

W. G. I. d.

DATE: April 12, 2004 (Date of Agenda Cover Memo)
April 28, 2004 (Date of First Reading)
May 12, 2004 (Date of Second Reading and Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

FROM: Public Works Department/Land Management Division

PRESENTED BY: Bill Sage, Land Management Division

AGENDA ITEM TITLE: ORDINANCE NO. 12-04 / IN THE MATTER OF AMENDING CHAPTER 16 OF LANE CODE TO REVISE THE RURAL INDUSTRIAL ZONE (RI, RCP) AND RURAL COMPREHENSIVE PLAN AMENDMENT PROVISIONS TO COMPLY WITH AMENDMENTS TO STATE LAW RELATED TO INDUSTRIAL DEVELOPMENT AND TO INDUSTRIAL ZONING OF ABANDONED OR DIMINISHED MILL SITES (LC 16.292 and 16.400)

I. MOTION

MOVE ADOPTION OF ORDINANCE NO. 12-04 WITH EXHIBITS.

II. ISSUES

1. Whether or not to amend the Comprehensive Plan Amendment section of Lane Code 16.400(10) and Lane Code 16.292(3)(o) to allow a process for plan amendments and zone changes of “abandoned or diminished mill sites” from a Farm (EFU) or Forest (F1 or F2) zoning designations to Rural Industrial (RI) zone without taking an exception to Goal 3 (Agricultural Lands), Goal 4 (Forest Lands), Goal 11 (Public Services and Facilities), or Goal 14 (Urbanization) and allowing any type or intensity of industrial use; and concurrently allowing the extension of sewer services from an urban growth boundary or unincorporated community to “mill sites” for industrial uses only. This is provided for in House Bill 2691 Section 2 and House Bill 2614-B Section 3.
2. Whether or not to amend Lane Code 16.292(3)(p) to allow industrial development of any type and intensity on a property zoned Rural Industrial (RI, RCP) located outside the Willamette Valley and west of the summit of the Coast Range. Processing of a development permit would require notice to any incorporated city, in this case the City of Florence and Dunes City, if the site was within 10 miles of their UGBs. The proposed development would require written notice to and an opportunity for the City of Florence or Dunes City to require conditions of approval to mitigate any concerns or anticipated impacts raised by either incorporated city. This provision would sunset on January 2, 2006. This is provided for in House Bill 2614-B Sections 1, 2 and 4.
3. Whether or not to amend Lane Code 16.292(3)(b)(ii) to raise the current floor area limitation for “small-scale, low impact” uses inside an “unincorporated rural community from 10,000 square feet to 40,000 square feet, and Lane Code 16.292(3)(b)(i) to raise the current floor area limitation inside an “urban

unincorporated community” from 20,000 square feet to 60,000 square feet. This is provided for in OAR 660-022-030(11). All of Lane County’s 35 unincorporated communities are or would be designated as “unincorporated rural communities”.

4. Whether or not to amend Lane Code 16.292(3)(b)(iii) to raise the current floor area limitation for “small-scale, low impact” uses in a developed & committed exception area outside of an unincorporated rural community from 7,500 square feet to 30,000 or 35,000 square feet. OAR 660-022-030(11) requires that small-scale, low impact industrial uses be “not more intensive” than industrial uses inside a designated unincorporated rural community.
5. Whether or not to adopt other proposed amendments to LC 16.292 to conform with the LCDC amendments to OAR 660-022-0030(3) and (11), and other housekeeping amendments to clarify code definitions and text.

III. DISCUSSION

A. Background

a. LCDC amendments to OAR 660-022-0030.

Lane County adopted Lane Code 16.292 (Rural Industrial Zone, RI) on April 14, 2002, which became effective countywide on May 14, 2002 for lands designated for rural industrial use in the Rural Comprehensive Plan within the eight unincorporated communities of the McKenzie Watershed or within developed & committed exception areas that were outside unincorporated communities throughout the rest of the County. LC 16.292 became effective on March 18, 2004 within the seventeen unincorporated rural communities of the Siuslaw Watershed and Long Tom Watershed with adoption by the Board of County Commissioners of the Periodic Review Work Program Tasks on February 18, 2004. LC 16.292 provisions are scheduled to become effective within the ten unincorporated communities of the Coast Fork Willamette Watershed and Middle Fork Willamette Watershed in December 2004.

In February 2003, the Governor issued two executive orders: Executive Order No. EO-03-01, Regulatory Streamlining; and Executive Order No. EO-03-02 (Industrial Lands). They are included as exhibits to Attachment “B” - Staff report to LCPC: August 21, 2003, RE: LCDC rulemaking OAR 660-022-0030.

The two Executive Orders prompted LCDC on March 21, 2003, to adopt amendments to the Unincorporated Community Rule [OAR 660-22-030(3) and (11)] to raise the floor area restrictions on “small-scale, low impact” uses to 40,000 sq. ft. in an “unincorporated rural community” and to 60,000 sq. ft. within an “urban unincorporated community”. All Lane County unincorporated communities are or would be designated as “unincorporated rural communities”. The amended OAR standards became permanent by LCDC action in August 2003.

b. House Bills: HB 2691 and HB 2614-B

The 2003 Legislative Assembly enacted two bills that significantly reduced statewide restrictions on the options for designation and development of rural industrial lands.

- (1) HB 2691 (6-10-03) and HB 2814 (8-21-03) streamlined the amendment process for rezoning a resource mill site to a nonresource designation (Rural Industrial) without taking an exception to Statewide Goal 3 (Agricultural), Goal 4 (Forest), Goal 11 (Public Facilities), or Goal 14 (Urbanization), and allows any level of industrial use without limitations to type, intensity, number or size of structures on the designated mill sites if the mill site ceased operations after January 1, 1980 or has been operating at less than 25 percent of capacity since January 1, 2003.
- (2) HB 2691 (resource) allows extension of sewer systems from an urban growth boundary or unincorporated community to the "abandoned or diminished mill sites" for industrial development.
- (3) HB 2614 (nonresource) allows extension of sewer systems from an urban growth boundary or unincorporated community to industrial zoned lands with mill sites existing on June 10, 2003.
- (4) HB 2614 also allows any industrial uses without limitations to type, intensity, number or size of structures on Rural Industrial lands west of the summit of the Coast Range as long as Florence and Dunes City are notified of the proposed use 21 days prior to a decision to approve the use, and have the option to negotiate conditions of approval to reduce anticipated concerns or impacts if the parcel or lot is within 10 miles of either city's UGB.
- (5) HB 2691 is open-ended for implementation. The development options within Rural Industrial zoned land provided for in HB 2614 and summarized in (4) above, will sunset on January 2, 2006.

B. Analysis

a. LCDC amendments to OAR 660-022-0030

The LCDC amended OAR 660-022-0030(3) in order to allow new or expanded industrial development within unincorporated communities that exceeds the current floor area limitations of Lane Code 16.292(3)(b) and (3)(v). The action primarily made three amendments concerning industrial development in unincorporated communities.

- (1) Includes "**expanded**" in addition to new industrial uses in OAR 660-022-0030(3).
- (2) Allows without any floor area limitations [OAR 660-022-0030(3)(g)] "**New uses, sited on an abandoned or diminished industrial mill site that was engaged in the processing or manufacturing of wood products, provided the uses will be located only on the portion of the mill site that was zoned for industrial uses on the effective date (October 28, 1994) of this rule.**"

This permitted use has been added as a revision to LC 16.292(3)(o). Refer to Ordinance 12-04, Exhibit A: Legislative Format -- Lane Code 16.292.

- (3) Raises the floor area limitation for small-scale, low impact industrial uses on other industrial sites. [OAR 660-022-0030(11) "**For the purposes of this section, a small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 60,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 40,000 square feet of floor space.**" This standard has been amended in the attached LC 16.292(3)(b)(i). Refer to Ordinance 12-04, Exhibit A: Legislative Format – LC 16.292.

- (4) On April 14, 2002, the 10,000 square-foot of floor space standard mandated in OAR 660-022-0030(11) inside unincorporated community boundaries to differentiate between “rural” and “urban” uses and to define “small-scale, low-impact industrial use” was adopted in Lane Code 16.292(3)(b)(i).

Lane Code 16.292(3)(b)(ii) currently limits floor area for small-scale, low impact industrial uses outside of unincorporated communities to 7,500 square-feet. The standard was adopted by the County as a clear and objective standard instead of the subjective criteria of Goal 14 to determine that industrial uses are “not more intensive” than similar rural uses allowed inside unincorporated communities.

- (5) The floor area limitation for small-scale, low impact industrial uses has been proposed by the Planning Commission and staff to be increased in LC 16.292(3)(b)(ii) from 7,500 square feet to 35,000 square feet.

The 7,500 square foot limitation adopted by the County in April 2002 represented a less intensive standard of 75% in relation to the unincorporated rural community standard of 10,000 square feet. Continuing with a 75% differential, the floor area limitation would be 30,000 square feet.

DLCD staff has established an objective standard for small-scale, low impact uses in rural commercial zones outside unincorporated rural communities through remands to Polk County and Marion County. That standard was set at 3,500 square feet or 7/8ths of the 4,000 square feet allowed inside unincorporated rural communities. That standard meets the OAR guidelines that commercial uses outside unincorporated communities “not be more intensive” and are “significantly less intensive” than inside. Using this 7/8ths standard in the Rural Industrial zone would set the floor area imitation at 35,000 square feet for rural industrial uses outside unincorporated rural communities.

An in-depth analysis of the provisions of OAR 660-022-0030(3) and (11) are included in the Attachment “B” -- Staff report to LCPC: August 21, 2003, RE: LCDC rulemaking OAR 660-022-0030.

b. House Bills: HB 2691 and HB 2614-B

To implement the options presented in the two House Bills, it is necessary to split the actions into: (a) the plan amendment processes of LC 16.400; and (b) the Rural Industrial Zone regulations of LC 16.292.

The proposed amendments in the legislative format of Lane Code 16.400 adds subsection (10). The amendment adds a process for "Designation of Abandoned or Diminished Mill Sites" as a minor plan amendment. It allows for concurrent approval of a designation from a resource zone (EFU, F1, F2) to Rural Industrial (RI, RCP) and extension of sewer facilities from a UGB or unincorporated community to serve the designated mill site and surrounding industrial uses. Refer to Exhibit "B" of Ordinance 12-04.

The proposed amendments to LC 16.292(3)(o) would allow any level of industrial uses to be sited on a designated "abandoned or diminished mill site" once it has been rezoned to Rural Industrial (RI) under a LC 16.400(10) plan amendment.

Proposed amendments LC 16.292(3)(p) would allow any level of industrial use to be sited on an RI parcel or lot located west of the summit of the Coast Range with the review and agreement of Florence and/or Dunes City if the site is within 10 miles of either city's UGB.

An in-depth analysis of the provisions of HB 2691 and HB 2614-B are included in the Attachment "C" – Staff report to LCPC: September 18, 2003, RE: HB 2691, HB 2614-B.

c. Other proposed housekeeping amendments

There are several "housekeeping" amendments in Exhibit "A", the proposed legislative format of LC 16.292. The amendments include:

- (1) Amendments to the text to make the code a little clearer in LC 16.292(2)(b)(ii), (c), (e)(ii) and (f); LC 16.292(3)(e), and (k).
- (2) A definition of "in proximity to the rural resource" has been added to LC 16.292(3)(a).
- (3) LC 16.292(3)(m) deals with the establishing of new "wrecking yards" in the Rural Industrial Zone. Proposed revision to the text has made the ownership limitation to only within the McKenzie, Siuslaw and Long Tom watersheds. The reason for this narrowing of the qualification for the ownership of the property is due to the lack of citizen involvement in the Coast Fork and Middle Fork Willamette watersheds, which is scheduled for next year. Next year at this time you will again see a revision of the text to include the ownership restriction throughout the entire county. Refer to LC 16.292(3)(m) in Ordinance 12-04, Exhibit "A".
- (4) "Signs" has been removed as an allowed use in the Class I stream riparian setback area. With this text change, the only structure allowed in the riparian setback without approval of a Modification to the standard, would be a "fence". This deletion would bring the RI zone in conformance with all other resource

(EFU, F2, F1) and nonresource zone (RR, RC, RPF) riparian regulation standards.

- (5) In LC 16.292(6)(d)(iii), the maximum surface area for a sign would be reduced from 200 square feet to 100 square feet; e.g. 5' x 20', 6' x 16.5', 8' x 12.5', or 10' x 10'.

C. Planning Commission Recommendation

The Lane County Planning Commission (LCPC) held two public hearings that included the proposed amendments to Lane Code 16.292. The hearings were held on October 21, 2003 and November 4, 2003. In deliberations on December 16, 2003 and January 20, 2004, the LCPC took the following actions:

- a. Unanimously (7-0) supported a recommendation for adoption of a 40,000 square foot floor limitation for rural industrial uses within an unincorporated rural community and 60,000 square feet floor limitation within an urban unincorporated community;
- b. Unanimously (7-0) supported a recommendation for adoption of a 35,000 square foot floor limitation for rural industrial uses outside unincorporated communities;
- c. Unanimously (7-0) supported a recommendation for adoption of the addition of LC 16.292(3)(o) implementing HB 2691 Section 2 and HB 2614-B Section 3 provisions allowing any type or level of industrial uses on an "abandoned or diminished mill site" that has been rezoned from a resource zone to Rural Industrial (RI).
- d. Unanimously (7-0) supported a recommendation for adoption of the addition of LC 16.400(10) plan amendment criteria and process for rezoning an "abandoned or diminished mill site" from a resource zone to Rural Industrial Zone (RI), and for concurrent approval of the extension of sewer facilities to the industrial site.
- e. Supported (5-2) a recommendation for the adoption of LC 16.292(3)(p) for implementing HB 2614-B Sections 1, 2 and 4 to allow any type or level of industrial uses on parcels zoned Rural Industrial (RI) in Lane County west of the summit of the Coast Range. The Commission's discussion concerning the proposed amendment centered on:
 - (1) HB 2614B, Sections 1, 2, and 4 are repealed on January 2, 2006, with the potential to create "nonconforming uses" and "structures" in the Rural Industrial Zone that could exceed the "small-scale, low impact" standards and not be redevelopable were the initial use(s) to be abandoned;
 - (2) HB 2614B, Sections 1, 2, and 4 eliminates the fundamental difference between "urban" and "rural" uses in the Statewide Goals and Guidelines and implementing OAR provisions.
- f. Unanimously (7-0) supported a recommendation for adoption of the "housekeeping" amendments to clarify code definitions and text in LC

16.292(3)(a); LC 16.292(2)(b)(ii), (c), (e)(ii) and (f); LC 16.292(3)(e), (k) and (3)(m).

D. Alternatives/Options

1. Adopt Ordinance No. 12-04.
2. Do not adopt Ordinance No. 12-04.
3. Provide direction to staff concerning the proposed language of the proposed amendments the Board wishes to modify or does not support.

E. Recommendation

Staff recommends Alternative 1., above.

F. Timing

The Ordinance does not contain an emergency clause.

IV. FINDINGS

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

V. IMPLEMENTATION / FOLLOW-UP

- A. Notice of the action will be provided to DLCD.

VI. ATTACHMENTS

- A. Ordinance No. 12-04.
- B. Staff report to LCPC: August 21, 2003, RE: LCDC rulemaking OAR 660-022-0030.
- C. Staff report to LCPC: September 18, 2003, RE: HB 2691, HB 2614-B.
- D. LCPC minutes: October 21, 2003; November 4, 2003; December 16, 2003; January 20, 2004.

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 12-04

IN THE MATTER OF AMENDING CHAPTER 16 OF LANE CODE TO REVISE THE RURAL INDUSTRIAL ZONE (RI, RCP) AND RURAL COMPREHENSIVE PLAN AMENDMENT PROVISIONS TO COMPLY WITH AMENDMENTS TO STATE LAW RELATED TO INDUSTRIAL DEVELOPMENT AND TO INDUSTRIAL ZONING OF ABANDONED OR DIMINISHED MILL SITES (LC 16.292 and 16.400)

The Board of County Commissioners of Lane County ordains as follows:

Chapter 16 of Lane Code is hereby amended by removing, substituting and adding new sections as follows:

REMOVE THESE SECTIONS

16.292
as located on pages 16-528 through 16.533
(a total of 6 pages)

16.400
as located on pages 16-543 through 16.547
(a total of 5 pages)

INSERT THESE SECTIONS

16.292
as located on page 16-528 through 16-535
(a total of 8 pages)

16.400
as located on pages 16-543 through 16.548
(a total of 6 pages)

Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to revise the Rural Industrial Zone (RI, RCP) and Rural Comprehensive Plan Amendment provisions to comply with amendments to state law related to industrial development and to industrial zoning of abandoned or diminished mill sites (LC 16.292 and 16.400).

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

ENACTED this _____ day of _____ 2004.

Chair, Board of County Commissioners

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 4-8-2004 Lane County


OFFICE OF LEGAL COUNSEL

(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 16.291(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 existing or planned 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 16.291(6)(b) and (c) below.

(b) Class 1 Stream Riparian Setback Area. 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) 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 along Class I streams designated for riparian vegetation protection by the Rural Comprehensive Plan must comply with the provisions of LC 16.253(2).

(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.

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

(v) Signs shall advertise uses and development that are permitted by LC 16.291(2)(a) through (j) or (3)(a) through (c-c) above and that are conducted on the same premises where the signs are located; or

(vi) Signs located in an area designated by the RCP as an unincorporated community shall advertise uses and development that are located in the same community where the signs are located and that are permitted by LC Chapter 16.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02)*

RURAL INDUSTRIAL ZONE (RI, RCP) RURAL COMPEHENSIVE 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) 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 semi public 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, services and improvements that are authorized by OAR 660-012-0065(3) and (4).

(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 (p) below, are allowed subject to: submittal of a land use application for the proposed uses or developments pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.292(4)(a) through (g) below and elsewhere in this chapter of Lane Code; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

(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.

(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 LC16.292(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:

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

(ii) If located within the McKenzie, Siuslaw or Long Tom Watersheds, 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 that has been rezoned to Rural Industrial Zone (RI, RCP) pursuant to the plan amendment process of 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) and (p) below, "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) Any level of industrial uses on a parcel or lot that was zoned for industrial uses on June 10, 2003, subject to compliance with the territorial and notice requirements of LC 16.292(3)(p)(i) through (v), below. Industrial uses pursuant to LC 16.292(3)(p) can occur outside on the parcel or lot or in a building or combination of buildings of any size or type.

(i) The parcel or lot is located outside the Willamette Valley and west of the summit of the Coast Range;

(ii) The parcel or lot is located more than three miles outside the urban growth boundary of every city with a population of 15,000 individuals or more;

(iii) The parcel or lot is located outside the urban growth boundary of every city with a population of fewer than 15,000 individuals; and

(iv) When the Director considers action under LC 16.292(3)(p) on a parcel or lot within 10 miles of the urban growth boundary of any city, the Director shall give written notice to the city at least 21 days prior to issuing a decision; and

(v) If the city objects to the authorization of the proposed industrial development, the Director shall negotiate with the city to establish conditions on the industrial development or changes in the development necessary to mitigate concerns raised by the city's objection.

(vi) LC 16.292(3)(p) is repealed on January 2, 2006. Any submitted application pursuant to LC 16.292(3)(p) received by the Director prior to January 2, 2006, that has been determined to be complete when first submitted or within

the time allowed for submission of requested additional material pursuant to LC 14.050, shall be processed by the Director in compliance with LC 14.050(5) and LC 14.100. Processing of timely submitted applications beyond the repeal date of January 2, 2006, shall not extend beyond January 2, 2007.

(q) 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.

(r) 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.

(4) Criteria. New uses or development allowed by LC 16.292(3)(a) through (k) and (n) through (p) 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 existing and planned 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) Class I Stream Riparian Setback Area. 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) 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 along Class I streams designated for riparian vegetation protection by the Rural Comprehensive Plan must comply with the provisions of LC 16.253(2).

(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.

(v) Signs shall advertise uses and development that are conducted on the same premises where the signs are located and that are permitted by LC 16.292(2) or (3) above; or

(vi) Signs located in an area designated by the RCP as an unincorporated community shall advertise uses and development that are located in the same community where the signs are located and that are permitted by LC Chapter 16.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02)*

**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) Rural Transportation Plan (Adopted by Ordinance No. 3-80).

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

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

(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).

(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 LC 14.300.

(ii) Notice of the time and place of hearing shall be given, pursuant to LC 14.300.

(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 LC 14.300.

(ii) Notice of the time and place of the hearing shall be given pursuant to LC 14.300.

(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 LC 14.300.

(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 LC 14.050.

(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 Nonresource 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 of an application pursuant to LC 14.050 and after review and approval of the application pursuant to 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)*

Ordinance No. 12-04
Exhibit "A"
Findings of Fact

Finding 1. Lane Code 16.400(6)(i): This subsection of Lane Code requires that the adoption of amendments to the Rural Comprehensive Plan, and components thereto, be by ordinances. The adoption of Ordinance 12-04 would amend the Lane Code 16.292 and Lane Code 16.400 of the Rural Comprehensive Plan by ordinance and therefore complies with this code requirement.

Finding 2. Lane Code 16.400(6)(h)(iii)(aa) requires Ordinance 12-04 to comply with applicable state laws and the Statewide Planning Goals. Based on the findings below, Ordinance 12-04 complies with applicable state laws and Statewide Planning Goals.

- a. Statewide Planning Goal 2 requires, "Opportunities shall be provided for review and comment by citizens during the preparation, review and revision of plans and implementation ordinances." Lane County provided the opportunities identified below for citizens to review and comment on the preparation, review and revision of Ord. 12-04. These opportunities were adequate to comply with Goal 2.
 - At least 60 days in advance of the Board of County Commissioners' public hearing on May 12, 2004, Land Management Division (LMD) provided copies of the draft changes to the public in citizen information meetings in the rural communities of Crow (September 9, 2003), Mapleton (October 14, 2003), Elmira (October 16, 2003), to explain and discuss the proposed changes to Lane Code 16.292 Rural Industrial Zone (RI, RCP) and Lane Code 16.400 Comprehensive Plan Amendments (RCP).
 - Display ads advertising a series of citizen information meetings including the time and place of the meetings for citizens to hear explanations by the LMD of the proposed Lane Code 16.292 Rural Industrial Zone (RI, RCP) and Lane Code 16.400 Comprehensive Plan Amendments (RCP) changes and where citizens could get additional information, appeared in local periodicals on the following dates: August 22, August 25, September 2, 2003, *The Register Guard*; September 4, 2003, *Eugene Weekly*; September 4, 2003, *West Lane News*, *Tri-County News*.
 - Display ads advertising a series of citizen information meetings and Lane County Planning Commission (LCPC) public hearings including the time and place of the meetings and hearings and where citizens could get additional information, appeared in local periodicals on the following dates:
 - October 8, 2003, *The Siuslaw News*;
 - October 9, 2003, *Eugene Weekly*;
 - October 16, 2003, *West Lane News*, *Tri-County News*;
 - A legal ad was published in the *The Register-Guard* on October 7, 2003 providing notice of the LCPC public hearing in Harris Hall of the Lane County Public Service Building on October 21, 2003.

- A legal ad was published in the *The Register-Guard* on October 14, 2003 providing notice of the LCPC public hearing in the Mapleton High School Cafeteria on November 4, 2003.
 - Beginning September 15, 2003, copies of the proposed changes to RCP Goal 2 Policies to implement changes to Lane Code 16.292 Rural Industrial Zone (RI, RCP) and Lane Code 16.400 Comprehensive Plan Amendments (RCP), were available at the LMD for distribution to citizens.
 - On October 21, 2003, LCPC held a public hearing in Harris Hall of the Lane County Public Service Building in Eugene to receive citizen comments on proposed amendments to Lane Code Chapter 16.292 and Lane Code 16.400.
 - On November 4, 2003, LCPC held a public hearing in Mapleton High School Cafeteria in Mapleton to receive citizen comments on proposed amendments to Lane Code Chapter 16.292 and Lane Code 16.400.
 - On January 22, 2004, at least 30 days in advance of the Board of County Commissioners' May 12, 2004 public hearing, LMD mailed to the Oregon Department of Land Conservation and Development (DLCD) a 30-day Periodic Review notice of the hearing and pending adoption, and two copies of the proposed changes to Lane Code 16.292 Rural Industrial Zone (RI, RCP) and Lane Code 16.400 Comprehensive Plan Amendment (RCP).
 - At least 20 days in advance of the May 12, 2004 hearing, a legal ad was published in the *The Register-Guard* (on April 9, 2004) providing notice of the Board of Commissioners' public hearing in the Commissioners Conference Room of the Lane County Public Service Building on May 12, 2004.
 - On May 12, 2004, a public hearing was held by the Board of Commissioners in the Commissioners Conference Room of the Lane County Public Service Building of Eugene to receive citizen comments on the proposed changes to Lane Code 16.292 Rural Industrial Zone (RI, RCP) and Lane Code 16.400 Comprehensive Plan Amendments.
- b. Ordinance 12-04 acknowledges the amendments by Oregon Land Conservation & Development Commission to Oregon Administrative Rule 660-022-0030 and implements the amended provisions in Lane Code 16.292 Rural Industrial Zone (RI, RCP).
 - c. Ordinance 12-04 acknowledges House Bill 2691 and House Bill 2614-B provisions for amending zoning designations for "abandoned or diminished mill sites" and for the development of industrial lands as defined and provided for in the Acts, and implements the provisions in Lane Code 16.292 Rural Industrial Zone (RI, RCP) and Lane Code 16.400 Comprehensive Plan Amendments.
 - d. Ordinance 12-04 acknowledges citizen comments received during citizen information meetings, written testimony submitted into the record, and testimony during the Lane County Planning Commission public hearings on October 21, 2003 and November 4, 2003.
 - e. Ordinance 12-04 acknowledges citizen testimony received during the Lane County Board of Commissioners public hearing on May 12, 2004.

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Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
16.292 Lane Code

LEGISLATIVE
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16.292

(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 16.291(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 existing or planned 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 16.291(6)(b) and (c) below.

(b) Class I Stream Riparian Setback Area. 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) 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 along Class I streams designated for riparian vegetation protection by the Rural Comprehensive Plan must comply with the provisions of LC 16.253(2).

(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.

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

(v) Signs shall advertise uses and development that are permitted by LC 16.291(2)(a) through (j) or (3)(a) through (c-c) above and that are conducted on the same premises where the signs are located; or

(vi) Signs located in an area designated by the RCP as an unincorporated community shall advertise uses and development that are located in the same community where the signs are located and that are permitted by LC Chapter 16.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. *(Revised by Ordinance No. 6-02, Effective 5.16.02)*

RURAL INDUSTRIAL ZONE (RI, RCP) RURAL COMPEHENSIVE 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

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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) 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** ~~ministerial~~ application for verification of compliance. And, the Director shall determine if the addition to an industrial structure complies with ~~this condition~~ **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 is not illuminated~~; 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 semi public 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

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(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 or tract 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, services and improvements that are authorized by OAR 660-012-0065(3) and (4) and that are part of an adopted Transportation System Plan.

(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 (mp) below, are allowed subject to: submittal of a land use application for the proposed uses or developments pursuant to LC 14.050; compliance with the applicable land use requirements of LC 16.292(4)(a) through (g) below and elsewhere in this chapter of Lane Code; and review and approval of the land use application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and the opportunity for appeal.

(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) ~~Manufacturing~~ **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;** ~~10,000 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 an unincorporated rural 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** ~~7,500 square feet of floor area in any one or combination of buildings on the same parcel or lot located in an area that is not designated by the RCP as an unincorporated rural community by the RCP.~~

(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.**

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(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) ~~or through~~ (iii) above.

(f) Outdoor advertising exceeding the requirements of LC 16.292(6)(ed) 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.

(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 ~~found determined~~ by the Director to be clearly similar to the uses permitted by LC 16.292(3)(a) through (g) above. ~~Such a finding shall be made by the Director, and~~ **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:**

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(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.

~~For a use similar to one permitted by LC 16.292(3)(b) above, the use shall not include any new building that exceeds 10,000 square feet of floor area if the building is located in an area designated by the RCP as an unincorporated community, or 7,500 square feet of floor area if the building is located outside an 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~~**single-family** dwelling, **manufactured or mobile home** for a caretaker that meets the following conditions:

(i) The ~~single-~~**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-~~**single-family** dwelling, **manufactured or mobile home** for the caretaker will be located; and

(iii) The ~~single-family~~**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:

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

(ii) ~~Be~~ **located within the McKenzie, Siuslaw or Long Tom Watersheds,** ~~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; and

(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 that has been rezoned to Rural Industrial Zone (RI, RCP) pursuant to the plan amendment process of 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) and (p) below,

“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) Any level of industrial uses on a parcel or lot that was zoned for industrial uses on June 10, 2003, subject to compliance with the territorial and notice requirements of LC 16.292(3)(p)(i) through (v), below. Industrial uses pursuant to LC 16.292(3)(p) can occur outside on the parcel or lot or in a building or combination of buildings of any size or type.

(i) The parcel or lot is located outside the Willamette Valley and west of the summit of the Coast Range;

(ii) The parcel or lot is located more than three miles outside the urban growth boundary of every city with a population of 15,000 individuals or more;

(iii) The parcel or lot is located outside the urban growth boundary of every city with a population of fewer than 15,000 individuals; and

(iv) When the Director considers action under LC 16.292(3)(p) on a parcel or lot within 10 miles of the urban growth boundary of any city, the Director shall give written notice to the city at least 21 days prior to issuing a decision; and

(v) If the city objects to the authorization of the proposed industrial development, the Director shall negotiate with the city to establish conditions on the industrial development or changes in the development necessary to mitigate concerns raised by the city’s objection.

(vi) LC 16.292(3)(p) is repealed on January 2, 2006. Any submitted application pursuant to LC 16.292(3)(p) received by the Director prior to January 2, 2006, that has been determined to be complete when first submitted or within the time allowed for submission of requested additional material pursuant to LC 14.050, shall be processed by the Director in compliance with LC 14.050(5) and LC 14.100. Processing of timely submitted applications beyond the repeal date of January 2, 2006, shall not extend beyond January 2, 2007.

(q) 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.

(r) 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.

(4) Criteria. New uses or development allowed by LC 16.292(3)(a) through (k) and (n) through (p) 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.

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(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 existing ~~or~~ and planned 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) Class I Stream Riparian Setback Area. 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) 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 along Class I streams designated for riparian vegetation protection by the Rural Comprehensive Plan must comply with the provisions of LC 16.253(2).

(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 ~~200~~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.

(v) Signs shall advertise uses and development that are conducted on the same premises where the signs are located and that are permitted by LC 16.292(2) or (3) above; or

(vi) Signs located in an area designated by the RCP as an unincorporated community shall advertise uses and development that are located in the same community where the signs are located and that are permitted by LC Chapter 16.

(e) Parking. Off street parking shall be provided in accordance with LC 16.250. (*Revised by Ordinance No. 6-02, Effective 5.16.02*)

**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) Rural Transportation Plan (Adopted by Ordinance No. 3-80).

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

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

(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).

(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 LC 14.300.

(ii) Notice of the time and place of hearing shall be given, pursuant to LC 14.300.

(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 LC 14.300.

(ii) Notice of the time and place of the hearing shall be given pursuant to LC 14.300.

(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 LC 14.300.

(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 LC 14.050.

(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 Nonresource 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 of an application pursuant to LC 14.050 and after review and approval of the application pursuant to 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.

||At right margin indicates changes
Bold indicates material being added
~~Strikethrough~~ indicates material being deleted
16.400 Lane Code

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(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.

(4011) 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)*

DATE: August 21, 2003
October 7, 2003 (LCPC Work Session)
October 21, 2003 (First LCPC Public Hearing)
November 4, 2003 (Second LCPC Public Hearing)
December 16, 2003 (LCPC Deliberations)

TO: LANE COUNTY PLANNING COMMISSION

FROM: Bill Sage/Land Management Division

AGENDA ITEM TITLE: IN THE MATTER OF AMENDING LANE CODE CHAPTER 16.292, RURAL INDUSTRIAL ZONE (RI, RCP) TO COMPLY WITH OREGON LAND CONSERVATION & DEVELOPMENT COMMISSION AMENDMENTS TO OAR 660-22-030(3) & (11) (UNINCORPORATED COMMUNITY RULE).

I. ISSUE

On March 21, 2003, the Oregon Land Conservation and Development Commission (LCDC) adopted a temporary planning rule amending the Unincorporated Community Rule, OAR 660-22-030(3) and (11), regarding industrial uses and standards within unincorporated communities of the State of Oregon. LCDC's action was in response to the Office of the Governor's Executive Order No. 03-01 (Regulatory Streamlining) and Executive Order No. 03-02 (Industrial Lands).

By adopting this temporary rule and conducting a formal rule making to make these changes permanent within 180 days, LCDC is reducing a regulatory barrier to locating new industries within unincorporated communities as requested by the Governor in the two attached executive orders. Refer to Exhibit D: Executive Order No. EO-03-01, Regulatory Streamlining; and Exhibit E: Executive Order No. EO-03-02.

The amended uses and standards in the Unincorporated Community Rule result in Lane Code 16.292 being more restrictive on allowable industrial development than OAR 660-022-0030(3) and (11).

Lane County has two options concerning the development standards within unincorporated communities:

- A. Amend Lane Code 16.292 uses and standards to comply with OAR 660-022; or
- B. Retain the more restrictive uses and standards.

Lane County also has the option to amend or retain the floor area limitations of LC 16.292(3)(b)(ii) and 16.292(3)(k)(v), which were adopted in April 2002, as an objective standard for industrial uses in developed & committed exception areas outside unincorporated communities.

II. DISCUSSION

A. Background

Lane County adopted Lane Code 16.292 (Rural Industrial Zone, RI) on April 14, 2002, which became effective countywide on May 14, 2002 for lands designated for rural industrial use in the Rural Comprehensive Plan within Developed & Committed Exception Areas that were outside Unincorporated Communities, and within the eight Unincorporated Communities of the McKenzie Watershed. LC 16.292 is scheduled to become effective upon adoption by the Board of County Commissioners of the Periodic Review Work Program within the seventeen Unincorporated Communities of the Siuslaw Watershed and Long Tom Watershed in the latter part of December 2003. LC 16.292 provisions are scheduled to become effective within the nine Unincorporated Communities of the Coast Fork Willamette Watershed and Middle Fork Willamette Watershed in December 2004.

B. Analysis of OAR provisions

The LCDC temporary rule amends OAR 660-022-0030(3) in order to allow new or expanded industrial development within unincorporated communities that exceeds the current floor area limitations of Lane Code 16.292(3)(b) and (3)(v). The attached temporary rule primarily made three amendments concerning industrial development in unincorporated communities. Refer to Exhibit C: LCDC (March 21, 2003) amendments to OAR 660-022

- Includes "**expanded**" in addition to new industrial uses in OAR 660-022-0030(3).
- Allows without any floor area limitations [OAR 660-022-0030(3)(g)] "**New uses, sited on an abandoned or diminished industrial mill site that was engaged in the processing or manufacturing of wood products, provided the uses will be located only on the portion of the mill site that was zoned for industrial uses on the effective date (October 28, 1994) of this rule.**" This permitted use has been added as a revision to LC 16.292(3)(o). Refer to Exhibit A: Legislative Format -- Lane Code 16.292 (Proposed).
- Raises the floor area limitation for small-scale, low impact industrial uses on other industrial sites. [OAR 660-022-0030(11)] "**For the purposes of this section, a small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 60,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 40,000 square feet of floor space.**" This standard has been amended in the attached LC 16.292(3)(b)(i). Refer to Exhibit A: Legislative Format – LC 16.292 (Proposed).

On April 14, 2002, the 10,000 square-feet of floor space standard mandated in OAR 660-022-0030(11) inside unincorporated community boundaries to differentiate between "rural" and "urban" uses and to define "small-scale, low-impact industrial use" was adopted in Lane Code 16.292(3)(b)(i). Lane Code 16.292(3)(b)(ii) currently limits floor area for small-scale, low impact industrial uses outside of unincorporated communities to 7,500 square-feet. The standard was adopted by the County as a clear and objective standard instead of the subjective criteria of Goal 14 to determine what industrial uses are "not more intensive" than similar rural uses allowed inside unincorporated communities.

The floor area limitation for small-scale, low impact industrial uses has been proposed to be increased in LC 16.292(3)(b)(ii) from 7,500 square feet to 30,000 square feet. This standard continues to acknowledge the mandated need to not allow more intensive uses outside unincorporated communities than inside.

C. Other proposed changes

Several housekeeping changes are proposed to make the code a little clearer in LC 16.292(2)(b)(ii), (c), (e)(ii) and (f); LC 16.292(3)(e), and (k).

A definition of “in proximity to the rural resource” has been added to LC 16.292(3)(a).

The criteria of LC 16.292(3)(m) for the siting of wrecking yards have been expanded to include review criterion 16.292(3)(m)(vi) to protect public health and limit potential environmental impacts. A qualifier was added to LC 16.292 (3)(m)(ii) to restrict the standard to just the McKenzie, Siuslaw and Long Tom Watersheds since they are the only geographical areas where we have conducted Periodic Review work sessions and public hearings. You will have the option to review this issue again in 2004 and decide whether or not to apply it in the Middle Fork-Willamette and Coast Fork-Willamette watersheds.

References to “signs” being allowed within road right-of-way setbacks and the riparian setback area have been deleted.

The surface area for a sign has been reduced from 200 square feet to 100 square feet.

D. Alternatives/Options

1. Forward a recommendation to the Board of County Commissioners for adoption of amendments to LC 16.292(2) and (3);
2. Forward a recommendation to the Board of County Commissioners to retain the more restrictive development standards of LC 16.292.

III. Exhibits

- A. Legislative Format: LC 16.292 (Draft amendments implementing LCDC temporary rule amendments and housekeeping amendments are included in *Exhibit “A” Legislative Format* of the companion agenda cover memo to LCPC dated September 18, 2003, concerning HB 2691 and HB 2614-B.
- B. DLCD: Findings of Fact –Temporary Rule Adoption (March 6, 2003)
- C. LCDC: Temporary Rule Amendments to OAR 660-022 (March 21, 2003)
- D. Executive Order No. EO-03-01 (Regulatory Streamlining)
- E. Executive Order No. EO-03-02 (Industrial Lands).



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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March 6, 2003

TO: Land Conservation and Development Commission

FROM: Nan Evans, Director *JEK for NE*

SUBJECT: **Agenda Item 6, Temporary Rule Amendment for the Planning and Zoning of Industrial Sites within Unincorporated Communities (OAR 660-022-0030(3) and (11))**



RECOMMENDATION

Adopt the proposed temporary rule that repeals requirements in OAR 660, Division 22 that limit new industrial uses inside unincorporated communities.

PURPOSE

This temporary rule removes requirements from OAR 660-022-0030(3) that demand various levels of analysis in order to allow new industrial development within unincorporated communities that exceeds the 10,000 and 20,000 square foot building size limitation. By adopting this temporary rule and conducting a formal rule making to make these changes permanent within 180 days, the commission is reducing a regulatory barrier to locating new industries within unincorporated communities as requested by the Governor in the two attached executive orders.

REQUIRED FINDINGS FOR TEMPORARY RULE ADOPTION

In order to adopt a temporary rule, the commission must adopt findings addressing the factors in ORS 183.335(5) and (6). (See attachment A)

TEMPORARY RULE AMENDMENTS TO OAR 660-022-0030(3) and (11)

(NOTE: New language is shown in bold/italic/underline and deleted language is shown in ~~strikethrough~~)

"Planning and Zoning of Unincorporated Communities

(1) For rural communities, resort communities and urban unincorporated communities, counties shall adopt individual plan and zone designations reflecting the projected use for each property (e.g., residential, commercial, industrial, public) for all land in each community. Changes in plan or zone designation shall follow the requirements to the applicable post-acknowledgment provisions of ORS 197.610 through 197.625.

(2) County plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this division.

(3) County plans and land use regulations may authorize ~~only the following new~~ or expanded industrial uses in unincorporated communities provided:

~~(a) The U uses on the site authorized under Goals 3 and 4;~~

~~(b) Expansion of a use existing on the date of this rule;~~

~~(c) Small-scale, low impact uses;~~

~~(d) Uses that require proximity to rural resource, as defined in OAR 660-004-0022(3)(a);~~

~~(e) New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule; or,~~

~~(b) If sewer and water such services are not available to the site, the uses will not exceed the capacity of the site itself to provide water and absorb sewage;~~

~~(f) New uses more intensive than those allowed under subsection (a) through (e) of this section, provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure:~~

~~(A) That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;~~

~~(B) That such uses would not rely upon a work force served by uses within urban growth boundaries; and~~

~~(C) That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.~~

(4) County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities:

(a) Uses authorized under Goals 3 and 4;

(b) Small-scale, low impact uses;

(c) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

(5) County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as provided in subsections (a) through (c) of this section:

(a) Any number of new motel and hotel units may be allowed in resort communities;

(b) New motels and hotels up to 35 units may be allowed in an urban unincorporated community, rural service center, or rural community if the unincorporated community is at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, regardless of its proximity to any other UBG;

(c) New motels and hotels up to 100 units may be allowed in any urban unincorporated community that is at least 10 mile from any urban growth boundary.

(6) County plans and land use regulations shall ensure that new uses authorized within unincorporated communities do no adversely affect agricultural or forestry uses.

(7) County plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c).

(8) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:

(A) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and

(B) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

(9) County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts.

(10) For purposes of this section, a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or building not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4, 000 square feet of floor space.

~~(11) For purposes of this section, a small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 20,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 10,000 square feet of floor space."~~

ATTACHMENT A**FINDINGS OF FACT ADDRESSING ORS 183.335(5) and (6)**

An agency may adopt, amend or suspend a rule without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, if the agency prepares a report responding to several factors. Each of these factors ((a) through (e)) are listed below, along with the department's response:

(a) A statement of its finding that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its finding of prejudice:

Response to (a): Oregon's economy is in distress. The current rule provisions in OAR 660-022-0030(3) imposes obligations on counties to conduct various analyses to allow industrial structures beyond the sizes specified in the definition of small-scale, low-impact found in OAR 660-022-0030(11). These requirements have become an impediment to completing unincorporated community planning, and thus, designating and zoning lands for industrial uses within unincorporated communities. By removing these requirements by adopting a temporary rule, LCDC has responded promptly to avoid serious prejudice to the public interest and to respond to the current economic crisis regarding the state's short-term industrial lands supply as conveyed by Governor Kulongoski in Executive Order EO-03-02.

(b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule:

Response to (b): Pursuant to ORS 197.040 and ORS 183.335(5) and (6), LCDC has the authority to adopt and amend its rules by adopting temporary rules. This action is consistent with Governor Kulongoski's Executive Orders on **Regulatory Streamlining (EO-03-01)** and on **Industrial Lands (EO-03-02)**. Both of these executive orders direct agencies to look at their rules to see if they can be streamlined to promote economic development and jobs.

(c) A statement of the need for the rule and a statement of how the rule is intended to meet the need:

Response to (c): Based on the state's economic crisis as declared by the governor in his first two executive orders, there is a need to remove impediments that delay or prevent the establishment of new or expansion of existing industrial uses within this state. Current rules limit certain industrial uses to a maximum square footage of floor area (i.e., 20,000 square feet within urban unincorporated communities and 10,000 square feet in

other communities or rural centers). The temporary rule repeals the square footage standard and requires only that new industrial uses not exceed the capacity of water and sewer available to the site or if such services are not available to the site, the site has the capacity itself to provide water and adsorb sewer.

(d) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection:

Response to (d): A report prepared for state legislators and interested parties titled, *Sufficiency of Commercial and Industrial Land in Oregon, December 2001*, as required by the 2001 Legislature under HB 3557, provides additional justification for this temporary rule beyond the two executive orders previously mentioned. One of the policy recommendations mentioned in this report requests the LCDC to "examine state land use policies regarding near-term land supply" (Chapter 6 Recommendations, p. 76). This temporary rule would reduce requirements for authorizing new industrial uses within unincorporated communities, thus assisting the state in addressing the immediate economic crisis.

(e) For agencies specified in ORS 183.530, a housing cost impact statement as defined in ORS 183.534:

Response to (e): The Land Conservation and Development Commission is listed in ORS 183.530(3) and thus, required to prepare a housing cost impact statement for any rule making activity. The temporary rule does not apply to lands zoned for residential use. Thus, it does not directly affect or reduce opportunities for housing on lands designated for residential use. If industrial uses are located on those sites designated for industrial use in unincorporated communities, demand for housing and thus, housing costs maybe affected in a manner similar to any location where a new industry is established.

Note: A rule adopted under the provisions listed above is temporary and may be effective for a period of not longer than 180 days. Such rule adoption does not preclude the subsequent adoption of a permanent rule adopted under ORS 183.335(1) through (4) that is identical to a temporary rule adopted under the above provisions (ORS 183.335(6)(a)).

Referenced: Executive Order No. EO-03-01, Regulatory Streamlining
Executive Order No. EO-03-02, Industrial Lands
Sufficiency of Commercial and Industrial Land in Oregon Report

Exhibit C – LCDC (March 21, 2003) amendments to OAR 660-022

TEMPORARY PLANNING RULE REGARDING INDUSTRIAL USES WITHIN UNINCORPORATED COMMUNITIES

**Adopted by the
Land Conservation and Development Commission
On March 21, 2003**

OAR 660-022-0030

Planning and Zoning of Unincorporated Communities

(1) For rural communities, resort communities and urban unincorporated communities, counties shall adopt individual plan and zone designations reflecting the projected use for each property (e.g., residential, commercial, industrial, public) for all land in each community. Changes in plan or zone designation shall follow the requirements to the applicable post-acknowledgment provisions of ORS 197.610 through 197.625.

(2) County plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this division.

(3) County plans and land use regulations may authorize only the following new or expanded industrial uses in unincorporated communities:

(a) Uses authorized under Goals 3 and 4;

(b) Expansion of a use existing on the date of this rule;

(c) Small-scale, low impact uses;

(d) Uses that require proximity to rural resource, as defined in OAR 660-004-0022(3)(a);

(e) New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage;

(f) New uses more intensive than those allowed under subsection (a) through (e) of this section, provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure:

(A) That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;

(B) That such uses would not rely upon a work force served by uses within urban growth boundaries; and

(C) That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.

(g) New uses, sited on an abandoned or diminished industrial mill site that was engaged in the processing or manufacturing of wood products, provided the uses will be located only on the portion of the mill site that was zoned for industrial uses on the effective date (October 28, 1994) of this rule.

(4) County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities:

(a) Uses authorized under Goals 3 and 4;

(b) Small-scale, low impact uses;

(c) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

(5) County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as provided in subsections (a) through (c) of this section:

(a) Any number of new motel and hotel units may be allowed in resort communities;

(b) New motels and hotels up to 35 units may be allowed in an urban unincorporated community, rural service center, or rural community if the unincorporated community is at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, regardless of its proximity to any other UBG;

(c) New motels and hotels up to 100 units may be allowed in any urban unincorporated community that is at least 10 mile from any urban growth boundary.

(6) County plans and land use regulations shall ensure that new or expanded uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.

(7) County plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c).

(8) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:

(A) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and

(B) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

(9) County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts.

(10) For purposes of this section, a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or building not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4, 000 square feet of floor space.

(11) For purposes of this section, a small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding ~~60,000~~ 20,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding ~~40,000~~ 10,000 square feet of floor space.

Effective Upon Filing

Authority: ORS 183.355(5) and (6) and ORS 197.040.

Office of the Governor State of Oregon



EXECUTIVE ORDER NO. EO 03-01

REGULATORY STREAMLINING

Pursuant to my authority as Governor of the State of Oregon, I find that:

Oregon's economy is in distress. To meet this challenge, it is my highest priority over the next four years to facilitate the growth of jobs and stimulate the economy. The private sector is the engine of growth for the economy. As such, my economic development agenda seeks to create a stable climate for investment and a secure environment for business.

Governmental regulatory programs serve important goals in protecting Oregon citizens and making our state a better place to live. But over time, regulatory processes can become outdated and inflexible. When this happens, those regulations impose unnecessary burdens on those who are regulated. Moreover, overlapping regulations and those which are inconsistently applied can result in confusion, wasted time, and duplication of effort.

The state must become more efficient and accountable to facilitate the growth of jobs and create a business suitable environment as well as to appropriately protect its citizens and our quality of life. To enable the private sector to more easily do business, and to encourage economic investment and opportunity in Oregon, state government must streamline its regulatory processes and eliminate duplicative practices. To continue protecting Oregon and our quality of life, streamlining must be accomplished without compromising necessary standards in areas such as environmental protection, land use, consumer rights, and health and safety.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. All state agencies that regulate business activities in Oregon shall review their regulations and regulatory processes and identify opportunities to streamline those processes to reduce regulatory burdens without compromising regulatory standards. A reviewing agency shall look for ways to achieve:
 - a. Consistency in interpretation and predictability in application of regulations on a statewide basis;
 - b. Flexible and problem-solving approaches in applying regulatory requirements, while maintaining compliance with underlying standards;
 - c. Better coordination and communication where government agencies have overlapping regulatory authority;



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- d. Faster resolution of conflicting standards;
 - e. More timely, understandable and fair permit and approval processes;
 - f. Elimination of any unnecessary paperwork, reporting or review requirements;
 - g. "User-friendly" processes, including increased use of technology to facilitate doing business with government; and
 - h. Rapid implementation of necessary changes to regulations and processes that achieve the purpose of this Executive Order.
2. All state agencies that regulate business activities in Oregon shall review and evaluate their delivery of customer service and customer satisfaction. Upon completion of review, each state agency shall develop and submit a plan to address any identified weakness and improve customer service. Agencies shall design customer surveys and other means of measuring customer satisfaction to ensure open, honest and constructive feedback. Each agency's plan shall be submitted to the Office of Regulatory Streamlining for inclusion in its annual report to the Governor as set forth in paragraph 6 of this Executive Order.
3. There is established an Office of Regulatory Streamlining, reporting to the Director of the Department of Consumer and Business Services. The Office of Regulatory Streamlining shall work with state agencies and other public and private sector stakeholders to oversee the development and execution of actions to carry out this Executive Order. The Office of Regulatory Streamlining shall:
- a. Assist agencies in identifying opportunities for streamlining regulations and regulatory processes;
 - b. Assist agencies to execute appropriate changes to reduce regulatory burdens;
 - c. Collect and share information concerning streamlining efforts and best practices;
 - d. Work with agencies to clarify and streamline regulatory and permitting processes that may benefit from a coordinated approach, including processes that cross agency lines, processes that involve other levels of government, or those that have been identified as creating significant and recurring barriers to economic development;
 - e. Investigate possible changes to administrative procedure laws to increase flexibility in administering regulations;



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- f. Assist each agency in establishing its customer surveys and reports to be provided to the Office of Regulatory Streamlining under paragraph 2 of this Executive Order; and
 - g. Take all other necessary actions within the statutory authority of the Department of Consumer and Business Services to fulfill the purpose of this Executive Order.
4. The Community Solutions Office is directed to work with and provide assistance to the Office of Regulatory Streamlining in carrying out this Executive Order.
 5. To fulfill the purposes of this Executive Order, the Office of Regulatory Streamlining and state agencies shall seek input from regulated entities, other stakeholders, and citizens regarding the impact of current regulatory processes and the impact of making changes.
 6. All state agencies that regulate business activities in Oregon shall make regulatory streamlining efforts a priority, and shall periodically report to the Office of Regulatory Streamlining, as requested and in a form to be established by that Office, concerning regulatory streamlining activities and results achieved. The Office of Regulatory Streamlining shall report to the Governor, annually or as requested, concerning regulatory streamlining activities and accomplishments in accordance with the intent of this Executive Order.
 7. By separate Executive Order ("EO 03-02"), a Blue Ribbon Commission, to be known as the Industrial Lands Taskforce is established to address issues relating to the permitting of industrial lands. The focus of the Office of Regulatory Streamlining will be on permitting and regulatory streamlining in areas not addressed by EO 03-02.

Done at Salem, Oregon this _____ day of February, 2005.

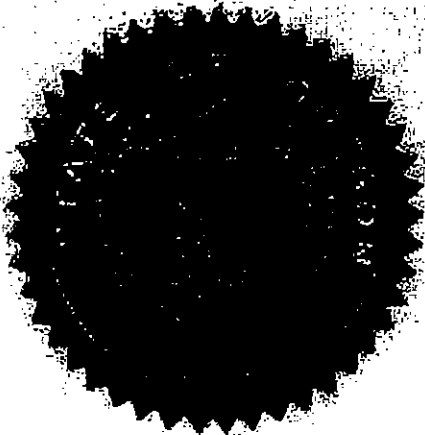


Theodore R. Kulonowski
GOVERNOR

ATTEST:



Bill Bradbury
SECRETARY OF STATE



Office of the Governor State of Oregon



EXECUTIVE ORDER NO. 03-02

INDUSTRIAL LANDS

Pursuant to my authority as Governor of the State of Oregon, I find that:

Oregon's economy is in distress. To meet this challenge, my highest priority over the next four years is to facilitate the growth of jobs and stimulate the economy. The private sector is the engine of growth for the economy. Accordingly, my economic development agenda seeks to create a stable climate for investment and a secure environment for business. I intend to position this state for a quick recovery from the downturn by actively promoting and aggressively working to retain, expand and recruit business to Oregon.

Under Sec. 1, Ch. 812, OR Laws 2001 (HB 1557), the Legislature appointed a special committee to investigate problems with the state's commercial and industrial land supply. That committee provided the legislature with recommendations to improve the land supply. Further, the Oregon Economic and Community Development Department, the Community Solutions Team, and the Department of Land Conservation and Development have each identified problems with the industrial land supply. Finally, the Oregon Business Plan for Growing Quality Jobs and Statewide Prosperity identifies critical land shortages for traded-sector industries that sell products and services outside the state, both in the near-term and for market-ready sites.

We must continue to protect our natural resources base and a quality of life that is tied to our environment. But a strong economy is essential to assure the long-term sustainability and protection of Oregon's environment and its communities. It is critical that we sustain our local economies and communities to help move our economy forward again. Our efforts to date have raised valid questions as to whether our current supply of industrial land and our ways of preserving and developing it are suited to the needs of today's economy. It is time to act on recommendations and to tackle the questions raised. To respond to recommendations, questions and the needs of business so we can continue protecting our environment as well as our local economies and communities, we must take steps to create a ready supply of land for a variety of industrial uses.

NOW THEREFORE, IT IS HEREBY DIRECTED AND ORDERED:

1. An Industrial Lands Taskforce ("Taskforce") is established, chaired by the Governor or a designee. The Taskforce shall be comprised of not more than 13 members. The Director of the Governor's Natural Resources Office shall identify and recommend individuals to the Taskforce that are knowledgeable about the issues faced by cities, counties, economic development organizations and businesses in providing an adequate supply of industrial lands.



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- a. The Taskforce may take action at any meeting in which a quorum of the members on the Taskforce are present. A quorum shall exist if a majority of the Taskforce is present at a meeting. An affirmative vote of a majority of members present at a meeting in which a quorum is present shall be required to take any action, including a recommendation to the Governor.
 - b. The Taskforce shall evaluate concerns and proposals for developing, identifying and protecting our short and long-term industrial land supply. As part of that evaluation, the Taskforce shall call and conduct statewide regional meetings to solicit views regarding these matters. It shall also solicit and review correspondence concerning these matters from Oregon communities, economic development and land-use experts, citizens, and business people. After conducting all necessary meetings and reviewing the solicited comments, the Taskforce shall present its findings to the Governor as soon as is reasonably practicable.
2. The Community Solutions Team ("CST"), with the assistance of the Community Solutions Office, shall:
- a. Designate, as its first priority, the Shovel Ready Industrial Sites Initiative, designed to identify and prepare sites to make ready for immediate development opportunities. To meet this directive, it shall:
 - i. Complete an inventory of initial sites and identify the issues to resolve in order to make each such site shovel-ready;
 - ii. Coordinate with local governments, state agencies, and other involved parties to resolve the issues identified to make these sites shovel-ready; and
 - iii. Complete development of a Site Certification Process;
 - b. Provide staff support to the Taskforce;
 - c. Develop legislative concepts to resolve industrial land problems and deliver the concepts to the Governor as soon as is reasonably practicable;
 - d. Submit a schedule to the Governor within 30 days of this Executive Order, that identifies a proposed timeline and dates upon which CST's actions required under this Executive Order shall be completed;
 - e. CST shall coordinate the efforts of those state agencies represented in CST to review each such agency's authority to modify economic development grant and loan programs to assist industrial job creation.



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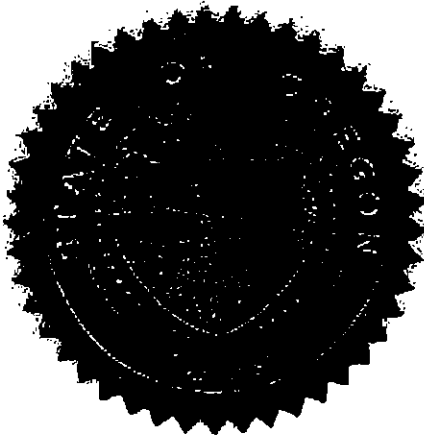
- f. CST shall deliver a report to the Governor, annually or as requested, regarding the actions taken and results achieved under this Executive Order.
3. The Director of the Division of State Lands shall implement the pilot wetlands and industrials lands project to the extent federal and state law permits. At the completion of this pilot project, DSL shall provide written recommendations to CST about the potential for extending the pilot project to other appropriate locations in the state. If appropriate, CST will include DSL's recommendations in its annual report to the Governor.
4. CST shall ensure that the actions taken and results achieved from the tasks required by this Executive Order shall compliment and be consistent with the actions taken and results achieved under Executive Order No. 03-01 regarding Regulatory Streamlining.

Done at Salem, Oregon this ____ day of February, 2003.

Theodore R. Kulongoski
GOVERNOR

ATTEST:

Bill Bradbury
SECRETARY OF STATE



DATE: September 18, 2003
October 7, 2003 (LCPC Work Session)
October 21, 2003 (First LCPC Public Hearing)
November 4, 2003 (Second LCPC Public Hearing)
December 16, 2003 (LCPC Deliberations)

TO: LANE COUNTY PLANNING COMMISSION

FROM: Bill Sage/Land Management Division

AGENDA ITEM TITLE: IN THE MATTER OF AMENDING LANE CODE CHAPTER 16.400, RURAL COMPREHENSIVE PLAN AMENDMENTS AND LANE CODE 16.292 RURAL INDUSTRIAL ZONE (RI, RCP) TO IMPLEMENT PROVISIONS OF HOUSE BILL 2691 RELATING TO INDUSTRIAL ZONING OF ABANDONED OR DIMINISHED MILL SITES AND HOUSE BILL 2614 RELATING TO DEVELOPMENT IN THE RURAL INDUSTRIAL ZONE.

I. ISSUE

During the 72nd Oregon Legislative Assembly 2003 session, House Bill 2691 relating to industrial zoning of “abandoned or diminished mill sites” was passed by the House and Senate and enacted with the Governor’s signature on June 10, 2003. On August 7, 2003, the Senate passed House Bill 2614-B, which in turn was passed by the House on August 11, 2003. HB 2614 amended section 2, chapter 252, Oregon Laws 2003 of House Bill 2691, which in turn was signed by the Governor on August 21, 2003. Both acts directly impact on the development of industrial sites in Lane County and require review of the LC 16.292 regulations in the Rural Industrial Zone (RI, RCP) and the plan amendment regulations of LC 16.400.

II. SUMMARY OF HB 2691 and HB 2614 PROVISIONS

HB 2691 provides counties with the option to rezone “abandoned or diminished mill sites” that are currently in a resource zone (farm or forest) for industrial uses without taking an exception to land use planning Goal 3 (Agricultural Lands), Goal 4 (Forest Lands), Goal 11 (Public Facilities and Services), and Goal 14 (Urbanization). In addition to the waiving of the exception process, the legislation also provides for:

- rezoning qualifying mill sites for any level of industrial use;
- extension of sewer facilities to qualifying industrial mill sites;
- establishment of on-site sewer facilities for industrial uses on the sites; however,
- the extended or established sewer facilities may not serve any retail, commercial or residential uses; and
- no permit for retail, commercial or residential development can be allowed on the rezoned mill site.

HB 2614-B retains the options cited above for “abandoned and diminished mill sites” in resource lands as provided for in HB 2691 and clarifies the extent of the exemption from statewide goals and the implementing administrative rules.

HB 2614-B also effectively removes the distinction between “urban” and “rural” for industrial uses on lands where a developed and committed exception has previously been taken and the lands are designated in one of the four existing rural industrial zones (RI, M1, M2, M3). It places a two-year timeline for property owners to establish the development options and applies some restrictions on the developed and committed properties, including:

- allows industrial development of any type and intensity in buildings of any size or type;
- limits the relaxed development standards to the portion of Lane County lying west of the summit of the Coast Range and outside the Willamette Valley;
- restricts the qualifying industrial lands to an area three miles or more from the urban growth boundaries (UGB) of incorporated cities with a population of 15,000 or more. (incorporated cities with less than 15,000 individuals do not have a buffer); and
- requires formal notice to any city regardless of population if the development of a site is within 10 miles of their UGB;
- grants the city “urban” authority in the county’s decision process to negotiate and require conditions of approval of “rural” development within the 10-mile buffer zone to mitigate any concerns (impacts) raised by the city;
- places a sunset date on the above provisions concerning rural industrial zoned lands, which will be repealed on January 2, 2006.

III. DISCUSSION

A. Analysis of HB 2691 provisions

Qualifying of sites

HB 2691 provides counties the option to change the zoning designation of some developed, wood products industry sites from any resource zoning designation to Rural Industrial in an expedited manner. The option is restricted to sites that ceased activities after January 1, 1980, or have been operating at less than 25 percent of capacity since January 1, 2003.

SECTION 2, Subsection (1) As used in this section, “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:

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

Amendment process

Unlike other plan amendment processes, a county can designate a qualifying site from a resource zone such as Impacted Forest Land (F2), Nonimpacted Forest Land (F1), or Exclusive Farm Use (E-) to the developed and committed status of Rural Industrial without taking an exception to Statewide Goals 3 or 4:

Subsection (2) Notwithstanding ORS 197.732 or any goals adopted under ORS 197.225 for the protection of agricultural lands or forestlands, the governing body of a county may amend the county's comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for industrial use.

The county could also designate a qualifying site without taking an exception to Statewide Goal 11 (Public Facilities) or Goal 14 (Urbanization):

Subsection (3) Notwithstanding ORS 197.732 or any goals adopted under ORS 197.225 relating to urbanization, the governing body of a county may amend the county's comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for any level of industrial use.

Use of designated site

Under subsection (3) above, the county can allow any type or level of industrial use of the designated site. The site would be exempt from the "small-scale, low impact" and floor area restrictions of OAR 660-22-030(3) and (11), and Lane Code 16.292(3)(b) and (k). Effectively, there would not be any policy distinction between "urban" and "rural" uses on the "abandoned or diminished mill sites".

Use of the designated site would be subject to compliance with the standards of local regulations and state law protecting the environment or habitat such as riparian, wetlands, flood hazard, Willamette Greenway, coastal estuaries and shorelands, water quality, etc.

Services to the site

Under subsection (4), the county could allow the extension of sewer services to "mill sites" on rural industrial sites (RI, M1, M2, M3) existing on June 10, 2003, rezoned "abandoned or diminished mill sites", and contiguous industrial lands, under (4)(a) and (b) respectively, below:

Subsection (4) Notwithstanding ORS 197.732 or any goals adopted under ORS 197.225 relating to public facilities and services, the governing body of a county or its designee may approve:

- (a) The extension of sewer facilities to lands that on the effective date of this 2003 Act are zoned for industrial use 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.*
- (b) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for industrial use under this section only as necessary to serve industrial uses authorized for the mill site.*

Under Subsection (4)(c), the county could allow establishment of on-site sewer facilities under similar circumstances to (4)(a) and (b):

- (c) The establishment of on-site sewer facilities to serve an area that on the effective date of this 2003 Act is zoned for industrial use and that contains an*

abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for industrial use under this section.

Subsection (5)(a) restricts any lateral connections (hookups) to any extended sewer line between an urban growth boundary or the boundary of an unincorporated community and a “abandon or diminished mill site” or the boundary of an industrial zone containing a “mill site” without taking an exception to Goal 11 (Public Facilities) and Goal 14 (Urbanization) and applicable OARs.

(5)(a) 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.

In Subsection (5)(b), the size of the sewer system is limited to the industrial uses on the mill site and no extension of the sewer facilities would be allowed for any residential or commercial uses on nearby properties:

(5)(b) Sewer facilities approved under subsection (4) of this section 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.

Subsection (6)(a) guidelines limit the county’s designation of the new industrial zoned area within an abandoned or diminished mill site to the previously improved areas used for processing or manufacturing of wood products.

(6)(a) The governing body of a county or its designee shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for industrial use under this section, land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

Subsection (6)(b) limits allowable uses on the designated site for industrial development and accessory uses subordinate to such development on the site. No commercial or residential development permits could be approved for the site.

(b) For an abandoned or diminished mill site subject to subsection (2), (3) or (4) of this section, the governing body of a city or county or its designee may approve a permit, as defined in ORS 215.402 or 227.160, only for industrial development and accessory uses subordinate to such development on the mill site. The governing body or its designee may not approve a permit for retail, commercial or residential development o the mill site.

Subsection (7) limits future zoning decisions by the county for designated sites. Any abandoned or diminished sites rezoned from agricultural lands or forestlands to industrial as a result of HB 2691 provisions may not later be rezoned “for retail, commercial or other nonresource uses” without taking exceptions to Goals 3 and 4.

(7) For land that on the effective date of this 2003 Act is zoned under a goal adopted under ORS 197.255 for the protection of agricultural lands or forestlands and that is rezoned for industrial use under subsections (2) and (3) of this section, the governing body of the county or its designee may not later rezone the land for retail, commercial or other nonresource use unless all appropriate exceptions under ORS 197.732 have been approved.

SECTION 3 of the Act declared an emergency and the Act came effective on June 10, 2003.

SECTION 3. This 2003 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2003 Act takes effect on its passage.

Concluding remarks concerning HB 2691.

HB 2691 provides an opportunity for a county to rezone old mill sites in resource zones to developed & committed status as Rural Industrial lands. The county has the option to codify the provisions and identify the appropriate “abandoned or diminished mill sites” where it would be appropriate.

To date, staff has not identified any such sites that would qualify under the standards. This is due in part to the completeness of the 1984 inventory of such sites for which a developed & committed exception were taken and designated in one of the three industrial zones [Light Industrial (M1), Limited Industrial (M2) and Heavy Industrial (M3)] in the RCP.

Staff has prepared amendments to Lane Code 16.292 for the Planning Commission’s consideration in the event such a site exists in rural Lane County and the Planning Commission elects to recommend amendments to implement HB 2691 provisions. Refer to Exhibit “A” Legislative Format – LC 16.292 (Proposed amendments pursuant to HB 2691)

B. Analysis of HB 2614-B provisions

The enacted text of HB 2614-B is reproduced below as enacted. Deletions from HB 2691 are enclosed in brackets and additions are *highlighted in bold text*.

HB 2614-B was crafted to allow counties to suspend restrictions that could impede the aggressive marketing or development of currently designated industrial lands in southern Oregon, eastern Oregon and coastal areas of the State.

SECTION 1. Subsections (1)(a), (2) allows a county outside of the Willamette Valley and the portion of Lane County west of the summit of the Coast Range to permit industrial development on properties within the rural industrial zones (RI, M1, M2, M3) as of June 10, 2003, without restrictions. The “small-scale, low impact” uses and

“square-footage, floor limitations” of LC 16.292 and the *Unincorporated Community Rule* [OAR 660-22-030(3) and (11)] are set-aside in these geographical regions. Any type of industrial development or accessory use can be permitted in any building of any size and type.

SECTION 1. (1) Notwithstanding statewide land use planning goals relating to urbanization or to public facilities and services, a county or its designee may authorize:

(a) Industrial development, including accessory uses subordinate to the industrial development, in buildings of any size and type, subject to the permit approval process described in ORS 215.402 to 215.438 and to applicable building codes, in an area planned and zoned for industrial use on the effective date of this 2003 Act, subject to the territorial limits described in subsections (2) and (3) of this section.

Subsection (1)(b) permits a self-contained sewer system to be authorized on industrial zoned parcels to serve the industrial uses.

(b) On-site sewer facilities to serve the industrial development authorized under this section, including accessory uses subordinate to the industrial development.

Subsection (2)(a) established a buffer around the urban growth boundaries of incorporated cities with populations of 15,000 individuals or more. (2)(a) restricts geographically the application of these provisions within three miles of the UGB.

The only two incorporated cities in Lane County west of the summit of the Coast Range are Dunes City and Florence. Neither has a population within their city limits and UGB close to 15,000 people. Industrial zoned lands within the rural communities of Glenada and Cushman, and the developed & committed exception areas along the coast are not affected by the three-mile buffer restriction.

(2) Subject to subsection (3) of this section, a county or its designee may consider the following land for industrial development under this section:

(a) Land more than three miles outside the urban growth boundary of every city with a population of 15,000 individuals or more; and

(b) Land outside the urban growth boundary of every city with a population of fewer than 15,000 individuals.

(3) A county or its designee may not authorize industrial development under this section on land within the Willamette Valley as defined in ORS 215.010.

(4) A county or its designee may not authorize under this section retail, commercial or residential development in the area zoned for industrial use.

However, SECTION 2. (1) below, requires that the County provide written notice to Dunes City or Florence if the proposed industrial development allowed under HB 2614-B is within ten miles of either incorporated area. The notice shall be given at least 21 days prior to Director approval of a permit.

SECTION 2. (1) Notwithstanding the authority granted in section 1 of this 2003 Act to allow industrial development, including accessory uses subordinate to the industrial development, in areas zoned for industrial use, when a county

or its designee considers action under section 1 (1) of this 2003 Act for land within 10 miles of the urban growth boundary of a city, the county or its designee shall give notice to the city at least 21 days prior to taking action.

If either Dunes City or Florence has “concerns” about the proposed use, the County is obliged to negotiate with the city and reach agreement on acceptable conditions of approval to be implemented by the property owner to mitigate for the concerns.

(2) If the city objects to the authorization of industrial development under section 1 of this 2003 Act, the city and county shall negotiate to establish conditions on the industrial development or changes in the development necessary to mitigate concerns raised by the city's objection.

SECTIONS 3. includes the amendments to SECTION 2. Subsections (1) through (6) of Enrolled HB 2691. The amendments are in **bold italic**. Basically, the amendments eliminate specific references to ORS provisions and state that any industrial use is allowable without taking an exception to Goals 3, 4, 11, or 14, or implementing administrative rules (OARs). The amendments also acknowledge June 10, 2003 as the date of enactment of HB 2691.

SECTION 3. Section 2, chapter 252, Oregon Laws 2003 (Enrolled House Bill 2691), is amended to read:

Sec. 2. (1) As used in this section, “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, hardboard, panel products, pulp and paper, that:

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

(2) Notwithstanding [ORS 197.732 or any goals adopted under ORS 197.225 for the protection of] statewide land use planning goals protecting agricultural lands or forestlands or administrative rules implementing those goals, the governing body of a county may amend the county's comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for industrial use.

(3) Notwithstanding [ORS 197.732 or any goals adopted under ORS 197.225] a statewide land use planning goal relating to urbanization or administrative rules implementing that goal, the governing body of a county may amend the county's comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for any level of industrial use.

(4) Notwithstanding [ORS 197.732 or any goals adopted under ORS 197.225] a statewide land use planning goal relating to public facilities and services or administrative rules implementing that goal, the governing body of a county or its designee may approve:

(a) The extension of sewer facilities to lands that on [the effective date of this 2003 Act] June 10, 2003, are zoned for industrial use 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.

(b) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for industrial use under this section only as necessary to serve industrial uses authorized for the mill site.

(c) The establishment of on-site sewer facilities to serve an area that on [the effective date of this 2003 Act] June 10, 2003, is zoned for industrial use and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for industrial use under this section. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(5)(a) 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 a statewide land use planning goal relating to public facilities and services or under ORS 197.732 [and any goals adopted under ORS 197.225 relating to public facilities and services].

(b) Sewer facilities approved under subsection (4) of this section 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] a statewide land use planning goal relating to public facilities and services[, unless all appropriate exceptions are approved] or under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to [any goals adopted to protect] statewide land use planning goals protecting agricultural lands [and] or forestlands or relating to urbanization.

(6)(a) The governing body of a county or its designee shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for industrial use under this section, land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

(b) For an abandoned or diminished mill site subject to subsection (2), (3) or (4) of this section, the governing body of a city or county or its designee may approve a permit, as defined in ORS 215.402 or 227.160, only for industrial development and accessory uses subordinate to such development on the mill site. The governing body or its designee may not approve a permit for retail, commercial or residential development on the mill site.

Subsection (7) states that any EFU (Exclusive Farm Use), F2 (Impacted Forest Land), or F1 (Nonimpacted Forest Land) rezoned to (RI) Rural Industrial Zone under HB 2691 can not be rezoned in the future to retail, commercial, or residential designations without taking an exception to all applicable statewide Goals.

(7) For land that on [the effective date of this 2003 Act] June 10, 2003, is zoned under [a goal adopted under ORS 197.225 for the protection of] statewide land use planning goals protecting agricultural lands or forestlands and that is rezoned for industrial use under subsections (2) and (3) of this section, the governing body of the county or its designee may not later rezone the land for retail, commercial or other nonresource use [unless all appropriate exceptions under ORS 197.732 have been approved], except as provided under the statewide land use planning goals or under ORS 197.732.

SECTION 4 sets a time line for property owners and the County to implement HB 2614-B. The HB 2614-B provisions in SECTION 1. and SECTION 2., allowing unrestricted industrial development, sunset in two years on January 2, 2006. In a timely application for such a use or development has been accepted and is being process towards a final decision by the County, then the provisions for that particular application do not sunset until January 2, 2007. If no decision is reached on the application by that date, then the provisions are no longer an option for development.

SECTION 4. (1) Sections 1 and 2 of this 2003 Act are repealed January 2, 2006.

(2) Notwithstanding the repeal of sections 1 and 2 of this 2003 Act by this section, for an application that is timely submitted and is complete either when first submitted or within the time allowed for submission of requested additional material under ORS 215.427 (3), the applicant may extend the period for the governing body of the county or its designee to take final action on an application for a permit under sections 1 and 2 of this 2003 Act, but may not extend the period beyond January 2, 2007.

Concluding remarks concerning HB 2614-B.

Staff has prepared amendments to Lane Code 16.292 and Lane Code 16.400 for the Planning Commission's consideration for implementation of HB 2614-B provisions. Refer to Exhibit "A" Legislative Format – LC 16.292 (Amendments pursuant to HB 2691- 2614-B) and Exhibit "B" Legislative Format – LC 16.400 (Amendments pursuant to HB 2691-HB 2614-B)

IV. Policy Considerations

For over a century, industrial development in the rural areas of Lane County was primarily related to manufacturing of forest products. The game is afoot in Oregon to provide opportunities for the conversion of abandoned facilities or sites to new industrial uses. This cover memo and packet and the companion LC 16.292 packet responding to the LCDC rulemaking effort in OAR 660-22-030, have provided you with evidence of the actions of the Governor, LCDC and Legislative Assembly during the past calendar year to accomplish this goal.

A recent publication is attached as Exhibit "E" - Ehinger & Assoc: *A Lane County Perspective* (9-4-03). It contains some valuable data that you may find beneficial as you sort through your thoughts on why these changes are occurring at the state level and what they mean in Lane County.

There are 46 documented wood products mill sites in Lane County that have closed their doors since 1980. One of those is operating at a diminished level today. Most are within incorporated cities although at least 17 are in rural areas.

V. **Exhibits**

- A. Legislative Format -- LC 16.292 (Amendments pursuant to HB 2691- HB 2614-B)
- B. Legislative Format -- LC 16.400 (Amendments pursuant to HB 2691- HB 2614-B)
- C. House Bill 2691 Enrolled
- D. House Bill 2614 Enrolled
- E. Ehinger & Assoc: *A Lane County Perspective* (9-4-03)

Enrolled
House Bill 2691

Sponsored by Representative P SMITH, Senator METSGER; Representative RICHARDSON

CHAPTER

AN ACT

Relating to industrial zoning of mill sites; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2003 Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) As used in this section, "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, hardboard, panel products, pulp and paper, that:

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

(2) Notwithstanding ORS 197.732 or any goals adopted under ORS 197.225 for the protection of agricultural lands or forestlands, the governing body of a county may amend the county's comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for industrial use.

(3) Notwithstanding ORS 197.732 or any goals adopted under ORS 197.225 relating to urbanization, the governing body of a county may amend the county's comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for any level of industrial use.

(4) Notwithstanding ORS 197.732 or any goals adopted under ORS 197.225 relating to public facilities and services, the governing body of a county or its designee may approve:

(a) The extension of sewer facilities to lands that on the effective date of this 2003 Act are zoned for industrial use 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.

(b) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for industrial use under this section only as necessary to serve industrial uses authorized for the mill site.

(c) The establishment of on-site sewer facilities to serve an area that on the effective date of this 2003 Act is zoned for industrial use and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for industrial use under this section. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(5)(a) 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.

(b) Sewer facilities approved under subsection (4) of this section 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.

(6)(a) The governing body of a county or its designee shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for industrial use under this section, land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

(b) For an abandoned or diminished mill site subject to subsection (2), (3) or (4) of this section, the governing body of a city or county or its designee may approve a permit, as defined in ORS 215.402 or 227.160, only for industrial development and accessory uses subordinate to such development on the mill site. The governing body or its designee may not approve a permit for retail, commercial or residential development on the mill site.

(7) For land that on the effective date of this 2003 Act is zoned under a goal adopted under ORS 197.225 for the protection of agricultural lands or forestlands and that is rezoned for industrial use under subsections (2) and (3) of this section, the governing body of the county or its designee may not later rezone the land for retail, commercial or other nonresource use unless all appropriate exceptions under ORS 197.732 have been approved.

SECTION 3. This 2003 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2003 Act takes effect on its passage.

Passed by House March 19, 2003

Repassed by House May 8, 2003

.....
Chief Clerk of House

.....
Speaker of House

Passed by Senate May 2, 2003

.....
President of Senate

Received by Governor:

.....M.,....., 2003

Approved:

.....M.,....., 2003

.....
Governor

Filed in Office of Secretary of State:

.....M.,....., 2003

.....
Secretary of State

**Enrolled
House Bill 2614**

Sponsored by Representative KRUSE, Senator METSGER

CHAPTER

AN ACT

Relating to buildable land supply; creating new provisions; and amending section 2, chapter 252, Oregon Laws 2003 (Enrolled House Bill 2691).

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) Notwithstanding statewide land use planning goals relating to urbanization or to public facilities and services, a county or its designee may authorize:

(a) Industrial development, including accessory uses subordinate to the industrial development, in buildings of any size and type, subject to the permit approval process described in ORS 215.402 to 215.438 and to applicable building codes, in an area planned and zoned for industrial use on the effective date of this 2003 Act, subject to the territorial limits described in subsections (2) and (3) of this section.

(b) On-site sewer facilities to serve the industrial development authorized under this section, including accessory uses subordinate to the industrial development.

(2) Subject to subsection (3) of this section, a county or its designee may consider the following land for industrial development under this section:

(a) Land more than three miles outside the urban growth boundary of every city with a population of 15,000 individuals or more; and

(b) Land outside the urban growth boundary of every city with a population of fewer than 15,000 individuals.

(3) A county or its designee may not authorize industrial development under this section on land within the Willamette Valley as defined in ORS 215.010.

(4) A county or its designee may not authorize under this section retail, commercial or residential development in the area zoned for industrial use.

SECTION 2. (1) Notwithstanding the authority granted in section 1 of this 2003 Act to allow industrial development, including accessory uses subordinate to the industrial development, in areas zoned for industrial use, when a county or its designee considers action under section 1 (1) of this 2003 Act for land within 10 miles of the urban growth boundary of a city, the county or its designee shall give notice to the city at least 21 days prior to taking action.

(2) If the city objects to the authorization of industrial development under section 1 of this 2003 Act, the city and county shall negotiate to establish conditions on the industrial development or changes in the development necessary to mitigate concerns raised by the city's objection.

SECTION 3. Section 2, chapter 252, Oregon Laws 2003 (Enrolled House Bill 2691), is amended to read:

Sec. 2. (1) As used in this section, "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, hardboard, panel products, pulp and paper, that:

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

(2) Notwithstanding [ORS 197.732 or any goals adopted under ORS 197.225 for the protection of] statewide land use planning goals protecting agricultural lands or forestlands or administrative rules implementing those goals, the governing body of a county may amend the county's comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for industrial use.

(3) Notwithstanding [ORS 197.732 or any goals adopted under ORS 197.225] a statewide land use planning goal relating to urbanization or administrative rules implementing that goal, the governing body of a county may amend the county's comprehensive plan and land use regulations to allow an abandoned or diminished mill site to be zoned for any level of industrial use.

(4) Notwithstanding [ORS 197.732 or any goals adopted under ORS 197.225] a statewide land use planning goal relating to public facilities and services or administrative rules implementing that goal, the governing body of a county or its designee may approve:

(a) The extension of sewer facilities to lands that on [the effective date of this 2003 Act] June 10, 2003, are zoned for industrial use 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.

(b) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for industrial use under this section only as necessary to serve industrial uses authorized for the mill site.

(c) The establishment of on-site sewer facilities to serve an area that on [the effective date of this 2003 Act] June 10, 2003, is zoned for industrial use and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for industrial use under this section. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(5)(a) 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 a statewide land use planning goal relating to public facilities and services or under ORS 197.732 [and any goals adopted under ORS 197.225 relating to public facilities and services].

(b) Sewer facilities approved under subsection (4) of this section 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] a statewide land use planning goal relating to public facilities and services[unless all appropriate exceptions are approved] or under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to [any goals adopted to protect] statewide land use planning goals protecting agricultural lands [and] or forestlands or relating to urbanization.

(6)(a) The governing body of a county or its designee shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for industrial use under this section, land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

(b) For an abandoned or diminished mill site subject to subsection (2), (3) or (4) of this section, the governing body of a city or county or its designee may approve a permit, as defined in ORS 215.402 or 227.160, only for industrial development and accessory uses subordinate to such develop-

ment on the mill site. The governing body or its designee may not approve a permit for retail, commercial or residential development on the mill site.

(7) For land that on [the effective date of this 2003 Act] June 10, 2003, is zoned under [a goal adopted under ORS 197.225 for the protection of] statewide land use planning goals protecting agricultural lands or forestlands and that is rezoned for industrial use under subsections (2) and (3) of this section, the governing body of the county or its designee may not later rezone the land for retail, commercial or other nonresource use [unless all appropriate exceptions under ORS 197.732 have been approved], except as provided under the statewide land use planning goals or under ORS 197.732.

SECTION 4. (1) Sections 1 and 2 of this 2003 Act are repealed January 2, 2006.

(2) Notwithstanding the repeal of sections 1 and 2 of this 2003 Act by this section, for an application that is timely submitted and is complete either when first submitted or within the time allowed for submission of requested additional material under ORS 215.427 (3), the applicant may extend the period for the governing body of the county or its designee to take final action on an application for a permit under sections 1 and 2 of this 2003 Act, but may not extend the period beyond January 2, 2007.

Passed by House May 27, 2003

Repassed by House August 11, 2003

Chief Clerk of House

Speaker of House

Passed by Senate August 7, 2003

President of Senate

Received by Governor:

_____, M., _____, 2003

Approved:

_____, M., _____, 2003

Governor

Filed in Office of Secretary of State:

_____, M., _____, 2003

Secretary of State

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**A Lane County Perspective-Forest Industry
January 2003**

The data supplied is for the Lane county area.

Lane County if it were a state, would be the 11th largest lumber producer and the 5th largest plywood producer in the United States. This area contains 17% of the primary wood processing plants in Oregon.

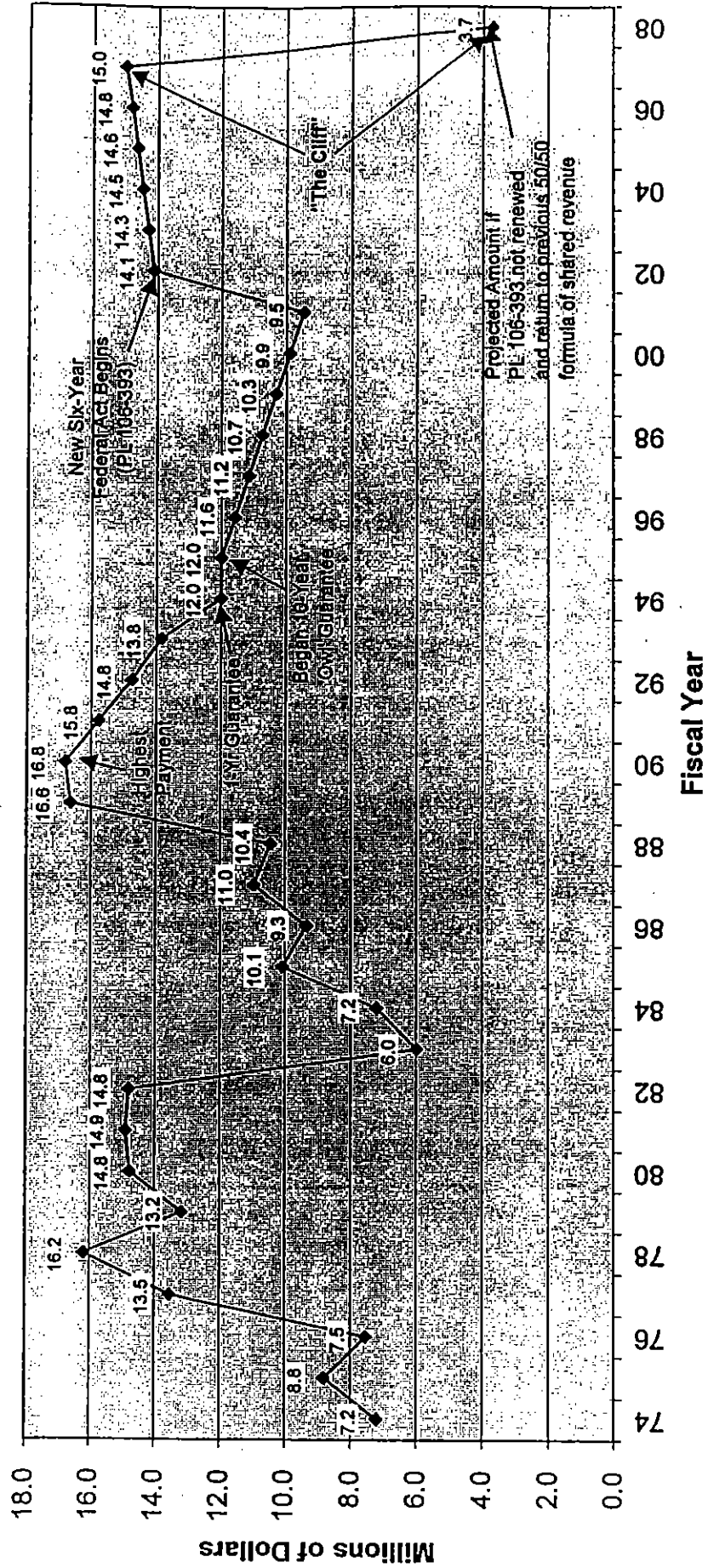
The state of Oregon even with all the set backs with the 50% curtailment of federal government timber since 1990 Oregon is still the #1 producer of both lumber and plywood in the United States.

Within the state of Oregon, Lane County is the largest producer of lumber and the second largest producer of plywood. In addition, Lane County provides the largest timber harvest of all counties in Oregon.

This is timber country and there are opportunities to add to the benefits that flow from these forests once some of the political problems can be solved.

We continue to work on it every year; maybe we can begin to see a small amount of progress.

Lane County, Oregon History of O&C Timber Revenue



**Lane County
Operating Mills By Type
Primary Manufactures**

	Lane County		All Oregon
Sawmills	12	of	74
Plywood	6	of	27
Veneer	3	of	14
Board	2	of	14
Pulp	1	of	10
Primary Manufactures	24	of	139

Major Secondary Manufactures

Glulam Beams 4 of 6 in Oregon

American Laminators	Swishome	Lane
Rosboro Lumber Co.	Springfield	Lane
Western Structures	Eugene	Lane
Weyerhaeuser	Vaughn	Lane

LVL-I Joist 2 of 8 in Oregon

Weyerhaeuser/Trus Joist	Eugene	Lane-LVL I Joist
Weyerhaeuser/Trus Joist	Junction City	Lane-LVL Only

Wood Treating Plants 3 of 12 in Oregon

J.H. Baxter	Eugene	Lane
L.D. McFarland	Eugene	Lane
Jasper Wood Products	Jasper	Lane

Major Secondary Manufactures 9 of 28 in Oregon

**Employment 2400 SIC Only-Year 2000
Lumber, Logging & Wood Products**

Lane 7,100 of 49,000 for all of Oregon or 15%

Lane County

	Softwood Lumber Production		Softwood Plywood Production	
	Oregon	Lane County	Oregon	Lane County
1970	6,680	1,251	7,488	NA
1975	6,342	1,141	6,927	NA
1980	5,824	1,088	6,279	NA
1985	7,211	1,263	6,750	NA
1990	7,511	1,242	5,962	1,050
1995	4,953	1,026	3,824	NA
2000	6,047	NA	3,696	NA
2002	6,302	1,285	3,058	475

Oregon average lumber production in the 5 years
1986 thru 1990 = 6,323 mmbf

Lane County produces an estimated 450 mm sf ft of
hardwood plywood which has all softwood
inner ply's its not listed above

Lane County
Timber Harvest By Ownership
1970-2002

	Forest Industry		Other		Total		State Of Oregon		BLM		USFS		Other Public		Lane County Total		Oregon Total	
			Private		Private		Oregon											
1970	-	-	-	-	596	5	130	554	-	1,285	7,880	-	-	1,019	7,370	-	-	-
1975	480	31	31	511	511	11	99	398	-	1,019	7,370	-	-	1,019	7,370	-	-	-
1980	310	16	16	326	326	17	144	481	-	878	6,639	-	-	878	6,639	-	-	-
1985	455	34	34	489	489	6	194	647	-	1,336	8,127	-	-	1,336	8,127	-	-	-
1990	434	87	87	521	521	4	114	252	-	890	6,219	-	-	890	6,219	-	-	-
1995	411	68	68	480	480	-	23	58	-	562	4,304	-	-	562	4,304	-	-	-
2000	403	40	40	443	443	4	9	29	-	485	3,854	-	-	485	3,854	-	-	-
2002	421	30	30	451	451	2	6	11	-	470	3,908	-	-	470	3,908	-	-	-

All Data MMBF

Note: From 1964 thru 1973, 10 years; the average state harvest was 9,160 mmbf.

Today Oregon sawmills receive logs from Washington, British Columbia, California, and Alaska. An estimated 20% of logs have come from out of state compared with 1 to 2 % in 1990.

Plywood mills regularly purchase veneer from British Columbia, Alaska and several south American sources.

Mill work operators purchase significant volume of stock from New Zealand and several South American countries.

OPEN LANE COUNTY MILLS

	COMPANY	CITY	COUNTY	PLANT
1	WEYERHAEUSERWI	EUGENE	LANE	BOARD
2	SIERRA PINE LTD	SPRINGFIELD	LANE	BOARD
3	STATES INDUSTRIES	EUGENE	LANE	PLYN
4	EMERALD FOREST PRODUCTS	EUGENE	LANE	PLYN
5	GEORGIA-PACIFIC	EUGENE	LANE	PLYN
6	ROSBORO LUMBER CO.	SPRINGFIELD	LANE	PLYN
7	MCKENZIE FOREST PRODUCTS	SPRINGFIELD	LANE	PLYN
8	WEYERHAEUSERWI	SPRINGFIELD	LANE	PLYV
9	WEYERHAEUSER	SPRINGFIELD	LANE	PULP
10	WEYERHAEUSERWI	COBURG	LANE	SAWMILL
11	STARFIRE LUMBER CO/JENGL	COTTAGE GROVE	LANE	SAWMILL
12	WEYERHAEUSER	COTTAGE GROVE	LANE	SAWMILL
13	SENECA SAWMILL	EUGENE	LANE	SAWMILL
14	SENECA SAWMILL	EUGENE	LANE	SAWMILL
15	WEYERHAEUSER/NW HRDWOODS	EUGENE	LANE	SAWMILL
16	ZIP-O-LOG MILLS, INC.	EUGENE	LANE	SAWMILL
17	DAVIDSON INDUSTRIES	MAPLETON	LANE	SAWMILL
18	SWANSON BROS. LUMBER CO., INC.	NOTI	LANE	SAWMILL

09/05/2003

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OPEN LANE COUNTY MILLS

	COMPANY	CITY	COUNTY	PLANT
19	SWANSON GROUP/FOR. PROD.	NOTI	LANE	SAWMILL
20	SUNDANCE LUMBER CO. INC.	SPRINGFIELD	LANE	SAWMILL
21	ROSBORO LUMBER CO.	SPRINGFIELD	LANE	SAWMILL
22	BALD KNOB	CRESWELL	LANE	VENEER
23	MCKENZIE FOREST PRODUCTS	EUGENE	LANE	VENEER
24	ROSBORO LUMBER CO.	SPRINGFIELD	LANE	VENEER
Total Mills:				24

PLYN = Plywood Plants PLYV = Plywood/Veneer

9/5/2003

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CLOSED LANE COUNTY MILLS, 1980 TO PRESENT

CYEAR	COMPANY	CITY	COUNTY	PLANT	PRODUCTION	EMPLOYEES
1 2002	ARMSTRONG WOOD PRODUCTS	OKARIDGE	LANE	SAWMILL	5 MMBF	40
2 1997	LANE PLYWOOD INC./PMI	EUGENE	LANE	PLYN	110 MMSF3/8"	200
3 1996	OREGON CEDAR PRODUCTS INC.	SPRINGFIELD	LANE	SAWMILL	75 MMBF	120
4 1985	GEORGIA-PACIFIC	EUGENE	LANE	veneer	35 MMSF3/8"	33
5 1985	CONE LUMBER	GOSHEN	LANE	SAWMILL	48 MMBF	60
6 1984	STONE FOREST IND. INC.	SPRINGFIELD	LANE	veneer	140 MMSF3/8"	55
7 1982	WILLAMETTE INDUSTRIES INC.	COBURG	LANE	veneer	188 MMSF3/8"	85
8 1982	MURPHY CO., THE	CUSHMAN	LANE	veneer	150 MMSF3/8"	50
9 1982	WILLAMETTE HARDWOODS, INC.	JASPER	LANE	SAWMILL	8 MMBF	20
10 1992	WILLAMETTE INDUSTRIES INC.	VAUGHN	LANE	PLYV	131 MMSF3/8"	225
11 1991	LANE PLYWOOD INC.	EUGENE	LANE	veneer	50 MMSF3/8"	25
12 1991	WEYERHAEUSER	SPRINGFIELD	LANE	SAWMILL	180 MMBF	560
13 1990	WTD/CASCADE LUMBER	COTTAGE GROVE	LANE	SAWMILL	58 MMBF	40
14 1990	EMERALD F.P./CRESSPLY/BALD KNOB	CRESWELL	LANE	PLYN	30 MMSF3/8"	85
15 1990	BOHEMIA	CULP CREEK	LANE	PLYV	100 MMSF3/8"	225
16 1990	BOHEMIA	CULP CREEK	LANE	SAWMILL	33 MMBF	100
17 1980	CUDDERBACK LUMBER	EUGENE	LANE	veneer	144 MMSF3/8"	75
18 1980	WTD/GOSHEN VENEER	GOSHEN	LANE	veneer	45 MMSF3/8"	55
19 1980	WTD/JUNCTION CITY LUMBER	JUNCTION CITY	LANE	SAWMILL	33 MMBF	92
20 1980	EAGLE VENEER	MAPLETON	LANE	veneer	72 MMSF3/8"	55
21 1980	BALD KNOB LAND & TIMBER	OKARIDGE	LANE	veneer	200 MMSF3/8"	105
22 1990	MURPHY CO., THE	SWISSHOME	LANE	veneer	100 MMSF3/8"	50

9/5/2003

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CLOSED LANE COUNTY MILLS, 1980 TO PRESENT

YEAR	COMPANY	CITY	COUNTY	PLANT	PRODUCTION	EMPLOYEES
23 1989	FALCON PLYWOOD	EUGENE	LANE	PLYN	128 MMSF3/8"	120
24 1989	WTD/EUGENE WOOD PRODUCTS CO.	EUGENE	LANE	SAWMILL	29 MMBF	100
25 1989	BALD KNOB LAND & TIMBER	OAKRIDGE	LANE	SAWMILL	100 MMBF	200
26 1988	GIUSTINA BROTHERS	EUGENE	LANE	VENEER	30 MMSF3/8"	19
27 1988	GIUSTINA BROTHERS	EUGENE	LANE	SAWMILL	8 MMBF	7
28 1988	BOHEMIA	SAGINAW	LANE	SAWMILL	50 MMBF	59
29 1987	CUDEBACK LUMBER	EUGENE	LANE	SAWMILL	20 MMBF	40
30 1985	WEYERHAEUSER	COTTAGE GROVE	LANE	VENEER	40 MMSF3/8"	15
31 1985	WEYERHAEUSER	SPRINGFIELD	LANE	PLYV	120 MMSF3/8"	160
32 1984	WEST COAST HARDWOODS	FLORENCE	LANE	SAWMILL	12 MMBF	24
33 1984	MURPHY CO., THE	JASPER	LANE	PLYN	90 MMSF3/8"	90
34 1984	DAVIDSON INDUSTRIES	SWISSHOME	LANE	SAWMILL	30 MMBF	40
35 1984	PREMIER PLYWOOD	WESTFIR	LANE	PLYN	80 MMSF3/8"	125
36 1983	INTERNATIONAL PAPER	VAUGHN	LANE	SAWMILL	58 MMBF	198
37 1982	WEYERHAEUSER	COTTAGE GROVE	LANE	PLYV	75 MMSF3/8"	165
38 1982	BOHEMIA	DEXTER	LANE	SAWMILL	15 MMBF	55
39 1981	BOHEMIA	JUNCTION CITY	LANE	PLYN	98 MMSF3/8"	85
40 1981	GEM LUMBER	SPRINGFIELD	LANE	SAWMILL	28 MMBF	84
41 1980	CENTRAL MFG. CORP.	EUGENE	LANE	SAWMILL	12 MMBF	55
42 1980	LANE CEDAR PRODUCTS	SPRINGFIELD	LANE	SAWMILL	12 MMBF	110
43 1980	ALL AMERICAN STUD	SPRINGFIELD/JASPE	LANE	SAWMILL	70 MMBF	150
Total Mills:	43			Total:		4,234

9/5/2003 Paul F. Ehlinger and Associates

DRAFT

MINUTES

DRAFT

Lane County Planning Commission
Harris Hall - Lane County Courthouse

October 21, 2003
7 p.m.

PRESENT: Mark Herbert, Chris Clemow, Marion Esty, Vincent Martorello, Juanita Kirkham,
Steve Dignam, members; Bill Sage Staff;

ABSENT: Jacque Betz,

I. PERIODIC REVIEW: RCP Work Program

Section 1: Rural Industrial Zone - Lane Code 16.292

Section 2: Rural Commercial Zone - Lane Code 16.291

Section 3: RCP Goal 2, Errors or Omission Policy 27

Section 4: Destination Resort Lane Code - Lane Code 16.232

**Section 5: Preliminary Compliance Report - OAR 660-22-030 and
Unincorporated Community Reports - Siuslaw and Long Tom
Watersheds**

Ms. Kirkham called the meeting to order and opened the public hearing.

Jozef Zdzienicki, Taylor Street, OAR 666-030 regarding floor area restrictions, He said 60,000 square feet was beyond small scale scenario. He recommended that the Planning Commission stay with a more restrictive and small square footage in Lane Code.

Mr. Zdzienicki said, regarding Destination Resort Code language, he suggested that the time share part of the language have a distinction that one person could not buy up all the time share properties.

Regarding Policy 27 Mr. Zdzienicki said those items related to errors and omissions should be grouped together with similar problems to expedite the process.

Mr. Zdzienicki said riparian setbacks should have one standard distance to simplify the laws. He noted that there were, currently various distances for different agencies. He said this would create a large amount of confusion and suggested going with the federal distance of 150 feet.

Jay Waldren, 4530 Franklin Boulevard, distributed written material to the Planning Commission. Regarding the Siuslaw and Long Tom watersheds, Mr. Waldren said he was in favor of the wording in the code language that allowed for further hearings for Rural Comprehensive Plan proposals for the Coast Fork and Middle Fork of the Willamette River. He supported the language LC 16.292(3) which said a wrecking yard should not be a public health

hazard and should not have adverse environmental impacts to water quality. He said he supported the original intent of House Bills 2691 and 2614 regarding the distinction between urban and rural uses of abandoned or diminished mill sites. He said wrecking yards, as defined by Lane County, should not be restricted to urban use. He raised concern over support of HB 2614 and its restrictions of industrial development on sites within the Willamette Valley. He said such review should be done by a site-by-site process. He it was crucial for the benefit of his employees to expand his organization.

Mr. Waldren said the Rural Comprehensive Plan had been his biggest stumbling block so far to expanding his organization.

Laurie Segel, 120 West Broadway, spoke on behalf of 1000 Friends of Oregon. She said 1000 Friends supported HB 2691. She went on to site various typos and wording errors in the written version of the plan. She said she looked forward to giving more informed comments that were more than just technicalities.

Ms. Kirkham closed the public hearing.

In response to a question from Mr. Dignam regarding how the siting of a wrecking yard was addressed in Lane Code, Mr. Sage said the text of the amendment had been rewritten to apply to the McKenzie, Siuslaw, and Long Tom Watersheds because those were watersheds that had been through the periodic review process.

The meeting adjourned at 7:45 pm.

(Recorded by Joe Sams)

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MINUTES

DRAFT

Lane County Planning Commission
Mapleton Elementary School, Mapleton Oregon

November 4, 2003
7 p.m.

PRESENT: Chris Clemow, Mark Herbert, Juanita Kirkham, Jacque Betz, Vincent Martorello,
Steve Dignam, members; Kent Howe, Bill Sage Staff;
ABSENT: Marion Esty

I. APPROVAL OF SEPTEMBER 23, 2003 MINUTES

Mr. Herbert called the meeting to order at 7 pm.

Mr. Dignam, seconded by Mr. Clemow, moved to approve the minutes of September 23, 2003, as submitted. The motion passed 5:0:1 with Ms. Kirkham abstaining.

II. PERIODIC REVIEW: Rural Comprehensive Plan Work Program

Robert Masden, Florence Oregon, said he had been living in the region for 38 years. He raised concern over the rights of landowners and the addition of more government restrictions involving land use. Regarding rural commercial land, Mr. Masden said the Lane County planners should provide reasoning for every restriction in the code. He added that planning commission members and Board of Commissioner members should all state publicly why they voted for each restriction.

Mr. Masden raised concern that the County Planning Director had too much authority over rural commercial lands. He said his rural commercial clients were not being allowed to develop their lands as they wished because of County development restrictions. He opined that the County had broken a contract with rural residents.

Regarding citizen involvement, Mr. Masden stressed the need for more solicitation of public input and opined that public involvement had declined in the past few years.

Mr. Masden said projects turned down by Lane County planners represented a breakdown of communication between the County and its constituents. He was not in favor of going through the hearings official process to appeal the decision of the Planning Director and expressed a preference for having round table discussions between citizens and the Planning Director. He reiterated his opposition to more restrictive land use rules. He commented that applicants with

the same ideas for development were treated by different standards. He reiterated his desire to see more citizen involvement in the process.

Denise Morgell, 16424 Highway 36, raised concern over lack of citizen involvement in the land use planning process. She cited the case of a veterinarian in Blachly treating animals from his home. She said the man had no money to build his practice because of fees and fighting land use restrictions. She added that she had difficulties with Lane County staff that had charged her \$418 to look at four trees on her property. She noted that this was two weeks salary for her. She said she had been intimidated by Lane County staff and added that staff had lost photos of her property showing the trees she had then been charged to inspect. She remarked that there was no sanity in what she was being told by Lane County staff that had said her dwelling was non-compliant because of its location on her property. She said she was being told that her manufactured home had to be moved seven feet further back because of fire break distance and remarked that this would put her home over a nearby ledge on the property.

Ms. Morgell raised concern over the Farm Use and Forest Management agreement requiring easements.

County Planning Staff member Bill Sage said a requirement for development in a forest zone was for the resident to acknowledge that farm and forest uses could operate on adjacent sites of land. He stressed that the agreement did not release any property rights.

Ray Morgell, testified that part of the problem was that citizens did not know who to go or talk to when going to the County Courthouse. He remarked that photos and paperwork he had submitted about his property had been lost by County staff. He said he felt that he had no avenues to work with the County since staff had told him that he either had to comply with moving his home to a different location on the property or lose the property. He reiterated his wife's concern over the \$418 charge for the visit from the County worker and remarked that a person driving by the property could have done the same amount of assessment that was done. He said his family had spent approximately \$1,500 so far on county fees and reiterated that this was more than they could afford.

Ms. Kirkham urged the Morgells to contact their County Commissioner about their stance on land use issues.

Ms. Betz and Ms. Kirkham urged the Morgells to call them if they had further problems communicating with Lane County staff.

Mr. Herbert stressed that the commission was there to listen to the concerns of citizens. He urged all present to state their concerns to the Planning Commission and the Board of County Commissioners.

Planning Director Kent Howe explained that fees were charged for notifying residents of firebreak regulations as well as fees for a return visit to see that the firebreak regulations were complied with.

In response to a question from Mr. Dignam regarding outright permitted uses on rural commercial lands, Mr. Sage said there were some outright permitted uses but acknowledged that

there were few of them. He said the site review process had been inserted in commercial and industrial zones so it appeared that there were no outright permitted uses.

Mr. Dignam said he was an advocate of private property rights and stressed that his voting record would support that. He noted that commissioners were required to follow state laws and sometimes that was the reasoning behind a particular vote.

Mr. Herbert closed the public hearing.

Ms. Kirkham reported that she and Bill Sage had received a letter from the Port of Siuslaw regarding the possibility of making RV parks and campgrounds permitted uses on industrial land. She distributed copies to the rest of the commission. She noted that the Port would also submit an official letter to the County.

(Recorded by Joe Sams)

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MINUTES

Lane County Planning Commission
Harris Hall - Lane County Courthouse

December 2, 2003
5:30 pm.

PRESENT: Chris Clemow, Jacque Betz, Mark Herbert, Juanita Kirkham, Vincent Martorello, Steve Dignam, members; Bill Sage, Kent Howe, Staff

ABSENT: Marion Esty

Mr. Herbert convened the meeting at 5:30 pm.

I. WORK SESSION:

- RCP Policy 27: Errors or Omission
- Rural Commercial Zone LC 16.291
- OAR Compliance Report - Rural Community Plans

Mr. Sage said the Planning Commission packet contained all the data regarding Errors and Omission. He called for feedback from the commission on the staff proposed RCP Goal Two, Policy 27.

In response to a question from Ms. Betz regarding whether there would be refunds of fees if applications were refused, Mr. Sage said a pre-application meeting, with the standard \$190 fee, would be held for previewing applications. He said staff would indicate at that meeting whether they thought the application should move forward and would leave the choice up to the applicant as to whether to submit for processing. He said the fee would not be refunded if an Errors or Omission application was accepted for processing.

In response to a question from Ms. Kirkham regarding cluster subdivisions, Mr. Sage stated the only change that was proposed in this ordinance draft was the addition of Policy 27, Errors or Omission as presented in the documents distributed to the planning commission.

Mr. Sage said there were three specific plan amendments that could not be processed under Errors or Omission:

1. Taking of a Committed Lands Exception
2. Nonresource Lands Application
3. Marginal Lands Application

In response to a question from Ms. Kirkham regarding how the new policy would be publicized to land owners, Mr. Sage said consultants and special interest groups would be informed about the change and staff would make citizens who came into the LMD customer service counter aware of the plan amendment option. He noted that the information would also be available on the County website.

In response to a question from Ms. Kirkham regarding whether staff would be able to meet the 45-day timeline for review and acceptance of an application, Mr. Sage said there was enough staff to meet that timeline.

In response to a question from Mr. Herbert regarding whether there was a way to make special groups aware of the changes, Mr. Sage said the County already provided notice to special groups. He said staff would distribute copies of the adopted ordinance to consultants and special interest groups.

Mr. Clemow, seconded by Ms. Kirkham, moved to recommend approval of Ordinance PA 1192 by the Board of County Commissioners. The motion passed unanimously.

Regarding Commercial Lands, Mr. Sage said there needed to be amendments to the text of LC 16.291(3)(u) addressing community sewer system requirements for hotels and motels within unincorporated rural communities. He said the item would have a first reading on January 7, and would be scheduled by the Board of Commissioners for public hearing and deliberations on January 21, 2004.

Mr. Sage said staff had received significant citizen input during citizen information meetings on square footage standards for commercial development in a rural area. Citizens wanted to increase the limit for development outside rural community boundaries from 3,000 to closer to 4,000 square feet. He said there had been some interest shown among the Board of Commissioners for revisiting that limit.

In response to a question from Mr. Dignam regarding the reasoning behind the 3,000 square foot limit, Mr. Herbert said there had been concern voiced from the McKenzie watershed citizens over the rural nature of incorporated areas and the resulting number was a compromise with no real science behind it.

In response to a question from Mr. Dignam regarding whether any changes made would apply to only the Siuslaw and Long Tom watersheds or would apply to the McKenzie Watershed as well, Mr. Sage said the commission could make a recommendation for the change to apply outside of the McKenzie Watershed.

There was general discussion of 3,000 versus 4,000 square foot limits. Ms. Kirkham questioned whether parcels could hold a 4,000 square foot, single story building and still meet existing setback requirements.

Mr. Herbert said the needs from watershed to watershed were different and needed to be handled on a case-by-case basis. He said, based on the input from the watershed citizens, he was inclined to be less rather than more restrictive.

In response to a comment from Mr. Martorello regarding differentiating between 3,000 and 4,000 square feet, Mr. Herbert said there had been no real citizen input, other than from the McKenzie watershed in 1999-2000, over keeping the limit at 3,000 square feet.

Ms. Kirkham reiterated that there were no parcels big enough to put a 4,000 square foot building on. She opined that this might be the reason that there had been no testimony on the issue.

Mr. Dignam, seconded by Ms. Betz, moved to institute a 4,000 square foot floor area on commercial properties outside of rural unincorporated communities in the Long Tom and Siuslaw watersheds.

The motion resulted in a tie vote of 3 to 3, with Mr. Herbert, Ms. Betz, and Mr. Dignam voting in favor.

Mr. Sage said he could notify the Board of Commissioners that there was a split vote on the issue.

In response to a question from Mr. Dignam regarding square foot limitations on motels and whether it was realistic to allow 35 units, Mr. Sage said there was currently no rural area in Lane County that could allow a Hotel or Motel to be constructed due to the requirement for an existing community sewer system to serve the use. He said the State never intended those types of facilities, motels or hotels, to be subject to the commercial floor area standards. He stated that the text of LC 16.291(4)(u) was also being amended to clarify the exception. He noted that the code did provide for "fishing or hunting overnight accommodations" in LC 16.291(3)(z) allowing 15 "guest rooms" in a single structure that was subject to the floor area limitations.

There was discussion regarding the OAR Compliance Report. Mr. Sage said it could not be forwarded to the Land Conservation and Development Commission (LCDC) until the maps for the 17 rural communities in the Siuslaw and Long Tom Watersheds were completed. He said the Official Plan and Official Zoning Plot maps for the rural communities in the two watersheds would be presented to the Planning Commission at the December 16th, meeting.

Mr. Dignam, seconded by Mr. Martorello, moved to support the housekeeping amendments to Lane Code 16.291 Rural Commercial Zone (RC, RCP) as presented by staff. The motion passed unanimously.

The meeting adjourned at 7 pm.

(Recorded by Joe Sams)

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M I N U T E S

Lane County Planning Commission
Harris Hall - Lane County Courthouse

January 20, 2004
5:30 pm.

PRESENT: Mark Herbert, Chair; (after 6:30), Jacque Betz, Chris Clemow, Steve Dignam, Marion Esty, Juanita Kirkham, Vincent Martorello, members; Bill Sage, Kent Howe, Staff; Kim O'Dea, Law Offices of Bill Kloos, Jozef Zdznesiki Guest;

ABSENT: No one

Ms. Kirkham convened the meeting at 5:30 pm.

I. APPROVAL OF AUGUST 5, OCTOBER 7&14, AND NOVEMBER 4, 2003 MINUTES

Mr. Clemow, seconded by Ms. Esty, moved to approve the minutes of August 5, October 7, October 14, and November 4, 2003 as presented. The motion passed unanimously.

Mr. Sage noted that staff had also included the October 21, November 4, and December 16, 2003 minutes. He noted that these included material on the deliberation of periodic review.

II. CONTINUATION OF DELIBERATION FROM DECEMBER 16, 2003

Mr. Sage outlined the deliberation points to date. He said he had included a document regarding an issue in that there was a duplication of "sign" code in sections of the rural commercial and industrial zones. He said staff had cleaned up the language and removed the duplication of wording. He asked the commission to take action to approve the staff revised language.

Mr. Dignam, seconded by Ms. Kirkham, moved to approve the staff recommended amendments to the sign code in LC 16.292 and 16.291. The motion passed unanimously.

A. OAR 660-022-0030(3) and (11) and HB 2691:

Mr. Sage explained that the deliberation had left off on the recommendation to change the allowed square footage in a rural industrial area from 10,000 to 40,000. He said the 40,000 square feet was a arbitrary standard implemented by the State who was responding to

the Governor's Task Force on Industrial Lands. He noted that the commission had the options, at the local level, to be more restrictive than state standards or implement the standard.

In response to a question from Ms. Betz regarding whether there would be any criteria that applicants would have to work with, Mr. Sage said there needed to be a set standard between 10,000 and 40,000 square feet or a recommended limitation in between.

In response to a question from Mr. Clemow regarding how likely it would be that an urban unincorporated community would happen in Lane County, Mr. Sage said if ten more homes on River View Avenue in Mapleton hooked up to the community sewer system then that community would qualify as such a urban unincorporated community. It is the only known community that might eventually qualify for the urban unincorporated community designation.

In response to a question from Mr. Dignam regarding whether the discussion was limited to industrial sites, Mr. Sage said eventually every rural industrial zone (M1, M2, M3) in the County would be rezoned to RI and come under the regulations of LC 16.292 (RI).

In response to a question from Mr. Martorello regarding whether there was a compelling community interest to increase the square footage limit, Mr. Sage said there were over 46 industrial properties in Lane County that were identified as abandoned or diminished mill sites and 18 were located in the rural areas. He said the advantage of raising the floor area limitation of those larger sites and structures would be to attract businesses that operated above the mom and pop level. He said that historically the larger rural industrial uses were the employment opportunities that allowed residents to work in the immediate area and provide the student population and tax base for schools in rural areas.

Mr. Dignam, seconded by Ms. Betz, moved to amend LC 16.292(3)(b)(I) to comply with OAR 660-022 and raise the floor area limitation to 40,000 square feet within rural unincorporated communities.

Mr. Martorello said he would support the motion. He said industrial lots were different from commercial lots and added that they generated traffic differently.

Mr. Dignam said he would support the motion because it was not changing natural resource land to industrial land. He said that it was a way to let landowners make the most effective use of their land. He added that it was important to be consistent with the state standard.

Ms. Kirkham reiterated the comments of Mr. Martorello.

Mr. Dignam offered a friendly amendment, which was accepted, to reflect that the motion was to approve 40,000 square feet floor area ratio for rural unincorporated communities and 60,000 square feet for urban unincorporated communities.

The amended motion passed unanimously.

The discussion moved to industrial zones outside of rural unincorporated communities. Mr. Sage said the current standard was 7,500 square feet.

Mr. Dignam said he would support an increase for the same reason he supported the increase inside of rural unincorporated communities.

Mr. Sage noted that DLCD had set a limit of 7/8 of the size of a facility in rural unincorporated communities as the standard in the Rural Commercial zone to comply with the "less intensive" guideline of the OAR.

Mr. Martorello, seconded by Mr. Dignam, moved to set the limit at 35,000 square feet outside of a rural unincorporated community. The motion passed unanimously.

B. HB 2614-B

Mr. Sage said the meeting packet contained a summary of the two house bills being discussed. He noted that to make the bills effective for the county, LC 16.400 and LC 16.292 needed to be amended. He said the bills might never come into play because it required indentifying a mill site that had been abandoned after January 1, 1980 or a mill that was operating at less than 25 percent capacity as of January 1, 2003. He said the action was being requested to establish a process for plan amendments and an ability to develop such a site if one were discovered.

In response to a question from Mr. Dignam regarding whether there were any pending applications for use of those industrial properties, Mr. Sage said he was not aware of any.

Mr. Clemow, seconded by Ms. Esty, moved that the board approve LC 16.292(3)(o) as presented by staff. The motion passed unanimously.

Mr. Clemow seconded by Mr. Martorello, moved to recommend that the board not approve LC 16.292(3)(p) as presented by staff which represented HB 2614-B.

Ms. Esty said she would not vote for the motion.

The motion passed 5:2 with Ms. Esty and Ms. Betz voting in opposition.

C. Adding Recreation Vehicle Parks as an interim conditional use in Rural Industrial Zones

Mr. Sage said staff was not comfortable with establishing a precedent of allowing a commercial use in an industrial zone even if the property was abandoned or underutilized. He recommended using the zone change process under periodic review or a quazi-judicial review on a site-specific application to amend property designations from Rural Industrial to Rural Commercial.

D. Other Housekeeping Revisions

Mr. Sage said the housekeeping issues needed a recommendation to the Board by the commission.

Mr. Martorello, seconded by Ms. Esty, moved to approve the housekeeping amendments as proposed by staff. The motion passed unanimously.

III. ANNUAL REPORT

Mr. Howe said the balance of the report was factual data. He called for a recommendation of approval on the document.

Mr. Dignam commented that the remaining time was not adequate to review the document and asked that the item be moved to a future meeting. There was general consensus.

The meeting adjourned at 7 pm.

(Recorded by Joe Sams)
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