted Forest Lands Zone (F-1, RCP), Impacted Forest Lands Zone (F2, RCP) or Exclusive Farm Use Zone (E-RCP) to Rural Industrial Zone (RI, RCP) without taking an exception to Statewide Goal 3 (Agricultural Lands), Goal 4 (Forest Land), Goal 11 (Public Facilities and Services), or Goal 14 (Urbanization) may be allowed after submittal, review, and approval of an application pursuant to Type IV procedures of LC Chapter 14 and LC 16.400(6) and (10).

(a) As used in this subsection, "abandoned or diminished mill site" means a mill, plant of other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:

- (i) Is located outside of urban growth boundaries;
- (ii) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and
- (iii) Contains or contained permanent buildings used in the production or manufacturing of wood products.

(b) An abandoned or diminished mill site designated as Rural Industrial zone (RI, RCP) pursuant to LC 16.400(10), may be developed for any level of industrial use pursuant to LC 16.292(3)(o), is exempt from the standards of LC 16.292(3)(b), and may occur outside a building or in one or more buildings of any size.

(c) Concurrently with approval of a plan amendment, the Board may approve, without taking an exception to Statewide Goal 11:

(i) The extension of sewer facilities to lands that on June 10, 2003, were zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(ii) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for Rural Industrial (RI, RCP) use under LC 16.400(10) only as necessary to serve industrial uses authorized for the mill site.

(iii) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, was zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10).

(d) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.

(e) Sewer facilities approved pursuant to LC 16.400(10)(c) shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

(f) The Board shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10), land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

(g) For an abandoned or diminished mill site subject to LC 16.400(10)(f), the Planning Director may approve a permit only for industrial development and accessory uses subordinate to such development on the mill site. The Planning Director may not approve a permit for retail, commercial or residential development on the mill site.

(h) For land that on June 10, 2003, was zoned Impacted Forest Land Zone (F-1, RCP), Nonimpacted Forest Land Zone (F-2, RCP), or Exclusive Farm Use Zone (E-RCP), and that is rezoned for Rural Industrial Zone (RI, RCP) under LC 16.400(10), the Board may not later rezone the land for retail, commercial or other nonresource use unless all appropriate exceptions under ORS 197.732 have been approved.

(11) **Periodic Review of Plan Components.** All components of the Rural Comprehensive Plan shall contain a provision requiring the Plan be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances. Any Plan component adopted under the authority of prior acts can be assumed to require a review every five years. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-02, 11.15.02; 10-04, 6.4.04; 12-04, 6.11.04; 6-11; 7.21.11; 13-1, 3.12.13; 18-02, 8.9.18)*

RECREATIONAL MARIJUANA USE STANDARDS

16.420 Recreational Marijuana Use Standards

- (1) **Purpose.** The purpose of the Recreational Marijuana Standards is to establish reasonable time, place, and manner regulations to promote the health safety and welfare of the community while at the same time allowing for these marijuana uses.
- (2) Marijuana uses including marijuana production, marijuana processing, marijuana wholesale distribution, marijuana retail sales, marijuana testing laboratory, and marijuana research as those terms are defined in Lane Code 16.090 as applicable to recreational marijuana uses will be allowed either out right or through a discretionary Special Use Permit process within the zones as summarized in Table 1 below and as specified in each applicable code section. Marijuana uses are also subject to all other provisions of 16.420, the underlying base zone and the general provisions of Lane Code. Where a provision of this section LC 16.420 is not consistent with another provision of Lane Code the more restrictive standards apply. Marijuana uses are subject to Chapter 614, Oregon Laws 2015. This section of Lane Code, 16.420, does not apply to personal recreational marijuana use or medical marijuana uses as provided for by Oregon Laws.
 - (a) Marijuana uses are allowed as summarized in Table 1 below, and as specified in each applicable code section.
 - (b) Home Occupation prohibited. Marijuana uses including but not limited to marijuana production, marijuana processing, marijuana wholesale distribution, marijuana retail sales, marijuana testing laboratory, and marijuana research are prohibited as a Home Occupation within any zone.

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RECREATIONAL MARIJUANA USE STANDARDS

16.420 Recreational Marijuana Use Standards

**RURAL INDUSTRIAL ZONE (RI, RCP)
RURAL COMPREHENSIVE PLAN**

16.292 Rural Industrial Zone (RI, RCP).

(1) Purpose. The purposes of the Rural Industrial Zone (RI, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP); to allow industrial uses and development that are consistent with Goal 14 that include areas for small scale industrial uses and for industries that rely on a rural location in order to process rural resources; to allow for the continued operation of existing industries; and to provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP. LC 16.292 is not retroactive. The Director has no authority to initiate compliance with LC 16.292 for lawfully (per LC Chapter 16) existing uses.

(2) Permitted Uses and Development. The uses and development in LC 16.292(2)(a) through (g) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.292.

(b) The uses and development allowed by LC 16.292(3)(a) through (f), and (u) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with these conditions:

(i) The use and development shall not change the number, size or location of existing industrial structures on the subject property and shall not extend the industrial uses and development beyond the area of the existing industrial uses and development. The area of the existing industrial uses and development shall include all existing structures and outside areas used for the industrial use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.292(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to an industrial structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.292 was applied to the subject property and shall not be closer to a property line than the closest portion of existing industrial structures meeting the setbacks required by LC 16.292(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an administrative application for verification of compliance. And, the Director shall determine if the addition to an industrial structure complies with these standards; or

(iii) The use shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.292(6)(a) through (b) below; or

(iv) The proposed improvement is a sign that complies with LC 16.292(6)(d) below, is located on the wall of an existing building or is located outside the structural setback areas designated by LC 16.292(6)(a) through (b) below; and

(v) Structures allowed by LC 16.292(2)(b)(ii) and (iii) above shall comply with the floor area requirements of LC 16.292(3)(b) below unless they are for a use allowed by LC 16.292(3)(a) below.

(c) Public and semipublic structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground or above ground utility lines, that do not require a right-of way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.292(2)(c) above shall be maintained for as long as the use is sited on the property.

(d) Fish and wildlife habitat management.

- (e) A single family living quarters for a caretaker that meets the following conditions:
 - (i) The single family living quarters shall be for a caretaker in conjunction with an existing industrial use permitted by LC 16.292(2)(a) or (b) above or (3)(a) through (e), (m), (o), and (p) below and located on the same lot or parcel as the existing industrial use;
 - (ii) There shall not be any other living quarters or dwellings on the lot, parcel where the single family living quarters for the caretaker will be located; and
 - (iii) The living quarters shall be located in an existing structure or in an addition to an existing structure. Any required building permits and certificates of occupancy shall be obtained prior to use of the building as a single family living quarters.
 - (f) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).
 - (g) Uses and development that are accessory to existing uses permitted under LC 16.292(2)(a) through (f) above or (3)(a) through (m) below. An accessory use shall be subject to compliance with the same floor area limitations as the primary use that it is an accessory to.
- (3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.292(3)(a) through (f) below not meeting the conditions in LC 16.292(2)(b) above, and the uses in LC 16.292(3)(g) through (o) below, are allowed subject to: prior submittal and approval of a land use application for the proposed uses or developments pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.292(4)(a) through (i) below and elsewhere in this chapter of Lane Code.
- (a) The primary processing of forest or farm products or natural resources that require a location in proximity to the rural resource in order to operate. This activity may occur outside a building or in one or more buildings of any size. For the purposes of this subsection, “in proximity to the rural resource” shall mean the use is significantly dependent upon a unique resource located on agricultural or forest land. Examples of such resources and resource sites include geothermal wells, mineral or aggregate deposits, water reservoirs, natural features, or river or ocean ports.
 - (b) Small-scale, low impact manufacturing, assembling, processing, packaging, storage, wholesale distribution, testing, or repairing that does not include radioactive materials or hazardous waste byproducts in the manufacturing process and that may occur outside a building or in one or more buildings containing not more than:
 - (i) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community; or
 - (ii) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or
 - (iii) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.
 - (c) Forest or farm equipment storage yards, sales, rental or repair.
 - (d) Lumber yards and sales of lumber and incidental materials. The square foot floor area devoted to incidental materials for sale, such as hardware and tools, shall not exceed: 4,000 square feet in any one or combination of buildings on the same parcel or lot located inside an unincorporated rural community or 3,000 square feet in any one or combination of buildings on the same lot or parcel located outside an unincorporated rural community.
 - (e) Associated sale and administrative offices for the uses permitted by LC 16.292(3)(a) through (d) above. Offices that are for uses permitted by LC 16.292(3)(b) above shall comply with the floor area requirements of LC 16.292(3)(b)(i) through (iii) above.
 - (f) Outdoor advertising exceeding the requirements of LC 16.292(6)(d) below. For the purposes of this subsection, “outdoor advertising” means a sign advertising an activity, development, use, or location that does not comply with the standards of LC 16.292(6)(d)(v) or (vi).
 - (g) Communication facilities including but not limited to those for radio, television, computers, or satellites.

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(h) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(i) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(j) Expansion of an industrial use that is lawfully existing with the zone on the date that LC 16.292 is applied to the property.

(k) Uses and development similar to uses and development permitted by LC 16.292(3)(a) through (g) above if determined by the Director to be clearly similar to the uses permitted by LC 16.292(3)(a) through (g) above. The determination shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.292(1) above.

(ii) When compared with the uses and development permitted by LC 16.292(2)(a) through (g) and (3)(a) through (i) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site.

(bb) Bulk, size, and operating characteristics of the proposed use.

(cc) Parking demand, customer types and traffic generation.

(dd) Intensity of land use of the site.

(iii) The use and development shall not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. Factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community sewer or water system is not available.

(iv) The use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) For a use similar to one permitted by LC 16.292(3)(b) above, the use shall not include any one or combination of buildings on the same parcel or lot that exceeds:

(aa) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community;

(bb) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(cc) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

(vi) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(l) A single-family dwelling, manufactured or mobile home for a caretaker that meets the following conditions:

(i) The single-family dwelling, manufactured or mobile home shall be for a caretaker in conjunction with an existing industrial use permitted by LC 16.292(2)(a) through (b) or (3)(a) through (e), (j) or (k) above or (m), (o), and (p) below and located on the same lot or parcel as the existing industrial use;

(ii) There are no other living quarters or dwellings on the lot, parcel or tract where the single-family dwelling, manufactured or mobile home for the caretaker will be located; and

(iii) The single-family dwelling, manufactured or mobile home for the caretaker shall not be partitioned or separated by a boundary line adjustment from the portion of the same lot or parcel with the industrial use on it.

(m) Wrecking yards, if completely enclosed by an approved type of fence, wall or hedge and that shall:

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(i) Be limited to land rezoned from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI);

(ii) If located within rural Lane County outside the urban growth boundary of an incorporated city, be limited to persons who have continuously owned the land from the time it was rezoned from Light Industrial (M-2) or Heavy Industrial (M-3) to Rural Industrial (RI) and to the time of the special use permit application for the wrecking yard;

(iii) Not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity;

(iv) Not be adversely affected by known natural hazards, such as floods, landslides or erosion;

(v) Not create a hazardous natural condition such as erosion, landslide or flooding; and

(vi) Not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(n) Expansion of a lawfully existing use (per LC Chapter 16) not authorized elsewhere in LC 16.292.

(o) Any level of industrial uses sited on an abandoned or diminished mill site. The Director shall determine the boundary of the mill site that may include only those areas that were improved for the processing or manufacturing of wood products. The Board shall determine the boundary of an abandoned or diminished mill site that is rezoned for Rural Industrial Use pursuant to LC 16.400(10). Industrial uses pursuant to LC 16.292(3)(o) can occur outside on the designated site or in a building or combination of buildings of any size or type. For the purposes of LC 16.292(3)(o), "an abandoned or diminished mill site" means a mill, plant or other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardwood, panel products, pulp and paper, that:

(i) Is located on a parcel or lot outside of urban growth boundaries;

(ii) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and

(iii) Contains or contained permanent buildings used in the production or manufacturing of wood products.

(p) The extension of sewer facilities from an urban growth boundary or unincorporated community to lands that on June 10, 2003, were zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contain an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10). The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(q) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, was zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10).

(i) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.

(ii) Sewer facilities approved pursuant to LC 16.400(10)(c) shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The

presence of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

(r) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(s) Industrial development, including accessory uses subordinate to the industrial development, in buildings of any size or type, on a lot or parcel that was zoned for industrial use on January 1, 2004, subject to compliance with these requirements:

(i) The Director may authorize on-site sewer facilities to serve the industrial development authorized under LC 16.292(3)(s), including accessory uses subordinate to the industrial development.

(ii) The lot or parcel is located more than three miles outside the urban growth boundary of every city with a population of 20,000 individuals or more; or

(iii) The lot or parcel is located outside an urban growth boundary of every city with a population of fewer than 20,000 individuals.

(iv) The lot or parcel is located west of the summit of the Coast Range.

(v) When the Director considers action under LC 16.292(3)(s) for a lot or parcel within 10 miles of the urban growth boundary of a city, the Director shall give notice to the city at least 21 days prior to taking action.

(vi) If the City objects to the authorization of the proposed industrial development under LC 16.292(3)(s), the Director shall negotiate to establish conditions on the industrial development or changes in the development necessary to mitigate concerns raised by the city's objection.

(t) Composting Facilities for which a permit has been granted by the Department of Environmental Quality under ORS 459.245 and OAR 340-093-0050 and 340-096-0060.

(u) Marijuana production, marijuana processing, marijuana wholesale distribution, marijuana laboratory operations, and marijuana research, subject to Lane Code 16.420, may occur outside a building or in one or more buildings containing not more than:

(i) 60,000 square feet of floor area if the parcel or lot is located in an area designated by the RCP as an urban unincorporated community; or

(ii) 40,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area designated by the RCP as any other type of unincorporated community; or

(iii) 35,000 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an exception area that is not designated by the RCP as an unincorporated community.

(4) Criteria. New uses or development allowed by LC 16.292(3)(a) through (k), and (n) through (o) and (u) above, except for telecommunications facilities allowed by LC 16.292(3)(h) above, shall comply with the criteria in LC 16.292(4) below. Telecommunications facilities allowed by LC 16.292(3)(h) above shall comply with the requirements in LC 16.264.

(a) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(b) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(c) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

(d) The location, design and size of the uses shall be such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intend uses.

(e) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

(f) There shall be a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(g) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(h) Hazards and Impacts. The proposed use shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(i) The proposed use and development shall not exceed the carrying capacity of the soil or existing water supply resources. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(5) Area. No minimum is established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(6) Property Use and Development Standards. All uses and development permitted by LC 16.292(2) and (3) above shall comply with these development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as required in LC 16.292(6)(b) and (c) below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be illuminated but shall not be flashing or capable of movement.

(iii) Signs shall not exceed 100 square feet of surface area on any one of two sides.

(iv) Signs shall not project above the height of the tallest structure on the property.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 12-04, 6.11.04; 5-04, 7.1.04; 6-10 9.17.10; 7-12, 12.28.12; 14-09, 12.29.14; 15-08, 12.15.15; 16-01, 2.25.16; 18-02, 8.9.18)*

**RURAL PUBLIC FACILITY ZONE (RPF, RCP)
RURAL COMPREHENSIVE PLAN**

16.294 Rural Public Facility Zone (RPF, RCP).

- (1) Purpose. The purposes of the Rural Public Facility Zone (RPF, RCP) are:
- (a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed exception lands. LC 16.294 applies only to developed and committed exception lands;
 - (b) To provide land for public and semipublic uses and development that serve rural residents and people traveling through the area and that are by nature intensive or unusual uses not normally associated with other zones;
 - (c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan; and
 - (d) LC 16.294 is not retroactive. The Director has no authority to initiate compliance with LC 16.294 for lawfully (per LC Chapter 16) existing uses.
- (2) Permitted Uses and Development. The uses and development in LC 16.294(2)(a) through (g) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to compliance with the Site Review Procedures in LC 16.257.
- (a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.294.
 - (b) The uses and development authorized by LC 16.294(3)(a) through (q), (s) and (t) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with these conditions:
 - (i) The uses and development shall not change the number, size or location of existing public facility structures on the subject property and shall not extend the public facility uses and development beyond the area of the existing public facility uses and development. The area of the existing public facility uses and development shall include all existing structures and outside areas in public facility use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.294(6)(a) through (b) below; or
 - (ii) The use and development shall be a minor addition to a public facility structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.294 was applied to the subject property and shall not be closer to a property line than the closest portion of existing public facility structures meeting the setbacks required by LC 16.294(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an application for verification of compliance with conditions. And, the Director shall determine if the addition to a public facility structure complies with this condition; or
 - (iii) The use and development shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC 16.294(6)(a) through (b) below; or
 - (iv) The proposed development is a sign that complies with LC 16.294(6)(d) below, and is located on the wall of an existing building or is located outside the structural setback areas designated by LC Chapters 15 and 16 and is not illuminated.
 - (c) Public and semi-public structures and uses rendering direct service to the public in local areas such as utility substations, wells, underground utility lines that do not require a right-of way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.294(2)(c) above shall be maintained.
 - (d) Fish and wildlife habitat management.

- (e) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).
- (f) No more than eight dogs over six months in age on any tract subject to compliance with the following conditions:
 - (i) No more than two dogs shall be used for breeding.
 - (ii) The tract where the dogs are located shall not be used as a place of business where dogs are boarded, or where dogs are bred or sold, or where dogs receive medical care.
- (g) Uses and development accessory to existing uses and development allowed by LC 16.294(2)(a) through (f) above or (3)(a) through (v) below.
- (3) Uses and Development Subject to Approval by the Director. The uses and development in LC 16.294(3)(a) through (q), (s) and (t) below, not meeting the conditions in LC 16.294(2)(b) above, and the uses in LC 16.294(3)(r), (u) and (v) below are allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.294(4)(a) through (h) below and elsewhere in LC Chapter 16.
 - (a) Electric utilities such as: a generation plant, transmission facilities, right-of-ways, electricity regulating substations, and other facilities related to electricity generation and distribution.
 - (b) Gas utilities such as: gas pipeline right-of-way, gas storage and distribution and gas pressure control substations.
 - (c) Water utilities such as: water treatment plants, water storage, intake and outtake facilities, water pipeline right-of-way, and other facilities related to water treatment and storage.
 - (d) Sewage disposal including but not limited to: sewage treatment plants, sewage sludge drying beds and sewage pressure control stations.
 - (e) Solid waste disposal such as: refuse incineration, central garbage grinding stations, composting plants, sanitary landfills and refuse disposal.
 - (f) Educational facilities and services such as: nursery, primary and secondary education; colleges and professional schools; special training schools such as those for: vocations, trades, arts, music, dancing, driving, gymnastics and correspondence. Such uses must be located inside an unincorporated community.
 - (g) National Guard centers and meeting halls within one-half mile radius of Lane Community College.
 - (h) Religious activities such as: churches, synagogues, temples, and monastery or convent.
 - (i) Welfare and charitable services. Such uses must be located inside an unincorporated community.
 - (j) Professional membership organizations. Such uses must be located inside an unincorporated community.
 - (k) Labor unions and similar organizations. Such uses must be located inside an unincorporated community.
 - (l) Civic, social and fraternal associations. Such uses must be located inside an unincorporated community.
 - (m) Business associations. Such uses must be located inside an unincorporated community.
 - (n) Sports assembly for lands owned and operated by public or private schools for primary, secondary or college education such as: stadiums or grandstands, foot race tracks, ball playing fields, and basketball, volleyball or tennis playing courts. Such uses must be located inside an unincorporated community or for schools that provide education primarily for rural residents living in the area.
 - (o) Governmental services, such as: post office, fire station and sheriff or police station. Such uses must be located inside an unincorporated community.
 - (p) Cemeteries.
 - (q) Health services such as: dental or medical offices or clinics, dental or medical laboratory, and convalescent and rest homes. Such uses must be located inside an unincorporated community.

(r) Communication facilities, such as: internet station and offices; radio station, studio and towers; and TV station, studio and towers.

(s) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264.

(t) Heliport.

(u) Uses and development similar to uses and development permitted by LC16.294(3)(a) through (t) above if found by the Director to be clearly similar to the uses and development permitted by LC 16.294 (3)(a) through (t) above. Such a finding shall be made by the Director, and shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.294(1) above.

(ii) When compared with the uses and development permitted by LC 16.294(3)(a) through (t) above, the use and development shall be similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;

(bb) Bulk, size, and operating characteristics of the proposed use and development;

(cc) Parking demand, customer types and traffic generation; and

(dd) Intensity of land use of the site.

(iii) The use and development shall not exceed the carrying capacity of the soil or of existing water supply resources and sewer services. Factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on site sewage disposal and water supply if a community sewer or water system is not available.

(iv) The use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(v) A single family dwelling for a caretaker that meets the following conditions:

(i) The single family dwelling shall be for a caretaker in conjunction with an existing public facility use permitted by LC 16.294(2)(a) through (d) or (3)(a) through (u) above and located on the same lot or parcel as the existing public facility use;

(ii) There shall not be any other living quarters or dwellings on the lot, parcel or tract where the single family dwelling for the caretaker will be located; and

(iii) The single family dwelling for the caretaker shall not be partitioned or separated by a boundary line adjustment from portion of the same lot or parcel with the public facility use on it.

(w) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(4) Criteria. New uses or development allowed by LC 16.294(3)(a) through (u) above, except for telecommunications facilities allowed by LC 16.294(3)(s) above, shall comply with the criteria in LC 16.294(4) below. Telecommunications facilities allowed by LC 16.294(3)(s) above shall comply with the requirements in LC 16.264.

(a) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(b) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(c) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

(d) The location, design and size of the uses shall be such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intend uses.

(e) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

(f) There shall be a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(g) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(h) Hazards and Impacts. The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(i) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(5) Area. No minimum is established, except what is necessary to accommodate any necessary sewerage and potable water concerns. Divisions shall comply with LC Chapter 13.

(6) Property Development Standards. All uses and development permitted by LC 16.294(2) and (3) above shall comply with these development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) At least 10 feet from all other property lines except as required in LC 16.294(6)(b) and (c) below.

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence or sign shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be illuminated but shall not be flashing or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(iv) Signs shall not project above the height of the tallest structure on the property.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-10, 11.25.10; 16-01, 2.25.16; 18-02, 8.9.18)*

**RURAL PARK AND RECREATION ZONE (RPR, RCP)
RURAL COMPREHENSIVE PLAN**

16.295 Rural Park and Recreation Zone (RPR, RCP).

(1) Purpose. The purposes of the Rural Park and Recreation Zone (RPR, RCP) are: to implement the policies of the Lane County Rural Comprehensive Plan (RCP); to recognize existing park and recreation areas by applying the RPR, RCP zone to these areas; to provide objective land use and siting criteria in order to allow the uses and development indicated in the State Park Master Plan, the Lane County Parks Master Plan or privately developed recreation uses on developed and committed (D&C) lands; and to provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Comprehensive Plan. LC 16.295 is not retroactive. The Director has no authority to initiate compliance with LC 16.295 for lawfully (per LC Chapter 16) existing uses and development.

(2) Permitted Uses and Development. The uses and development in LC 16.295(a) through (n) below are allowed subject to compliance with the general provisions and exceptions specified by this chapter of Lane Code and shall not be subject to the Site Review Procedures in LC 16.257.

(a) Maintenance, repair or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.295.

(b) The uses and development authorized by LC 16.295(3)(a) through (k) below with approval of a special use permit are otherwise allowed without approval of a special use permit if they comply with the following conditions:

(i) The use and development shall not change the number, size or location of existing park and recreation structures on the subject property and shall not extend the park and recreation uses and development beyond the area of the existing park and recreation uses and development. The area of the existing park and recreation uses and development shall include all existing structures and outside areas used for park and recreation use such as private drives, off street parking and loading areas, and outside storage areas, but shall not include setback areas required by LC 16.295(6)(a) through (b) below; or

(ii) The use and development shall be a minor addition to a park and recreation structure that does not exceed 25 percent of the floor area of the structure that existed on the date that LC 16.295 became applicable to the subject property and shall not be closer to a property line than the closest portion of existing park and recreation structures meeting the setbacks required by LC16.295(6)(a) through (b) below. To verify compliance with this condition, the applicant shall submit to the Director an application for verification of compliance. And, the Director shall determine if the addition to a park and recreation structure complies with this condition; or

(iii) The use shall be located at least 200 feet from all exterior boundaries of the subject property and shall meet the setbacks required by LC16.295(6)(a) through (b) below; or

(iv) The proposed improvement is a sign that complies with LC 16.295(6)(d) below, and is located on the wall of an existing building or is located outside the structural setback areas designated by LC 16.295(6)(a) through (b) and is not illuminated.

(c) A single family dwelling for a caretaker that meets the following conditions:

(i) The single family dwelling shall be for a caretaker in conjunction with an existing park and recreation use permitted by LC 16.295(2)(a) or (b) above or (3)(a) through (k) or (o) below and located on the same lot or parcel as the existing park and recreation use;

(ii) There are no other living quarters or dwellings on the lot, parcel or tract where the single family dwelling for the caretaker will be located; and

(iii) The single family dwelling for the caretaker shall not be partitioned or separated by a boundary line adjustment from the portion of the same lot or parcel with the park and recreation use on it.

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(d) Farm use or forest operations or forest practices including, but not limited to, reforestation of forestland, forest road construction and maintenance, harvesting of a forest tree species, and disposal of slash.

(e) Towers and fire stations for forest fire protection.

(f) Fishing without any lodging accommodations.

(g) Aids to navigation and aviation.

(h) Water intake facilities, related treatment facilities, pumping stations and distribution lines.

(i) Forest management research and experimentation facilities as defined by ORS 526.215.

(j) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(k) Public and semipublic structures and uses rendering direct service to the public in local areas, such as utility substations, pump stations, wells, and underground utility lines or above ground utility lines that do not require a right-of-way more than 25 feet in width. For utility substations or buildings that are located within 100 feet of the boundaries of RR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR zoned property to screen the utility substations or buildings from the view of the RR zoned property. Landscaping required by LC 16.295(2)(k) above shall be maintained.

(l) Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).

(m) The following uses and developments that are included as part of an adopted State Master Park Plan or adopted Lane County Parks Master Plan that comply with OAR Division 34, State and Local Park Planning:

(i) Campgrounds that are used for temporary overnight camping including: recreational vehicle sites, tent sites, camper cabins, yurts, teepees, covered wagons, group shelters, and campfire program areas.

(ii) Day use areas: picnic shelters, barbecue areas, swimming areas (not swimming pools unless located in a developed and committed lands exception area), open play fields, play structures;

(iii) Recreational trails: walking, hiking, biking, horse, or motorized off road vehicle trails; trail staging areas;

(iv) Boating and fishing facilities: launch ramps and landings, docks, moorage facilities, small boat storage, boating fuel stations, fish cleaning stations, boat sewage pump-out stations;

(v) Amenities related to park use intended only for park visitors and employees: laundry facilities; recreation shops; snack shops not exceeding 1,500 square feet of floor area;

(vi) Support facilities serving only 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;

(vii) Park maintenance and management facilities located within a park; maintenance shops and yards, fuel stations for park vehicles, storage for park equipment and supplies, administrative offices, staff lodging;

(viii) Natural and cultural resource interpretative, educational and informational facilities: interpretive centers, information/orientation centers, self-supporting interpretative and information kiosks, natural history or cultural museums, natural history or cultural educational facilities, reconstructed historic structures for cultural resource interpretation, retail stores in state parks not exceeding 1,500 square feet for sale of books and other materials that support park resource interpretation and education;

(ix) Visitor lodging and retreat facilities in state parks: historic lodges, houses or inns and the following associated uses in a state park retreat area only:

(aa) Meeting halls not exceeding 2,000 square feet of floor area;

(bb) Dining halls (not restaurants).

(n) Uses and development that are accessory to existing uses and development permitted under LC 16.295(2)(a) through (m) above or (3)(a) through (o) below.

(3) Uses and Development Subject to Approval by the Director. The uses and developments in LC 16.295(3)(a) through (k) below, not meeting the conditions in LC 16.295(2)(b) above, and the uses and development in LC 16.295(3)(l) through (o) below, are allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance with the applicable land use requirements of LC 16.295(4)(a) through (h) below and elsewhere in LC Chapter 16.

(a) Golf course.
(b) Riding stables.
(c) Yachting clubs.
(d) Game rooms, miniature golf, go cart tracks.
(e) Boat rentals or boat storage and incidental minor repairs and sale of gas.
(f) A clubhouse for an existing golf course. The clubhouse may include a restaurant, retail trade of food or new general merchandise, and recreation areas.

(g) A State or Lane County Park that is located on developed and committed exception area lands and that is not included in an adopted master park plan. These parks may include any of the uses mentioned in LC 16.295(2)(m) above.

(h) Race track.
(i) Recreational shooting.
(j) Airport and flying field.
(k) Expansion of lawfully (in terms of LC Chapter 16) existing uses.
(l) Communication facilities including but not limited to those for radio, television, computers, or satellites.

(m) Telecommunication facilities, including towers, antennas, and ancillary facilities as allowed pursuant to LC 16.264

(n) Electric transmission lines that require a combined right-of-way of more than 25 feet in width.

(o) Uses and development similar to uses and development allowed by LC16.295(3)(a) through (n) above if found by the Planning Director to be clearly similar to the uses and development allowed by LC 16.295(3)(a) through (n) above. Such a finding shall be made by the Director and shall comply with the following criteria:

(i) The use and development shall be consistent with the purpose in LC 16.295(1).
(ii) When compared with the uses and development permitted by LC 16.295(3)(a) through (n) above, the use and development is similar to one or more of these uses and development. A comparison shall include an analysis of the:

(aa) Goods or services traded from the site;
(bb) Bulk, size, and operating characteristics of the proposed use;
(cc) Parking demand, customer types and traffic generation; and
(dd) Intensity of land use of the site.
(iii) The use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. Factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(iv) The use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(v) It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination.

(p) Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).

(4) Criteria. New uses or development allowed by LC 16.295(3)(a) through (o) above, except for telecommunications facilities allowed in LC 16.295(3)(m) above, shall comply with the criteria in LC 16.295(4) below. Telecommunications facilities allowed by LC 16.295(3)(m) above shall comply with the requirements in LC 16.264.

(a) The location, design, size, shape and arrangement of the uses and structures shall be sufficient for the proposed intent and compatible with the surrounding vicinity.

(b) The quantity, location, height and materials of walls, fences, hedges, screen planting and landscape areas shall serve their intended purpose and shall minimize any adverse effect on existing or contemplated abutting land use.

(c) Suitable planting of ground cover or other surfacing shall be provided to prevent erosion and reduce dust, and suitable methods shall be provided for the continued maintenance of the planting or surfacing.

(d) The location, design and size of the uses shall be such that the residents or establishments to be accommodated will be adequately served by community facilities and services or by other facilities suitable for the intend uses.

(e) Based on anticipated traffic generation, adequate additional right-of-way and road improvements shall be provided by the development in order to address any traffic safety or congestion concerns created by the development. Consideration shall be given to the need and feasibility of widening and improving abutting streets to specifications of LC Chapter 15, "Roads," and also to the necessity for such additional requirements as lighting, sidewalks and turn and deceleration/acceleration lanes.

(f) There shall be a safe and efficient circulation pattern within the boundaries of the development. Consideration shall include the layout of the site with respect to the location and dimensions of vehicular and pedestrian entrances, exits, drives, walkways, buildings and other related facilities.

(g) There shall be adequate off street parking and loading/unloading facilities provided in a safe and efficient manner. Consideration shall include the layout of the parking and loading/unloading facilities, and their surfacing, lighting and landscaping.

(h) Hazards and Impacts. The proposed use will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(i) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available.

(5) Area. No minimum is established, except what is necessary to comply with LC 16.295 and other requirements of LC Chapter 16. Land divisions shall comply with LC Chapter 13.

(6) Property Development Standards. All uses and development allowed by LC 16.295(2) and (3) above shall comply with the following development standards:

(a) Property Line Setbacks. Structures other than a fence or sign shall be located:

(i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(b) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence or sign shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable, are met.

(d) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs may be illuminated but shall not be flashing or capable of movement.

(iii) Signs shall not project above the height of the tallest structure on the property.

(iv) Signs shall not contain more 200 square feet in area.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04; 16-01, 2.25.16; 18-02, 8.9.18)*

PRIVATE USE AIRPORT OVERLAY ZONE (/PUAO, RCP) RURAL COMPREHENSIVE PLAN

16.296 Private Use Airport Overlay Zone (PUAO, RCP)

(1) Purpose. The purpose of the Private Use Airport Overlay Zone is to recognize the locations of certain private use airports and heliports and to provide for their continued operation and vitality consistent with state law. It also provides for standards to promote air navigational safety at these airports, and to reduce the potential safety hazards to persons living, working or recreating on lands near such airports.

(2) Applicability. The Private Use Airport Overlay Zone consists of two elements: a private use airport operation district and a safety overlay zone.

(a) The private use airport operation district applies to private use airports and heliports in rural Lane County that were the base for three or more aircraft on December 31, 1994, as shown in the records of the Oregon Department of Transportation. The boundaries of the private use airport operation district are delineated on the Official Private Use Airport Overlay Zone Map. The identified private use airports and heliports in Lane County include:

(i) Crow-Mag Airport;

(ii) Jasper Ridge Airport;

(iii) Meadowview Heliport;

(iv) Strauch Field Airport; and

(v) Walker Airport.

(b) The safety overlay zone applies to those lands encompassed by the airport and heliport surfaces set forth and defined in LC 16.296(3), delineated in LC 16.296(8) and diagramed LC 16.296(13).

(c) If any airport or heliport to which this overlay zone has been applied is removed from the State's list of airports in a manner described in ORS 836.610, the county will no longer apply and enforce the safety overlay zone that corresponds to the removed airport or heliport.

(3) Definitions.

Aircraft. Includes airplanes and helicopters, but not hot air balloons or ultralights.

Airport. The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.

Airport Elevation. The highest point of an airports' usable runway, measured in feet above mean sea level.

Airport Imaginary Surface. Imaginary areas in space or on the ground that are established in relation to the airport and its runways. Imaginary areas for private use airports are defined by the primary surface and approach surface.

Airport Sponsor. The owner, manager, or other person or entity designated to represent the interests of an airport or heliport.

Approach Surface. A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of a runway. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to the width of 450 feet for that end of a private use airport with only visual approaches. The approach surface extends for a horizontal distance of 2,500 feet at a slope of 20 feet outward for one foot forward.

Department of Aviation. The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation.

Height. The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.

Heliport. An area of land, water, or structure designated for the landing and take-off of helicopters or other rotorcraft.

Heliport Imaginary Surface. Airport imaginary surfaces as they apply to heliports.

Heliport Approach Surfaces. The approach surface beginning at each end of the heliport primary surface and has the same width as the primary surface. The surface extends outward and upward for a horizontal distance of 4,000 feet where its width is 500 feet. The slope of the approach surface is 8 to 1 for civil heliports and 10 to 1 for military heliports.

Heliport Primary Surface. The area of the primary surface that coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the established heliport elevation.

Heliport Transitional Surfaces. Surfaces extending outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of 2 to 1 for a distance of 250 feet measured horizontal from the centerline of the primary and approach surfaces.

Obstruction. Any structure, or tree, plant or other object of natural growth that penetrates an imaginary surface.

Primary Surface. A surface longitudinally centered on a runway. The primary surface ends at each end of a runway. The elevation of any point on the primary surface is the same as the elevation on the nearest point on the runway centerline. The width of the primary surface is 200 feet.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure. For the purposes of LC 16.296, "structures" means any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.

(4) Existing Uses within the Private Use Airport Operation District. Operation of existing uses listed in LC 16.296(5) that existed at any time during 1996 may be continued at their current levels as of January 1, 2008. The uses that existed during 1996 are specific to each airport and heliport and are on file with the Land Management Division. In response to citizen complaints related to requests for building permits or other expansions pursuant to LC 16.296(6), the Director will make a determination regarding the existence of the use in 1996 that is being proposed for expansion. The determination of an existing use shall be based upon a review of evidence provided by the airport sponsor, a review of the historical property file records, Land Management inventory and historical aerial photos. The determination is subject to submittal and approval of an Airport Use Determination application pursuant to Type II procedures of LC Chapter 14.

(5) Continued Operation of Existing Uses. Operation of the following uses may be continued within the airport operation district at their current levels as of February 1, 2008, upon determination that the use existed at the airport or heliport at any time during 1996.

(a) Customary and usual aviation-related activities, including but not limited to take-offs and landings.

- (b) Aircraft hangers and tie-downs.
- (c) Ongoing maintenance of airport facilities.
- (d) Fixed based operator facilities.
- (e) One single family residence per airport for either: an airport caretaker, operator or security officer, but not a residence for each.
- (f) Other activities incidental to the normal operation of an airport. Except as provided elsewhere in Lane Code 16.296, “customary and usual aviation-related activities” do not include residential, commercial, or industrial uses provided for in other sections of Lane Code Chapter 16.
- (g) Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.
- (h) Emergency medical flight services, including activities, aircraft, accessory structures, and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services include search and rescue operations but do not include hospitals, medical labs, medical equipment sales, and other similar uses.
- (i) Law enforcement and firefighting activities, including aircraft and ground-based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies.
- (j) Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.
- (k) Flight instruction, including activities, facilities, and non-residential accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.
- (l) Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. “Aircraft service, maintenance and training” includes the construction and assembly of aircraft and aircraft components for personnel use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.
- (m) Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.
- (n) Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing of aircraft or aircraft-related products for sale to the public.
- (o) Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agriculture, forestry or rangeland management setting.
- (p) Agricultural and forestry activities, including activities, facilities and accessory structures that qualify as a “farm use” as defined in ORS 215.203 or “farming practice” as defined in ORS 30.390.
- (q) Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight, are permitted subject to the acceptance of the airport sponsor. Aeronautic recreation and sporting activities include, but are not limited to, fly-ins; glider flights; hot air ballooning; ultralight aircraft flights; displays of aircraft, aeronautic flight skills contests; gyrocopter flights; flights carrying parachutists; and parachute drops onto an airport. As used herein, parachuting and parachute drops include all forms of skydiving. Parachuting

businesses may only be allowed where the business has approval to use a drop zone that is at least 10 contiguous acres in size. A larger drop zone may be required where evidence of missed landings and dropped equipment supports the need for the larger area. The configuration of 10 acre minimum drop zone shall roughly approximate a square or circle and may contain structures, trees, or other obstacles if the remainder of the drop zone provides adequate areas for parachutists to safely land.

(6) Expansion of Existing Uses. The expansion of uses identified in 16.296(5)(a)-(q) that existed at any time during 1996, are permitted as provided in this section.

(a) Expansions Allowed Outright. The following expansions of existing uses are permitted outright:

(i) Construction of additional hangars and tie-downs by the owner of the airport or heliport.

(ii) Basing additional aircraft at the airport or heliport.

(iii) Increases in flight activity.

(b) Other Expansions of Existing Uses.

(i) Growth of existing uses that require building permits, other than those existing uses identified LC 16.296(6)(a) shall be permitted as an administrative decision without public hearing, unless the growth:

(A) Cannot be supported by existing public facilities and services and transportation systems authorized by applicable statewide land use planning goals.

(B) Forces a significant change or significantly increases the costs of conducting existing uses on surrounding lands; or

(C) Exceeds the standards of ORS 215.296(1) if the airport is adjacent to land zoned for exclusive farm use.

(ii) Growth of an existing use for which a public hearing is required shall be permitted only upon demonstration of compliance with the standards for new uses set out in LC 16.296(7).

(7) New Uses. Uses identified in LC 16.296(5) are permitted following a public hearing before the Director upon demonstration of compliance with the following standards. An applicant may demonstrate that these standards will be satisfied through the imposition of clear and objective conditions.

(a) The use is or will be supported by adequate types and levels of facilities and services and transportation systems authorized by applicable statewide land use planning goals;

(b) The uses do not seriously interfere with existing land uses in areas surrounding the airport or heliport; and

(c) For airports or heliports adjacent to land zoned for exclusive farm use, the use complies with the requirements in ORS 215.296.

(8) Safety Overlay Zone Surface Delineation. The location of the imaginary surfaces defined in LC 16.296(3) for each private use airport and heliport subject to this overlay zone are depicted on the Official Private Use Airport Overlay Zone Map. All lands, waters and airspace, or portions thereof that are located within these surfaces are subject to the requirements of this overlay zone. The dimensional standards and slope profiles for these surfaces are diagramed in LC 16.296(13).

(9) Notice of Land Use and Permit Applications within the Safety Overlay Zone.

(a) The county shall provide written notice of applications for Type I through IV applications affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation pursuant to 14.060 in the same manner and within the same timelines as notice is provided to property owners entitled by law to written notice of land use decisions or administrative approvals.

(b) The County shall provide notice of decision on a land use or administrative approval application affecting land within the safety overlay zone to the airport sponsor and the Department of Aviation within the same timelines that such notice, pursuant to LC 14.060, is provided to parties to a land use or limited land use proceeding.

(10) Height Limitations within the Safety Overlay Zone. All structures permitted by the underlying zone shall comply with the height limitations in LC 16.296(10)(a) and (b), below. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations controls.

(a) Except as provided in LC 16.296(10)(b) below, no structure, tree or other object of natural growth shall penetrate an airport imaginary surface.

(b) Height variances may be permitted when supported in writing by the airport sponsor and the Department of Aviation. Applications for height variances shall comply with LC 16.256(1) and (2), and shall be subject to such conditions and terms as recommended by the Department of Aviation.

(11) Procedures. An applicant seeking a land use or administrative approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

(a) A map or drawing showing the location of the property in relation to the airport or heliport imaginary surfaces. The Director shall provide the applicant with appropriate base maps upon which to locate the property.

(b) Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.

(c) If a height variance is requested, letters of support from the airport sponsor and the Department of Aviation.

(12) Nonconforming Structures.

(a) These regulations do not require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations do not require any change in the construction, alteration or intended use of any structure for which construction was begun or land use permits were applied for prior to January 1, 2008.

(b) Notwithstanding LC 16.296(12)(a), the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.

(c) No land use decision, administrative approval or other permit shall be granted that would allow a nonconforming structure to become a greater hazard to air navigation than it was on January 1, 2008.

(13) Surfaces Diagramed. The airport surfaces delineated in LC 16.296(8), above are as diagramed in Figure 1.1, below. The heliport surfaces delineated in LC 16.296(8) above are as diagramed in Figure 1.2, below. In addition to the diagrams below, these surfaces have been mapped on the Official Private Use Airport Overlay zone map.

At left margin indicates changes
Bold indicates material being added
~~Strike through~~ indicates material being deleted

16.296

Lane Code

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DIM	ITEM	DIMENSIONAL STANDARDS IN FEET
A	WIDTH OF PRIMARY SURFACE AND APPROACH SURFACE WIDTH AT INNER END	200
B	APPROACH SURFACE WIDTH AT THE END	450
C	APPROACH SURFACE LENGTH	2500
D	APPROACH SLOPE	20:01

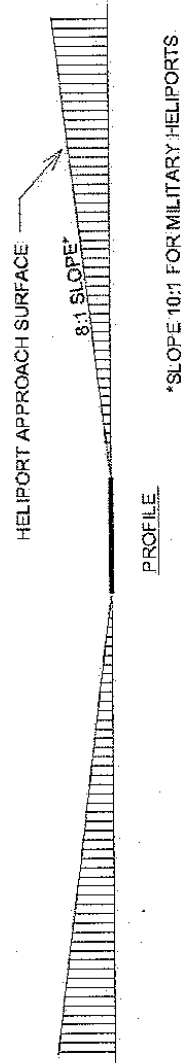
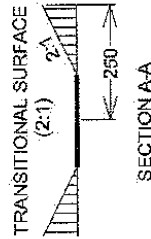
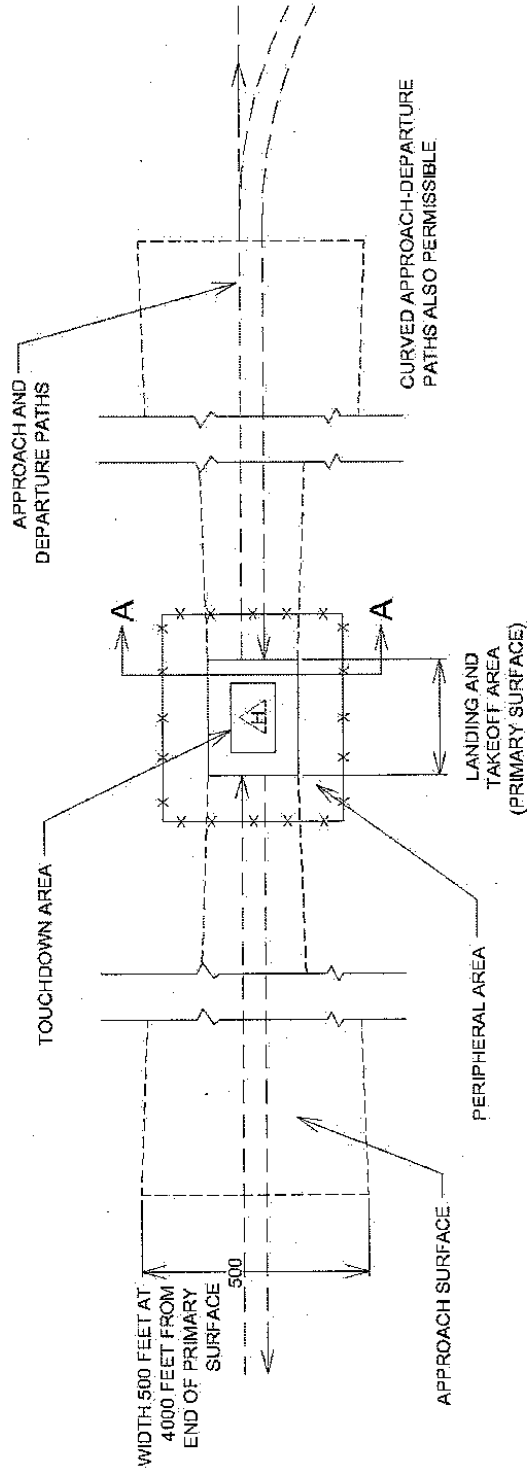
LC 16.296 (13) Figure 1.1: Private-Use Airport Surfaces

At left margin indicates changes
Bold indicates material being added
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LC 16.296 (13) Figure 1.2: Heliport Surfaces

(Revised by Ordinance No. 15-07, Effective 2.1.08; 7-10, 11.25.10; 18-02, 8.9.18)

**INTERCHANGE AREA MANAGEMENT PLAN COMBINING ZONE (/IAMP-RCP)
RURAL COMPREHENSIVE PLAN**

16.297 Interchange Area Management Plan Combining Zone (/IAMP-RCP).

- (1) **Purpose.** The purpose of the /IAMP-RCP Zone is to:
 - (a) Protect interchange investments;
 - (b) Establish the desired function of interchanges;
 - (c) Protect the function of interchanges by maximizing the capacity of the interchanges for safe movement from the mainline highway facility;
 - (d) Balance the need for efficient interstate and state travel with local use;
 - (e) Preserve and improve safety of existing interchanges;
 - (f) Provide safe and efficient operation between connecting roadways;
 - (g) Adequately protect interchanges from unintended and unexpected development while accommodating planned community development;
 - (h) Manage the existing interchange capacity and new capacity provided through improved interchange improvements;
 - (i) Establish how future land use and transportation decisions will be coordinated in interchange areas between the Oregon Department of Transportation and local governments;
 - (j) Minimize impacts to farm and forest lands and other resource lands around rural interchanges in accordance with adopted Statewide Planning Goals; and,
 - (k) Time development with appropriate improvements to the local system after the interchange improvement are in place, consistent with the adopted comprehensive plan and other applicable land use regulations.
- (2) **Definition.** “Interchange Area Management Plan” or “IAMP” means a plan for managing a grade-separated interchange area to ensure safe and efficient operation between connecting roadways and to protect the functional integrity, operations, and safety of the interchange. An Interchange Area Management Plan may be developed independent of or in conjunction with an interchange project and may address local street connectivity, local street improvements and local plans and land use regulations. An Interchange Area Management Plan is not an interchange project.
- (3) **Applicability.** The /IAMP-RCP Zone is applied, in combination with the applicable underlying zones, to those lands within the designated management areas of adopted IAMPs, subject to the requirements and limits of Lane Code.
- (4) **Uses Permitted or Subject to Further Review.** Uses permitted outright or subject to further review in the underlying base zone are permitted subject to the following standards applicable specifically and only to the Coburg/Interstate-5 Interchange Area Management Plan (Coburg IAMP) area Combining Zone:
 - (a) **Access Management.** Access spacing on Van Duyn Road within the Coburg IAMP must meet the following standards:
 - (i) When new approach roads are planned or constructed near the interchange, the nearest intersection on a crossroad must be at least 1,320 feet from the interchange unless no alternative access exists. Measurement is taken from the ramp intersection or the end of a free flow ramp terminal merge lane taper;
 - (ii) Deviations are permitted as identified in Section 5.3.3 of the Coburg IAMP. Deviations not identified in Section 5.3.3 may be permitted for new access for farm and forestry equipment and associated farm uses, as defined in Lane Code 16.090, on lands zoned for Exclusive Farm

At left margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted

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FORMAT**

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Use, and accepted Forest uses as defined in Lane Code 16.090 on those lands that are within the Coburg IAMP area, but only when access meeting the standards in Lane Code 16.297(5)(a)(i) above is unfeasible.

(iii) Until such time as the Oregon Department of Transportation (“ODOT”) purchases access rights on Van Duyn Road within the Coburg IAMP Combining Zone that is designated for restricted access by the adopted Coburg IAMP, Chapter 5, any redevelopment of property within this area that would result in a greater number of average daily trips or an increase in large truck trips will require written approval from ODOT and subject to the limits of applicable provisions of Lane Code.

(b) Notice. Lane County will provide notice to ODOT for land use actions within the Coburg IAMP Combining Zone area, including, but not limited to, the following:

(i) Amendments to the Lane County Rural Comprehensive Plan or the Lane County Transportation System Plan;

(ii) Zone changes or other land use proposals;

(iii) Land use proposals involving requests for new access to Van Duyn Road.

(Revised by Ordinance No. 6-11, Effective 7.21.11)

LAND DIVISIONS RURAL COMPREHENSIVE PLAN

16.300 Land Divisions.

(1) Relationship of Lane Code Chapter 13 into Lane Code Chapter 16. LC Chapter 13 is the procedure for partitioning or subdividing lands under the jurisdiction of the Lane County Rural Comprehensive Plan with the following addition:

(a) Definitions. Abbreviations, terms, phrases, words and their derivatives shall be construed as specified in LC 16.090 instead of as specified in LC 13.010. *(Revised by Ordinance No. 7-87, Effective 6.17.87)*

**RURAL COMPREHENSIVE PLAN AMENDMENTS
RURAL COMPREHENSIVE PLAN**

16.400 Rural Comprehensive Plan Amendments.

(1) Purpose. The Board shall adopt a Rural Comprehensive Plan. The general purpose of the Rural Comprehensive Plan is the guiding of social, economic and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare. The Rural Comprehensive Plan shall be considered to be a dynamic policy instrument that can be modified to reflect changing circumstances and conditions as well as to correct errors and oversights. It is recognized that the Rural Comprehensive Plan affects the people of Lane County, and it is, therefore, important that the ability by individuals to propose amendments be free of restraint.

(2) Scope and Organization. The Rural Comprehensive Plan shall conform to the requirements of Statewide Planning Goals. The Rural Comprehensive Plan shall consist of components which shall be organized into categories by Plan type or geographic area as described in LC 16.400(3) below.

(3) Plan Categories.

(a) Rural Comprehensive Plan. This category includes all plans relating to lands beyond the Eugene-Springfield Metropolitan Area General Plan boundary and the urban growth boundaries of the cities within Lane County.

(b) Special Purpose Plan. This category includes Plans addressing a single or special need. The Plans may apply Countywide or to a limited area.

(4) Rural Comprehensive Plan Described. The Rural Comprehensive Plan of Lane County shall consist of the following components:

(a) Rural Comprehensive Plan.

(i) General Plan Policies and Plan Designations applying throughout Lane County outside of the Metropolitan Area General Plan and outside of all urban growth boundaries (Adopted by Ordinance No. 883).

(b) Special Purpose Plans.

(i) Transportation System Plan (Adopted by Ordinance No. 3-80 and Amended by Ordinance No. 10-04PA 1202) and the following component of the Transportation System Plan:

(aa) Coburg/Interstate 5 Interchange Area Management Plan (Adopted by Ordinance No. PA 1258).

(bb) Highway 126 Fern Ridge Corridor Plan (Adopted by Ordinance No. PA 1297).

(ii) Willamette Greenway Plan Ordinance No. 783).

(iii) Parks and Open Space Plan (Adopted by Ordinance No. 850 **and Refinement Adopted by Ordinance No. PA 1364**).

(iv) Solid Waste Management Plan (Adopted by Ordinance No. 771) (Amended by Ordinance Nos. 79-80, PA 918 and PA 1179).

(v) Coastal Resources Management Plan (Adopted by Ordinance No. 803) (Amended by Ordinance Nos. 862 and 876).

(vi) Siuslaw River Dredged Material Disposal Plan (Adopted by Ordinance No. 749) (Amended by Ordinance Nos. 861 and 877).

(vii) Housing Plan (Adopted by Ordinance No. 1-78).

(viii) 1994 Howard Buford Recreation Area Master Plan (Adopted to Eugene-Springfield Metropolitan Area General Plan by Ordinance PA No. 1056; Adopted to Rural Comprehensive Plan by Ordinance No. PA 1364).

(ix) Howard Buford Recreation Area Habitat Management Plan (Adopted by Ordinance No. PA 1364).

(5) Interrelationship of Plan Components. New Comprehensive Plan components shall include a description of relationship to other Plan components within the respective Plan category and to the overall Rural Comprehensive Plan. Existing Plan components not containing such a description of relationship shall, at the next update of that Plan, be amended to include such a description.

(6) Plan Adoption or Amendment - General Procedures. The Rural Comprehensive Plan, or any component of such Plan, shall be adopted or amended in accordance with the following procedures:

(a) Referral to Planning Commission. Before the Board takes any action on a Rural Comprehensive Plan component, or an amendment to such Plan component, a report and recommendation thereon shall be requested from the County Planning Commission and a reasonable time allowed for the submission of such report and recommendation. In the event the Rural Comprehensive Plan component, or amendment applies to a limited geographic area, only the Planning Commission having jurisdiction of that area need receive such referral.

(b) Planning Commission - Hearing and Notice.

(i) The Planning Commission shall hold at least one public hearing before making a recommendation to the Board on a Rural Comprehensive Plan component, or an amendment to such Plan component, and the hearing shall be conducted pursuant to Type IV hearing procedures of LC Chapter 14.

(ii) Notice of the time and place of hearing shall be given, pursuant to Type IV noticing procedures of LC Chapter 14.060.

(iii) If an exception to State Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notices of such hearing.

(iv) The proposed Rural Comprehensive Plan component, or an amendment to such Plan component, shall be on file with the Director and available for public examination for at least 10 days prior to the time set for hearing thereon.

(c) Planning Commission - Consideration With Other Agencies.

(i) In considering a Rural Comprehensive Plan component, or an amendment to such Plan component, the Planning Commission shall take account of and seek to harmonize, within the framework of the needs of the County, the Comprehensive Plans of cities, and the Plans and planning activities of local, state, federal and other public agencies, organizations and bodies within the County and adjacent to it.

(ii) The Planning Commission, during consideration of a Rural Comprehensive Plan component or an amendment to such Plan component, shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally to the end that maximum coordination of Plans may be secured.

(iii) Whenever the Planning Commission is considering a Rural Comprehensive Plan component, or an amendment to such Plan component, it shall be referred to the planning agency of every city and county affected to inform them and solicit their comments.

(iv) The provisions of this subsection are directory, not mandatory, and the failure to refer such Plan, or an amendment to such Plan, shall not in any manner affect its validity.

(d) Planning Commission - Recommendation and Record.

(i) Recommendation of the Planning Commission on a Rural Comprehensive Plan component, or an amendment to a Plan component, shall be by resolution of the Commission and carried by the affirmative vote of not less than a majority of its total voting members.

(ii) The record made at the Planning Commission hearings on a Rural Comprehensive Plan component, or an amendment to such Plan component and all materials submitted to or gathered by the Planning Commission for its consideration, shall be forwarded to the Board along with the recommendation.

(e) Board Action - Hearing and Notice.

(i) After a recommendation has been submitted to the Board by the Planning Commission on the Rural Comprehensive Plan component, or an amendment to such Plan component, all interested persons shall have an opportunity to be heard thereon at a public hearing before the Board conducted pursuant to Type IV hearing procedures of LC Chapter 14.

(ii) Notice of the time and place of the hearing shall be given pursuant to Type IV noticing procedures of LC Chapter 14.060.

(iii) If an exception to Statewide Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notice of such hearing.

(iv) Hearings to consider amendments of the Plan Diagram that affect a single property, small group of properties or have other characteristics of a quasi-judicial proceeding shall be noticed pursuant to Type IV noticing procedures of LC Chapter 14.060.

(f) Concurrent Consideration. The Board and Planning Commission may hold a single joint meeting to consider the proposed Plan amendment consistent with the requirements of LC 16.400(6)(e)(ii),(iii) and (iv) above.

(g) Board Referral. Before the Board makes any change or addition to a Plan component, or Plan component amendment recommended by the Planning Commission, it may first refer the proposed change or addition to the Planning Commission for an additional recommendation. Failure of the Planning Commission to report within 21 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Planning Commission to hold a public hearing on such change or addition.

(h) Method of Adoption and Amendment.

(i) The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.

(ii) The adoption or amendment shall be concurrent with an amendment to LC 16.400(4) above. In the case of a Rural Comprehensive Plan adoption, the Code amendment shall place

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such Plan in the appropriate category. In the case of a Rural Comprehensive Plan amendment, the Code amendment shall insert the number of the amending Ordinance.

(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.

(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

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

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

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

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

(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.

(dd) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.

(i) A change of zoning to implement a proposed Plan amendment may be considered concurrently with such amendment. In such case, the Board shall also make the final zone change decision, and the Hearing Official's consideration need not occur.

(7) Validation of Prior Action. The adoption of a Rural Comprehensive Plan component, or an amendment to such Plan component under the authority of prior acts, is hereby validated and shall continue in effect until changed or amended under the authority of these provisions.

(8) Additional Amendment Provisions. In addition to the general procedures set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components.

(a) Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:

(i) Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.

(ii) Major Amendment. Any amendment that is not classified as a minor amendment.

(b) Amendment proposals, either minor or major, may be initiated by the County or by individual application. Individual applications shall be subject to a fee established by the Board and submitted pursuant to Type IV procedures of LC Chapter 14.

(c) Minor amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(iii) above can be affirmatively made. Unless waived in writing by the Planning Director, the applicant shall supply documentation concerning the following:

(i) A complete description of the proposal and its relationship to the Plan.

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(ii) An analysis responding to each of the required findings of LC 16.400(6)(h)(ii) above.

(iii) An assessment of the probable impacts of implementing the proposed amendment, including the following:

(aa) Evaluation of land use and ownership patterns of the area of the amendment;

(bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply and sewage disposal;

(cc) Impact of the amendment on proximate natural resources, resource lands or resource sites, including a Statewide Planning Goal 5 "ESEE" conflict analysis where applicable;

(dd) Natural hazards affecting or affected by the proposal;

(ee) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;

(ff) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan, within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;

(gg) For a proposed amendment to a Non-resource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983).

(9) Addition Amendment Provisions - Special Purpose Plans. In addition to the general provisions set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components classified in LC 16.400(4) above as Special Purpose Plans. Amendments to Special Purpose Plans may only be initiated by the County. Any individual, however, may request the Board to initiate such amendment. Requests must set forth compelling reasons as to why the amendment should be considered at this time, rather than in conjunction with a periodic Plan update. An offer to participate in costs incurred by the County shall accompany the request.

(10) Designation of Abandoned or Diminished Mill Sites. A minor plan amendment pursuant to LC 16.400(8)(a)(i), to the Rural Comprehensive Plan for an abandoned or diminished mill site on a lot or parcel zoned Nonimpacted Forest Lands Zone (F-1, RCP), Impacted Forest Lands Zone (F2, RCP) or Exclusive Farm Use Zone (E-RCP) to Rural Industrial Zone (RI, RCP) without taking an exception to Statewide Goal 3 (Agricultural Lands), Goal 4 (Forest Land), Goal 11 (Public Facilities and Services), or Goal 14 (Urbanization) may be allowed after submittal, review, and approval of an application pursuant to Type IV procedures of LC Chapter 14 and LC 16.400(6) and (10).

(a) As used in this subsection, "abandoned or diminished mill site" means a mill, plant of other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:

(i) Is located outside of urban growth boundaries;

(ii) Was closed after January 1, 1980, or has been operating at less than 25 percent of capacity since January 1, 2003; and

(iii) Contains or contained permanent buildings used in the production or manufacturing of wood products.

(b) An abandoned or diminished mill site designated as Rural Industrial zone (RI, RCP) pursuant to LC 16.400(10), may be developed for any level of industrial use pursuant to LC 16.292(3)(o), is exempt from the standards of LC 16.292(3)(b), and may occur outside a building or in one or more buildings of any size.

(c) Concurrently with approval of a plan amendment, the Board may approve, without taking an exception to Statewide Goal 11:

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(i) The extension of sewer facilities to lands that on June 10, 2003, were zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(ii) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for Rural Industrial (RI, RCP) use under LC 16.400(10) only as necessary to serve industrial uses authorized for the mill site.

(iii) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, was zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10).

(d) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.

(e) Sewer facilities approved pursuant to LC 16.400(10)(c) shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

(f) The Board shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10), land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

(g) For an abandoned or diminished mill site subject to LC 16.400(10)(f), the Planning Director may approve a permit only for industrial development and accessory uses subordinate to such development on the mill site. The Planning Director may not approve a permit for retail, commercial or residential development on the mill site.

(h) For land that on June 10, 2003, was zoned Impacted Forest Land Zone (F-1, RCP), Nonimpacted Forest Land Zone (F-2, RCP), or Exclusive Farm Use Zone (E-RCP), and that is rezoned for Rural Industrial Zone (RI, RCP) under LC 16.400(10), the Board may not later rezone the land for retail, commercial or other nonresource use unless all appropriate exceptions under ORS 197.732 have been approved.

(11) Periodic Review of Plan Components. All components of the Rural Comprehensive Plan shall contain a provision requiring the Plan be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances. Any Plan component adopted under the authority of prior acts can be assumed to require a review every five years. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-02, 11.15.02; 10-04, 6.4.04; 12-04, 6.11.04; 6-11; 7.21.11; 13-1, 3.12.13; 18-02, 8.9.18)*

RECREATIONAL MARIJUANA USE STANDARDS

16.420 Recreational Marijuana Use Standards

(1) **Purpose.** The purpose of the Recreational Marijuana Standards is to establish reasonable time, place, and manner regulations to promote the health safety and welfare of the community while at the same time allowing for these marijuana uses.

- (2) Marijuana uses including marijuana production, marijuana processing, marijuana wholesale distribution, marijuana retail sales, marijuana testing laboratory, and marijuana research as those terms are defined in Lane Code 16.090 as applicable to recreational marijuana uses will be allowed either out right or through a discretionary Special Use Permit process within the zones as summarized in Table 1 below and as specified in each applicable code section. Marijuana uses are also subject to all other provisions of 16.420, the underlying base zone and the general provisions of Lane Code. Where a provision of this section LC 16.420 is not consistent with another provision of Lane Code the more restrictive standards apply. Marijuana uses are subject to Chapter 614, Oregon Laws 2015. This section of Lane Code, 16.420, does not apply to personal recreational marijuana use or medical marijuana uses as provided for by Oregon Laws.
- (a) Marijuana uses are allowed as summarized in Table 1 below, and as specified in each applicable code section.
- (b) Home Occupation prohibited. Marijuana uses including but not limited to marijuana production, marijuana processing, marijuana wholesale distribution, marijuana retail sales, marijuana testing laboratory, and marijuana research are prohibited as a Home Occupation within any zone.
- (c) Prohibited farm uses. In accordance with Oregon law, and notwithstanding ORS chapters 195, 196, 197 and 215, the following uses are not permitted uses on land designated for exclusive farm use:
- (i) A new dwelling used in conjunction with a marijuana crop;
 - (ii) A farm stand, as described in ORS 215.213(1)(r) or 215.283(1)(o), used in conjunction with a marijuana crop; and
 - (iii) A commercial activity, as described in ORS 215.213(2)(c) or 215.283(2)(a), carried on in conjunction with a marijuana crop.
- (3) **Process:** Conformance with the standards below must be demonstrated through submittal of information to the Lane County Planning Director at the time of an OLCC Lane Use Compatibility Statement (LUCS) application. Information submitted to the Lane County Planning Director must be in conformance with LC 14.040 and include a scaled site plan depicting the subject and surrounding properties in sufficient detail to demonstrate compliance with the standards in LC 16-420(4) below. This information must also include the required ventilation/filtration materials and a lighting plan.
- (4) **Special Standard.** Marijuana uses are subject to the following standards and criteria:
- (a) **Setbacks.**
- (i) **Outdoor production.** Outdoor marijuana production must be located at a minimum of 100 feet from any exterior property line.
 - (ii) **Indoor production.** Any structure used for indoor marijuana production or marijuana processing must be located a minimum of 30 feet from a property line,

- or 100 feet from an existing dwelling that is not located on the same property as marijuana production or marijuana processing use, whichever is greater.
- (b) **Ventilation and air filtration.** Any building, including greenhouses, hoop houses and other similar structures, used for marijuana production or marijuana processing must be equipped with an activated charcoal or carbon filtration or other ventilation system in conformance with the standards below. Evidence of the equipment and materials utilized for meeting the standards below, including manufactures specifications, and a design/schematic of the system showing how it will function must be submitted to Lane County Planning Director.
- (i) The submitted design/schematic for the system must be stamped by a mechanical engineer that is currently licensed in the State of Oregon.
 - (ii) The system must consist of one or more fans and filters.
 - (iii) At a minimum, the fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three.
 - (iv) Activated charcoal or carbon filter(s) must be used in the ventilation system and must filter all of the ventilated air. The filter(s) must be rated for the required CFM as calculated in ii above.
 - (v) The filters must be maintained and/or replaced in conformance with the manufactures specifications.
 - (vi) The filtration system, including the activated charcoal or carbon filters, must be maintained in working order and must be in use.
 - (vii) The opening for any exterior exhaust vent for the ventilation system must:
 - 1. Be in a location that provides the greatest distance between the opening for the exterior exhaust vent and any dwelling that is not on the subject property, located within 1000 feet of the opening for the exterior exhaust vent.
 - 2. Be oriented in a direction that is at least 45 degrees away from any dwelling that is not on the subject property, located within 1000 feet of the opening for the exterior exhaust vent.
 - (viii) An alternative ventilation control system is permitted if the applicant's submittal, stamped by a mechanical engineer that is currently licensed in the State of Oregon, demonstrates that the alternative system will filter the air as well or better than the carbon filtration system otherwise required.
- (c) **Lighting.** A lighting plan showing the location and design of any and all lighting fixtures associate with the use and how the light fixtures will be screened or shielded in conformance with the following standards must be submitted to the Lane County Land Management Division Planning Director.

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- (i) Light cast by light fixtures associated with a marijuana production and/or marijuana processing use, inside any building(s) or greenhouse(s) must be screened or shielded from view from the surrounding property boundaries from sunset to sunrise the following day.
- (ii) Outdoor marijuana grow lights must not be illuminated from sunset to sunrise the following day.
- (iii) Light cast by exterior light fixtures other than marijuana grow lights (e.g. security lights, driveway lights, etc.) must not shine, or direct illumination or glare onto adjacent properties.
- (d) **Noise.** Noise from mechanical equipment including but not limited to heating, ventilation, air conditioning, lighting, or odor control equipment must comply with Lane Code Chapter 5.600 thru 5.635 where applicable.
- (e) **Marijuana processing.** Marijuana processing, other than primary processing allowed under the definition for farm use, will only be permitted on properties located within the boundaries of a fire protection district.
- (f) **Marijuana testing laboratory.** A marijuana testing laboratory use must be conducted entirely indoors.
- (g) Marijuana Research may be conducted in conjunction with marijuana production and processing or as a standalone use as specified in the applicable zone. Marijuana research will be subject to the odor, noise and lighting standards listed in 16.420(3)(d)-(e).

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Table 1

			<i>Forest zones (F-1 & F-2) (LC 16.210 & 16.211)</i>	<i>Farm zone (EFU) (LC 16.212)</i>	<i>Commercial zones (RC) (LC 16.291)</i>	<i>Industrial zones (RI, GI, LI) (LC 16.280 & 16.292)</i>	<i>Residential and all other base zones not listed in this table</i>
	<u>OLCC License / Certificate Type</u>	<u>Use</u>					
1.	Producer (grower) license (Farm use)	Marijuana Production	Allowed outright as a farm use.	Allowed outright as a farm use.	Tier 1: Allowed/Discretionary – Special Use Permit Required.	Allowed/Discretionary - Special Use Permit Required	Prohibited
2.	Processor license	Marijuana Processing	Prohibited	Discretionary -Special Use Permit Required***	Discretionary -Special Use Permit Required	Allowed/Discretionary -Special Use Permit Required	Prohibited
3.	Wholesaler license	Marijuana Wholesale Distribution	Allowed outright under the definition of farm use.	Allowed outright under the definition of farm use.	Prohibited	Allowed/Discretionary -Special Use Permit Required	Prohibited
4.	Retail license	Marijuana Retail Sales	Prohibited	Prohibited	Allowed/Discretionary – Special Use Permit Required	Allowed/Discretionary -Special Use Permit Required**	Prohibited
5.	Laboratory License	Marijuana Laboratory Operations	Prohibited	Prohibited	Allowed/Discretionary -Special Use Permit Required	Allowed/Discretionary -Special Use Permit Required**	Prohibited
6.	Research Certificate	Marijuana Research	Allowed in conjunction with a farm use	Allowed in conjunction with a farm use	Prohibited	Allowed/Discretionary -Special Use Permit Required**	Prohibited

** Size limitation of LC 16.292(3)(b) apply.

*** Subject to limits of LC 16.212(4)(h)

(Revised by Ordinance No. 15-08 Effective 12.15.15; 18-02, 8.9.18)

EXHIBIT A
PROPOSED FINDINGS OF FACT & CONCLUSIONS OF LAW
ORDINANCE NO. PA 1364 & ORDINANCE NO. 18-12 | FILE NO. 509-PA18-05762

I. INTRODUCTION

This is a request for a Major Rural Comprehensive Plan (RCP) Amendment to adopt an updated Lane County Parks & Open Space Master Plan as a refinement to the 1981 Parks Master Plan, adopt the Howard Buford Recreational Area (HBRA) Habitat Management Plan, and adopt the 1994 HBRA Master Plan that was previously adopted as a refinement plan of the Eugene-Springfield Metropolitan Area General (Metro) Plan that has since been amended to no longer include the HBRA, as special purpose plans of the RCP; and a concurrent amendment to Lane Code 16.400(4) to add a reference to the aforementioned special purpose plans.

Applicable criteria for this request include:

- Lane Code (LC) 12.005
- LC 12.050
- LC 16.400
- LC 16.252, and LC 16.003 as applicable
- Statewide Planning Goals
- Applicable Rural Comprehensive Plan Policies/Plan Elements
- ORS/OAR as applicable

Section II of these Findings of Fact and Conclusions of Law address Lane Code. Section III addresses State law, including Statewide Planning Goals, as well as any applicable Rural Comprehensive Plan (RCP) policies.

In part, the County's Parks and Open Space Master Plan is intended to achieve compliance with Statewide Planning Goal 8. The 1981 Parks Master Plan and Recreational Resources Working Paper provided findings to address Goal 8. The 1981 Plan was enacted on January 28, 1981 with Ordinance No. 850 and is a Special Purpose Plan of the County's acknowledged Rural Comprehensive Plan. The updated Parks & Open Space Master Plan will serve as a refinement to the acknowledged 1981 Parks Master Plan. Where there are more specific goals, strategies, or site recommendations in the updated Parks & Open Space Master Plan than the 1981 Parks Master Plan, the 2018 refinement plan will supersede.

These findings of fact focus on the updated Parks & Open Space Master Plan. Where specifically applicable, findings of fact also address the 1994 HBRA Master Plan or HBRA Habitat Management Plan. This approach is based on the fact that while the plans are proposed as discrete Special Purpose Plans of the RCP, the updated Parks & Open Space Master Plan will serve as the overarching parks plan for the areas of the County outside urban growth boundaries. As a refinement plan to the 1981 Parks Master Plan, it is intended as one of the primary plan elements to address Statewide Planning Goal 8. The updated Parks & Open Space Master Plan includes the HBRA and as a site recommendation, direction that the HBRA efforts should follow the guidance of the HBRA Master Plan and HBRA Habitat Management Plan. Additionally, the HBRA Master Plan was adopted in 1994 within the Eugene-Springfield Metropolitan Area General (Metro) Plan. Ordinance No. PA 1281 enacted on June 4, 2013, has since amended the Metro Plan boundary such that it is coterminous with the City of Springfield Urban Growth Boundary east of Interstate 5.

As a result of this amendment, HBRA is no longer included within the Metro Plan boundary. This amendment is only proposed to add the HBRA Master Plan formally to the RCP. Finally, the HBRA Habitat Management Plan has in general been prepared to implement components of the Parks & Open Space Master Plan and HBRA Master Plan.

II. LANE CODE CRITERIA

LC 12.005 Purpose.

(1) The board shall adopt a comprehensive plan. The general purpose of the comprehensive plan is the guiding of the social, economic, and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare.

Finding 1. The Board adopted the RCP with Ordinance No. 884, and the proposed amendments do not affect its acknowledged status beyond updating and adding parks and open space plan elements. The amendments will not impair the purpose of the Rural Comprehensive Plan as the guiding document for Lane County.

LC 12.050 Method of Adoption and Amendment

(1) The adoption of the comprehensive plan or an amendment to such plan shall be by an ordinance.

Finding 2. The proposed amendments will be adopted by Ordinance when enacted by the Board.

(2) The Board may amend or supplement the comprehensive plan upon a finding of:
(a) an error in the plan; or
(b) changed circumstances affecting or pertaining to the plan; or
(c) a change in public policy; or
(d) a change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 above.

Finding 3. The Parks & Open Space Master Plan is an updated strategic planning document for county-managed parks and open spaces located throughout the county. It contains updated opportunities and needs analyses, goals and strategies, future site considerations, and implementation strategies. The Habitat Management Plan for Lane County's HBRA Habitat Management Plan is intended to provide guidance on conserving and managing a diversity of native habitats and species in the Howard Buford Recreation Area (HBRA) while effectively meeting demand for low intensity recreational use of the park, as provided for in the 1994 HBRA Master Plan. Adoption of these plans is needed per LC 12.050(2)(b) through (d).

The 1994 HBRA Master Plan, first adopted as a refinement plan to the Eugene-Springfield Metropolitan Area General Plan (Metro Plan), is now proposed for adoption to the Rural Comprehensive Plan (RCP) to reflect the fact that HBRA is no longer located within the Metro Plan boundary. Adoption of this plans is needed per LC 12.050(2)(b).

LC 16.400 Rural Comprehensive Plan Amendments

(4) Rural Comprehensive Plan Described. The Rural Comprehensive Plan of Lane County shall consist of the following components:

(b) Special Purpose Plans.

(iii) Parks and Open Space Plan (Adopted by Ordinance No. 850).

Finding 4. A text amendment to Lane Code 16.400(4)(iii) is proposed to add a reference to the updated Lane County Parks & Open Space Master Plan adopted with Ordinance No. PA 1364, which is a refinement to the 1981 Parks Master Plan adopted by Ordinance No. 850. Text amendments to Lane Code 16.400(4) are also proposed to add references to adoption of the HRBA Habitat Management Plan and 1994 HBRA Master Plan as Special Purpose Plans of the RCP.

(5) Interrelationship of Plan Components. New Comprehensive Plan components shall include a description of relationship to other Plan components within the respective Plan category and to the overall Rural Comprehensive Plan. Existing Plan components not containing such a description of relationship shall, at the next update of that Plan, be amended to include such a description.

Finding 5. The purpose of this Ordinance is to adopt the updated Parks & Open Space Master Plan, HRBA Habitat Management Plan, and 1994 HBRA Master Plan as Special Purpose Plans of the RCP. The RCP and Recreational Resources Working Paper describe the relationship between the 1981 Parks Master Plan and other plan elements. The updated Parks & Open Space Master Plan includes site recommendations for the HBRA, recommending following the guidance of the HRBA Master Plan and Habitat Management Plan and updating the HBRA Master Plan as needed to acquire the Willamette Confluence Preserve, increase interpretative facilities and programs, and restore the house/barn as a nature center and rustic shelter. The HBRA Habitat Management Plan will in part address guidance of the HBRA Master Plan. The proposed update to the Parks & Open Space Master Plan does not affect the relationship to other plan components as it relates primarily to RCP Goal 8 policies. Furthermore, applicable RCP policies are addressed below under Section II – Statewide Planning Goals and Rural Comprehensive Plan Policies.

(6) Plan Adoption or Amendment - General Procedures. The Rural Comprehensive Plan, or any component of such Plan, shall be adopted or amended in accordance with the following procedures:

(h) Method of Adoption and Amendment.

(i) The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.

(ii) The adoption or amendment shall be concurrent with an amendment to LC 16.400(4) above. In the case of a Rural Comprehensive Plan adoption, the Code amendment shall place such Plan in the appropriate category. In the case of a Rural Comprehensive Plan amendment, the Code amendment shall insert the number of the amending Ordinance.

Finding 6. Adoption of the Parks and Open Space Plan, HRBA Habitat Management Plan, and 1994 HBRA Master Plan as Special Purpose Plans of the RCP is by Ordinance. A concurrent amendment to LC 16.400(4) is proposed to add a reference to each of these Special Purpose Plans.

(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.

Finding 7. Compliance with Statewide Planning Goals, any applicable Oregon Administrative Rules, the RCP, and Lane Code is address by these Findings of Fact.

(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*
- (ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or*
- (iii-iii) necessary to comply with the mandate of local, state or federal policy or law; or*
- (iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; or*
- (v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.*

Finding 8. The Parks and Open Space Plan, HRBA Habitat Management Plan, and 1994 HBRA Master Plan are proposed as Special Purpose Plans, or plan elements, of the RCP. Adopting these plans will in part provide for the implementation of RCP elements. Adoption of the 1994 HBRA Master Plan is needed due to the 2013 change to Metro Plan boundary that excluded HRBA. The HRBA Habitat Management Plan is intended to conserve a diversity of native habitats and species while also meeting demand for low intensity residential use of the park. The updated Parks & Open Space Master Plan, not updated since 1981, is proposed to address identified community needs and interests that are thoroughly analyzed by the Plan.

Therefore, the amendments will comply with (ii)-(ii) and (iv)-(iv).

(9) Addition Amendment Provisions - Special Purpose Plans. In addition to the general provisions set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components classified in LC 16.400(4) above as Special Purpose Plans. Amendments to Special Purpose Plans may only be initiated by the County. Any individual, however, may request the Board to initiate such amendment. Requests must set forth compelling reasons as to why the amendment should be considered at this time, rather than in conjunction with a periodic Plan update. An offer to participate in costs incurred by the County shall accompany the request.

Finding 9. Consistent with this provision, the proposed RCP amendment has been initiated by the County.

LC 16.252 Procedures for Zoning, Re-zoning, and Amendments to Requirements.

(2) Criteria. [Amendments] shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest.

16.003 Purpose.

This chapter is designed to provide and coordinate regulations in Lane County governing the development and use of lands to implement the Lane County Rural Comprehensive Plan. To these ends, it is the purpose of this chapter to:

- (1) Insure that the development of property within the County is commensurate with the character and physical limitations of the land and, in general, to promote and protect the public health, safety, convenience and welfare.*
- (2) Protect and diversify the economy of the County.*
- (3) Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth.*
- (4) Conserve farm and forest lands for the production of crops, livestock and timber products.*
- (5) Encourage the provision of affordable housing in quantities sufficient to allow all citizens some reasonable choice in the selection of a place to live.*
- (6) Conserve all forms of energy through sound economical use of land and land uses developed on the land.*
- (7) Provide for the orderly and efficient transition from rural to urban land use.*
- (8) Provide for the ultimate development and arrangement of efficient public services and facilities within the County.*
- (9) Provide for and encourage a safe, convenient and economic transportation system within the County.*
- (10) Protect the quality of the air, water and land resources of the County.*
- (11) Protect life and property in areas subject to floods, landslides and other natural disasters and hazards.*
- (12) Provide for the recreational needs of residents of Lane County and visitors to the County.*
- (13) Conserve open space and protect historic, cultural, natural and scenic resources.*
- (14) Protect, maintain, and where appropriate, develop and restore the estuaries, coastal shorelands, coastal beach and dune area and to conserve the nearshore ocean and continental shelf of Lane County.*

Finding 10. LC 16.252(2) is addressed here to the extent that LC 16.252 is applicable to an amendment to LC 16.400(4). Per LC 16.003 Purpose, LC Chapter 16 is designed to provide regulations in Lane County governing the development and use of lands to implement the Lane County Rural Comprehensive Plan. LC 16.400(6)(h)(ii) provides specific direction that a Lane Code amendment is required concurrent with the adoption of a Special Purpose Plan. Therefore, amendments to LC 16.400(4) are proposed to add references to the Special Purpose Plans proposed for adoption in order to fully implement the proposed RCP amendment. The proposed amendments will support implementation of the updated Parks & Open Space Master Plan and HRBA Master Plan that are intended to provide for the recreational needs of residents of Lane County and visitors to the County, identified at LC 16.003(13).

Pertinent RCP policies are addressed below under Section II – Statewide Planning Goals and RCP Policies. Given that the proposed amendments are generally consistent with Statewide Planning Goals and RCP Policies, and with the purpose of LC Chapter 16, the proposed amendments are not contrary to the public interest.

III. STATEWIDE PLANNING GOALS & RURAL COMPREHENSIVE PLAN POLICIES

Statewide Planning Goal 1: Citizen Involvement

Finding 11. The proposed amendment to the Rural Comprehensive Plan is subject to the Type IV legislative decision-making process, entailing public hearings before both the Lane County Planning Commission and Board of County Commissioners that allow opportunity for public comment. Notice of the public hearing will be published in the Register Guard at least 21 days prior

to each hearing. For the Planning Commission public hearing, notice was published on October 16, 2018. Notice of post-acknowledgement plan amendment was provided to Department of Land Conservation and Development on October 1, 2018, more than 35 days prior to the first evidentiary hearing. Additionally, public hearing notice signs will be posted at HBRA.

Finding 12. Both the Parks and Open Space Master Plan and HRBA Habitat Management Plan provide a comprehensive overview of their respective planning processes and public involvement efforts.

Drafting of the updated Parks & Open Space Master Plan was the result of ongoing guidance from a 23-member Task Force, supported by the Parks Advisory Committee (PAC) and Project Management Team (PMT), and several opportunities for community input. The Task Force members were selected to represent diverse interests and the County's six regions (Coast, Siuslaw, North Valley, McKenzie River/East Lane, and South Valley). The Task Force, PAC, and PMT reviewed and distilled previous planning data and collaborated to identify issues, assets, and opportunities within the County's parks and open space system. The assets and opportunities were then refined into three service provision scenarios. Public comment on the scenarios was welcomed and received through an online questionnaire, community workshops, and interactive activities at the 2017 Lane County Fair. Community priorities were incorporated into the Master Plan vision and goals.

Drafting of the HRBA Habitat Management Plan was guided by a Technical Advisory Group consisting of staff from various local, state, and federal agencies and organizations as well as Friends of Buford Park & Mt Pisgah, a non-profit 501c3 organization. Additionally, Lane County, in collaboration with Friends, sought public input during the development of this Habitat Management Plan through multiple outreach methods. Input from the public was essential to ensure that the resulting plan addresses the needs and perspectives of park visitors and stakeholders.

Statewide Planning Goal 2: Land Use Planning

RCP Goal 2, Policy 3: All products of the County Planning process shall be made available for public review and comment and shall be adopted through the hearings process.

Finding 13. Goal 2 requires local governments to establish processes and policies for land use decisions. Land use decisions are to be made in accordance with a comprehensive plan, and jurisdictions are to adopt suitable implementation ordinances that put the plan's policies into force and effect. Lane County has an adopted comprehensive plan and land use regulations that comprise the planning program required by Goal 2. This is a post-acknowledgement plan amendment to update the Parks & Open Space Plan and add the HBRA Master Plan and HBRA Habitat Management Plan as elements of the RCP only. Lane County's acknowledged RCP and land use program will otherwise be unaffected.

This post-acknowledgement plan amendment will follow the County's process for a Type IV procedure pursuant to Lane Code Chapter 14, Lane Code 12.050, and Lane Code 16.400, ensuring consistency with Goal 2.

Consistent with RCP Goal 2, Policy 3, compliance with Statewide Planning Goal 1 for this project will ensure that all products of the planning process will be available for public review and input.

Statewide Planning Goal 3: Agricultural Lands

Finding 14. Goal 3 defines "agricultural lands" and requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Lane County has an acknowledged Exclusive Farm Use (EFU) Zone and lands were appropriately designated through Ordinance No. 884 and subsequent post-acknowledgement plan amendments. No amendment to the RCP plan diagram or zone change is proposed at this time.

Several existing parks are located within the EFU zone. The updated Parks & Open Space Master Plan proposes no new parks at this time specifically, but does propose guiding goals and strategies and site recommendations. Per ORS 215.213(2)(e), public parks are a conditional use subject to ORS 215.296 that requires Planning Director review. Any future park development within the EFU zone will be subject to the procedures and criteria of LC 16.212, which will ensure consistency with Goal 3.

The HBRA is designated "Parks" on the RCP and consistent with that designation, is zoned Park and Recreation (PR). It is not designated as agricultural lands and no plan diagram amendment is proposed. Therefore, Goal 3 does not apply to the proposed HBRA plans.

RCP Goal 3, Policy 16: Recreational activities in the Park and Recreation (PR/RCP) Zone District within agricultural areas that are outside lands for which a built or committed exception to a Statewide Planning Goal has been taken shall be limited to those uses consistent with Statewide Planning Goals 3 and 4.

Finding 15. As mentioned above, while it includes certain site recommendations, the Parks and Open Space Plan proposes no new parks at this time. The Park and Recreation Zone has been developed and adopted in a manner to achieve consistency with this policy. Several existing parks are zoned PR and any park improvements or development within that zone will continue to be subject to the criteria of that zone, ensuring consistency with Goal 3 for areas not within an acknowledged built or committed exception area.

Statewide Planning Goal 4: Forest Lands

Finding 16. Like agricultural lands, Goal 4 defines "forest lands" and requires counties to inventory such lands. This has been completed and no amendment to the RCP plan diagram or zone change is proposed at this time.

Several existing parks are located within the County's F-1 Non-Impacted Forest Lands and F-2 Impacted Forest Lands zones. Per OAR 660-006-0025(4)(f), public parks are a conditional use that include only those uses specified under OAR 660-034-0035 or 660-034-0040, whichever is applicable. The updated Parks & Open Space Master Plan proposes no new parks at this time, but does propose site recommendations. Any future park development in the F-1 or F-2 zone will need to comply with LC 16.210 or LC 16.211 as applicable, ensuring compliance with Goal 4.

The HBRA is designated "Parks" on the RCP and consistent with that designation, is zoned Park and Recreation (PR). It is not designated as forest lands and no plan diagram amendment is proposed. Therefore, Goal 4 does not apply to the proposed HBRA plans.

RCP Goal 4, Policy 9: Recreational activities in the Park and Recreation (PR/RCP) Zone District within resource areas that are outside lands for which a built or committed

exception to a Statewide Planning Goal has been taken shall be limited to those uses consistent with Statewide Planning Goals 3 and 4.

Finding 17. The standards of the PR zone will ensure consistency with Goal 4 for the same reasons that they ensure consistency with Goal 3. See **Finding 15** above, incorporated herein by reference.

Statewide Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

Finding 18. The Recreational Resources Working Paper addressed portions of Goal 5 compliance including Wilderness Area, Open Space, Scenic and Visual Resources, Oregon Recreational Trails, and Wild and Scenic Rivers, at the direction of LCDC to provide that analysis.

The Working Paper found that wilderness areas in Oregon are federally managed and Lane County has no direct jurisdiction over such areas. Forest zoning of wilderness areas will pay homage to the concept of County “protection” of those areas, but in practical fact they are out of the realm of County authority. The County can become involved in National Forest management and planning through forests’ planning processes, and wilderness areas were mapped.

Open space was considered to be agricultural or forest lands, other lands in resource-production use, as well as parks and significant natural areas. Agricultural and forest lands were designated with the Rural Comprehensive Plan. The 1981 Parks Master Plan provided strategies in the form of goal and policy statements for providing open space, particularly in developed areas, and analyzed Goal 5 open space requirements in Chapter V and VIII. The updated Parks & Open Space Master Plan does not plan for acquisition of specific parks at this time, but provides guiding goals and strategies that must be achieved if new sites are acquired in the future. In the event that the priorities of the 1981 Parks Master Plan and updated Parks & Open Space Master Plan conflict, the more specific goals and strategies of the updated Plan will supersede.

The Working Paper acknowledged the complexities of inventorying Scenic and Visual Resource areas, and provided discussion and guidelines for further analysis. The updated Parks & Open Space Master Plan is not anticipated to affect the Working Paper findings on Scenic and Visual Resource areas.

The Working Paper focused on Oregon Parks and Recreation and Oregon Department of Transportation trail projects to address the Goal 5 Recreational Trails component, while acknowledging the County’s involvement in those trail projects is limited and that trail development may be subject to the legal requirements of zoning. Therefore, the trails inventory is largely inapplicable to the County’s local park planning efforts.

The Goal 5 Wild and Scenic Rivers component acknowledged that scenic waterways are designated by the State and federal government, listing some waterways that were identified for potential future inclusion in the State/federal system, some of which (e.g. Upper McKenzie River) have since been added. The updated Parks & Open Space Master Plan does not affect that inventory and any future park development within scenic waterways would be subject to compliance with Lane Code and Oregon Scenic Waterways OARs.

Therefore, in general, the Parks & Open Space Master Plan continues to be consistent with portions of Goal 5 related to recreation. For the reasons described above, those portions of Goal 5 either appear to be inapplicable to the proposed amendment or the proposed amendment will be consistent with the County’s original analysis in the Working Paper and 1981 Parks Master Plan.

This amendment will only serve to adopt to the RCP the updated Parks & Open Space Master Plan as a refinement to the 1981 Parks Master Plan, the 1994 HBRA Master Plan, and the HBRA Habitat Management Plan. These plans do not include a change in plan designation or zoning that would allow for any greater intensity of use than currently allowed under the County's adopted zoning and development regulations. While the updated Parks & Open Space Master Plan recommends some changes in park activities and uses, those changes are still recreational in nature and expected to be compatible with existing parks and therefore, conflicts that must be addressed with an ESEE analysis are not anticipated. Adoption of the 1994 HBRA Master Plan is only proposed to reflect the fact that the Howard Buford Area is now in rural Lane County and not the Eugene-Springfield Metropolitan General Plan Area. The HBRA Habitat Management plan does not propose development that could be considered a conflict with Goal 5 inventoried resources.

Therefore, this amendment is consistent with Statewide Planning Goal 5 and it does not appear further Goal 5 analysis is required.

Flora & Fauna RCP Goal 5, Policy 2: Recognize existing federal and state programs protecting threatened or endangered fish and wildlife species.

Flora & Fauna RCP Goal 5, Policy 3: Through the use of County regulations including zoning, seek to minimize the adverse impacts of land use changes on sensitive species (those susceptible to significant population declines resulting from habitat modification).

Flora & Fauna RCP Goal 5, Policy 17: Lane County recognizes that Douglas fir old growth stands provide valuable and unique wildlife habitat and will encourage the Forest Service and Bureau of Land Management to maintain acreage in this age class sufficient to ensure viable populations of dependent wildlife species.

Finding 19. In general, strategies and site recommendations in the updated Parks & Open Space Master Plan call for natural resource stewardship including managing invasive species, native planting, increasing riparian barriers, and protecting nesting sites and rare plants.

The HBRA Habitat Management Plan includes several goals related to ecological preservation and enhancement, with recognition of sensitive plant and riparian species. The HBRA Habitat Management Plan considered in its methodology conservation targets that include priority ecological communities or habitat types found within HBRA, as well as endangered, threatened, or at-risk native plant and animal species. The HBRA Habitat Management Plan calls for targeted thinning or removal of conifers in some areas where mixed with oaks, with recognition that conifers such as Douglas fir have increased in density and compete with other habitats such as rare oak woodlands and savannas. Areas of conifers proposed for removal are not old growth stands and compliance with Flora & Fauna RCP Goal 5, Policy 17 can be achieved in other, appropriate locations of the county. Furthermore, the Conservation Vision for the park states that “conifer and mixed forest shall be retained and enhanced in upland portions of HBRA, particularly in portions of the park that historically supported forest conditions.” Page 29 of the Habitat Management Plan indicates that 377 acres of the park are projected to be vegetated with conifer forest following implementation of the HMP. These areas may develop old growth conditions over time, though not within the 15 year time span of the HMP.

Therefore, the proposed amendments appear to be consistent with the applicable policies of Flora & Fauna RCP Goal 5.

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

Finding 20. Water quality is achieved through avoidance and/or control of soil erosion, re-establishment of vegetation upon development, and compliance with Department of Environmental Quality (DEQ) standards. Air quality and noise mitigation is achieved through partnership programs with and compliance with the standards of Lane Regional Air Pollution Authority (LRAPA) and DEQ. Any park development or activities called for in the proposed plans will be consistent with Goal 6 by complying with any applicable DEQ, LRAPA, or other local, state, and federal standards or programs.

Statewide Planning Goal 7: Areas Subject to Natural Hazards

Finding 21. Various natural hazards including flooding, seismic and tsunami activity, existing or potential landslide, wildfire, and coastal erosion exist and are mapped within Lane County. Lane County is a qualified participant in the Federal Flood Insurance Program. To the extent required by State and Federal requirements, Lane County has adopted regulations for safeguard against natural hazards in Lane Code, primarily but not limited to for flood risk, wildfire risk in forest zones, and coastal erosion. Future park development or activities within mapped hazard areas will be subject to compliance with the corresponding regulations of LC Chapter 16 and thus, consistency with Goal 7 is achieved.

Statewide Planning 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.

Finding 22. Goal 8 is primarily achieved with the County's Parks and Open Space Master Plan. The 1981 Plan was enacted on January 28, 1981 with Ordinance No. 850 and is a Special Purpose Plan of the County's acknowledged Rural Comprehensive Plan. The 1981 Parks Master Plan and Recreational Resources Working Paper addressed Goal 8. As further described below, the 1981 Parks Master Plan provided detailed recreational needs analysis and goals aimed at providing adequate recreational facilities in the county to meet projected need.

The updated Parks & Open Space Master Plan will serve as a refinement to the acknowledged 1981 Parks Master Plan, supplementing the 1981 plan with goals, strategies, and site-specific recommendations that will serve to support further investment in County park facilities. The updated Parks & Open Space Master Plan notes that no specific new park sites are proposed at this time. New sites may be acquired on an opportunity basis where they advance Master Plan goals and are consistent with Master Plan strategies.

Where there are more specific goals, strategies, or site recommendations in the updated Parks & Open Space Master Plan than the 1981 Parks Master Plan, the 2018 refinement plan will supersede.

Guidelines for Goal 8

A. PLANNING

1. An inventory of recreation needs in the planning area should be made based upon adequate research and analysis of public wants and desires.

2. An inventory of recreation opportunities should be made based upon adequate research and analysis of the resources in the planning area that are available to meet recreation needs.

Finding 23. The 1981 Parks Master Plan evaluated the proposed expansion of existing facilities based on population projections (to 1995) and the results of a needs assessment that was conducted with surveys and public hearing outreach. The proposed Parks and Open Space Plan is an update and refinement to the 1981 Parks Master Plan, and the original analysis and findings of the 1981 Plan will retain adopted status.

The updated plan was informed by a detailed opportunities and needs analyses in Chapter 2 and 3. Detailed research and analysis of recreational resources, issues, and opportunities is provided in Chapter 2 of the Plan. Chapter 3 of the Parks and Open Space Master Plan describes the history of early outreach efforts and recent public engagement that has supported the development of the proposed Plan and identification of public needs and desires. In 2016 to 2017, public feedback was solicited through an online questionnaire, series of community workshops, and interactive activities at the County Fair. Outreach results were analyzed and revealed themes in community needs and priorities, and that analysis informed the development of Plan goals, strategies, and site recommendations.

3. Recreation land use to meet recreational needs and development standards, roles and responsibilities should be developed by all agencies in coordination with each other and with the private interests. Long range plans and action programs to meet recreational needs should be developed by each agency responsible for developing comprehensive plans.

Finding 24. The updated Parks & Open Space Master Plan has been developed in close coordination with the Parks Master Plan Task Force, Parks Advisory Committee, and Parks staff after robust community engagement efforts. It will serve as the guiding long range document for parks throughout the county. Staff note that several parks are located within other UGB planning areas (e.g. Florence, Dunes City, and the Metro Plan), and the Rural Comprehensive Plan and its elements only apply to rural Lane County areas located outside urban growth boundaries.

4. The planning for lands and resources capable of accommodating multiple uses should include provision for appropriate recreation opportunities.

Finding 25. While new sites may be acquired on an opportunity basis where they advance Master Plan goals and strategies, the updated Parks & Open Space Master Plan does not propose new parks at this time. The updated Plan identifies sites capable of accommodating various uses and potential future treatments for each Lane County park site. Site recommendations are intended to provide high-level guidance on the type of future improvements and development that are appropriate for each site, based on the current function of the park and its desired future use. By identifying appropriate treatments for specific parks, uses within each park will be provided appropriate recreation opportunities.

5. The State Comprehensive Outdoor Recreation Plan could be used as a guide when planning, acquiring and developing recreation resources, areas and facilities.

Finding 26. As discussed in Chapter 3 of the Parks and Open Space Master Plan, themes and findings from past public outreach as well as outreach findings from 2011 Oregon Statewide Comprehensive Outdoor Recreation and Park Plan (SCORP) survey findings for the Lane County region informed a technical analysis of Lane County's park system to test areas that are most suitable for Lane County park services. Park classifications in the Plan were derived from SCORP classifications, but customized for Lane County according to industry standards and best practices.

6. When developing recreation plans, energy consequences should be considered, and to the greatest extent possible non-motorized types of recreational activities should be preferred over motorized activities.

Finding 27. In general, the 1981 Parks Master Plan considered energy consequences (e.g. the proximity of parks to transit and demands on transportation) in its subarea plans while also noting that energy sources are considered in federal and state energy inventories. The updated Parks & Open Space Master Plan further demonstrates consistency with the above Goal 8 guideline by calling for improved access, wayfinding, and connectivity to parks for bicyclists and pedestrians in addition to vehicles. Additionally, Plan strategies include advocating for and helping advance planned State, regional, and city trails, and on-street bike routes that advance the network. See Strategy 2.1; 2.3.

7. Planning and provision for recreation facilities and opportunities should give priority to areas, facilities and uses that
(a) Meet recreational needs requirements for high density population centers,
(b) Meet recreational needs of persons of limited mobility and finances,
(c) Meet recreational needs requirements while providing the maximum conservation of energy both in the transportation of persons to the facility or area and in the recreational use itself,
(d) Minimize environmental deterioration,
(e) Are available to the public at nominal cost, and
(f) Meet needs of visitors to the state.

Finding 28. This guideline was addressed in Chapters II through IV of the 1981 Parks Master Plan. The updated Parks & Open Space Master Plan further demonstrates consistency with the above Goal 8 guideline in Chapter 4 - Vision, Goals and Strategies. Chapter 4 includes strategies that promote ADA accessibility, connection to parks via bike routes and trails, protection of the natural environment, and regional tourism, for example. Additionally, site recommendations are provided for targeted sites, including existing parks located near population centers.

8. Unique areas or resources capable of meeting one or more specific recreational needs requirements should be inventoried and protected or acquired.

Finding 29. This guideline was addressed in Chapters V through VI of the 1981 Parks Master Plan. The Recreational Resources Working Paper and 1981 Parks Master Plan inventoried wilderness areas, scenic areas, and historic areas. The 1981 Parks Master Plan addressed areas of special concern including the Greenway and historic sites and archeological resources. The updated Parks & Open Space Master Plan provides a comprehensive inventory of existing parks and their variety and function, and provides updated goals and strategies, as well as site recommendations for existing parks. The updated Plan does alter the assumptions of the 1981 Parks Master Plan that addressed this Goal 8 guideline.

9. All state and federal agencies developing recreation plans should allow for review of recreation plans by affected local agencies.

Finding 30. As stated in the 1981 Parks Master Plan, the County processes its park development plans according to the review program found in Oregon's Recreation Resource Program developed by State Parks.

10. Comprehensive plans should be designed to give a high priority to enhancing recreation opportunities on the public waters and shorelands of the state especially on existing and potential state and federal wild and scenic waterways, and Oregon Recreation Trails.

Finding 31. The 1981 Parks Master Plan stated that Lane County has given high priority to enhancing opportunities on public waters and shorelands and intends to do so in the future.

As noted in the updated Parks & Open Space Master Plan, many of the County's existing parks are clustered near water bodies, including the Pacific Ocean and several rivers and reservoirs. While new sites may be acquired on an opportunity basis where these advance Master Plan goals and are consistent with Master Plan strategies, no new parks are proposed at this time. The updated Parks & Open Space Master Plan identifies potential site treatments for 29 water access parks, natural areas, and other park areas located in close proximity to water resources.

11. Plans that provide for satisfying the recreation needs of persons in the planning area should consider as a major determinant, the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

Finding 32. The 1981 Parks Master Plan called for balancing recreation development with carrying capacity of the land and environmental quality. It included a study on "carry capacity" that, as noted in the Parks Master Plan, has been followed in development and acquisition program decisions. The updated Parks & Open Space Master Plan at this time does not propose specific park site acquisition. To the extent that park expansion or improvements or new park development is in the future proposed, Lane Code Chapter 16 will ensure compliance with development standards related to floodplain, riparian resources, agricultural and forest land impacts, and other criteria and development standards related to carrying capacity.

RCP Goal 8, Policy 1: Lane County shall use the adopted Parks Master Plan as its chief guide for recreational development and service provision, to be supplemented by information obtained from the US Forest Service, the State Department of Transportation, the State Marine Board and other agencies.

Finding 33. The Parks Master Plan has served as the chief guide for recreational development and service. The updated Parks & Open Space Master Plan will continue to serve that role as a refinement to the 1981 Parks Master Plan.

RCP Goal 8, Policy 2: Private recreational development in areas predominated by public recreational amenities and facilities shall be encouraged, provided that development is complimentary to or supplements public facilities.

Finding 34. Consistent with this policy, the updated Parks & Open Space Master Plan contains various policies addressing and supporting the presence of existing park vendors, concessionaires, and private/non-profit recreation providers at County sites. Additionally, site recommendations include “formalized partnership,” which involves developing a memorandum of understanding or other formalized agreement with site partners. This site recommendation is listed where appropriate for specific parks.

RCP Goal 8, Policy 3: Proposals for major recreational developments which exceed projected needs contained in the Recreational Working Paper of the Parks Master Plan shall be accompanied by a demand analysis.

Finding 35. This is a refinement only to the adopted Parks Master Plan. No major recreational developments or new parks are proposed at this time. A needs analysis was provided in the 1981 Parks Master Plan. Therefore, a new or revised demand analysis is not required.

RCP Goal 8, Policy 4: Increase recreation opportunities, as needed, throughout the County.

Finding 36. The updated Parks & Open Space Master Plan provides strategic goals and site recommendations that provide guidance on future investment in and management of existing parks. Additionally, several strategies support park improvements, increased park access, and expanded activities that would increase recreational opportunities. No new parks are proposed at this time; however, sites may be acquired on an opportunity basis where these advance the Master Plan goals and strategies.

RCP Goal 8, Policy 5: Encourage private recreational development as an important component of the County's total supply of recreational facilities and services.

Finding 37. The 1981 Parks Master Plan found that there were 13 public and private agencies that supply parks and/or recreational facilities in the County. The called for cooperating with other public and private agencies in planning park developments, taking an active role in public and private recreational industry, as well as encouraging the development of recreational facilities via private enterprise.

Chapter 2 of the updated Parks & Open Space Master Plan provides an inventory of existing parks throughout the County, noting that County Parks are interspersed among parks provided by a variety of other jurisdictions. Also see **Finding 34** above, incorporated herein by reference.

RCP Goal 8, Policy 6: Encourage the development of recreation facilities in community development centers.

Finding 38. After evaluating population projection data, the 1981 Parks Master Plan recognized and planned for the need for parks near populated areas. While the updated Parks & Open Space Master Plan does not plan for the development of specific new parks, several existing parks within Lane County that are recognized by the updated Parks & Open Space Master Plan are located near community or developed centers.

RCP Goal 8, Policy 7: Encourage the development of environmentally compatible tourist and recreational facilities which enhance the economic prospects of rural areas while serving the recreational needs of tourists and County residents.

Finding 39. Goal 4 of the updated Parks & Open Space Master Plan prioritizes creating a strategic and holistic park management approach that balances local and site needs with opportunities to create economic benefits or generate revenue to re-invest into parks. At the same time, Strategy 3.1 of the updated Parks & Open Space Master Plan recommends enhancing targeted parks as community outdoor recreation destinations. Strategy 3.3 prioritizes “nature play” as the preferred approach for play areas at Lane County park sites that would provide a range of experiences that reflect the local ecosystem and landscape. Goal 5, in part, prioritizes sustaining and protecting natural resources. When applied together, compliance with these goals and strategies will achieve consistency with the above policy.

Additionally, the HBRA Habitat Management Plan includes “Visitor Experience” as one of the conservation targets identified in the plan, which incorporates the concept of environmentally-compatible recreation facilities.

RCP Goal 8, Policy 8: Continue development of a Countywide system of paths and trails for nonmotorized travel--pedestrian, bicycle and equestrian--interconnection development centers, recreation sites and scenic areas.

Finding 40. Consistent with this policy, Strategy 2.2 of the updated Parks & Open Space Master Plan recommends enhancing connections to parks via bike routes and trails. Additionally, Strategy 2.5 recommends improved connectivity and access within Lane County parks by improving paths and trails in addition to roads. Strategy 2.6 recommends improvements to trailheads.

RCP Goal 8, Policy 9: Increase public access to public outdoor recreation sites that can tolerate the pressure of increased use.

Finding 41. Investment in specific sites is proposed in the updated Parks & Open Space Master Plan that considers the distribution and equity of recreation options, respecting the unique character and assets at specific sites, and building on sites with existing access, infrastructure, and opportunities to improve recreation experiences. The Plan includes various strategies intended to increase park usage and site recommendations for new or expanded park activities. The Plan takes into consideration the unique nature and amenities of each park and recommends tailored site recommendations, while at the same time proposing strategies and site recommendations for natural resource protection.

RCP Goal 8, Policy 10: Encourage public and private participation to increase access to waterways, where needed, without infringing upon private property rights.

Finding 42. Community input for the updated Parks & Open Space Master Plan indicated that Lane County Parks are best known for their water access, trail, and nature experiences, and residents look to Lane County Parks to support each of these. Additionally, access to the County’s rivers, creeks, reservoirs, and coast continue to be a top priority. Goal 1 strategies in the Plan include opportunities for collaboration with residents, volunteers, interest groups, educational providers, businesses, and local, state, and federal agencies to expand, enhance, interpret, provide, and protect parks, natural areas, trails, and recreation opportunities. Several parks are inventoried as “water access” parks, and various activities related to water access are proposed as site recommendations.

RCP Goal 8, Policy 11: Encourage exchange of public lands of comparable value to offset acquisition of private lands for public use.

Finding 43. It does not appear that the goals and strategies of the updated Parks & Open Space Master Plan would restrict future exchange of public lands.

RCP Goal 8, Policy 12: *The County should develop additional guidelines to encourage the private lease and development of existing County-owned land for public recreational facilities.*

Finding 44. The updated Parks & Open Space Master Plan contains various policies addressing and supporting the presence vendors, concessionaires, and private/non-profit recreation providers at County sites, consistent with this policy. Additionally, site recommendations include “formalized partnership,” which involves developing a memorandum of understanding or other formalized agreement with site partners.

Statewide Planning Goal 9: Economic Development

RCP Goal 9, Policy 9: *Tourism shall be considered as a base industry having high potential for growth throughout the County. Development of facilities oriented towards tourists shall be given maximum support within the framework of these policies.*

RCP Goal 9, Policy 10: *As a stimulus to the tourist industry, the County shall maintain and where possible, improve public recreational facilities such as parks, boat ramps, etc. Wherever possible, private operations and contracts will be used in these endeavors.*

Finding 45. Goal 4 of the updated Parks & Open Space Master Plan includes strategies intended to generate economic vitality, including strategies that support tourism. Strategy 4.1 prioritizes collaborating with Travel Lane County and other regional tourism initiatives. Strategy 4.5 prioritizes cultivating and growing relationships with local businesses, hospitality industry and private sector recreation providers, including outdoor recreation manufacturers and retailers headquartered or with significant presence in Lane County. The goals, strategies, and site recommendations of the Plan address maintenance and improvement of existing parks and water access parks, and as addressed in **Finding 34**, consideration is also given to private operations and contracts.

Statewide Planning Goal 10: Housing

Finding 46. The purpose of Goal 10 is to ensure the provision of adequate numbers of housing units and the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process to reduce housing costs. Goal 10 buildable lands requirements apply only within urban growth boundaries. Goal 10 is not applicable to adoption of a local parks master plan.

Statewide Planning Goal 11: Public Facilities and Services

Finding 47. Goal 11 calls for the efficient planning of public services such as sewers, water, law enforcement, and fire protection. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. Counties shall develop and adopt community public facility plans regulating facilities and services for certain unincorporated communities outside urban growth boundaries as specified by Commission rules.

RCP Goal 11, Policy 6: Land designations and service levels:

Park or Recreation (PR)

Description: Lands or buildings devoted to public or semi-public recreational use. Included are such uses as golf courses, parks, reservoirs and surrounding land, etc.

Service Level: No minimum level of services is established for Park or Recreation areas outside committed areas. Service level for Park or Recreation areas inside committed areas shall be consistent with that level required for the Community or committed area outside of a Community.

Finding 48. Except for Park or Recreation areas inside committed areas, no minimum level of service is required.

Parks in areas zoned Park and Recreation (PR) are subject to LC 16.215. In goal exception areas in the PR Zone, conditional uses must demonstrate that the proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs. In the Rural Park and Recreation (RPR) Zone implemented with LC 16.295, uses in developed and committed exception areas require a Type II land use application and must address that the carrying capacity of the soil or of the existing water supply resources and sewer service is not exceeded. Future development in the PR or RPR zone will need to comply with the applicable standards of those zones.

Statewide Planning Goal 12: Transportation

Finding 49. Notice has been provided to Lane County Transportation Planning and Oregon Department of Transportation and staff is awaiting response.

However, the updated Parks & Open Space Master Plan states no specific new park sites are proposed at this time. Future acquisition would need to comply with the Plan goals and strategies. Goals, strategies, and specific site recommendations will apply to existing parks. Staff note that certain strategies and site recommendations call for various activities such as increased rentals at Camp Lane, environmental education programming, expanded camping options in the Lane County parks system, and certain program provider or park-hosted events. However, these activities are recreational in nature, similar to existing park uses throughout Lane County, and no great increase in vehicular trip generation is expected as a direct result of the Plan. Additionally, any future park development will be subject to the zoning of that park, and compliance with adopted County zoning will ensure park uses will in general remain rural as opposed to urban in nature. Therefore, significant affects to an existing or planned transportation facility are unlikely.

Statewide Planning Goal 13: Energy Conservation

Finding 50. Goal 13 requires local governments to consider the effects of its comprehensive planning decision on energy consumption. Energy consumption resulting from parks and open space planning can be attributed to vehicular travel to/from/within parks and heating and lighting of park facilities.

In general, the 1981 Parks Master Plan considered energy consequences (e.g. the proximity of parks to transit and demands on transportation) in its subarea plans while also noting that energy sources are considered in federal and state energy inventories.

The updated Parks & Open Space Master Plan further demonstrates consistency with the above Goal 8 guideline by calling for improved access, wayfinding, and connectivity to parks for bicyclists and pedestrians in addition to vehicles. Additionally, Plan strategies include advocating for and helping advance planned State, regional, and city trails, and on-street bike routes that advance the network. See *Strategy 2.1; 2.3*.

Therefore, staff find that Goal 13 has been addressed.

Statewide Planning Goal 14: Urbanization

Finding 51. Goal 14 does not apply to the amendment. Goal 14 largely applies to areas within urban growth boundaries, with the exception of certain standards that limit the scale of commercial, industrial, and residential development to prevent urban development in rural areas. It requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. Presumably, any existing Lane County park areas that are located within urban growth boundaries would be taken into consideration in cities' buildable land inventories. However, it is important to note that adoption of the proposed Parks & Open Space Master Plan to the RCP will only apply outside urban growth boundaries.

Statewide Planning Goal 15: Willamette River Greenway

RCP Goal 15, Policy 28: Public recreation use areas shall be located in or near the more populated urban areas and shall emphasize access to the river.

RCP Goal 15, Policy 30: Recreation development shall include a variety of river-oriented opportunities in urban areas but shall be limited in rural areas to those river-oriented recreation uses that are compatible with the sensitive character of the river and other important resources.

RCP Goal 15, Policy 31: Consider and minimize the possibility that public recreation use might disturb adjacent private property owners.

Finding 52. No new parks are proposed at this time with the updated Parks & Open Space Master Plan, though the Plan includes site recommendations. Where site acquisition opportunities are in the future available, future parks must be consistent with the Plan goals and strategies.

Strategy 5.6 of the Plan calls for the preservation and protection of natural resources, including increasing riparian buffers. A natural resource stewardship site recommendation is proposed that will consist of managing, maintaining, and/or restoring the natural resources and habitat to meet stewardship goals. This site recommendation also includes removing invasive plants, improving habitat, addressing wildfire hazards, and protecting tree canopy and ecological function of the park. The suitability of different park treatments has been carefully considered in the recommendation of site treatments, and the natural resource stewardship site recommendation and other site recommendations is proposed for specific parks. Additionally, any future site development of existing parks will be subject to the development standards of the zone as well as Lane Code 16.253 Riparian Regulations, which will limit potential impacts to inventoried Class 1 streams.

Given that parks identified in the Parks & Open Space Master Plan are existing, impacts of future park improvements and site recommendations are expected to be minimal. Where the 'site planning' treatment is recommended for specific parks, that treatment will include public outreach

and analysis to identify ways to best meet local and regional needs. Additionally, many zones will require application for a land use decision that requires public notice for any substantial park improvements that are proposed.

Statewide Planning Goal 16: Estuarine Resources

Statewide Planning Goal 17: Coastal Shorelands

Statewide Planning Goal 18: Beaches and Dunes

Statewide Planning Goal 19: Ocean Resources

Finding 53. Goals 16 through 19 require inventory and protection of the state's coastal resources. The County's Coastal Resource Management Plan, adopted with Ordinance No. 862 and 876, inventoried coastal resources in Lane County. The County's coastal program is implemented by Lane Code 16.234 through 16.243, which in general include land use regulations and procedures that require the protection of estuaries, shorelands, dredged material sites, and beaches and dunes. Any future park development located within coastal combining zones will be subject to Lane Code 16.234 through 16.243 as applicable, ensuring compliance with the coastal statewide planning goals.