

T. O. A.

MEMORANDUM

Date: May 12, 2004
To: Lane County Board of Commissioners
From: ~~Stephanie Schulz~~, Planner (LMD)
RE: Supplemental Material; 4th Reading
Subject: **Ordinance No. PA 1197** Amending the Eugene Springfield Metropolitan Area General Plan (Metro Plan)

These revisions to the Metro Plan are a result of public comment and elected official input from the Eugene and Springfield City Council's actions through the approval process for Periodic Review. The revisions include actions taken since the 3rd reading on March 17, 2004.

Eugene City Council adopted these changes on April 21, 2004. Springfield City Council is expected to adopt these changes on May 2, 2004.

Exhibit A, Metro Plan Housekeeping Revisions

Retention of Policy J-1 (page III-J-4) which reads, in part: *It is recommended that the coordinated development of a detailed metropolitan energy management plan or plans be undertaken, recognizing existing related energy documents, with the active participation of local jurisdictions in order to address local energy issues in greater depth than can be attempted in a metropolitan general plan. The products of this additional process would be considered as part of all metropolitan area planning policies in shaping the development of the region and should be continually monitored and reviewed to ensure their continued relevancy. Most of the energy data needed for this planning effort can be best collected and stored by a unified energy data bank that would, at a minimum, serve the entire metropolitan area . . .*

This policy was recommended for deletion because there had never been the resources to conduct an energy management plan, and resources for this significant effort are not expected in the future. At the Joint EO's public hearing, Eugene Council directed staff to contact the area's energy providers. SUB and EWEB prefer that the policy be deleted. They informed staff that this policy was written prior to the many new State and BPA energy management programs that are now in place, and they did not see much value in keeping this language in the Metro Plan. EWEB is currently updating its Integrated Energy Resource Plan, complete with a citizen effort, but that plan will only address a few of the Metro Plan policy's points and will not provide complete detail in response to all the points. The utilities state that if the policy remains, it must be clear that they are under no obligation to prepare such a plan. Only the Springfield City Council reacted to the Eugene Council's motion, indicating that it could approve the motion if Eugene retained the policy. The policy now remains in the draft document for adoption.

Exhibit B, Metro Plan Chapter III-C. Environmental Resources Element

DLCD staff met with County Planning staff in April to review Goal 4 Finding 4 to be consistent with current Goal 4 language. The current finding #4 as written is out of date. This change is found on page 7 of 25 in Exhibit B.

Current Finding #4. Language:

"The statewide goal definition of forest is based upon: (a) U.S. Department of Agriculture soils information translated into a potential forest growth productivity rating and (b) existing forest cover. Many soils in the metropolitan area have forest growth potential. Existing forest cover consists of coniferous and deciduous hardwood forests located primarily in the hills south of Eugene and Springfield and of riparian (streamside) forests along rivers, streams, ponds, and sloughs."

New Recommended Finding #4 Language:

" Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources."

Exhibit C, Metro Plan Diagram

The attached Metro Plan Diagram, dated 4/08/04, incorporates the appropriate plan designations on two District 4J school sites; Westmoreland and Santa Clara Elementary Schools. The Medium Density Residential designation for Westmoreland was recently upheld on an appeal and Santa Clara Elementary school is being sold as surplus and will no longer be used for educational purposes.

Exhibit A

Metro Plan Housekeeping Revisions Draft April 6, 2004

J. Energy Element

The Energy Element deals with the conservation and efficient use of energy in the metropolitan area and is meant to provide a long-range guide to energy-related decisions concerning physical development and land uses.

The use of energy is essential for the development and operation of the urban area. Many vital processes, such as commercial and industrial activities; transportation of goods; and the lighting, heating, and cooling of buildings depend on energy supplies for their operation. In addition, our daily lives are greatly influenced by the consumption of energy for a vast number of purposes, such as automobile and home appliance use.

As the cost of energy supplies increases and the availability of new energy sources decreases, we will continue to experience a greater need for conserving and efficiently using existing supplies. Many energy supplies are nonrenewable in that they are only produced once, as in the case of metals, or take hundreds of thousands of years to be produced, as in the case of petroleum and other fossil fuels. It is especially important to efficiently use and conserve energy sources in order that future generations will not unnecessarily suffer by their shortage or absence. Conservation makes possible the use of energy sources to serve greater numbers of people and also reduces the immediate need for the development of new centralized facilities, such as those required for the large-scale generation of electricity.

While a number of specific decisions relating to energy can be made using the energy policies in this element, it is not written at the level of detail that would be required for it to serve as a comprehensive energy plan for the metropolitan area. Examples given in this element are used to illustrate statements and are not meant to be inclusive. Other specific examples that reflect the same statement can also be applied by the reader.

As developments and data relating to energy production and conservation are rapidly changing, the findings, objectives, and policies of the Energy Element should be frequently monitored to ensure their relevancy.

Goals

1. Maximize the conservation and efficient utilization of all types of energy.
2. Develop environmentally acceptable energy resource alternatives.

Findings, Objectives, and Policies

Findings

1. Energy conservation measures can serve as an energy source by making limited energy supplies serve greater numbers of users.

2. Many energy supply and demand factors which influence the metropolitan area are beyond local control. An example is the petroleum supply decisions made by Organization of Petroleum Exporting Countries (OPEC) nations. ~~Furthermore, at the present rate of population growth and energy consumption, it cannot be stated with certainty that overall energy supplies will be adequate to meet demand through the planning period; i.e., a metropolitan population increase to 293,700.~~
3. ~~Based on metropolitan population projections and current energy use patterns, peak electrical energy demand for the metropolitan area will nearly double by the end of the planning period; i.e., a metropolitan population of 293,700. Energy-efficient land use patterns, conservation efforts, and load management would reduce projected demand. (The highest energy demand to date was on February 2, 1979, when the combined systems of EWEB and SUB experienced a peak hour demand of 703,000 kilowatts.~~
43. Energy savings can be obtained by utilizing forms of energy other than electricity or fossil fuels for space heating.
54. Recent trends and analysis indicate that the relative cost of non-renewable energy supplies, such as petroleum, and the relative cost of the majority of the electric power received by the metropolitan area, will increase in the future.
65. Wood fiber presently provides a significant amount of energy to the metropolitan area. The continued utilization of this alternative energy source will be influenced by the economic and resource conditions affecting the lumber industry and by the air quality conditions and regulations affecting the metropolitan area.
76. Municipal waste can serve as an indirect energy source through the energy savings resulting from the recycling of nonrenewable resources such as metals and glass containers.
97. Solar energy can provide a significant amount of the energy used for the metropolitan area hot water heating and can provide cost-effective supplementary space heating when used in basic, simple, passive systems.
9. ~~Approximately 25 percent of all energy in the metropolitan area is consumed by automobile use. This is the largest amount consumed by any specific use.~~
10. ~~Electricity supplies over 60 percent of the energy consumed for all residential uses in the metropolitan area.~~
118. An electrical generation facility which is powered by part of an industrial process (cogeneration) is presently operating in the metropolitan area. Additional opportunities for cogeneration facilities exist in the region.
129. Waste heat from metropolitan area industrial processes can be used for space heating of nearby buildings.

~~13. Over 75 percent of the total energy utilized by metropolitan area industry is consumed by the three industrial categories of metal manufacturing, chemical manufacturing, and the paper industry.~~

~~14. School buildings use over half of the energy consumed by the metropolitan area government sector but less than two percent of the total energy consumed in the metropolitan area.~~

~~15. Transportation and space heating consume the largest proportion of energy used in the commercial sector.~~

Goals

- ~~1. — Maximize the conservation and efficient utilization of all types of energy.~~
- ~~2. — Develop environmentally acceptable energy resource alternatives.~~

Objectives

1. Utilize cost-effective energy conservation techniques, as determined by methods which consider initial operating, replacement, and decommissioning costs of facilities--in other words, life cycle costs.
2. Maintain options for the potential use of energy conservation methods, such as increased building weatherization and some forms of public transit, that are not cost-effective at the present time.
3. Minimize negative environmental effects associated with energy production and use and encourage the utilization of energy sources having the least negative environmental impact.
4. Encourage the utilization of renewable energy sources in order to conserve nonrenewable energy resources.
5. Promote the recovery and reuse of nonrenewable resources, such as metals, as an energy conservation measure.
6. Facilitate the permanent use of solar energy and other decentralized energy sources to displace centralized energy supplies and diversify energy production.
7. Continue and intensify efforts to allocate land uses in a manner that creates a compact growth form for the metropolitan area.
8. Promote policies that minimize the energy consumed for heating, cooling, lighting, appliance use, and other processes in commercial, industrial, and residential buildings.

9. Encourage the maximum amount of energy conservation associated with automobile use.
10. Encourage industrial activities that use energy in the most efficient and productive manner.
11. Encourage the minimization of energy consumption in determining the placement, density, and design of all types of urban land uses.
12. Continue and support energy conservation efforts that are being undertaken by the public and private sector.
13. Continue and support efforts to increase public awareness of energy conservation issues and of methods to effectively utilize solar energy and other renewable energy supplies.

Policies

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

This effort should at least:

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

- f. Research revisions to regulations which would have a positive effect on the use of renewable, decentralized energy sources, such as solar energy.
 - g. Research land use patterns which would facilitate the use of centralized, small-scale energy generation and storage in residential, commercial, industrial, and mixed use applications.
 - h. Specify implementation processes.
- J.2 Carefully control, through the use of operating techniques and other methods, energy-related actions, such as automobile use, in order to minimize adverse air quality impacts. Trade-offs between air quality and energy actions shall be made with the best possible understanding of how one process affects the other.
- J.3 Land allocation and development patterns shall permit the highest possible current and future utilization of solar energy for space heating and cooling, in balance with the requirements of other planning policies.
- J.4 Encourage development that takes advantage of natural conditions, such as microclimate, and utilizes renewable energy supplies, such as solar energy, to minimize non-renewable and overall energy consumption.
- J.5 Resource recovery facilities may serve as a valuable energy source. Their operation and refinement should be investigated by all metropolitan area jurisdictions. Source separation of recyclable materials from waste should be encouraged as a separate, related energy conservation measure.
- J.6 Local jurisdictions and utilities shall examine methods of expanding existing residential, commercial, and industrial energy conservation programs. One potential method would be offering advice concerning the use of solar water heating systems.
- J.7 Encourage medium- and high-density residential uses when balanced with other planning policies in order to maximize the efficient utilization of all forms of energy. The greatest energy savings can be made in the areas of space heating and cooling and transportation. For example, the highest relative densities of residential development shall be concentrated to the greatest extent possible in areas that are or can be well served by mass transit, paratransit, and foot and bicycle paths.
- J.8 Commercial, residential, and recreational land uses shall be integrated to the greatest extent possible, balanced with all planning policies to reduce travel distances, optimize reuse of waste heat, and optimize potential on-site energy generation.
- J.9 Encourage industrial activities that use the smallest relative amounts of non-renewable energy.

- J.10 Support efforts to develop industries that have a relatively high potential for utilizing renewable energy sources or waste heat.
- J.11 Encourage the use and development of cogenerative and decentralized energy supplies for commercial and industrial purposes in an environmentally beneficial manner.
- J.12 When practical, the government sector should take the lead in demonstrating and implementing:
 - a. Cost-effective use of renewable and decentralized energy sources, such as solar space and water heating systems.
 - b. Selection and efficient use of energy-saving vehicles.
- J.13 Continue and encourage cooperation and communication between citizenry, utilities, and local, state, and federal governmental entities concerning energy-related issues, especially as they pertain to service area boundaries and economic development.
- J.14 Continue to encourage efforts at the state level to promote energy conservation, such as in the statewide building code.
- J.15 Continued coordination of information and programs concerning energy conservation shall be a high priority for affected local governments.
- ~~J.16 Prior to July 1987, Eugene, Springfield, and Lane County shall cooperate with the Bonneville Power Administration and affected local electrical utilities in designing a work program and initiating a study of major transmission line routes in the metropolitan region. Metro Plan amendments resulting from that study will be considered during the update process.~~
- J.17 ~~16~~ The Energy Element should be re-evaluated during the *Metro Plan* update in light of the program activities for local governments that were laid out in the *Northwest Conservation and Electric Power Plan*.

Exhibit B

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

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

C. Environmental Resources Element

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

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

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

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

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

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

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

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

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

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

Agricultural Lands (Goal 3)

Forest Lands (Goal 4)

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

Mineral and Aggregate Resources (Goal 5)

Open Space (Goal 5)

Noise (Goal 6)

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

Natural Hazards (Goal 7)

Goals

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

Objectives

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

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

Findings and Policies

Agricultural Lands (Goal 3)

Findings

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

Policies

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

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

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

- a. Encourage agricultural activities by preserving and maintaining agricultural lands through the use of an exclusive agricultural zone which is consistent with ORS 215 and OAR 660 Division 033.
- b. In Agricultural Rent Zones 1 and 2 preference will be given to Goal 3. In Rent Zone 3, unless commercial agricultural enterprises exist, preference will be given to Goal 4.
- c. Reserve the use of the best agricultural soils exclusively for agricultural purposes.
- d. To ensure that zoning districts applied to agricultural lands encourage valid agricultural practices in a realistic manner emphasis shall be placed on minimum parcel sizes which are based upon a countywide inventory and which are adequate for the continuation of commercial agriculture. As minimum parcel sizes decrease to accommodate more specialized commercial agricultural activities, the burden of proof upon the applicant shall increase in order to substantiate the proposed agricultural activity and restrictions shall increase in order to obtain a residence on the commercial farm unit. Deviation from minimum parcel sizes of the Exclusive Farm Use (EFU/RCP) land for the creation of a parcel not smaller than 20 acres may be allowed when at least 19 acres of the parcel being created are currently managed or planned to be managed by a farm management plan for a farm operation consisting of one or more of the following: berries, grapes, or horticultural specialties.
- e. Use planning and implementation techniques that reflect appropriate uses and treatment for each type of land.
- f. Encourage irrigation, drainage and flood control projects that benefit agricultural use with minimum environmental degradation in accordance with existing state and federal regulations.
- g. Some agricultural land is not suitable or available for agricultural use by nature of being built upon, committed to or needed for nonagricultural uses, by using applicable comprehensive plan policies and the exceptions process of Goal 2, Part II.

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

Forest Lands (Goal 4)

Findings

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

and (b) existing forest cover. Many soils in the metropolitan area have forest growth potential. Existing forest cover consists of coniferous and deciduous hardwood forests located primarily in the hills south of Eugene and Springfield and of riparian (streamside) forests along rivers, streams, ponds, and sloughs. Forest lands are those lands acknowledged by the Land Conservation and Development Commission (LCDC) as forest lands as of the date of adoption of the 1993 amendments to Goal 4. When a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water, and fish and wildlife resources.

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

Policies

- 14C.5 Metropolitan goals relating to scenic quality, water quality, vegetation and wildlife, open space, and recreational potential shall be given a higher priority than timber harvest within the UGB.
- 15C.6 The Oregon Forest Practices Act shall control commercial forest practices when commercial forest uses are the primary or one of two or more primary uses identified on forest lands on ~~Metro Plan~~ rural lands outside the UGB. When other policies of the *Metro Plan* establish a greater importance for uses other than commercial forests, Lane County shall protect those other values by applying appropriate implementation measures.
16. ~~Lane County shall support programs (state laws, for example) which benefit small woodlot management in rural areas.~~
17. ~~In rural lands outside the urban growth boundary, forest lands designated in the *Metropolitan Plan* shall be protected for forest uses through zoning for forest use and through application of other protective measures. The values of forest lands shall not be destroyed or deteriorated by nonforest uses.~~
- 40C.7 In addition to any of the above policies, these policies apply to forest lands within the jurisdictional boundaries Plan Boundary of the *Metro Plan* but outside the UGB:
- Conserve forest lands by maintaining the forest land base and protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and

~~agriculture, for the multiple forest uses of commercial timber management; watershed protection; wildlife, fisheries, and livestock habitat; and recreation, as per Goal 4~~

Forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water, and fish and wildlife resources.

- b. Forest lands will be separated into two zoning categories, Non-impacted and Impacted, and these categories shall be defined and mapped by the general characteristics specified in the Non-impacted Forest Land (F-1/RCP) and Impacted Forest Land (F-2/RCP) zones general characteristics.

- c. ~~On Nonimpacted Forest Lands or lands adjacent to Nonimpacted Forest Lands, limit nonforest uses.~~

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

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

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

- e. Prohibit residences on F-1/RCP zone lands except for the maintenance, repair, or replacement of existing residences. ~~or except for a residence on a lot of record. A lot of record shall be defined consistently with Sections 9 to 12, Chapter 884, Oregon Laws 1983.~~

- f. ~~Residences shall be conditionally permitted on Impacted Forest Lands if they are necessary and accessory to farm or forest uses, or if they are in conjunction with the propagation or harvesting of a forest product on a tract managed as part of a wood lot meeting the acreage minimum standards of forest policy 1 below, or if they are on a legal lot and if impacts upon adjacent and/or nearby farm and forest lands are limited.~~

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

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

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

- h. ~~Require that nonforest uses other than a residence on Nonimpacted Forest Lands be compatible with forest uses, practices, and operations on adjacent and nearby forest lands; and that there be provided valid reasons why the use should be sited on Nonimpacted Forest Land or evidence that the proposed site is on land generally unsuitable for forest uses.~~

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

- i. ~~Require that nonforest uses on Impacted Forest Lands be compatible with farm/forest uses, operations, and practices on adjacent and nearby farm and/or forest lands.~~

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

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

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

- k. ~~The following division standards are consistent with and will implement this policy:~~
 - ~~(1) Forty-acre (1/4 1/4 section)' minimum lot size for purpose of land division.~~
 - ~~(2) Deviation from the 40-acre minimum lot size may be conditionally allowed if the land division is for the purpose of separating an existing residence from the adjoining forest land, if the parcel containing the residence is limited to the least amount of area possible so as to maximize forest uses on the adjacent forest land.~~
 - ~~(3) Lot line adjustments for purposes other than the creation of an additional lot are permitted.~~
- l. ~~Area requirements for Impacted Forest Land must be adequate to conserve forest land for impacted farm and forest uses and be consistent with the following criteria.~~

- (1) ~~Except as provided in subsection (2) below, for the creation of a wood lot for the purpose of the propagation or harvesting of a forest product, the minimum area shall be at least 20 acres, and that which is consistent with the Douglas fir cubic foot site indexes and minimum area computations promulgated by the Oregon Department of Forestry and specified below, and additional area to accommodate a homesite, access and fire breaks, and a logical parcel layout and use of the parcel. There shall be presented for each application sufficient factual documentation to verify that each proposed tract meets the above requirements.~~

Cubic Foot	Potential Yield	Acreage
Site Class	Cu Ft/Acre/Year	Minimum
6	20-49 cf/ac	64
5	40-84 cf/ac	43
4	85-119 cf/ac	34
3	120-164 cf/ac	24
2	165-224 cf/ac	17

- (2) ~~To substantially limit any adverse impacts upon commercial forest management which might result from land divisions and subsequent residential development (accessory and necessary to commercial forest management), a minimum area of 80 acres shall be required for the division of large forest tracts:~~
- ~~(a) Zoned F-2~~
 - ~~(b) Containing at least 160 acres~~
 - ~~(c) For the creation of lots or parcels adjacent to F-1, RCP-zoned lands~~
- (3) ~~Deviation from the standard specified in subsections 1(1) and 1(2), above, for a 40-acre parcel on impacted forest land to be used for farm use may be allowed. Proposed residences for such parcels shall be accessory to commercial farm use and shall be allowed on if consistent with accessory dwelling standards in the EFU zone.~~
- (4) ~~Deviation from the standard specified in subsections 1(1) and 1(2), above, of the impacted forest land for the creation of a parcel not smaller than 20 acres may be allowed when at least 19 acres of the parcel being created are currently managed or planned to be managed by a farm management plan for a farm operation consisting of one or more of the following: berries, grapes, or horticultural specialties. A temporary mobile home which is accessory to the farm management may be conditionally located upon the farm parcel for a reasonable length of time to allow for substantial implementation of the farm management plan. Upon evidence that the farm management plan has been substantially implemented, the mobile~~

~~home may be allowed on a permanent basis or may be converted to a permanent dwelling.~~

~~(5) Lot line adjustments consistent with the definition of “divide” in Lane County 16.090 are permissible.~~

~~(6) Land divisions for nonfarm or nonforest dwellings are per EFU standards.~~

~~mk.~~ Encourage the consolidation of forest land ownership in order to form larger, more viable forest resource units.

~~n.l.~~ Encourage the conversion of under productive forest lands through silvicultural practices and reforestation efforts.

~~o.~~ Minimum parcel sizes and land division standards for Impacted Forest Lands should be the subject of additional study in future Plan revisions and updates.

m. Encourage the development of assistance programs, tax laws, educational programs, and research that will assist small woodland owners with the management of their forest land.

n. Lane County recognizes that the Oregon Forest Practices Act shall be the only mechanism regulating the growing and harvesting of forest tree species on commercial forest lands unless Goal 5 resource sites have been recognized and identified as being more important through an analysis of the environmental, social, economic, and energy (ESEE) consequences and conflict resolution as per Goal 5. No other findings, assumptions, goal policy, or other planning regulation shall be construed as additional regulation of forest management activities.

po. Lands designated within the *Metro Plan* as forest land shall be zoned F-1/RCP or F-2/RCP. A decision to apply one of the above zones or both of the above zones in a split zone fashion will be based upon a conclusion that characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. The zoning characteristics referred to are specified below in subsections (1) and (2). This conclusion shall be supported by a statement of reasons explaining why the facts support the conclusion.

(1) Non-impacted Forest Land (F-1/RCP) zone characteristics:

(a) Predominantly ownerships not developed by with residences or non-forest uses.

(b) Predominantly contiguous ownerships of 80 acres or larger in size.

- (c) Predominantly ownerships contiguous to other lands utilized for commercial forest or commercial farm uses.
 - (d) Accessed by arterial roads or roads intended primarily for forest management.
 - (e) Primarily under commercial forest management.
- (2) Impacted Forest Land (F-2/RCP) zone characteristics:
- (a) Predominantly ownerships developed by with residences or non-forest uses.
 - (b) Predominantly ownerships 80 acres or less in size.
 - (c) Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the *Metro Plan*.
 - (d) Provided with a level of public facilities and services, and roads intended primarily for direct services to rural residences.

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

Findings

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

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

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

~~8.~~ Lane County, Springfield, and Eugene jointly completed the Goal 5 requirements for riparian corridors for the area between the UGB and the Plan Boundary. The inventory consisted of data from the Oregon Department of Forestry stream classification maps.

U.S. Geological Service 7.5 minute quadrangle maps, Statewide Wetlands Inventory maps, and aerial photographs. The boundaries of significant riparian corridors were determined using the standard setback distance from all fish-bearing lakes and streams shown on the inventory as follows: 75 feet upland from the top of each bank along all streams with average annual stream flow greater than 1000 cubic feet per second; and 50 feet upland from the top of each bank along all streams with average annual stream flow less than 1000 cubic feet per second.

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

Policies

~~18C.8~~ Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies, and restrict development in wetlands in order to prevent erosion and protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas.

~~19C.9~~ Local governments shall develop policies and local controls for protection and management of wetland areas by completion of the next *Metro Plan* update. Each city shall complete a separate study to meet its requirements under the Goal 5 Rule for wetlands, riparian corridors, and wildlife habitat within the UGB. Lane County and the respective city jointly will adopt the inventory and protection measures for the area outside the city limits and inside the UGB.

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

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

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

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

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

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

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

- a. The jurisdiction within which the natural resource is located shall inventory study the site according to the requirements in the Goal 5 administrative rule, incorporating the use of experts, for specific location, quantity, and quality. ~~Whenever feasible, this inventory should be done within 30 days. Constraints on access to private lands, availability of qualified experts, and the difficulty of identifying the suspected natural resource at certain times of the year may require an exception to the time frame.~~
- b. Upon the completion of the preliminary inventory study, the affected jurisdiction shall determine within ten days whether the identified natural resource is significant according to the adopted significance criteria of the affected jurisdiction and adopt supporting findings. Significance will be determined on a case-by-case basis by the jurisdiction, according to whether the resource is on a federal, state, or local listing, and because of the uniqueness or scarcity of the resource locally. If necessary to protect the site, the local jurisdiction shall apply interim protection. The jurisdiction shall notify the other jurisdictions, MPC, and interested parties of the decision and any interim protection measures to be undertaken. This decision may be appealed in writing within ten days notification of the jurisdiction's decision to MPC. MPC shall consider the refinement of the inventory, the decision of the affected jurisdiction, and the written basis for appeal. The written appeal must include specific facts and reasons why the decision of the jurisdiction was inappropriate. MPC must reach a decision on significance within 40 days of receipt of an appeal.
- c. If the newly identified site a natural resource is determined significant, in no later than six months the affected jurisdiction shall complete the conduct a Goal 5 requirements for the site, which includes adoption of protection measures for sites identified for protection Environmental, Social, Economic, and Energy conflict resolution analysis and release a draft working paper with recommendations to MPC.
- d. The affected jurisdiction Staff will notify coordinate with affected property owners and interested parties throughout the process.

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

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

- a. ~~For the Pudding Creek Heronry:~~

- (1) ~~*Sand and Gravel Operations Management Plan* for the Heronry shall be filed with Lane County, requiring a vegetative, natural resource buffer and a 1000-foot operational buffer.~~
- (2) ~~The vegetative, natural resource buffer area is comprised of the existing vegetated area surrounding the heronry, bounded on the east by the BPA easement, on the south by the old haul road, and on the north and west by the Willamette River. Within this area, no recreational uses shall be allowed, and existing vegetation shall not be purposely removed.~~
- (3) ~~The 1000-foot operational buffer area shall extend outward 1000 feet from the outermost nesting tree, stopping to the north at the Willamette River. Between February 1 and July 15, operational restrictions shall be in effect within this area. These restrictions shall include: no tree felling, no aggregate extraction, and no operation of any mechanical equipment or motorized vehicle for the purpose of recreational use or for farm or forest activities. Additionally, excavation, or any preparation for excavation, within this area shall not occur until after 1990.~~
- (4) ~~Personnel from the Oregon Department of Fish and Wildlife (ODFW) shall monitor the heronry annually during the months of February through July to verify nesting activity of the heronry. Should the ODFW verify that fledging is completed prior to the July 15 date stated above, restrictions applicable to the operations buffer shall be lifted.~~
- (5) ~~If the heronry is abandoned, the *Sand and Gravel Operations Management Plan* shall continue for three consecutive years. The three-year period shall begin during the first breeding season when it is determined by the ODFW that the heronry has been abandoned. Upon initial verification by the ODFW that the heronry has been abandoned, Eugene, Springfield, Lane County, and the ODFW shall immediately begin a cooperative process to determine whether the abandoned heronry continues to represent a significant heron habitat. If it is determined that the abandoned heronry still represents a significant habitat, then protection of the heron habitat through land exchange, purchase, or plan amendment should be substantially completed within the consecutive three-year period which began with abandonment verification. If the heron habitat is determined not to represent significant heron habitat necessary for protection, the *Operations Management Plan* shall lapse after three years. In the event that the heronry is reoccupied within this three-year period, the *Sand and Gravel Operations Management Plan* shall continue, and in the event that initial verification of the ODFW is received that the heronry has again been abandoned, the three-year period of assessment shall start anew.~~

~~(6) Lane County, Eugene, and Springfield shall continue to support the Oregon State Parks Division, the State Land Board, and the ODFW in pursuing long-term protection of the heronry. A land exchange has been identified as the preferred option to provide long-term protection of the heronry. Progress toward providing long-term protection of the heronry through land exchange shall be closely monitored during plan updates.~~

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

- ~~(1)a. The heronry shall be protected by a Natural Resource designation on the Metro Plan Diagram, protective designation and zoning, and the application of restrictions identified below.~~
- ~~(2)b. The operational buffer shall extend 1,000 feet from the southerly nesting tree. Operational restrictions shall be in effect for the area contained within the 1,000-foot buffer between February 1 and July 15. These restrictions shall include: no tree felling, no aggregate extraction, and no operation of any mechanized equipment or motorized vehicle for recreation use or for the purpose of farm and forest activities. Upon on-site verification from the Oregon Department of Fish and Wildlife that fledging is completed, the period of operational restrictions may be shortened.~~
- ~~(3)c. Permits from the state and county are an appropriate mechanism for addressing details of sand and gravel operations. Specifically, flood hazard concerns and associated erosion potential will have to be addressed.~~
- ~~(4)d. Protection of riparian habitat on the periphery of the island shall be achieved by maintaining an adequate Willamette River Greenway vegetative fringe in order to address erosion, scenic, and wildlife habitat concerns.~~
- ~~(5)e. Park use on the island should be discouraged by the state.~~
- ~~(6)f. Controls on sand and gravel extraction should be developed between the operator and the Oregon Department of Fish and Wildlife through the mining permit procedures in order to protect the heronry resource.~~
- ~~(7)g. Property owners and the state shall be encouraged to exchange land to place the Confluence Island Heronry and buffer in perpetual ownership by the public. The state may then protect and manage the heronry resource with compensation to the property owners.~~

~~c. Lane County, Eugene, and Springfield shall pursue the development of a master plan for the Howard Buford Recreation Area, including lands between the park and the Middle Fork of the Willamette River. This master plan shall be completed within three years.~~

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

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

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

Policies

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

Findings

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

Mineral and Aggregate Resources (Goal 5)

Findings

12. Total land designated and zoned for sand and gravel extraction in the metropolitan area and immediately adjacent sub-areas appears adequate for demand through the planning period.
13. Sand and gravel deposits are an important natural resource necessary for construction in the metropolitan area. Nevertheless, the extraction of sand and gravel can conflict with other open space and recreation values associated with water resources, vegetation, wildlife habitat, and scenic quality. Proper rehabilitation and reuse of abandoned sand and gravel sites results in the return of valuable land for urban uses, including open space.
14. Lane County addressed the Goal 5 requirements in effect at the time of *Metro Plan* designation, zoning or permitting for mineral and aggregate operations outside the UGB including potential conflicts with inventoried wetlands, riparian corridors, and wildlife habitat. The permitting process of the Department of Geology and Mineral Industries (DOGAMI) will require necessary and adequate protections for inventoried wetlands, riparian corridors, and wildlife habitat for these existing operations. Future *Metro Plan* amendment, rezoning, or permitting processes for new mineral and aggregate operations not already authorized or permitted will be subject to applicable requirements of Goal 5 and DOGAMI regulations.

Policy

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

- a. ~~The location, quality, and quantity of sand and gravel resources within the resource areas designated in the Technical Supplement.~~
- b. ~~Conduct reanalysis of the relationship between the demand for the resource and the land planned, zoned, and actually usable for extraction. These studies should be conducted in cooperation with local sand and gravel industries.~~

Open Space (Goal 5)

Findings

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

Policies

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

Noise (Goal 6)

Findings

- 29.19. Noise sources of a nuisance nature (such as barking dogs, lawn mowers, loud parties, noisy mufflers, and squealing tires) are best addressed through nuisance ordinances rather than land use policies.
- 30.20. Major sources of noise in the metropolitan area are airplanes, highway traffic, and some industrial and commercial activities.
- 31.21. ~~The City of Eugene Mahlon Sweet Field Airport Noise Exposure Impact Boundary Analysis, November 1980~~ April 2000, was found to be in compliance with state airport noise standards by the State of Oregon Department of Environmental Quality ~~in January 1981.~~
- 32.22. Federal Highway Administration noise standards apply whenever federal funds are used in the construction or reconstruction of a highway. A noise study is required if the construction will add a through-lane of traffic or significantly alter either the horizontal or vertical alignment of the highway. The significance of a change in alignment has to do with the effect that the alignment change has on noise levels. State funded Oregon Department of Transportation projects are generally developed in conformance with the federal noise standards.

Policies

- 32C.22 Design of new street, highway, and transit facilities shall consider noise mitigation measures where appropriate.
- 33C.23 Design and construction of new noise-sensitive development in the vicinity of existing and future streets and highways with potential to exceed general highway noise levels shall include consideration of mitigating measures, such as acoustical building modifications, noise barriers, and acoustical site planning. The application of these mitigating measures must be balanced with other design considerations and housing costs.
- 34C.24 Local governments shall continue to monitor, to plan for, and to enforce applicable noise standards and shall cooperate in meeting applicable federal and state noise standards.
37. ~~A metropolitan-wide inventory of noise sources and complaints shall be addressed during each Plan Update and Periodic Review process.~~

Air, Water and Land Resources Quality (Goal 6)

Findings

123. The high value placed on clean air and water by local residents is reflected in local commitments to plans and programs directed toward reducing air and water pollution.
224. The Eugene-Springfield metropolitan area has a strong potential for elevated levels of air pollution due to the surrounding mountains, which provide a barrier to ventilation and contribute to periodic episodes of stable atmospheric conditions. These conditions effectively limit dilution and dispersion of air pollutants, resulting in the build-up of concentrations near the ground.
325. Some pollutants affecting metropolitan air and water quality originate outside the metropolitan area.

426. Based on monitoring work performed by the Lane Regional Air Pollution Agency (LRAPA), the Lane Council of Government (LCOG) and LRAPA submitted documentation demonstrating that the area meets the carbon monoxide standards since a violation of the eight-hour standard has not occurred since 1980. In 1988, LRAPA and LCOG formally requested redesignation of the area as an attainment area for carbon monoxide. The Oregon Department of Environmental Quality (DEQ) forwarded the reclassification request to the U.S. Environmental Protection Agency (EPA) Regional Office in Seattle. In January 1994, EPA redesignated the Eugene-Springfield area to attainment status for carbon monoxide. The area is currently in a 20-year maintenance period. Since redesignation, there have been no violations of the carbon monoxide standards.

LRAPA has developed a plan for meeting the new standards for fine particulates (the PM10 standard). The LRAPA Board has approved the plan. The PM10 plan boundary is coterminous with Metro Plan UGB. A majority of the unpaved streets identified as high priorities to address PM10 problems have now been paved. The PM10 plan approved by the LRAPA Board concluded that no transportation-related control measures were necessary for compliance with the PM10 Standard. LRAPA is currently in the process of seeking redesignation to attainment status for PM10.

~~The metropolitan area occasionally violates federal, state, and local air quality standards for particulate matter and carbon monoxide. Particulate matter consists of solid and liquid particles of soot, dust, aerosols, and fumes. The principal sources of particulate matter in this area include industry, dust from paved and unpaved roads, and smoke from wood stoves and fireplaces. Carbon monoxide is a toxic gas created from incomplete combustion occurring in automobiles, wood stoves, and fireplaces.~~

5. ~~Existing suspended particulate air quality standards and monitoring techniques, which are based on weight, do not adequately account for air pollution impacts of the finer particulates. Recent evidence indicates fine particulates have a greater potential for adverse effects on human health than do larger particulates.~~

6-27. Section 110 of the federal Clean Air Act requires state and local air pollution control agencies to adopt federally approved control strategies to minimize air pollution. The resulting body of regulations is known as a *State Implementation Plan* (SIP). SIPs generally establish limits or work practice standards to minimize emissions of air pollutants or their precursors. SIPs also include special control strategies for those areas not meeting *National Ambient Air Quality Standards* (non-attainment areas). Most of the regulations developed by LRAPA for controlling the emissions of air pollutants in Lane County are included in the Oregon SIP. The original SIP was adopted in the early 1970s in response to the 1970 federal Clean Air Act. It is amended periodically to respond to current issues.

~~The *Air Quality Maintenance Area (AQMA) Plan*, containing control strategies for suspended particulates and carbon monoxide for the Eugene-Springfield metropolitan area, was adopted by local, state, and federal governments. This *AQMA Plan* currently meets federal Clean Air Act requirements to attain and maintain federal ambient air quality standards.~~

728. Reduction of open space, removal of vegetative cover, and development that increases the amount of impervious surfaces (paved streets, roofs, parking lots) contribute significantly to increases in the peak volume (quantity) of urban storm runoff entering stormwater system and natural drainageways.

829. Water pollution in the metropolitan area results from both “point sources” (municipal and industrial wastewater discharges) and “non-point sources” (pollutants such as oil, dust, and debris which are carried into streams by storm runoff). Water pollution is most acute in streams that have low water flow conditions during the summer months (such streams include Amazon Creek and the “Q” Street ditch).

930. Offsetting measures can reduce the negative effects of urban development on water quality and quantity problems. Examples include on-site retention of stormwater, inclusion of landscaped “buffer strips” adjacent to new developments and conservation and improvement of streamside vegetation along water courses.

1931. The Willamette and McKenzie Rivers run through many jurisdictions, necessitating cooperative water management planning and consideration for downstream effects of actions taken by a single jurisdiction.

33-32. The Eugene-Springfield area is currently in compliance with national standards for carbon monoxide. The region will continue to be in compliance with the carbon monoxide standard in the future. Vehicle fleet turnover and stricter emission controls on newer vehicles are factors that will contribute to lower emissions in the future.

Policies

~~1~~C.25 Springfield, Lane County, and Eugene shall consider downstream impacts when planning for urbanization, flood control, urban storm runoff, recreation, and water quality along the Willamette and McKenzie Rivers.

~~21~~C.26 Local governments shall continue to monitor, to plan for, and to enforce applicable air and water quality standards and shall cooperate in meeting applicable federal, state, and local air and water quality standards.

~~22~~C.27 Local governments shall continue to cooperate in developing and implementing programs necessary to meet air quality standards. This effort should include but not be limited to:

- a. Review of all major public capital expenditure projects for potential air quality impacts.
- b. Integration of air quality concerns into the comprehensive land use plan.
- c. Active participation in developing and implementing additional controls, as needed.

~~23~~C.28 Local governments shall encourage changes to state and federal air quality regulations relating to development of fine particulate standards and related monitoring techniques.

~~36~~C.29 Prior to the completion of the next *Metro Plan* update, the air, water, and land resource quality of the metropolitan area will be reassessed.

Natural Hazards (Goal 7)

Findings

~~14~~33. Due to the general nature of soils and geologic mapping, site specific analysis is often necessary to determine the presence of geologic hazards and the severity of soil problems which are constraints to development. Such geologic hazards exist when certain combinations of slope, soil conditions, and moisture conditions render land unstable.

~~20~~34. Unless special precautions are taken, development within the floodway fringe (that portion of the floodplain having a one percent per year chance of occurrence, also known as a 100-year flood) is subject to hazards to life and property from flooding.

~~21~~35. Many portions of the floodway fringe contain natural assets, such as significant vegetation, wildlife and scenic areas, and productive agricultural lands and are thus, valuable for open space and recreation. On the other hand, because of their central location, some floodway fringe areas within the urban service area are important lands for urban development.

Policies

- 2C.30 Except as otherwise allowed according to Federal Emergency Management Agency (FEMA) regulations, development shall be prohibited in floodways if it could result in an increased flood level. The floodway is the channel of a river or other water course and the adjacent land area that must be reserved to discharge a one-percent-chance flood in any given year.
- 3C.31 When development is allowed to occur in the floodway or floodway fringe, local regulations shall control such development in order to minimize the potential danger to life and property. Within the UGB, development should result in in-filling of partially developed land. Outside the UGB, areas affected by the floodway and floodway fringe shall be protected for their agricultural and sand and gravel resource values, their open space and recreational potential, and their value to water resources.
- 4C.32 Local governments shall require site-specific soil surveys and geologic studies where potential problems exist. When problems are identified, local governments shall require special design considerations and construction measures be taken to offset the soil and geologic constraints present, to protect life and property, public investments, and environmentally-sensitive areas.
- 24C.33 Eugene shall maintain and improve and Springfield shall adopt hillside development regulations.

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