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**AGENDA COVER MEMO**

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**DATE:** May 16, 2005      Date of Memo  
June 1, 2005      Date of First Reading  
June 15, 2005      Date of Second Reading/Public Hearing

**TO:**      **LANE COUNTY BOARD OF COMMISSIONERS**

**FROM:** Public Works Department/Land Management Division

**PRESENTED BY:** Bill Sage, Associate Planner

**AGENDA ITEM TITLE:    ORDINANCE NO. PA 1222 - IN THE MATTER OF AMENDING LANE COUNTY GENERAL PLAN POLICIES (AN ELEMENT OF THE LANE COUNTY RURAL COMPREHENSIVE PLAN) BY REVISING GOALTWO - POLICIES 10, 11, 15 AND 16; ADOPTING PLAN DESIGNATIONS AND ZONING DESIGNATIONS FOR FIVE UNINCORPORATED RURAL COMMUNITIES IN THE COAST FORK WILLAMETTE WATERSHED AND FOUR UNINCORPORATED RURAL COMMUNITIES AND ONE URBAN UNINCORPORATED COMMUNITY IN THE MIDDLE FORK WILLAMETTE WATERSHED TO COMPLY WITH SUCH AMENDMENTS; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES.**

**I. MOTION**

**MOVE ADOPTION OF ORDINANCE NO. PA 1222 WITH EXHIBITS.**

**II. ISSUE**

Task 5 of the Lane County Periodic Review Work Program requires amendment of RCP General Plan Policies- Goal 2, and the Official Plan Diagrams, and Official Zoning Diagrams to comply with the Unincorporated Community Rule (OAR 660-22) for rural commercial, rural industrial, and rural public facility lands, and Goal 14 Rule Urbanization (OAR 660-04-040) for rural residential lands in the Coast Fork of the Willamette Watershed and the Middle Fork of the Willamette Watershed.

**III. ANALYSIS**

**A. Background**

Lane County was awarded a grant by DLCD and grant from the Lane County Economic Development Standing Committee to assist in the effort to comply with Periodic Review Work Task 5 in the Coast Fork and Middle Fork of the Willamette Watersheds.

Lane County is in the final phase of the Periodic Review Work Program (PRWP) Work Task 5 in the rural area of the Coast Fork of the Willamette River Watershed, which includes five designated unincorporated rural communities (Goshen, Saginaw, London, Dorena and Culp Creek), and the rural area of the Middle Fork of the Willamette River Watershed, which includes four unincorporated rural communities and one urban unincorporated community (Pleasant Hill, Jasper, Trent, Fall Creek and Dexter).

The Board of Commissioners' final action pertaining to Task 5 for these two watersheds requires:

- submittal of the OAR Compliance Report to DLCD;
- submittal of the compiled inventory of commercial and industrial uses and the public facilities in the rural areas of the Coast Fork – Willamette and the Middle Fork – Willamette Watersheds to DLCD;
- adoption of amendments to the RCP Goal 2 Plan Policies 10 and 11 re-designating the ten unincorporated communities; and
- adoption of revisions to the Official Plan Diagrams and Official Zoning Diagrams for the ten unincorporated communities.

On Tuesday, May 17, 2005, the LCPC conducted a public hearing in Harris Hall to hear testimony on this issue.

#### **B. Amendments to Rural Comprehensive Plan – General Plan Policies: Goal 2**

Lane County is required to adopt amendments to the Rural Comprehensive Plan - Goal 2, Policies 10 and 11 to comply with statewide Land Use Goal 14 (OAR 660-04-040) and the Rural Community Rule (OAR 660-22-10 thru 030). These rules require amendments to:

- re-designate the ten unincorporated communities;
- adopt conforming Official Plan Diagrams and Official Zoning Diagrams; and
- apply minimum parcel sizes for division of rural residential lands within the unincorporated community boundaries.

Ordinance No. PA 1222 also includes amendments to Goal 2, Policy 15 to correct a scrivener error in designation of a parcel, and Policy 16 addressing new rural public facility, rural commercial and rural industrial development in the Coast Fork and Middle Fork of the Willamette Watersheds.

#### **C. Implementation of Lane Code – Chapter 16**

Lane County adopted new development codes in Lane Code Chapter 16 for developed & committed exception areas outside of the unincorporated communities of Lane County and inside the eight unincorporated communities of the McKenzie Watershed that became effective on May 14, 2002. The new codes included the five listed below:

- Lane Code 16.290 Rural Residential: Uses, Standards, and Criteria.
- Lane Code 16.291 Rural Commercial: Uses, Standards, and Criteria.
- Lane Code 16.292 Rural Industrial: Uses, Standards and Criteria.
- Lane Code 16.294 Rural Public Facility: Uses, Standards and Criteria.
- Lane Code 16.295 Rural Parks and Recreation: Uses, Standards and Criteria.

The above five sections of Lane Code were implemented in the unincorporated communities of the Siuslaw Watershed and Long Tom Watershed on February 18, 2004.

These codes were amended by the Board of Commissioners in May 2004 to comply with enacted bills by the 2003 Oregon Legislative Assembly and LCDC administrative rule amendments in 2003.

Thirty days after adoption of Ordinance No. PA 1222 and the Official Plan and Zoning Diagrams, these five sections of Lane Code will become effective within the unincorporated communities of Goshen, Saginaw, London, Dorena, and Culp Creek of the Coast Fork of the Willamette River Watershed, and the unincorporated communities of Pleasant Hill, Jasper, Trent, Fall Creek and Dexter in the Middle Fork of the Willamette River Watershed.

#### **D. Additional Planning Requirement**

One community, Dexter, qualifies under OAR 660-022-0010 (9) and OAR 60-022-0020(6) for designation as an urban unincorporated community due to the existing community sewer system, Dexter Sanitary District, and the four existing community water systems that serve fifteen or more permanent residences.

Adoption of an urban unincorporated community designation places an obligation on the county: OAR 660-022-0050(1) "In coordination with special districts, counties shall adopt public facility plans meeting the requirements of OAR 660, Division 11, and include them in the comprehensive plan for unincorporated communities over 2,500 in population. A community public facility plan addressing sewer and water is required if the unincorporated community is designated as an urban unincorporated community under OAR 660-022-0010 and 660-022-0020 . . ."

For the past five to six years, the design capacity of the Dexter Sanitary District system has been exceeded due to groundwater infiltration and inflows to the system due to leaking septic tanks and building sewers. On September 14, 2004, the Dexter Sewer District Board of Commissioners enacted Resolution No. 9-2004 imposing temporary moratoria on new sewer connections. All existing connections continue to be served. In February-March 2004, the District negotiated a Mutual Agreement and Order with the Oregon Department of Environmental Quality for a work program to correct the deficiencies in the sewer system in two phases. On February 10, 2004, the District approved a Resolution authorizing issuance of revenue bonds in the amount of \$300,000.00 to finance Phase I of the correction program.

Due to the moratorium and pending Phase I work program, staff is recommending that the coordination with the special districts be postponed until after the completion of Phase I. When the work has been completed, all parties will have a more comprehensive view of the needs of the community and the capabilities of the District. It is anticipated that LMD will be seeking grant funding in FY 06/07 for this project.

#### **E. Planning Commission Recommendation**

The Lane County Planning Commission (LCPC) held a public hearing on May 17, 2005, which included review of the OAR Compliance Report and individual community reports, proposed amendments to General Plan Policies - Goal 2 Policies 10, 11, 15 and

16, and the amended Official Plan and Zoning Diagrams. After deliberations, the LCPC supported a recommendation to the Board for approval of Ordinance No. PA 1222 and the exhibits.

**F. Alternatives/Options**

1. Adopt Ordinance PA 1222.
2. Do not adopt Ordinance PA 1222.
3. Provide direction to staff concerning the proposed language of the Policies the Board wishes to modify or does not support.

**G. Recommendation**

Staff recommends Alternative 1., above.

**H. Timing**

The Ordinance does not contain an emergency clause and will become effective thirty days from the date of adoption.

**IV. FINDINGS**

Findings of fact and conclusions of law addressing consistency of the proposed policy amendments with state law are attached to the Ordinance as Exhibit "C".

**V. IMPLEMENTATION / FOLLOW-UP**

Notice of the Board's action will be provided to DLCDC.

**VI. ATTACHMENTS**

- A. Ordinance No. PA 1222  
Exhibit A. Legislative Format: Goal Two Policies.  
Exhibit B. Official Plan Diagrams and Official Zoning Diagrams.  
Exhibit C. Findings of Fact.
- B. LCPC minutes (May 17, 2005)
- C. CD: Background documentation for Ordinance No. PA 1222 is being provided on a CD:
- *Lane County Preliminary OAR Compliance Report.*
  - Official Plan Diagrams for unincorporated communities.
  - Official Zoning Diagrams for unincorporated communities.
  - *Inventory of Rural Industrial (RI), Rural Commercial (RC) and Rural Public Facility (RPF) properties within the Coast Fork Willamette Watershed..*
  - *Inventory of Rural Industrial (RI), Rural Commercial (RC) and Rural Public Facility (RPF) properties within the Middle Fork Willamette Watershed.*
  - *Index Map of Official Plan and Zoning Plots in Lane County.*
  - Rural Residential -- Lane Code 16.290
  - Rural Commercial -- Lane Code 16.291
  - Rural Industrial -- Lane Code 16.292
  - Rural Public Facility -- Lane Code 16.294
  - Rural Parks and Recreation -- Lane Code 16.295

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. PA 1222 | IN THE MATTER OF AMENDING THE LANE COUNTY  
| GENERAL PLAN POLICIES (AN ELEMENT OF THE  
| LANE COUNTY RURAL COMPREHENSIVE PLAN) BY  
| REVISING GOAL TWO POLICIES 10, 11, 15 AND 16; BY  
| REVISING PLAN DESIGNATIONS AND ZONING  
| DESIGNATIONS FOR FIVE UNINCORPORATED  
| RURAL COMMUNITIES IN THE COAST FORK OF  
| THE WILLAMETTE WATERSHED AND FOUR  
| UNINCORPORATED RURAL COMMUNITIES AND  
| ONE URBAN UNINCORPORATED COMMUNITY IN  
| THE MIDDLE FORK OF THE WILLAMETTE  
| WATERSHED TO COMPLY WITH SUCH  
| AMENDMENTS; AND ADOPTING SAVINGS AND  
| SEVERABILITY CLAUSES.

WHEREAS, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 883, has adopted the Lane County General Plan Policies which is a component of the Lane County Rural Comprehensive Plan; and

WHEREAS, Lane Code 16.400 sets forth procedures for amendments of components of the Rural Comprehensive Plan; and

WHEREAS, the proposal was reviewed at public hearings with the Lane County Planning Commission on May 17, 2005; and

WHEREAS, the proposal was reviewed at a public hearing with the Lane County Board of Commissioners on June 15, 2005; and

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

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

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

Section 1. The Lane County General Plan Policies Goal Two (Policies 10, 11, 15 and 16) adopted by Ordinance No. PA 883 and amended thereafter, is amended by revision of Goal Two Policies 10, 11, 15 and 16) as set forth in Exhibit "A".

Section 2. The plan diagram designations and zoning designations for the five unincorporated rural communities in the Coast Fork Willamette Watershed (Goshen, Saginaw, London, Dorena and Culp Creek), and the four unincorporated rural communities and one urban unincorporated community in the Middle Fork of the Willamette Watershed (Pleasant Hill, Jasper, Trent, Fall Creek and Dexter) are changed as set forth in Exhibit "B".

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

IN THE MATTER OF AMENDING THE LANE COUNTY GENERAL PLAN POLICIES (AN ELEMENT OF THE LANE COUNTY RURAL COMPREHENSIVE PLAN) BY REVISING GOAL TWO POLICIES 10, 11, 15 AND 16; BY REVISING PLAN DESIGNATIONS AND ZONING DESIGNATIONS FOR FIVE UNINCORPORATED RURAL COMMUNITIES IN THE COAST FORK OF THE WILLAMETTE WATERSHED AND FOUR UNINCORPORATED RURAL COMMUNITIES AND ONE URBAN UNINCORPORATED COMMUNITY IN THE MIDDLE FORK OF THE WILLAMETTE WATERSHED TO COMPLY WITH SUCH AMENDMENTS; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES.

The prior policies, zoning base designations and plan diagram base designations repealed or changed by this Ordinance remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

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

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Chair, Lane County Board of County Commissioners

\_\_\_\_\_  
Recording Secretary for this Meeting of the Board

Approved As To Form

Date \_\_\_\_\_ Lane County

\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

IN THE MATTER OF AMENDING THE LANE COUNTY GENERAL PLAN POLICIES (AN ELEMENT OF THE LANE COUNTY RURAL COMPREHENSIVE PLAN) BY REVISING GOAL TWO POLICIES 10, 11, 15 AND 16; BY REVISING PLAN DESIGNATIONS AND ZONING DESIGNATIONS FOR FIVE UNINCORPORATED RURAL COMMUNITIES IN THE COAST FORK OF THE WILLAMETTE WATERSHED AND FOUR UNINCORPORATED RURAL COMMUNITIES AND ONE URBAN UNINCORPORATED COMMUNITY IN THE MIDDLE FORK OF THE WILLAMETTE WATERSHED TO COMPLY WITH SUCH AMENDMENTS; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES.

**Ordinance No. PA 1222**

**Exhibit A – LEGISLATIVE  
FORMAT**

Additions or amendments to the text are indicated in **underlined bold text**.

Deletions are indicated in ~~strike through~~.

**GOAL TWO: LAND USE PLANNING**

1. The purpose of the revised Lane County Comprehensive Plan shall be to provide information to assist public and private decision-making, and to meet the requirement of Oregon State Planning Goals and associated laws.
2. The Policies shall provide the direction for County growth and development and programs for dealing with planning issues; the Plan Diagrams shall be specific graphic descriptions of proposed land use throughout the County, and shall be the primary basis for zoning decisions.
3. All products of the County Planning process shall be made available for public review and comment and shall be adopted through the hearings process.
4. The County shall be divided into two sub-County regions: the Coastal Region and the Inland Region. Each region shall have its own Plan Diagram. The dividing line shall be the summit of the Coast Range.
5. The Lane County Planning Commission shall have primary advisory authority to the Board of County Commissioners for Countywide land use policy issues.
6. The revised General Plan shall have primary jurisdiction in all areas of the County outside the incorporated City Urban Growth Boundaries and the Plan Boundary shown on the Eugene-Springfield Metropolitan Area Plan Diagram (which includes UGB plus additional territory).
7. The Planning period for the revised Plan shall be 20 years with revisions and update to occur every five years, beginning five years from the date of adoption.
8. It shall be the policy of the County to systemize and streamline the existing Plan Amendment process, to make the process more efficient and more responsive to individual needs. This will be accomplished by future amendment of the Lane Code.
9. Exceptions to LCDC Goals (i.e., a determination that it is not possible to apply an appropriate goal to a specific property) shall be in accordance with OAR 660-04-000 (Goal 2 Exception Process) and shall only be taken at times of Plan adoption of amendment.
10. Lane County shall update the Rural Comprehensive Plan during periodic review to plan and zone unincorporated communities to comply with OAR 660 Division 22, “UNINCORPORATED COMMUNITIES”, the “Unincorporated Community Rule” (UCR). Once updated, any changes in the planning and zoning for the unincorporated

communities shall comply with the UCR. The UCR was adopted by the State Land Conservation and Development Commission (LCDC) on October 28, 1994 and became effective on December 5, 1994. The definitions in the UCR for “unincorporated community” and for the four types of unincorporated communities are included in Goal 2 Policy 10 a.-b., below. Section -0020(3)(a) of the UCR allows counties to plan and zone areas as communities if the, “Land has been acknowledged as an exception area and historically considered to be part of the community.” The acknowledged exception areas historically considered by Lane County to be communities are identified in Goal 2 Policy 10 c., below.

- a. An “Unincorporated Community” (*OAR 660-022-0010(9)*) means, “A settlement with these characteristics:
  - i. It is made up of lands subject to an exception to Statewide Planning Goal 3, Goal 4 or both;
  - ii. Prior to the date that OAR 660 Division 22 was adopted, October 28, 1994, it was designated in The Lane County Rural Comprehensive Plan (RCP) as a “Community”;
  - iii. It lies outside the urban growth boundary of any city;
  - iv. It is not incorporated as a city; and
  - v. It meets the definition of one of the four types of unincorporated communities in Policy 3 below.”
  
- b. There are four types of unincorporated communities:
  - i. “Rural Community” (*OAR 660-022-0010(6)*) means, “An unincorporated community which consists primarily of residential uses but also has at least two other land uses that provide commercial, industrial, or public uses (including but not limited to schools, churches, grange halls, post offices) to the community, the surrounding rural area, or to persons traveling through the area.
  - ii. “Resort Community” (*OAR 660-022-0010(5)*) means, “an unincorporated community that was established primarily for and continues to be used primarily for recreation or resort purposes and that: includes residential and commercial uses; and provides for both temporary and permanent residential occupancy, including overnight lodging and accommodations.
  - iii. “Rural Service Center” (*OAR 660-022-0010(7)*) means, “An unincorporated community consisting primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some dwellings.
  - iv. “Urban Unincorporated Community” (*OAR 660-022-0010(8)*) means, “An unincorporated community which has the following characteristics:
    - A. Includes at least 150 permanent dwelling units including manufactured homes;
    - B. Contains a mixture of land uses including three or more public, commercial or industrial land uses;
    - C. Includes areas served by a community sewer system; and
    - D. Includes areas served by a community water system.
  
- c. On February 29, 1984, Lane County adopted Ordinance No. PA 884. that applied a “community” plan diagram designation and zoning to 35 separate, developed and committed exception areas: Glenada, Cushman, Mapleton, Swisshome, Deadwood,



Greenleaf, Triangle Lake, Walton, Blachly, Noti, Elmira, Crow, Franklin, Cheshire, Alvadore, Lorane, Lancaster, London, Saginaw, Goshen, Pleasant Hill, Jasper, Marcola, Trent, Dorena, Culp Creek, Walterville, Fall Creek, Dexter, Leaburg, Vida, Nimrod, Blue River, Rainbow, and McKenzie Bridge.

- d. The following unincorporated communities within the McKenzie Watershed are designated in the RCP as “Unincorporated Rural Communities”:
  - i. Marcola,
  - ii. Walterville,
  - iii. Leaburg.
  - iv. Vida,
  - v. Nimrod
  - vi. Blue River,
  - vii. Rainbow, and
  - viii. McKenzie Bridge.
  
- e. The following unincorporated communities within the Siuslaw Watershed are designated in the RCP as “Unincorporated Rural Communities”:
  - i. Glenada,
  - ii. Cushman,
  - iii. Mapleton,
  - iv. Swisshome,
  - v. Deadwood,
  - vi. Greenleaf,
  - vii. Triangle Lake,
  - viii. Blachly, and
  - ix. Walton.
  
- f. The following unincorporated communities within the Long Tom Watershed are designated in the RCP as “Unincorporated Rural Communities”:
  - i. Lancaster,
  - ii. Franklin,
  - iii. Cheshire,
  - iv. Alvadore,
  - v. Elmira,
  - vi. Noti,
  - vii. Crow, and
  - viii. Lorane.
  
- g. The following unincorporated communities within the Coast Fork of the Willamette Watershed are designated in the RCP as “Unincorporated Rural Communities”:**
  - i. Goshen (Plots # 413-1, 414-1, 426-3, 427-2),**
  - ii. Saginaw (Plot # 403-1,**
  
  - iii. London (Plot # 275-2),**
  - iv. Dorena (Plot # 509-1), and**
  - v. Culp Creek (Plots # 509-2, 520-1, 532-1).**

**h. The following unincorporated communities within the Middle Fork of the Willamette Watershed are designated in the RCP as “Unincorporated Rural Communities”:**

- i. Pleasant Hill (Plots # 449-1, 460-1),**
- ii. Jasper (Plots # 483-1, 483-2),**
- iii. Trent (Plot # 506-1), and**
- iv. Fall Creek (Plot # 527-1).**

**The following unincorporated community within the Middle Fork of the Willamette Watershed is designated in the RCP as “Urban Unincorporated Community”:**

- v. Dexter (Plot # 529-1).**

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

- a. A Rural Residential designation shall be applied to developed and committed exception areas which are devoted to rural housing uses as evaluated by the following criteria:
  - i. existing development pattern and density;
  - ii. on-site sewage disposal suitability, or community sewerage;
  - iii. domestic water supply availability;
  - iv. access;
  - v. public services;
  - vi. lack of natural hazards; and
  - vii. effect on resource lands.

Before the RCP plan diagram for a community area is amended to comply with OAR 660 Division 22, densities of 1, 2, 5 or 10 acres shall be applied to represent existing development patterns and to limit problems resulting from a negative evaluation of any of the above criteria.

When the RCP plan diagram for a community area is amended to comply with OAR 660 Division 22, the UC Rule, new dwellings and densities for the creation of new residential lots or parcels shall comply with OAR 660 Division 22, the UC Rule and with these requirements for specific unincorporated communities:

- i. For the Unincorporated Communities of the McKenzie Watershed, the density for the creation of new lots or parcels shall be:
  - A. Marcola: 1 acre (*1998 existing average parcel size = .82 acres*);
  - B. Walterville: 2 acres (*1998 existing average parcel size = 1.58 acres*);
  - C. Leaburg: 2 acres (*1998 existing average parcel size = .98 acres*);
  - D. Vida: 2 acres or 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173 and located adjacent to or north of Gate Creek Road (*1998 existing average parcel size = 1.35 acres*);
  - E. Nimrod: 2 acres for areas zoned RR2 prior to the adoption of Ord. PA 1173. 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173. (*1998 existing average parcel size = 1.83 acres*);

- F. Blue River: 2 acres for areas zoned RR2 prior to the adoption of Ord. PA 1173. 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173. *(1998 average parcel size = 4.56 acres in areas zoned RR5, 2.45 acres in areas zoned RR1 and .65 acres in RA zoned areas);*
  - G. Rainbow: 2 acres south of Highway 126, west of Mill Creek Road and north of the McKenzie River. 2 acres in areas zoned RR2 prior to the adoption of Ord. PA 1173. 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173. *(The 1998 average parcel size = 1.65 acres);* and
  - H. McKenzie Bridge: 2 acres west of bridge, along Highway 126 and Taylor Road, and south of the McKenzie River and along Horse Creek Road. 2 acres in areas zoned RR2 prior to the adoption of Ord. PA 1173. 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173. *(The 1998 existing average parcel size = 1.86 acres.).*
- ii. For the Unincorporated Communities of the Siuslaw Watershed, the density for the creation of new lots or parcels shall be:
- A. Glenada: 2 acres. *(1998 average parcel size in the Rural Residential Zone was 1.37 acres);*
  - B. Cushman: 5 acres. *(1998 average parcel size in the Rural Residential Zone was 1.52 acres);*
  - C. Mapleton: 1 acre for areas zoned RR1, 2 acres for areas zoned RR2, and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Rural Residential Zone was 1.15 acres);*
  - D. Swisshome: 2 acres. *(1998 average parcel size in the Rural Residential Zone was 1.74 acres);*
  - E. Deadwood: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Rural Residential Zone was 1.96 acres);*
  - F. Greenleaf: 5 acres. *(1998 average parcel size in the Rural Residential Zone was 3.33 acres);*
  - G. Triangle Lake: 2 acres. *(1998 average parcel size in the Rural Residential Zone was 0.68 acres);*
  - H. Blachly: 2 acres. *(1998 average parcel size in the Rural Residential Zone was 0.71 acres);* and
  - I. Walton: 5 acres. *(1998 average parcel size in the Rural Residential Zone was 4.08 acres).*
- iii For the Unincorporated Communities of the Long Tom Watershed, the density for the creation of new lots or parcels shall be:
- A. Lancaster: 5 acres. *(1998 average parcel size in the Rural Residential Zone was 1.57 acres);*
  - B. Franklin: 1 acre for areas zoned RR1 prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Rural Residential Zone was 2.15 acres);*
  - C. Cheshire: 1 acre for areas zoned Suburban Residential (RA) prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Suburban Residential Zone was 2.86 acres);*

- D. Alvadore: 1 acre for areas zoned Suburban Residential (RA) prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Suburban Residential Zone was 1.60 acres);*
- E. Elmira: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Rural Residential Zone was 2.10 acres);*
- F. Crow: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Rural Residential Zone was 2.85 acres);*
- G. Lorane: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Rural Residential Zone was 3.99 acres);*
- H. Noti: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Rural Residential Zone was 2.63 acres).*

**iv. For the Unincorporated Communities of the Coast Fork of the Willamette Watershed, the density for the creation of new lots or parcels shall be:**

- A. Goshen (Plots # 413-1, # 414-1, # 426-3, # 427-2): One-acre for areas zoned Suburban Residential (RA) and RR1 prior to the adoption of Ordinance No. PA 1222. Five-acres for areas zoned RR5 prior to the adoption of Ordinance No. PA 1222. (1998 average parcel size in the Rural Residential Zone was 3.82 acres);**
- B. Saginaw (Plot # 403-1): Five-acres for areas zoned RR5 prior to the adoption of Ordinance No. PA 1222. (1998 average parcel size in the Rural Residential Zone was 6.07 acres);**
- C. London (Plot # 375-2): Five-acres for areas zoned RR5 and ten-acres for areas zoned RR10 prior to the adoption of Ordinance No. PA 1222. (1998 average parcel size in the Rural Residential Zone was 3.1 acres);**
- D. Dorena (Plot # 509-1): Two-acres for areas zoned RR2 and five-acres for areas zoned RR5 prior to the adoption of Ordinance No. PA 1222. (1998 average parcel size in the Rural Residential Zone was 3.21 acres);**
- E. Culp Creek (Plots # 509-2, # 520-1, # 532-1): Two-acres for areas zoned RR2 and five-acres for areas zoned RR5 prior to the adoption of Ordinance No. PA 1222. (1998 average parcel size in the Rural Residential Zone was 2.25 acres);**

**v. For the Unincorporated Communities of the Middle Fork of the Willamette Watershed, the density for the creation of new lots or parcels shall be:**

- A. Pleasant Hill (Plots # 449-1, # 460-1): One-acre for areas zoned RR1, two-acres for areas zoned RR2, and five-acres for areas zoned RR5 prior to the adoption of Ordinance No. PA 1222. (1998 average parcel size in the Rural Residential Zone was 2.1 acres);**

- B. Jasper (Plots # 483-1, # 483-2): Two-acres for areas zoned RR2 and five-acres for areas zoned RR5 prior to the adoption of Ordinance No. PA 1222. (1998 average parcel size in the Rural Residential Zone was 3.96 acres);**
- C. Trent (Plot # 506-1): Two-acres for areas zoned RR2 and five-acres for areas zoned RR5 prior to the adoption of Ordinance No. PA 1222. (1998 average parcel size in the Rural Residential Zone was 3.71 acres);**
- D. Fall Creek (Plot # 527-1): Two-acres for areas zoned RR2, five-acres for areas zoned RR5, and ten-acres for areas zoned RR10 prior to the adoption of Ordinance No. PA 1222. (1998 average parcel size in the Rural Residential Zone was 3.02 acres);**
- E. Dexter (Plot # 529-1): One-acre for areas zoned Suburban Residential (RA) and RR1 prior to the adoption of Ordinance No. PA 1222. Two-acres for areas zoned RR2 and five-acres for areas zoned RR5 prior to the adoption of Ordinance No. PA 1222. (1998 average parcel size in the Rural Residential Zone was 1.96 acres);**

For developed and committed exception areas designated by the RCP as Rural Residential and located outside of **the unincorporated rural** communities or **urban** unincorporated community, new dwellings and densities for the creation of new lots or parcels shall comply with OAR 660-004-0040, Application of Goal 14 (Urbanization) to Rural Residential Areas.

- b. A Rural Commercial designation shall be applied to existing uses and/or tracts presently zoned for commercial activities addressing the same criteria as listed for the Rural Residential designation. The Rural Commercial designation shall encompass all commercial activities in the rural area. The range of limited, medium and medium/heavy commercial zoning shall be applicable in areas with a Community designation until the RCP and zoning for the areas are updated to comply with OAR 660 Division 22, the UC Rule. A single rural commercial zone shall be applied to areas updated to comply with OAR 660 Division 22, the UC Rule or with Goal 14.
- c. A Rural Industrial designation shall be applied to existing uses and to tracts presently zoned for industrial activities addressing the same criteria as listed for the rural residential designation. The range of limited, medium and medium/heavy industrial zoning shall be applicable in areas with a Community designation until the RCP and zoning for the areas are updated to comply with OAR 660 Division 22, the UC Rule. A single rural industrial zone shall be applied to areas updated to comply with OAR 660 Division 22, the UC Rule or with Goal 14.
- d. A Park and Recreation designation shall be applied to uses devoted to park and recreational activities (i.e., campgrounds, developed parks, etc.)
- e. A Public Facility designation shall be applied to publicly owned grounds and facilities (i.e., schools, etc.).
- f. An Airport designation shall be applied to existing, developed airport facilities.

12. Changes to Plan designations for developed and committed exception areas outside of a Community designation shall be accomplished through the County's Plan Amendment Procedure.
13. Until the RCP plan diagram for a "community" is amended to comply with OAR 660 Division 22, the UC Rule, plan refinement within a "Community" designation shall be accomplished by means of rezoning within the "Community" designation, addressing the following criteria:
  - a. The proposed use will not adversely affect the livability or appropriate development of the surrounding area;
  - b. Commercial and industrial activities within Communities shall, to the greatest degree practicable, be concentrated in identifiable nodes which are favorably located with reference to transportation facilities and other public services.
14. Until the RCP plan diagram is amended to comply with OAR 660 Division 22, the UC Rule, zone changes for developed and committed exception areas with a Community designation shall be accomplished through the Plan refinement process unless a finding exists that the refinement criteria are either non-applicable to, or satisfied by, the proposed zone change.
15. The McKenzie Watershed Land Use Policies below are part of the Rural Comprehensive Plan and shall apply to developed and committed exception lands in the McKenzie Watershed. The Lane County General Plan Policies shall also apply to these developed and committed lands. Where the McKenzie Watershed Land Use Policies are more restrictive than the Lane County General Plan Policies, the McKenzie Watershed Land Use Policies shall apply rather than the Lane County General Plan Policies.
  - a. Recreation and tourism are a few of the multiple uses of the McKenzie valley and are important to the economy of the communities in the McKenzie valley. Recreation resorts are one method to promote recreation and tourism in the McKenzie Valley and should be allowed in compliance with the requirements in LC 16.
  - b. Lane County recommends that the approximate federal floodplain elevations for the community of Blue River and nearby developed and committed lands in the McKenzie watershed be updated with more specific and surveyed flood elevations and Federal Emergency Management Agency (FEMA) maps.
  - c. Lane County recommends that plans be developed and implemented for the maintenance and repair of the existing on-site sewage disposal systems in the community of Marcola and for the downtown area of the community of Blue River. A more aggressive and long term alternative to the development of such plans would be development of public facility plans for public sewers and updating these community plans to comply with the requirements of the Community Rule for urban unincorporated communities. Another more aggressive and long term alternative would be for these communities to incorporate and to perform the land use planning as cities in compliance with Goal 14.
  - d. The former veneer mill site in Blue River (~~map 29-16-4E, tl 202~~) **Assessor's Map 16-45-29, tax lot 202** is vacant land and, until Lane County's year 2000 periodic review, was designated industrial and zoned Light Industrial, M-2. The industrial designation and M-2 zone allowed the veneer mill to operate as a permitted use and

allowed the operation of other industries. The industrial designation and industrial zoning on this land shall be maintained but does not preclude a future change of plan designation and zoning for this land. Any division of this land for the creation of parcels or lots shall demonstrate that the soil of the lots or parcels does not contain any contaminants that pose a hazard to its use.

- e. New rural public facility, commercial, and industrial development within the McKenzie Watershed shall be located inside unincorporated rural communities or outside of unincorporated rural communities in developed and committed areas that were planned and zoned for public facility, commercial or industrial purposes on April 17, 2002.
16. New rural public facility, commercial, and industrial development within the Siuslaw Watershed and the Long Tom Watershed shall be located inside unincorporated communities or outside of unincorporated communities in developed and committed areas that were planned and zoned for public facility, commercial or industrial purposes on February 18, 2004. **New rural public facility, commercial, and industrial development within the Coast Fork of the Willamette Watershed and the Middle Fork of the Willamette Watershed shall be located inside unincorporated communities or outside of unincorporated communities in developed and committed areas that were planned and zoned for public facility, commercial or industrial purposes on June 15, 2005.** An exception to this policy shall be for plan amendments or zone changes adopted pursuant to Policy 27 Conformity Determinations, and legislative actions adopted by the Board of County Commissioners during a Periodic Review Work Program (PRWP) or concurrently as post-acknowledgement plan amendments resulting from the PRWP Work Tasks. New rural industrial development that requires a rural location in order to process a rural resource may be located in a developed and committed area outside of a community. This policy shall be implemented in part through the application of zoning regulations in LC 16 that place greater limits on rural development outside of communities than on rural development inside of communities. Amendments to the Rural Comprehensive Plan to designate new areas for rural commercial, industrial and public facility development shall occur in nodes with similar existing development.
  17. Lane County shall recognize and incorporate into the Lane County Comprehensive Plan all prior land use applications approved since January 1980 with respect to the Statewide Planning Goals to the extent legally possible.
  18. Where lands are not farm and forest lands, they may be designated on the plan diagram as rural residential or as parks and recreation, provided:
    - a. Detailed and factual documentation has been presented indicating that the subject lands are not farm and forest lands as defined by Statewide Planning Goals #3 and #4.
    - b. An exception to any of the Statewide Planning Goals is not required.
    - c. Small isolated non-resource tracts surrounded by farm and forest lands shall be discouraged if such non-resource designation would create compatibility problems.

- d. The Rural Residential Designation would be consistent with other Comprehensive Plan Policies.
19. Residential densities for non-resource lands shall be one residence per five or ten acres and shall be determined through consistency with other plan policies and the following criteria:
- a. Existing development pattern and density of any adjacent committed areas;
  - b. Subsurface sewage disposal suitability;
  - c. Domestic water supply availability;
  - d. Access;
  - e. Public service;
  - f. Lack of natural hazards;
  - g. Effect on resource lands.
20. Plan refinements shall be prioritized for purposes of County financial revenue allocation and program planning provided by Lane County for planning services subject to fund availability in the following sequence:
- a. Performance standards for minimum parcel size determinations within impacted forest lands.
  - b. Performance standards for minimum parcel size determinations within farm lands designated EFU.
  - c. Goal 5 conflict resolution.
  - d. Coastal Lakes.
  - e. Sand & Gravel Study.
21. Destination Resorts shall be permitted in Lane County subject to the requirements stated below. For purposes of this Policy, a Destination Resort shall be defined as a multi-use recreational facility which provides a wide range of services to visitors, including but not limited to temporary lodging, meals and related services, gift shop sales, transportation and tours, indoor and outdoor recreation, and on-site entertainment. Specific uses may vary from site to site. A Destination Resort has the following characteristics:
- a. Location on a site with a high level of amenities;
  - b. Use of a site design which is compatible with the natural and scenic attributes of the site and area, and which emphasized open space and natural one-site conditions;
  - c. Provision of visitor-oriented accommodations and recreational facilities, and natural amenities, which serve as the primary attraction for visitors;
  - d. Reservation of not less than 75% of living units on the site for only temporary, limited-stay residential use.

Destination Resorts may be developed subject to the following:

- a. Satisfaction of Lane County Plan Amendment requirements, including, where applicable, the fulfillment of LCDC Goal Exception requirements;
- b. Compliance with the provisions of the Lane County "Destination Resort" zoning district.



Destination Resort designations and zoning shall be considered only on a case-by-case basis, and may be evaluated concurrently. No designations or zoning shall occur in the absence of a specific application which addresses the criteria stated above.

Prior to the designation of any property in Lane County as a "Destination Resort" under the Statewide Goal 8 guidelines and definitions as implemented in ORS 197.435 – 197.467; Lane County will be required to comply with ORS 197.465 Comprehensive Plan Implementing Measures.

22. Sites considered "significant" in terms of OAR 660-16-000 through 660-16-025 but requiring that the Goal #5 ESEE consequences analysis process be delayed (the "IB" option) shall be protected by Lane County through the application of interim protective measures. Such interim protective measures shall be considered and applied at the beginning of the plan refinement process for the "significant" sites and after sufficient information is available regarding the location, quality and quantity of the "significant" sites.
23. A cluster subdivision, with the following exceptions, shall be deemed appropriate to a rural area when the criteria below are satisfied. Exceptions to this policy includes cluster subdivision developments which meet the requirements of either A or B, and C.
  - a.
    - (1) Limited to single family residences; and
    - (2) Limited to 10 single family residences; and
    - (3) All lots within the cluster subdivision are five acres in size.

or
  - b.
    - (1) Limited to single family residences; and
    - (2) Limited to 10 single family residences; and
    - (3) Lots within the cluster subdivision average, five acres in size and are not less than two acres in size.

and
  - c.
    - (1) No further cluster development of the parcel is allowed; and
    - (2) The parcel being developed is not adjacent to another cluster subdivision containing lots less than five acres."

Consistent with the intent and requirements of OAR 660-14-040(2) and (3), a showing must be made that the development will not represent an urban population or demand an urban level of facilities and services. For purpose of meeting this standard, affirmative findings must be made addressing the following:

- a. The level of development represented by the development cannot be reasonably accommodated through the expansion of an existing urban growth boundary or by intensification of development at an existing rural center.
- b. The long-term environmental, economic, social and energy consequences resulting from the development; considering measures designed to mitigate negative impacts, are appropriate to the rural area. Factors to be considered include whether the size of the development is appropriate to the proposed rural area and whether the air, water, energy and land resources of the surrounding area are adequate to serve and are not adversely affected by the development.

- c. The proposed development is compatible with or can be made compatible with adjacent uses considering:
  - (1) Whether the development detracts from the ability of existing cities and service districts to provide services, and
  - (2) Whether the potential for continued resource management of the land at present levels surrounding and nearby the development is assured.
- d. An appropriate level of rural facilities and services are available or can be provided in a timely and efficient manner.
- e. The approval of the development is coordinated with affected jurisdictions and is consistent with the comprehensive plans of the affected jurisdictions and the Lane County Rural Comprehensive Plan.

The development will not:

- a. Generate traffic which will exceed the carrying capacity, as defined by Lane Code Chapter 15, of adjacent public and private roads.
- b. Necessitate a higher level of police service than presently provided to the surrounding area.
- c. Occur within one mile of an existing urban growth boundary and/or share any urban service provided within a neighboring urban growth boundary.
- d. On the whole require an urban level of service.

Reasonable assurances must be provided that the cluster shall not generate students in excess of the capacity of affected facilities within the appropriate school district.

The development represents a concentration of people who generally reside and work in the area.

Deed restrictions which ensure that community water and sewer systems shall remain viable and under private ownership shall be required. Cluster subdivisions which propose to form or use a public water or sewer system shall not be allowed.

Cluster subdivisions shall be limited to residential use. No commercial or industrial uses will be allowed within existing or proposed cluster subdivisions.

All cluster subdivisions must be within an existing Rural Fire Protection District.

No other identifiable substantial increase of a public service shall be necessitated by the approval of a cluster subdivision.

- 24. Outside of designated 'Community' areas, all changes to Plan Diagram designations shall be evaluated through the County's Plan Amendment procedure (LC 16.400) and approval based upon fulfillment of criteria therein.

25. Each of the land use designations applied to the Plan Diagram shall be implemented by one or more zoning districts, as follows:

<u>Plan Designation</u>	<u>Zone Classification</u>	<u>Abbrev.</u>
Forest Land	Nonimpacted Forest Lands	F-1, RCP
Forest Land	Impacted Forest Lands	F-2, RCP
Agricultural Land	Exclusive Farm Use	E-RCP
Natural Resource	Natural Resource	NR-RCP
Marginal Land	Marginal Lands	ML-RCP
Park and Recreation	Park and Recreation	PR-RCP
Rural Park and Recreation	Rural Park and Recreation	RPR, RCP
Notwithstanding the plan diagram, areas designated by the plan diagram as Park and Recreation, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Park and Recreation.		
Natural Resource	Quarry & Mining Operations Combining	/QM-RCP
Natural Resource	Sand, Gravel and Rock Products	SG-RCP
Natural Resource	Sand, Gravel & Rock Prod. Processing	/CP-RCP
Public Facility, Community	Public Facility	PF-RCP
Rural Public Facility	Rural Public Facility	RPF, RCP
Notwithstanding the plan diagram, areas designated by the plan diagram as Public Facility, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Public Facility.		
Commercial, Community	Limited Commercial	C-1, RCP
Commercial, Community	Neighborhood Commercial	C-2, RCP
Commercial, Community	Commercial	C-3, RCP
Rural Commercial	Rural Commercial	RC, RCP
Notwithstanding the plan diagram, areas designated by the plan diagram as Commercial, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Commercial.		
Industrial, Community	Limited Commercial	M-1, RCP
Industrial, Community	Light Commercial	M-2, RCP
Industrial, Community	Heavy Industrial	M-3, RCP
Rural Industrial	Rural Industrial	RI, RCP
Notwithstanding the plan diagram, areas designated by the plan diagram as Industrial, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Industrial.		
Rural, Community	Suburban Residential	RA, RCP
Rural, Community	Garden Apartment Residential	RG, RCP
Rural, Community	Rural Residential	RR, RCP
Rural Residential	Rural Residential	RR, RCP
Notwithstanding the plan diagram, areas designated by the plan diagram as Rural, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Residential.		
Destination Resort	Destination Resort	DR, RCP
Historic Structure/Site	Historic Struc. or Sites Combining	/H-RCP
Natural Estuary	Natural Estuary	/NE-RCP
Conservation Estuary	Conservation Estuary	/CE-RCP
Development Estuary	Development Estuary	/DE-RCP
Sign. Natural Shorelands	Significant Nat. Shorelands Comb.	/SN-RCP

Prime Wildlife	Prime Wildlife Shorelands Comb.	/PW-RCP
Natural Resources Conserv.	Natural Resources Conservation Comb.	/NRC-RCP
Residential Development	Res. Devel. Shorelands Combining	/RD-RCP
Shorelands Mixed Develop	Shorelands Mixed Devel. Combining	/MD-RCP
Dredge Material/Mitigation	Dredge Mat./Mitigation Site Comb.	/DMS-RCP
Beaches & Dunes	Beaches and Dunes Combining	/BD-RCP
	Floodplain Corbining	/FP-RCP
Airport	Commercial Airport Safety District	/CAS-RCP
Airport	Airport Safety District	/AS-RCP
Airport	Airport Operations	/AO-RCP
Nonresource	Rural Residential	RR-RCP
Public Facility	Inmate Work Camp	IWC-RCP

**\*NOTE:** The "Community" Plan Designation is implemented by various zoning districts as indicated, zones which also implement specific Plan designations other than "Community". A suffix "/C" shall be used in combination with these zoning abbreviations to denote the zoning inside unincorporated community plans adopted to comply with OAR 660 Division 22, the UC Rule: RR, RC, RI, RPF, and RPR.

26. Exceptions to resource goals shall be required for transmission line right-of-ways when in excess of fifty (50) feet.

27. Conformity Determinations. Lane County will annually initiate and process applications to correct identified plan or zoning designations in the RCP Official Plan and Zoning Plots resulting from the Official Plan or Zoning Plots not recognizing lawfully existing (in terms of the zoning) uses or from inconsistencies between the Official Plan and Zoning Plots. Changes to correct nonconformities shall comply with the procedures and requirements of Lane Code Chapter 12 (Comprehensive Plan), Chapter 14 (Application Review and Appeal Procedures), and Chapter 16 (Land Use & Development Code), except as provided for in 27 c. and d., below.

- a. Circumstances qualifying for consideration by the Board of Commissioners under the Conformity Determinations Policy may include one or more of the following:
  - i. Lawful, structural development existing prior to September 12, 1984 and use of the structure(s) at the time qualified as an allowable use in a developed & committed zone designation other than that designated for the land on an Official Plan or Zoning Plot.
  - ii. Inappropriate Nonimpacted Forest Land (F-1, RCP) zoning designation, where criteria of RCP Forest Land Policy 15 indicate that Impacted Forest Land (F-2, RCP) zoning designation is more suitable.
  - iii. A property was actively managed primarily as either an agricultural or forestry operation in 1984 and since, and a resource designation other than the primary use was adopted on an Official Plan or Zoning Plot in 1984.
  - iv. Correction of a scrivener error on an adopted Official Plan or Zoning Plot.
  - v. Correction of an incompatible split-zoning of a legal lot resulting from a survey boundary line error that was discovered after September 12, 1984.
  - vi. Compliance by a public jurisdiction or agency with a deed restriction on public land.
  - vii. Correction of an inconsistency between the text of an order or ordinance adopted by the Board of Commissioners and an Official Plan or Zoning diagram.

- viii. A circumstance other than as listed in Policy 27. a. i.-vii. above, which the Planning Commission elects to forward a favorable recommendation for consideration by the Board of Commissioners.
- b. Conformity Determinations in the Official Plan and Zoning Plots shall not include circumstances requiring that a committed exception be taken or situations involving the designation of Marginal or Nonresource Lands.
- c. By September 30th of each year, property owners who believe that they have a nonconformity in the official plan or zoning of their property and who want those designations corrected shall submit to the Planning Director a completed Conformity Determination Amendment application. Within 45 days of receipt of the application, the Director shall review the application for completeness and provide the applicant with a written notice that explains why the application was accepted or not accepted. The Director shall not accept incomplete applications or applications for changes that do not qualify pursuant to one or more of the criteria of Policy 27. a. i-viii above; and
- d. By March 31st of each year, Lane County shall conduct the first public hearings with the Lane County Planning Commission for all pending Conformity Determination Amendment applications accepted within the deadline specified in Policy 27 c., above.
- e. To partly defray the expense in processing the Conformity Determination application, a fee shall be charged the applicant. The fee shall be established by order of the Board of County Commissioners.

**Ordinance No. PA 1222**

**Exhibit A – 1**

**Goal Two policies as proposed for amendment.**

**GOAL TWO: LAND USE PLANNING**

1. The purpose of the revised Lane County Comprehensive Plan shall be to provide information to assist public and private decision-making, and to meet the requirement of Oregon State Planning Goals and associated laws.
2. The Policies shall provide the direction for County growth and development and programs for dealing with planning issues; the Plan Diagrams shall be specific graphic descriptions of proposed land use throughout the County, and shall be the primary basis for zoning decisions.
3. All products of the County Planning process shall be made available for public review and comment and shall be adopted through the hearings process.
4. The County shall be divided into two sub-County regions: the Coastal Region and the Inland Region. Each region shall have its own Plan Diagram. The dividing line shall be the summit of the Coast Range.
5. The Lane County Planning Commission shall have primary advisory authority to the Board of County Commissioners for Countywide land use policy issues.
6. The revised General Plan shall have primary jurisdiction in all areas of the County outside the incorporated City Urban Growth Boundaries and the Plan Boundary shown on the Eugene-Springfield Metropolitan Area Plan Diagram (which includes UGB plus additional territory).
7. The Planning period for the revised Plan shall be 20 years with revisions and update to occur every five years, beginning five years from the date of adoption.
8. It shall be the policy of the County to systemize and streamline the existing Plan Amendment process, to make the process more efficient and more responsive to individual needs. This will be accomplished by future amendment of the Lane Code.
9. Exceptions to LCDC Goals (i.e., a determination that it is not possible to apply an appropriate goal to a specific property) shall be in accordance with OAR 660-04-000 (Goal 2 Exception Process) and shall only be taken at times of Plan adoption of amendment.
10. Lane County shall update the Rural Comprehensive Plan during periodic review to plan and zone unincorporated communities to comply with OAR 660 Division 22, "UNINCORPORATED COMMUNITIES", the "Unincorporated Community Rule" (UCR). Once updated, any changes in the planning and zoning for the unincorporated communities shall comply with the UCR. The UCR was adopted by the State Land Conservation and Development Commission (LCDC) on October 28, 1994 and became effective on December 5, 1994. The definitions in the UCR for "unincorporated

community” and for the four types of unincorporated communities are included in Goal 2 Policy 10 a.-b., below. Section -0020(3)(a) of the UCR allows counties to plan and zone areas as communities if the, “Land has been acknowledged as an exception area and historically considered to be part of the community.” The acknowledged exception areas historically considered by Lane County to be communities are identified in Goal 2 Policy 10 c., below.

- a. An “Unincorporated Community” (*OAR 660-022-0010(9)*) means, “A settlement with these characteristics:
  - i. It is made up of lands subject to an exception to Statewide Planning Goal 3, Goal 4 or both;
  - ii. Prior to the date that OAR 660 Division 22 was adopted, October 28, 1994, it was designated in The Lane County Rural Comprehensive Plan (RCP) as a “Community”;
  - iii. It lies outside the urban growth boundary of any city;
  - iv. It is not incorporated as a city; and
  - v. It meets the definition of one of the four types of unincorporated communities in Policy 3 below.”
  
- b. There are four types of unincorporated communities:
  - i. “Rural Community” (*OAR 660-022-0010(6)*) means, “An unincorporated community which consists primarily of residential uses but also has at least two other land uses that provide commercial, industrial, or public uses (including but not limited to schools, churches, grange halls, post offices) to the community, the surrounding rural area, or to persons traveling through the area.
  - ii. “Resort Community” (*OAR 660-022-0010(5)*) means, “an unincorporated community that was established primarily for and continues to be used primarily for recreation or resort purposes and that: includes residential and commercial uses; and provides for both temporary and permanent residential occupancy, including overnight lodging and accommodations.
  - iii. “Rural Service Center” (*OAR 660-022-0010(7)*) means, “An unincorporated community consisting primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some dwellings.
  - iv. “Urban Unincorporated Community” (*OAR 660-022-0010(8)*) means, “An unincorporated community which has the following characteristics:
    - A. Includes at least 150 permanent dwelling units including manufactured homes;
    - B. Contains a mixture of land uses including three or more public, commercial or industrial land uses;
    - C. Includes areas served by a community sewer system; and
    - D. Includes areas served by a community water system.
  
- c. On February 29, 1984, Lane County adopted Ordinance No. PA 884. that applied a “community” plan diagram designation and zoning to 35 separate, developed and committed exception areas: Glenada, Cushman, Mapleton, Swisshome, Deadwood, Greenleaf, Triangle Lake, Walton, Blachly, Noti, Elmira, Crow, Franklin, Cheshire, Alvadore, Lorane, Lancaster, London, Saginaw, Goshen, Pleasant Hill, Jasper,

Marcola, Trent, Dorena, Culp Creek, Walterville, Fall Creek, Dexter, Leaburg, Vida, Nimrod, Blue River, Rainbow, and McKenzie Bridge.

- d. The following unincorporated communities within the McKenzie Watershed are designated in the RCP as “Unincorporated Rural Communities”:
  - i. Marcola,
  - ii. Walterville,
  - iii. Leaburg.
  - iv. Vida,
  - v. Nimrod
  - vi. Blue River,
  - vii. Rainbow, and
  - viii. McKenzie Bridge.
  
- e. The following unincorporated communities within the Siuslaw Watershed are designated in the RCP as “Unincorporated Rural Communities”:
  - i. Glenada,
  - ii. Cushman,
  - iii. Mapleton,
  - iv. Swisshome,
  - v. Deadwood,
  - vi. Greenleaf,
  - vii. Triangle Lake,
  - viii. Blachly, and
  - ix. Walton.
  
- f. The following unincorporated communities within the Long Tom Watershed are designated in the RCP as “Unincorporated Rural Communities”:
  - i. Lancaster,
  - ii. Franklin,
  - iii. Cheshire,
  - iv. Alvadore,
  - v. Elmira,
  - vi. Noti,
  - vii. Crow, and
  - viii. Lorane.
  
- g. The following unincorporated communities within the Coast Fork of the Willamette Watershed are designated in the RCP as “Unincorporated Rural Communities”:
  - i. Goshen (Plots # 413-1, 414-1, 426-3, 427-2),
  - ii. Saginaw (Plot # 403-1,
  - iii. London (Plot # 275-2),
  - iv. Dorena (Plot # 509-1), and
  - v. Culp Creek (Plots # 509-2, 520-1, 532-1).
  
- h. The following unincorporated communities within the Middle Fork of the Willamette Watershed are designated in the RCP as “Unincorporated Rural Communities”:
  - i. Pleasant Hill (Plots # 449-1, 460-1),



- ii. Jasper (Plots # 483-1, 483-2),
- iii. Trent (Plot # 506-1), and
- iv. Fall Creek (Plot # 527-1).

The following unincorporated community within the Middle Fork of the Willamette Watershed is designated in the RCP as "Urban Unincorporated Community":

- v. Dexter (Plot # 529-1).

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

- a. A Rural Residential designation shall be applied to developed and committed exception areas which are devoted to rural housing uses as evaluated by the following criteria:

- i. existing development pattern and density;
- ii. on-site sewage disposal suitability, or community sewerage;
- iii. domestic water supply availability;
- iv. access;
- v. public services;
- vi. lack of natural hazards; and
- vii. effect on resource lands.

Before the RCP plan diagram for a community area is amended to comply with OAR 660 Division 22, densities of 1, 2, 5 or 10 acres shall be applied to represent existing development patterns and to limit problems resulting from a negative evaluation of any of the above criteria.

When the RCP plan diagram for a community area is amended to comply with OAR 660 Division 22, the UC Rule, new dwellings and densities for the creation of new residential lots or parcels shall comply with OAR 660 Division 22, the UC Rule and with these requirements for specific unincorporated communities:

- i. For the Unincorporated Communities of the McKenzie Watershed, the density for the creation of new lots or parcels shall be:
  - A. Marcola: 1 acre (*1998 existing average parcel size = .82 acres*);
  - B. Walterville: 2 acres (*1998 existing average parcel size = 1.58 acres*);
  - C. Leaburg: 2 acres (*1998 existing average parcel size = .98 acres*);
  - D. Vida: 2 acres or 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173 and located adjacent to or north of Gate Creek Road (*1998 existing average parcel size = 1.35 acres*);
  - E. Nimrod: 2 acres for areas zoned RR2 prior to the adoption of Ord. PA 1173. 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173. (*1998 existing average parcel size = 1.83 acres*);
  - F. Blue River: 2 acres for areas zoned RR2 prior to the adoption of Ord. PA 1173. 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173. (*1998 average parcel size = 4.56 acres in areas zoned RR5, 2.45 acres in areas zoned RR1 and .65 acres in RA zoned areas*);

- G. Rainbow: 2 acres south of Highway 126, west of Mill Creek Road and north of the McKenzie River. 2 acres in areas zoned RR2 prior to the adoption of Ord. PA 1173. 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173. *(The 1998 average parcel size = 1.65 acres);* and
  - H. McKenzie Bridge: 2 acres west of bridge, along Highway 126 and Taylor Road, and south of the McKenzie River and along Horse Creek Road. 2 acres in areas zoned RR2 prior to the adoption of Ord. PA 1173. 5 acres for areas zoned RR5 prior to the adoption of Ord. PA 1173. *(The 1998 existing average parcel size = 1.86 acres.).*
- ii. For the Unincorporated Communities of the Siuslaw Watershed, the density for the creation of new lots or parcels shall be:
- A. Glenada: 2 acres. *(1998 average parcel size in the Rural Residential Zone was 1.37 acres);*
  - B. Cushman: 5 acres. *(1998 average parcel size in the Rural Residential Zone was 1.52 acres);*
  - C. Mapleton: 1 acre for areas zoned RR1, 2 acres for areas zoned RR2, and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Rural Residential Zone was 1.15 acres);*
  - D. Swisshome: 2 acres. *(1998 average parcel size in the Rural Residential Zone was 1.74 acres);*
  - E. Deadwood: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Rural Residential Zone was 1.96 acres);*
  - F. Greenleaf: 5 acres. *(1998 average parcel size in the Rural Residential Zone was 3.33 acres);*
  - G. Triangle Lake: 2 acres. *(1998 average parcel size in the Rural Residential Zone was 0.68 acres);*
  - H. Blachly: 2 acres. *(1998 average parcel size in the Rural Residential Zone was 0.71 acres);* and
  - I. Walton: 5 acres. *(1998 average parcel size in the Rural Residential Zone was 4.08 acres).*
- iii For the Unincorporated Communities of the Long Tom Watershed, the density for the creation of new lots or parcels shall be:
- A. Lancaster: 5 acres. *(1998 average parcel size in the Rural Residential Zone was 1.57 acres);*
  - B. Franklin: 1 acre for areas zoned RR1 prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Rural Residential Zone was 2.15 acres);*
  - C. Cheshire: 1 acre for areas zoned Suburban Residential (RA) prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Suburban Residential Zone was 2.86 acres);*
  - D. Alvadore: 1 acre for areas zoned Suburban Residential (RA) prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Suburban Residential Zone was 1.60 acres);*
  - E. Elmira: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Rural Residential Zone was 2.10 acres);*

- F. Crow: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Rural Residential Zone was 2.85 acres);*
  - G. Lorane: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Rural Residential Zone was 3.99 acres);*
  - H. Noti: 2 acres for areas zoned RR2 and 5 acres for areas zoned RR5 prior to the adoption of Ord PA 1194. *(1998 average parcel size in the Rural Residential Zone was 2.63 acres).*
- iv. For the Unincorporated Communities of the Coast Fork of the Willamette Watershed, the density for the creation of new lots or parcels shall be:
- A. Goshen (Plots # 413-1, # 414-1, # 426-3, # 427-2): One-acre for areas zoned Suburban Residential (RA) and RR1 prior to the adoption of Ordinance No. PA 1222. Five-acres for areas zoned RR5 prior to the adoption of Ordinance No. PA 1222. *(1998 average parcel size in the Rural Residential Zone was 3.82 acres);*
  - B. Saginaw (Plot # 403-1): Five-acres for areas zoned RR5 prior to the adoption of Ordinance No. PA 1222. *(1998 average parcel size in the Rural Residential Zone was 6.07 acres);*
  - C. London (Plot # 375-2): Five-acres for areas zoned RR5 and ten-acres for areas zoned RR10 prior to the adoption of Ordinance No. PA 1222. *(1998 average parcel size in the Rural Residential Zone was 3.1 acres);*
  - D. Dorena (Plot # 509-1): Two-acres for areas zoned RR2 and five-acres for areas zoned RR5 prior to the adoption of Ordinance No. PA 1222. *(1998 average parcel size in the Rural Residential Zone was 3.21 acres);*
  - E. Culp Creek (Plots # 509-2, # 520-1, # 532-1): Two-acres for areas zoned RR2 and five-acres for areas zoned RR5 prior to the adoption of Ordinance No. PA 1222. *(1998 average parcel size in the Rural Residential Zone was 2.25 acres);*
- v. For the Unincorporated Communities of the Middle Fork of the Willamette Watershed, the density for the creation of new lots or parcels shall be:
- A. Pleasant Hill (Plots # 449-1, # 460-1): One-acre for areas zoned RR1, two-acres for areas zoned RR2, and five-acres for areas zoned RR5 prior to the adoption of Ordinance No. PA 1222. *(1998 average parcel size in the Rural Residential Zone was 2.1 acres);*
  - B. Jasper (Plots # 483-1, # 483-2): Two-acres for areas zoned RR2 and five-acres for areas zoned RR5 prior to the adoption of Ordinance No. PA 1222. *(1998 average parcel size in the Rural Residential Zone was 3.96 acres);*
  - C. Trent (Plot # 506-1): Two-acres for areas zoned RR2 and five-acres for areas zoned RR5 prior to the adoption of Ordinance No. PA 1222. *(1998 average parcel size in the Rural Residential Zone was 3.71 acres);*
  - D. Fall Creek (Plot # 527-1): Two-acres for areas zoned RR2, five-acres for areas zoned RR5, and ten-acres for areas zoned RR10 prior to the adoption of Ordinance No. PA 1222. *(1998 average parcel size in the Rural Residential Zone was 3.02 acres);*

- E. Dexter (Plot # 529-1): One-acre for areas zoned Suburban Residential (RA) and RR1 prior to the adoption of Ordinance No. PA 1222. Two-acres for areas zoned RR2 and five-acres for areas zoned RR5 prior to the adoption of Ordinance No. PA 1222. (1998 average parcel size in the Rural Residential Zone was 1.96 acres);

For developed and committed exception areas designated by the RCP as Rural Residential and located outside of the unincorporated rural communities or urban unincorporated community, new dwellings and densities for the creation of new lots or parcels shall comply with OAR 660-004-0040, Application of Goal 14 (Urbanization) to Rural Residential Areas.

- b. A Rural Commercial designation shall be applied to existing uses and/or tracts presently zoned for commercial activities addressing the same criteria as listed for the Rural Residential designation. The Rural Commercial designation shall encompass all commercial activities in the rural area. The range of limited, medium and medium/heavy commercial zoning shall be applicable in areas with a Community designation until the RCP and zoning for the areas are updated to comply with OAR 660 Division 22, the UC Rule. A single rural commercial zone shall be applied to areas updated to comply with OAR 660 Division 22, the UC Rule or with Goal 14.
- c. A Rural Industrial designation shall be applied to existing uses and to tracts presently zoned for industrial activities addressing the same criteria as listed for the rural residential designation. The range of limited, medium and medium/heavy industrial zoning shall be applicable in areas with a Community designation until the RCP and zoning for the areas are updated to comply with OAR 660 Division 22, the UC Rule. A single rural industrial zone shall be applied to areas updated to comply with OAR 660 Division 22, the UC Rule or with Goal 14.
- d. A Park and Recreation designation shall be applied to uses devoted to park and recreational activities (i.e., campgrounds, developed parks, etc.)
- e. A Public Facility designation shall be applied to publicly owned grounds and facilities (i.e., schools, etc.).
- f. An Airport designation shall be applied to existing, developed airport facilities.
12. Changes to Plan designations for developed and committed exception areas outside of a Community designation shall be accomplished through the County's Plan Amendment Procedure.
13. Until the RCP plan diagram for a "community" is amended to comply with OAR 660 Division 22, the UC Rule, plan refinement within a "Community" designation shall be accomplished by means of rezoning within the "Community" designation, addressing the following criteria:
- a. The proposed use will not adversely affect the livability or appropriate development of the surrounding area;

- b. Commercial and industrial activities within Communities shall, to the greatest degree practicable, be concentrated in identifiable nodes which are favorably located with reference to transportation facilities and other public services.
14. Until the RCP plan diagram is amended to comply with OAR 660 Division 22, the UC Rule, zone changes for developed and committed exception areas with a Community designation shall be accomplished through the Plan refinement process unless a finding exists that the refinement criteria are either non-applicable to, or satisfied by, the proposed zone change.
15. The McKenzie Watershed Land Use Policies below are part of the Rural Comprehensive Plan and shall apply to developed and committed exception lands in the McKenzie Watershed. The Lane County General Plan Policies shall also apply to these developed and committed lands. Where the McKenzie Watershed Land Use Policies are more restrictive than the Lane County General Plan Policies, the McKenzie Watershed Land Use Policies shall apply rather than the Lane County General Plan Policies.
- a. Recreation and tourism are a few of the multiple uses of the McKenzie valley and are important to the economy of the communities in the McKenzie valley. Recreation resorts are one method to promote recreation and tourism in the McKenzie Valley and should be allowed in compliance with the requirements in LC 16.
  - b. Lane County recommends that the approximate federal floodplain elevations for the community of Blue River and nearby developed and committed lands in the McKenzie watershed be updated with more specific and surveyed flood elevations and Federal Emergency Management Agency (FEMA) maps.
  - c. Lane County recommends that plans be developed and implemented for the maintenance and repair of the existing on-site sewage disposal systems in the community of Marcola and for the downtown area of the community of Blue River. A more aggressive and long term alternative to the development of such plans would be development of public facility plans for public sewers and updating these community plans to comply with the requirements of the Community Rule for urban unincorporated communities. Another more aggressive and long term alternative would be for these communities to incorporate and to perform the land use planning as cities in compliance with Goal 14.
  - d. The former veneer mill site in Blue River Assessor's Map 16-45-29, tax lot 202 is vacant land and, until Lane County's year 2000 periodic review, was designated industrial and zoned Light Industrial, M-2. The industrial designation and M-2 zone allowed the veneer mill to operate as a permitted use and allowed the operation of other industries. The industrial designation and industrial zoning on this land shall be maintained but does not preclude a future change of plan designation and zoning for this land. Any division of this land for the creation of parcels or lots shall demonstrate that the soil of the lots or parcels does not contain any contaminants that pose a hazard to its use.
  - e. New rural public facility, commercial, and industrial development within the McKenzie Watershed shall be located inside unincorporated rural communities or outside of unincorporated rural communities in developed and committed areas that were planned and zoned for public facility, commercial or industrial purposes on April 17, 2002.

16. New rural public facility, commercial, and industrial development within the Siuslaw Watershed and the Long Tom Watershed shall be located inside unincorporated communities or outside of unincorporated communities in developed and committed areas that were planned and zoned for public facility, commercial or industrial purposes on February 18, 2004. New rural public facility, commercial, and industrial development within the Coast Fork of the Willamette Watershed and the Middle Fork of the Willamette Watershed shall be located inside unincorporated communities or outside of unincorporated communities in developed and committed areas that were planned and zoned for public facility, commercial or industrial purposes on June 15, 2005. An exception to this policy shall be for plan amendments or zone changes adopted pursuant to Policy 27 Conformity Determinations, and legislative actions adopted by the Board of County Commissioners during a Periodic Review Work Program (PRWP) or concurrently as post-acknowledgement plan amendments resulting from the PRWP Work Tasks. New rural industrial development that requires a rural location in order to process a rural resource may be located in a developed and committed area outside of a community. This policy shall be implemented in part through the application of zoning regulations in LC 16 that place greater limits on rural development outside of communities than on rural development inside of communities. Amendments to the Rural Comprehensive Plan to designate new areas for rural commercial, industrial and public facility development shall occur in nodes with similar existing development.
17. Lane County shall recognize and incorporate into the Lane County Comprehensive Plan all prior land use applications approved since January 1980 with respect to the Statewide Planning Goals to the extent legally possible.
18. Where lands are not farm and forest lands, they may be designated on the plan diagram as rural residential or as parks and recreation, provided:
  - a. Detailed and factual documentation has been presented indicating that the subject lands are not farm and forest lands as defined by Statewide Planning Goals #3 and #4.
  - b. An exception to any of the Statewide Planning Goals is not required.
  - c. Small isolated non-resource tracts surrounded by farm and forest lands shall be discouraged if such non-resource designation would create compatibility problems.
  - d. The Rural Residential Designation would be consistent with other Comprehensive Plan Policies.
19. Residential densities for non-resource lands shall be one residence per five or ten acres and shall be determined through consistency with other plan policies and the following criteria:
  - a. Existing development pattern and density of any adjacent committed areas;
  - b. Subsurface sewage disposal suitability;
  - c. Domestic water supply availability;
  - d. Access;

- e. Public service;
  - f. Lack of natural hazards;
  - g. Effect on resource lands.
20. Plan refinements shall be prioritized for purposes of County financial revenue allocation and program planning provided by Lane County for planning services subject to fund availability in the following sequence:
- a. Performance standards for minimum parcel size determinations within impacted forest lands.
  - b. Performance standards for minimum parcel size determinations within farm lands designated EFU.
  - c. Goal 5 conflict resolution.
  - d. Coastal Lakes.
  - e. Sand & Gravel Study.
21. Destination Resorts shall be permitted in Lane County subject to the requirements stated below. For purposes of this Policy, a Destination Resort shall be defined as a multi-use recreational facility which provides a wide range of services to visitors, including but not limited to temporary lodging, meals and related services, gift shop sales, transportation and tours, indoor and outdoor recreation, and on-site entertainment. Specific uses may vary from site to site. A Destination Resort has the following characteristics:
- a. Location on a site with a high level of amenities;
  - b. Use of a site design which is compatible with the natural and scenic attributes of the site and area, and which emphasized open space and natural one-site conditions;
  - c. Provision of visitor-oriented accommodations and recreational facilities, and natural amenities, which serve as the primary attraction for visitors;
  - d. Reservation of not less than 75% of living units on the site for only temporary, limited-stay residential use.

Destination Resorts may be developed subject to the following:

- a. Satisfaction of Lane County Plan Amendment requirements, including, where applicable, the fulfillment of LCDC Goal Exception requirements;
- b. Compliance with the provisions of the Lane County "Destination Resort" zoning district.

Destination Resort designations and zoning shall be considered only on a case-by-case basis, and may be evaluated concurrently. No designations or zoning shall occur in the absence of a specific application which addresses the criteria stated above.

Prior to the designation of any property in Lane County as a "Destination Resort" under the Statewide Goal 8 guidelines and definitions as implemented in ORS 197.435 – 197.467; Lane County will be required to comply with ORS 197.465 Comprehensive Plan Implementing Measures.

- 22. Sites considered "significant" in terms of OAR 660-16-000 through 660-16-025 but requiring that the Goal #5 ESEE consequences analysis process be delayed (the "IB"

option) shall be protected by Lane County through the application of interim protective measures. Such interim protective measures shall be considered and applied at the beginning of the plan refinement process for the "significant" sites and after sufficient information is available regarding the location, quality and quantity of the "significant" sites.

23. A cluster subdivision, with the following exceptions, shall be deemed appropriate to a rural area when the criteria below are satisfied. Exceptions to this policy includes cluster subdivision developments which meet the requirements of either A or B, and C.
- a. (1) Limited to single family residences; and  
(2) Limited to 10 single family residences; and  
(3) All lots within the cluster subdivision are five acres in size.
  - or
  - b. (1) Limited to single family residences; and  
(2) Limited to 10 single family residences; and  
(3) Lots within the cluster subdivision average, five acres in size and are not less than two acres in size.
  - and
  - c. (1) No further cluster development of the parcel is allowed; and  
(2) The parcel being developed is not adjacent to another cluster subdivision containing lots less than five acres."

Consistent with the intent and requirements of OAR 660-14-040(2) and (3), a showing must be made that the development will not represent an urban population or demand an urban level of facilities and services. For purpose of meeting this standard, affirmative findings must be made addressing the following:

- a. The level of development represented by the development cannot be reasonably accommodated through the expansion of an existing urban growth boundary or by intensification of development at an existing rural center.
- b. The long-term environmental, economic, social and energy consequences resulting from the development; considering measures designed to mitigate negative impacts, are appropriate to the rural area. Factors to be considered include whether the size of the development is appropriate to the proposed rural area and whether the air, water, energy and land resources of the surrounding area are adequate to serve and are not adversely affected by the development.
- c. The proposed development is compatible with or can be made compatible with adjacent uses considering:
  - (1) Whether the development detracts from the ability of existing cities and service districts to provide services, and
  - (2) Whether the potential for continued resource management of the land at present levels surrounding and nearby the development is assured.
- d. An appropriate level of rural facilities and services are available or can be provided in a timely and efficient manner.



- e. The approval of the development is coordinated with affected jurisdictions and is consistent with the comprehensive plans of the affected jurisdictions and the Lane County Rural Comprehensive Plan.

The development will not:

- a. Generate traffic which will exceed the carrying capacity, as defined by Lane Code Chapter 15, of adjacent public and private roads.
- b. Necessitate a higher level of police service than presently provided to the surrounding area.
- c. Occur within one mile of an existing urban growth boundary and/or share any urban service provided within a neighboring urban growth boundary.
- d. On the whole require an urban level of service.

Reasonable assurances must be provided that the cluster shall not generate students in excess of the capacity of affected facilities within the appropriate school district.

The development represents a concentration of people who generally reside and work in the area.

Deed restrictions which ensure that community water and sewer systems shall remain viable and under private ownership shall be required. Cluster subdivisions which propose to form or use a public water or sewer system shall not be allowed.

Cluster subdivisions shall be limited to residential use. No commercial or industrial uses will be allowed within existing or proposed cluster subdivisions.

All cluster subdivisions must be within an existing Rural Fire Protection District.

No other identifiable substantial increase of a public service shall be necessitated by the approval of a cluster subdivision.

- 24. Outside of designated 'Community' areas, all changes to Plan Diagram designations shall be evaluated through the County's Plan Amendment procedure (LC 16.400) and approval based upon fulfillment of criteria therein.
- 25. Each of the land use designations applied to the Plan Diagram shall be implemented by one or more zoning districts, as follows:

<u>Plan Designation</u>	<u>Zone Classification</u>	<u>Abbrev.</u>
Forest Land	Nonimpacted Forest Lands	F-1, RCP
Forest Land	Impacted Forest Lands	F-2, RCP
Agricultural Land	Exclusive Farm Use	E-RCP
Natural Resource	Natural Resource	NR-RCP
Marginal Land	Marginal Lands	ML-RCP
Park and Recreation	Park and Recreation	PR-RCP

Rural Park and Recreation      Rural Park and Recreation      RPR, RCP  
 Notwithstanding the plan diagram, areas designated by the plan diagram as Park and Recreation, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Park and Recreation.

Natural Resource	Quarry & Mining Operations Combining	/QM-RCP
Natural Resource	Sand, Gravel and Rock Products	SG-RCP
Natural Resource	Sand, Gravel & Rock Prod. Processing	/CP-RCP
Public Facility, Community	Public Facility	PF-RCP
Rural Public Facility	Rural Public Facility	RPF, RCP

Notwithstanding the plan diagram, areas designated by the plan diagram as Public Facility, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Public Facility.

Commercial, Community	Limited Commercial	C-1, RCP
Commercial, Community	Neighborhood Commercial	C-2, RCP
Commercial, Community	Commercial	C-3, RCP
Rural Commercial	Rural Commercial	RC, RCP

Notwithstanding the plan diagram, areas designated by the plan diagram as Commercial, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Commercial.

Industrial, Community	Limited Commercial	M-1, RCP
Industrial, Community	Light Commercial	M-2, RCP
Industrial, Community	Heavy Industrial	M-3, RCP
Rural Industrial	Rural Industrial	RI, RCP

Notwithstanding the plan diagram, areas designated by the plan diagram as Industrial, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Industrial.

Rural, Community	Suburban Residential	RA, RCP
Rural, Community	Garden Apartment Residential	RG, RCP
Rural, Community	Rural Residential	RR, RCP
Rural Residential	Rural Residential	RR, RCP

Notwithstanding the plan diagram, areas designated by the plan diagram as Rural, that are located outside of communities and inside developed and committed exception areas, are now designated as Rural Residential.

Destination Resort	Destination Resort	DR, RCP
Historic Structure/Site	Historic Struc. or Sites Combining	/H-RCP
Natural Estuary	Natural Estuary	/NE-RCP
Conservation Estuary	Conservation Estuary	/CE-RCP
Development Estuary	Development Estuary	/DE-RCP
Sign. Natural Shorelands	Significant Nat. Shorelands Comb.	/SN-RCP
Prime Wildlife	Prime Wildlife Shorelands Comb.	/PW-RCP
Natural Resources Conserv.	Natural Resources Conservation Comb.	/NRC-RCP
Residential Development	Res. Devel. Shorelands Combining	/RD-RCP
Shorelands Mixed Develop	Shorelands Mixed Devel. Combining	/MD-RCP
Dredge Material/Mitigation	Dredge Mat./Mitigation Site Comb.	/DMS-RCP
Beaches & Dunes	Beaches and Dunes Combining	/BD-RCP
	Floodplain Combining	/FP-RCP
Airport	Commercial Airport Safety District	/CAS-RCP
Airport	Airport Safety District	/AS-RCP
Airport	Airport Operations	/AO-RCP
Nonresource	Rural Residential	RR-RCP

**\*NOTE:** The "Community" Plan Designation is implemented by various zoning districts as indicated, zones which also implement specific Plan designations other than "Community". A suffix "/C" shall be used in combination with these zoning abbreviations to denote the zoning inside unincorporated community plans adopted to comply with OAR 660 Division 22, the UC Rule: RR, RC, RI, RPF, and RPR.

26. Exceptions to resource goals shall be required for transmission line right-of-ways when in excess of fifty (50) feet.

27. Conformity Determinations. Lane County will annually initiate and process applications to correct identified plan or zoning designations in the RCP Official Plan and Zoning Plots resulting from the Official Plan or Zoning Plots not recognizing lawfully existing (in terms of the zoning) uses or from inconsistencies between the Official Plan and Zoning Plots. Changes to correct nonconformities shall comply with the procedures and requirements of Lane Code Chapter 12 (Comprehensive Plan), Chapter 14 (Application Review and Appeal Procedures), and Chapter 16 (Land Use & Development Code), except as provided for in 27 c. and d., below.

a. Circumstances qualifying for consideration by the Board of Commissioners under the Conformity Determinations Policy may include one or more of the following:

- i. Lawful, structural development existing prior to September 12, 1984 and use of the structure(s) at the time qualified as an allowable use in a developed & committed zone designation other than that designated for the land on an Official Plan or Zoning Plot.
- ii. Inappropriate Nonimpacted Forest Land (F-1, RCP) zoning designation, where criteria of RCP Forest Land Policy 15 indicate that Impacted Forest Land (F-2, RCP) zoning designation is more suitable.
- iii. A property was actively managed primarily as either an agricultural or forestry operation in 1984 and since, and a resource designation other than the primary use was adopted on an Official Plan or Zoning Plot in 1984.
- iv. Correction of a scrivener error on an adopted Official Plan or Zoning Plot.
- v. Correction of an incompatible split-zoning of a legal lot resulting from a survey boundary line error that was discovered after September 12, 1984.
- vi. Compliance by a public jurisdiction or agency with a deed restriction on public land.
- vii. Correction of an inconsistency between the text of an order or ordinance adopted by the Board of Commissioners and an Official Plan or Zoning diagram.
- viii. A circumstance other than as listed in Policy 27. a. i.-vii. above, which the Planning Commission elects to forward a favorable recommendation for consideration by the Board of Commissioners.

b. Conformity Determinations in the Official Plan and Zoning Plots shall not include circumstances requiring that a committed exception be taken or situations involving the designation of Marginal or Nonresource Lands.

c. By September 30th of each year, property owners who believe that they have a nonconformity in the official plan or zoning of their property and who want those designations corrected shall submit to the Planning Director a completed Conformity Determination Amendment application. Within 45 days of receipt of the application, the Director shall review the application for completeness and provide the applicant

- with a written notice that explains why the application was accepted or not accepted. The Director shall not accept incomplete applications or applications for changes that do not qualify pursuant to one or more of the criteria of Policy 27. a. i-viii above; and
- d. By March 31st of each year, Lane County shall conduct the first public hearings with the Lane County Planning Commission for all pending Conformity Determination Amendment applications accepted within the deadline specified in Policy 27 c., above.
  - e. To partly defray the expense in processing the Conformity Determination application, a fee shall be charged the applicant. The fee shall be established by order of the Board of County Commissioners.

Ordinance No. PA 1222

**Exhibit B**  
**Official Plan Diagrams for Unincorporated Communities**

**Coast Fork Willamette Watershed:**

Goshen: Plots 413-1, 414-1, 426-3, 427-2

Saginaw: Plots 403-1, 403-2 (proposed)

London: Plot 375-1

Dorena: Plot 509-1

Culp Creek: Plots 509-2, 520-1, 532-1

**Middle Fork Willamette Watershed:**

Pleasant Hill: Plots 449-1, 460-1, 473-1 (proposed)

Jasper: Plot 483-1

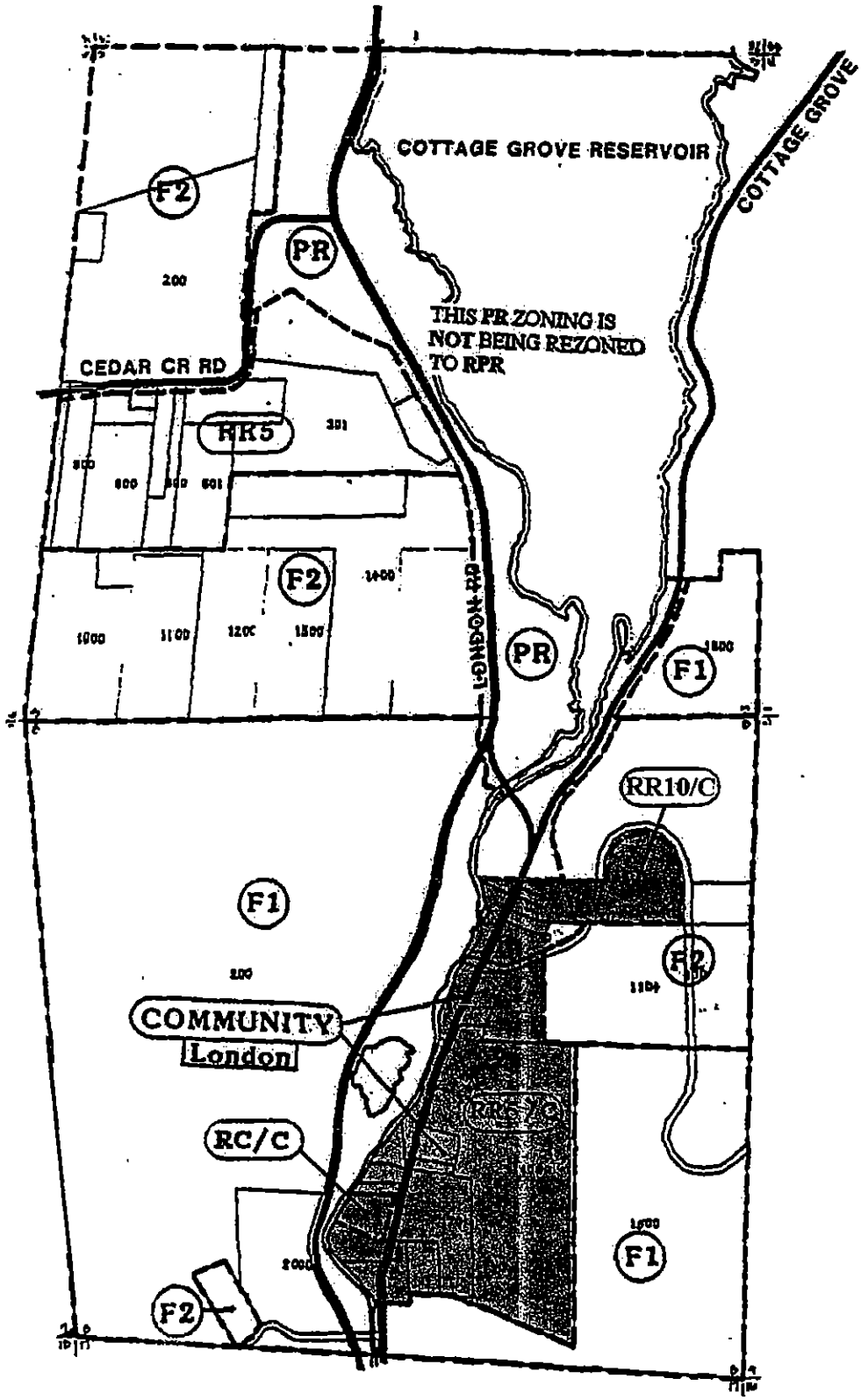
Trent: Plot 506-1

Fall Creek: Plot 527-1

Dexter: Plot 529-1

358

393



376

lane county



OFFICIAL PLAN MAP

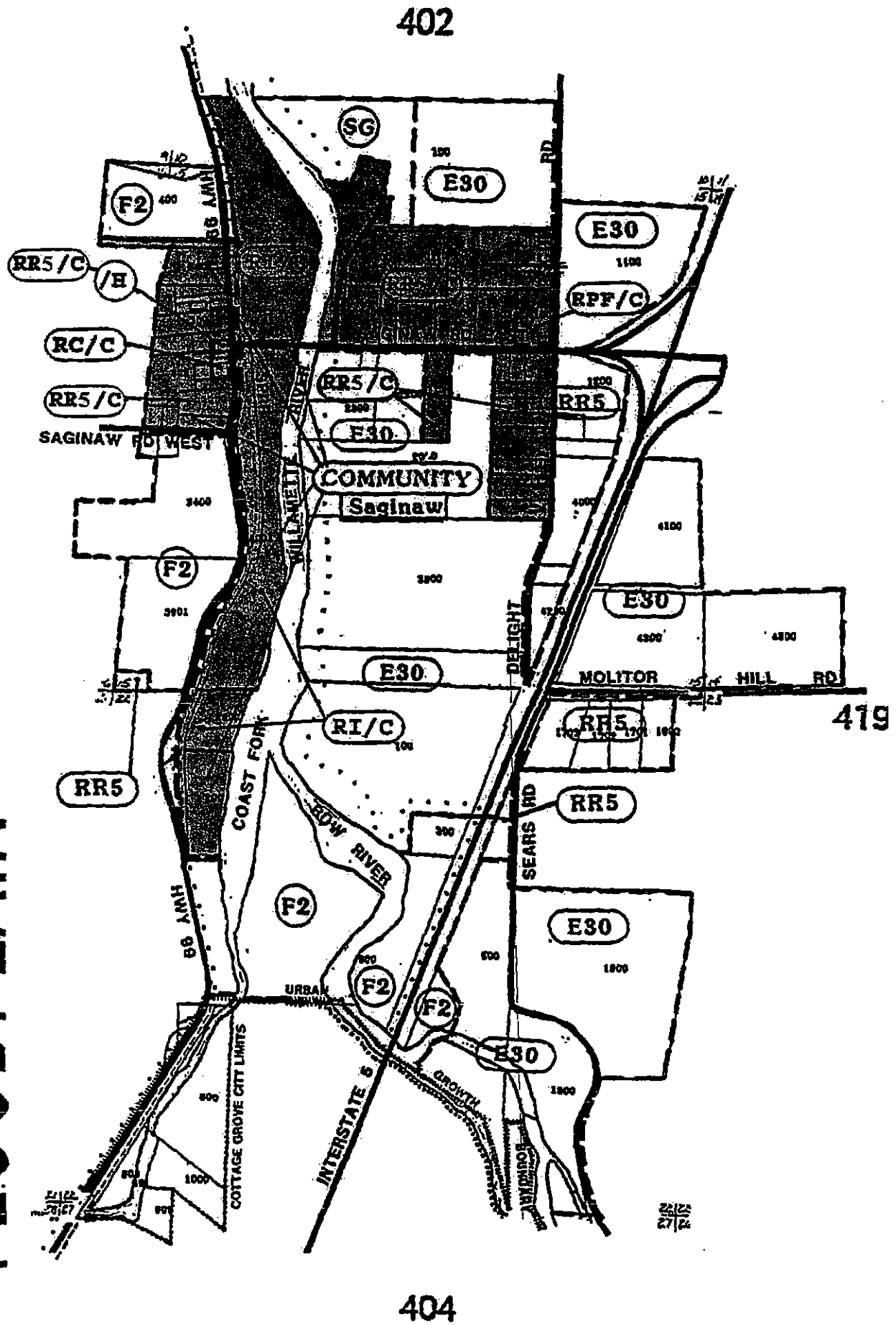
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REVISION # \_\_\_\_\_ ORD. # \_\_\_\_\_ DATE \_\_\_\_\_ FILE # \_\_\_\_\_

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SCALE IN FEET

NORTH

**OFFICIAL PLAN MAP**

**PLOT# 403**

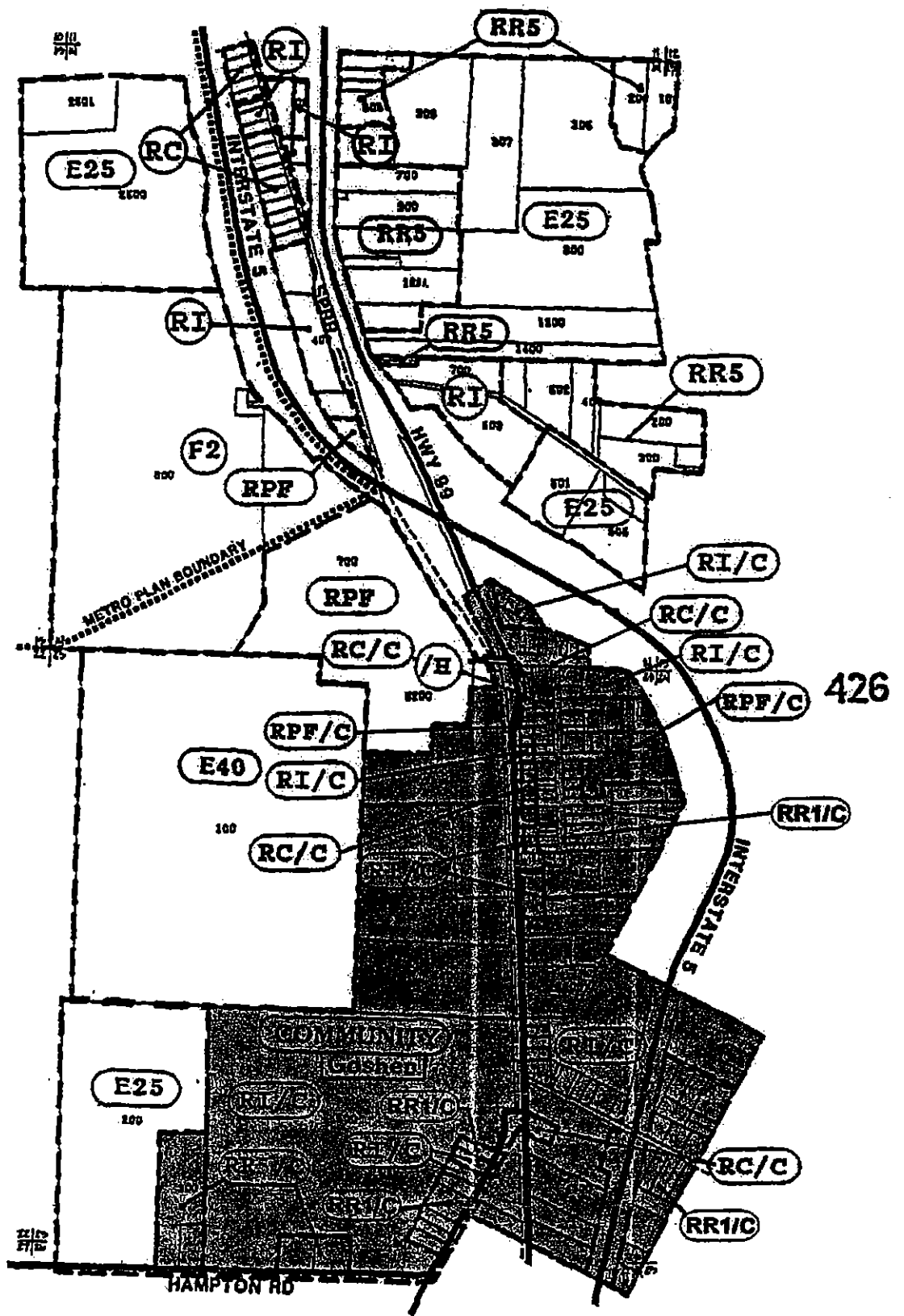
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412

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426

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**OFFICIAL PLAN MAP**

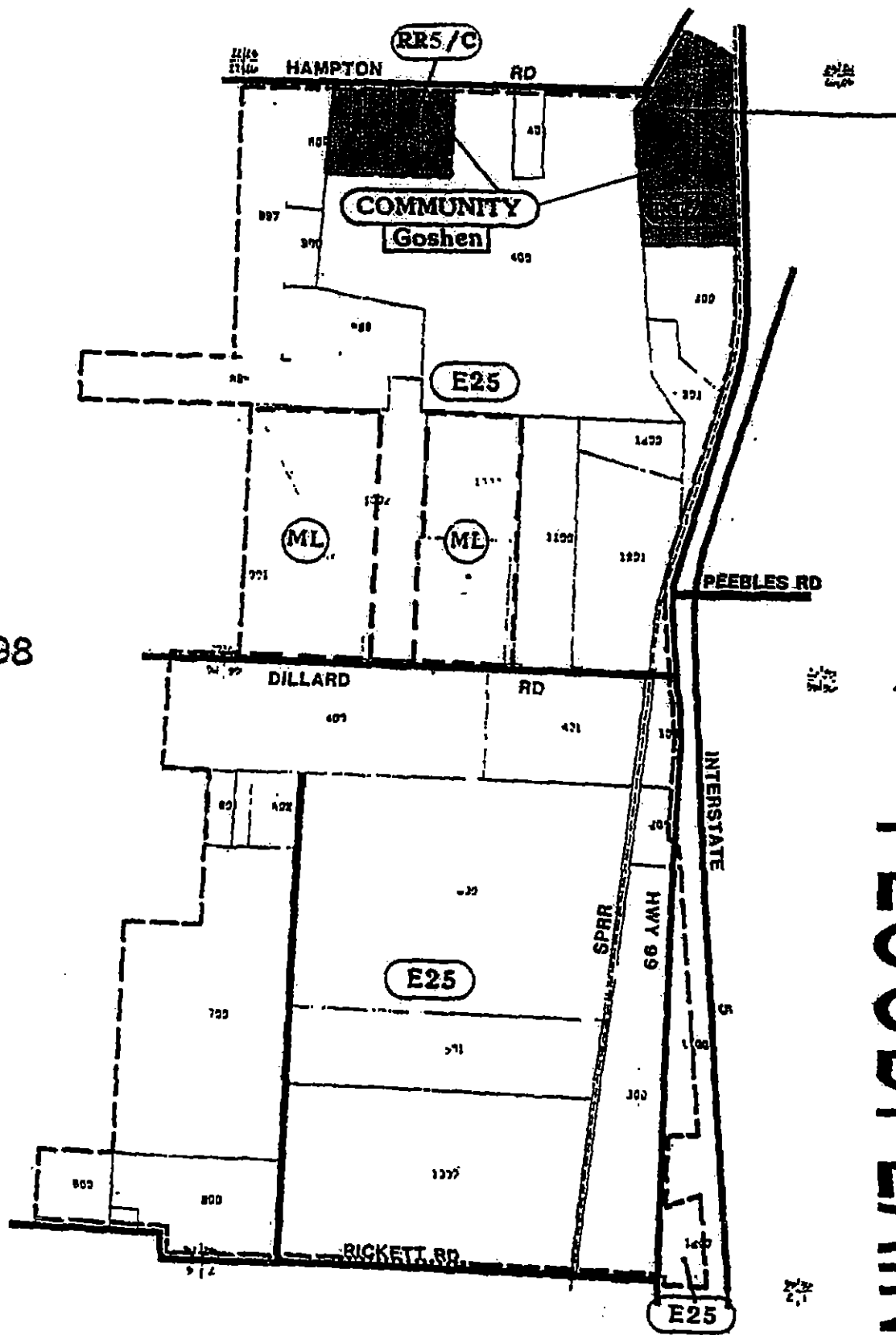
**PLOT# 413**

Township Range Section  
18 03 14 / 18 03 23

ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE # \_\_\_\_\_  
 REVISION # 4 ORD. # PA0198-92 DATE 2/21/92 FILE # PA0198-92



413



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OFFICIAL PLAN MAP

PLOT# 414

Township Range Section	
18 03 26	18 03 35

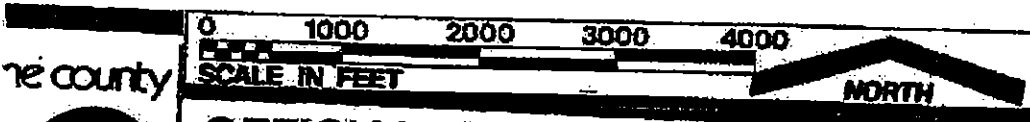
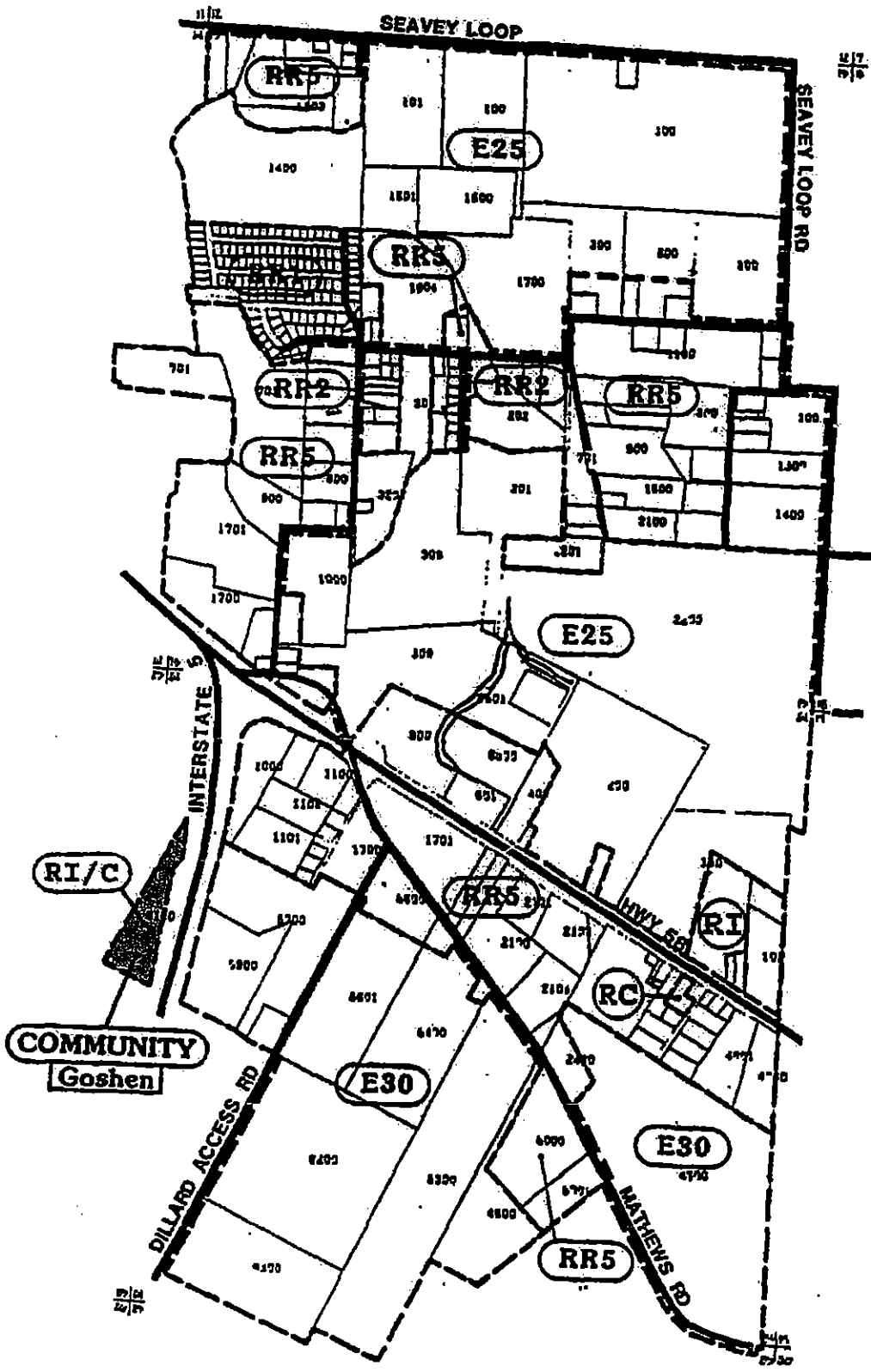
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425

413

437

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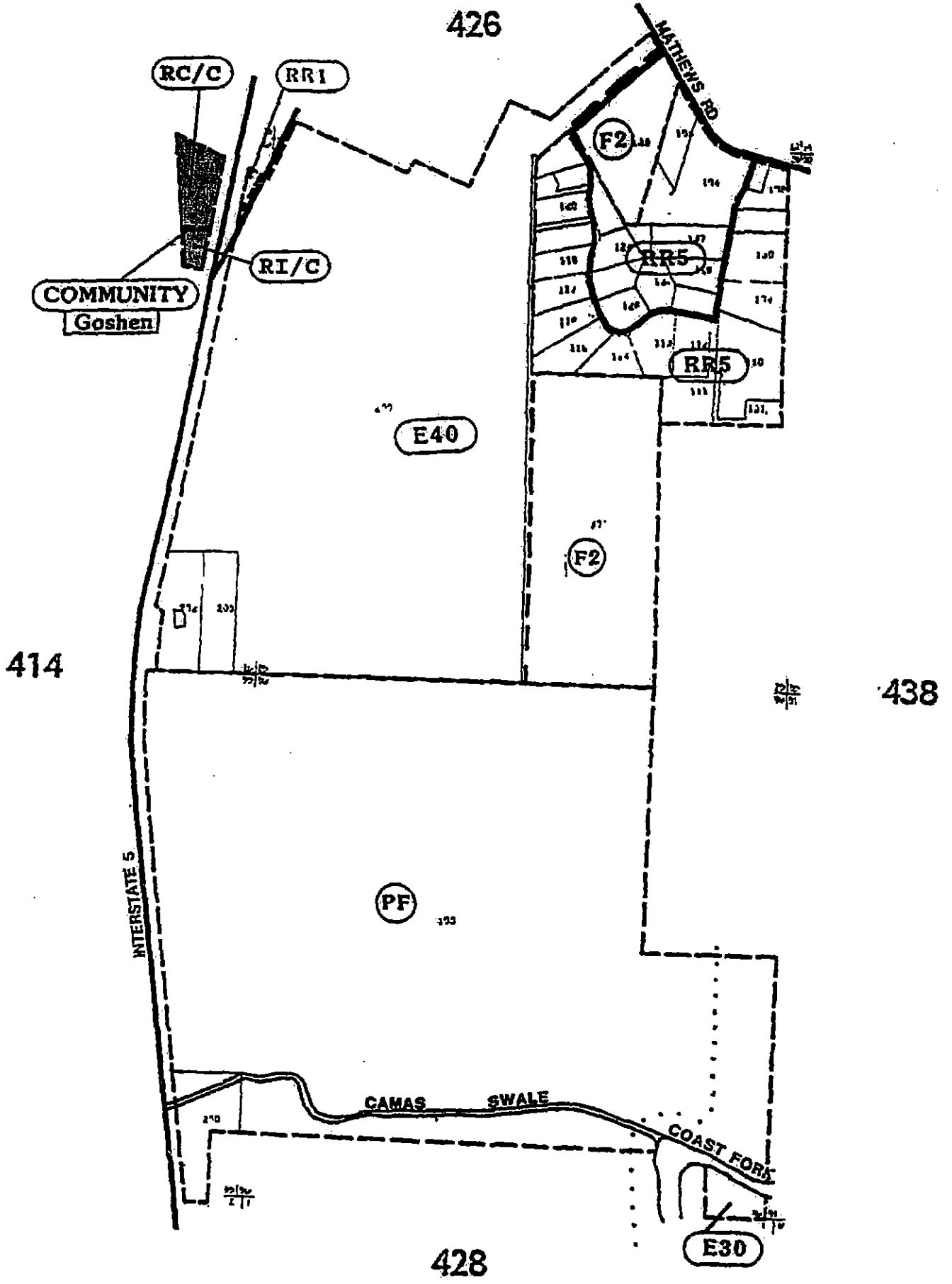


OFFICIAL PLAN MAP

PLOT# 426

Township	Range	Section	
18	03	13	18 03 24

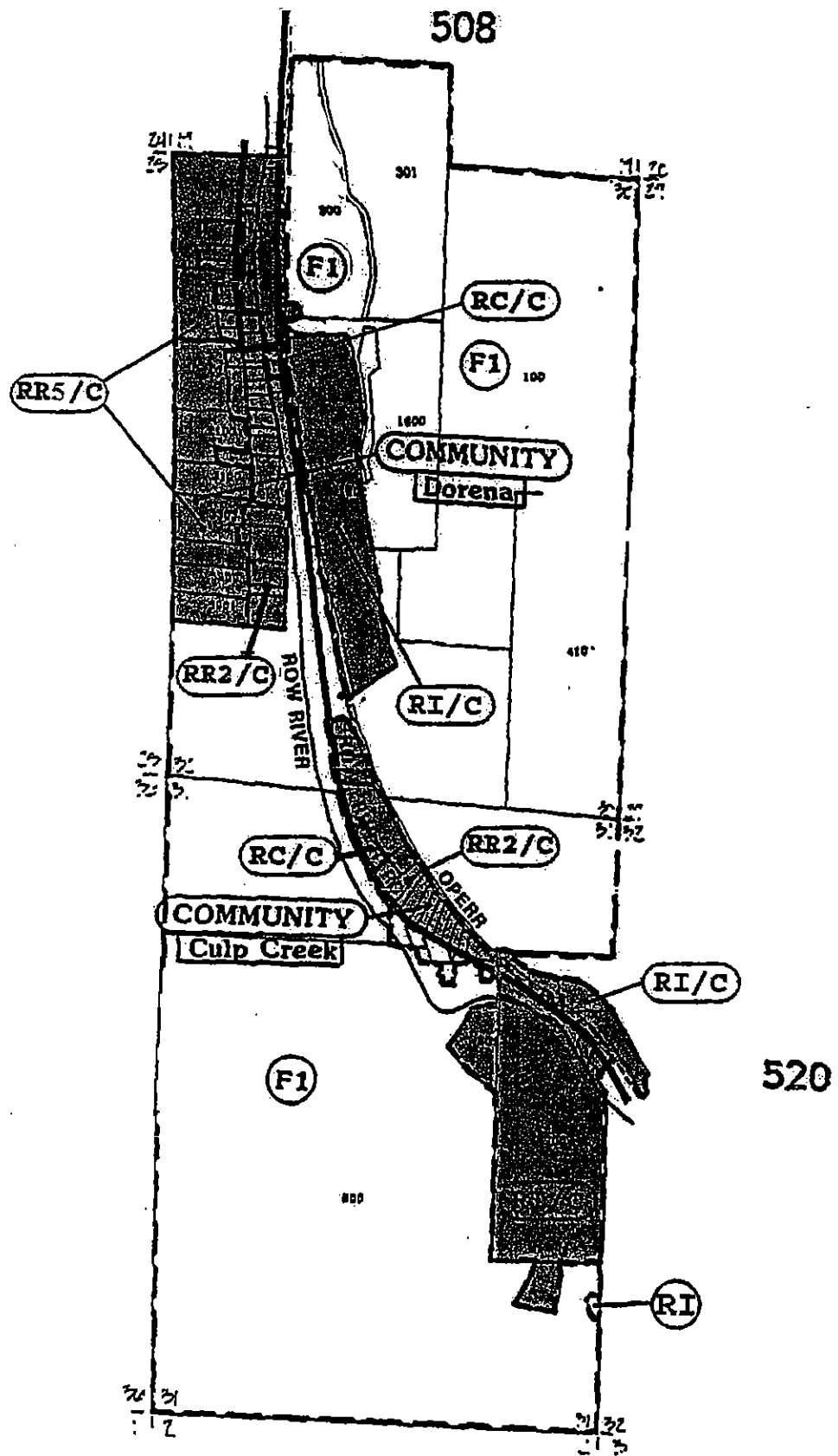
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 VISION # \_\_\_\_\_ ORD # \_\_\_\_\_



ne county **OFFICIAL PLAN MAP** **PLOT# 427**

Township Range Section  
 18 03 25 / 18 03 36

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 REVISION # \_\_\_\_\_ ORD. # \_\_\_\_\_



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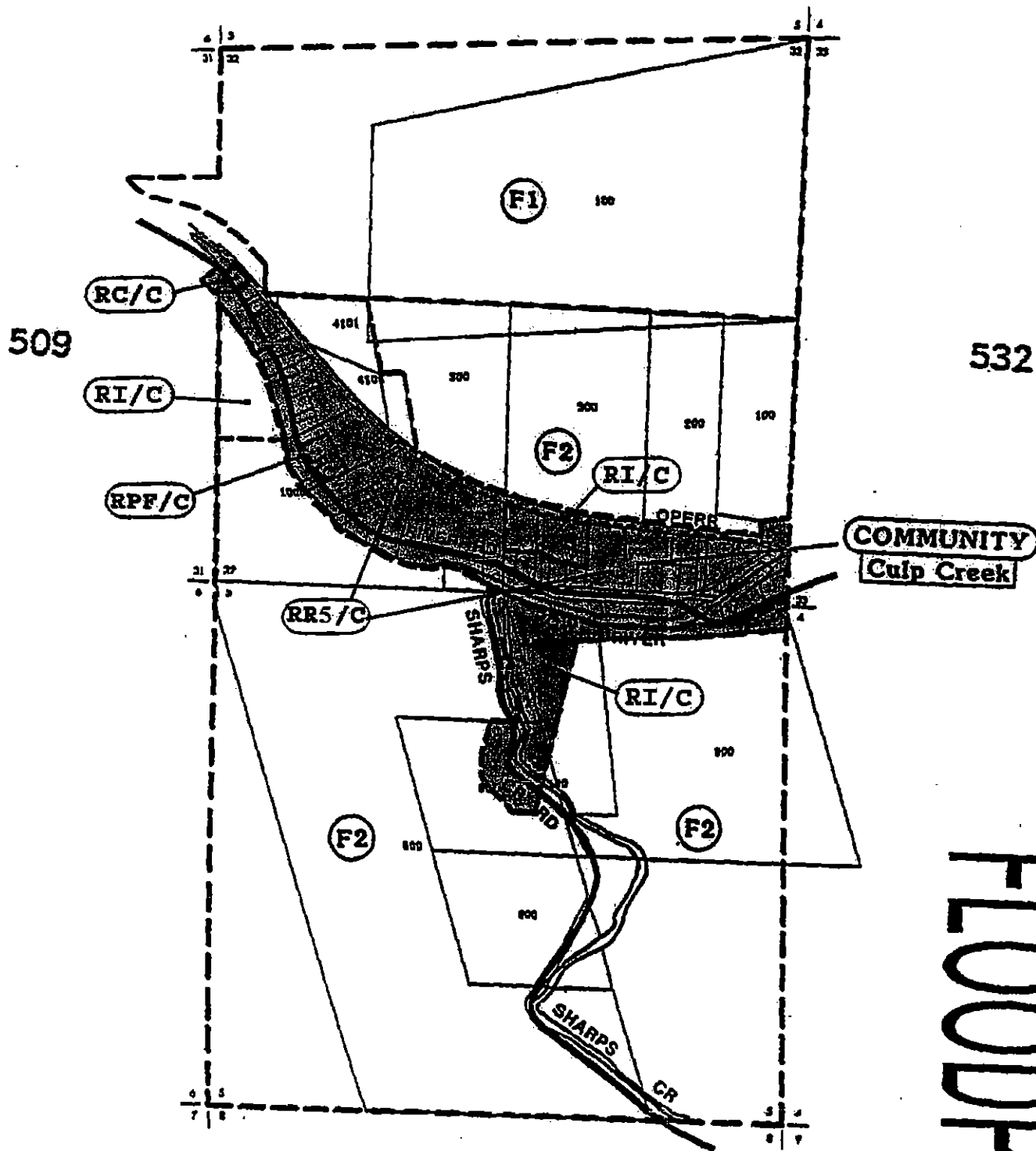
**OFFICIAL PLAN MAP**

**PLOT# 509**


Township Range Section  
21 01 30 / 21 01 31

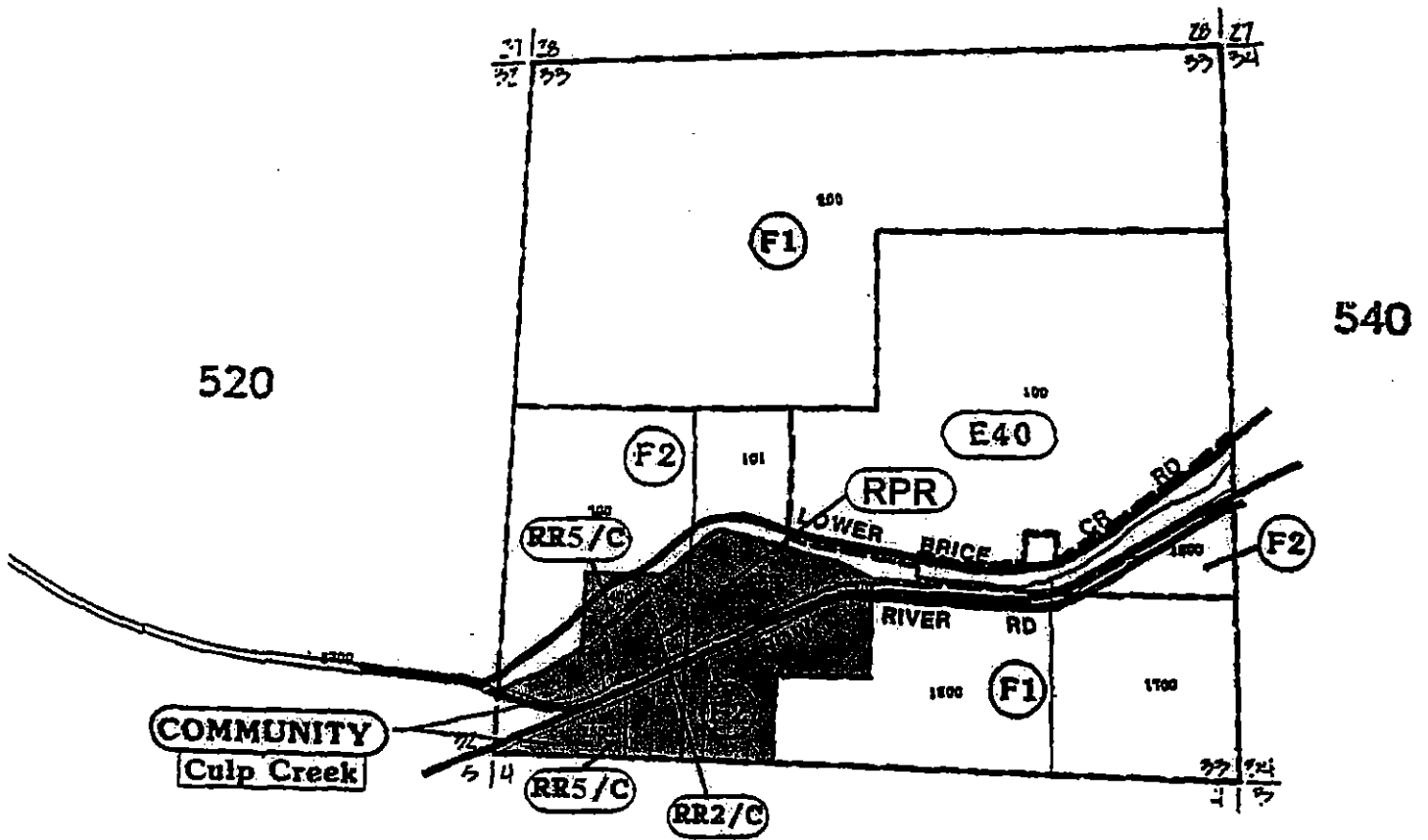
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VISION # \_\_\_\_\_ ORD. # \_\_\_\_\_ DATE \_\_\_\_\_ FILE # \_\_\_\_\_



# FLOODPLAIN

	<p>0 1000 2000 3000 4000 SCALE IN FEET</p> <p style="text-align: center;">NORTH</p> <p><b>OFFICIAL PLAN MAP</b></p>	<p><b>PLOT# 520</b></p>
<p>Twnshp Range Section</p> <p style="font-size: 1.2em;">21 01 32 / 22 01 05</p>		
<p>ORIGINAL ORD. # <u>PA 884</u> DATE <u>2/29/1984</u> FILE # _____</p> <p>REVISION # <u>1</u> ORD. # <u>PA 992</u> DATE <u>1/18/91</u> FILE # _____</p>		



# FLOODPLAIN

ne county

0 1000 2000 3000 4000  
SCALE IN FEET

NORTH

**OFFICIAL PLAN MAP**

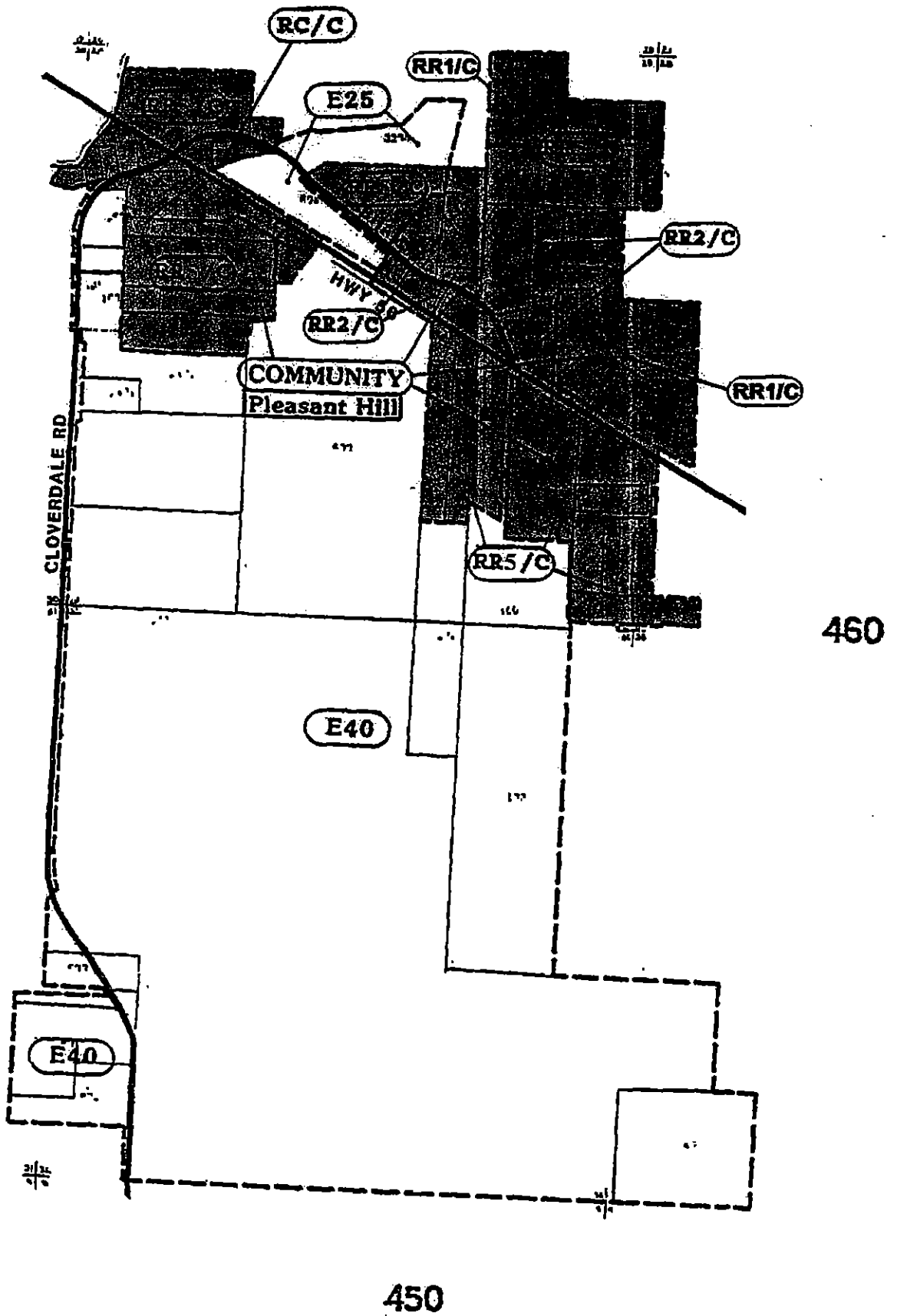
**PLOT# 532**

Township Range Section  
21-01-33

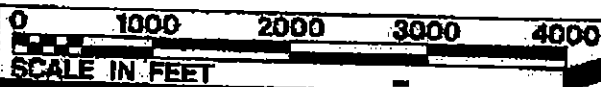
ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE # \_\_\_\_\_

VISION # 2 ORD. # PA3596-91 DATE 3/8/82 FILE # PA2506.01

448



lane county



NORTH

OFFICIAL PLAN MAP

PLOT# 449

Township Range Section

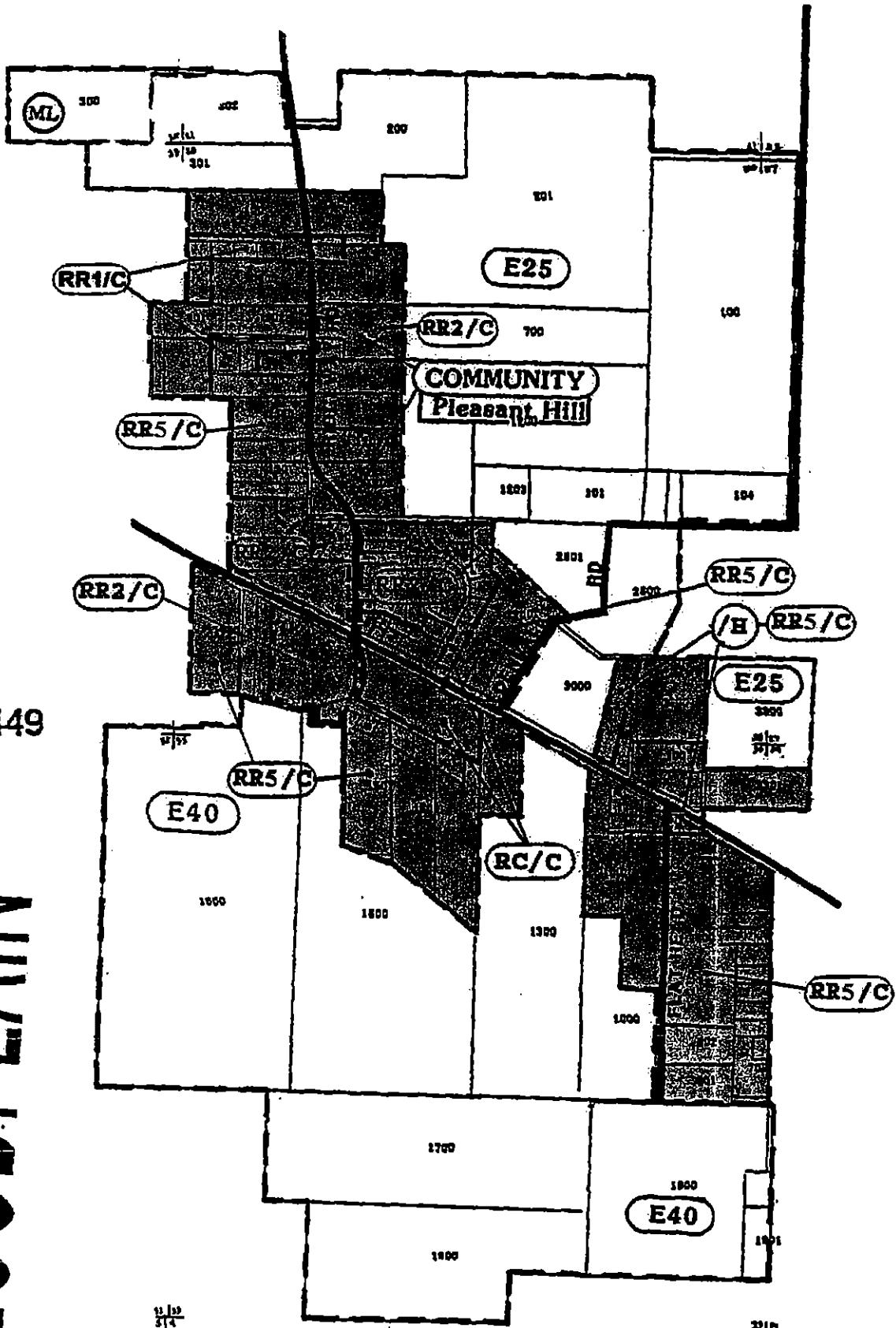
18 02 29

18 02 32

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

REVISION # ORD. # DATE FILE #

459



449

473

FLOODPLAIN

461

lane county

0 1000 2000 3000 4000  
SCALE IN FEET

NORTH

**OFFICIAL PLAN MAP**

**PLOT# 460**

Twship Range Section  
18 02 28 / 18 02 33

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

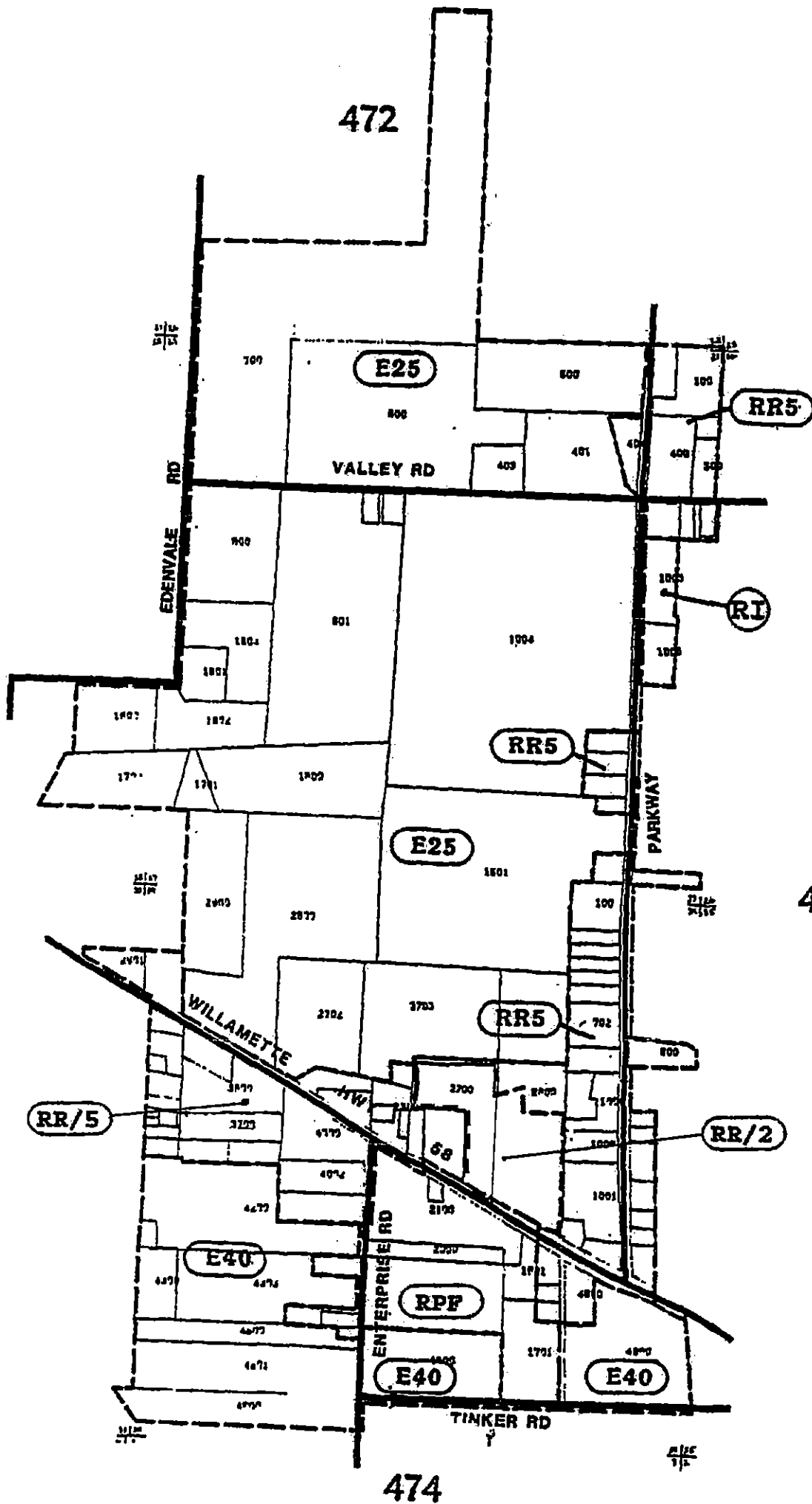
REVISION # 3 ORD. # PA0972-91 DATE 6/1/91 FILE # PA0972-9



# FLOODPLAIN

460

484



474



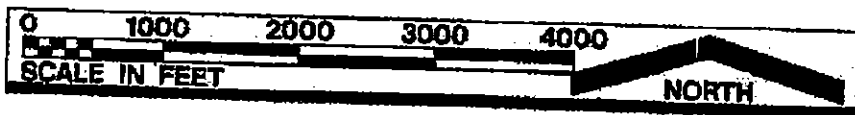
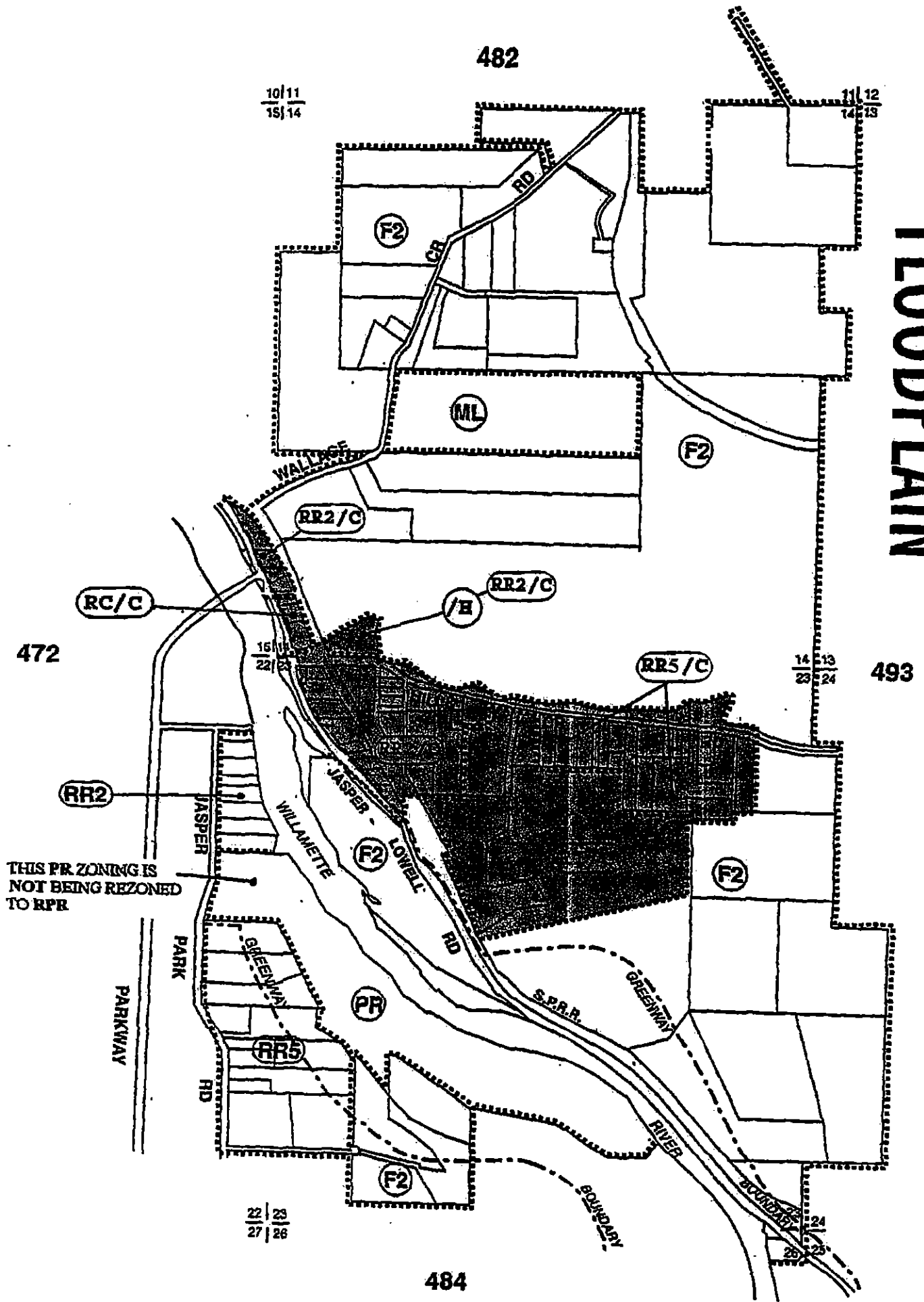
**OFFICIAL PLAN MAP**

**PLOT# 473**

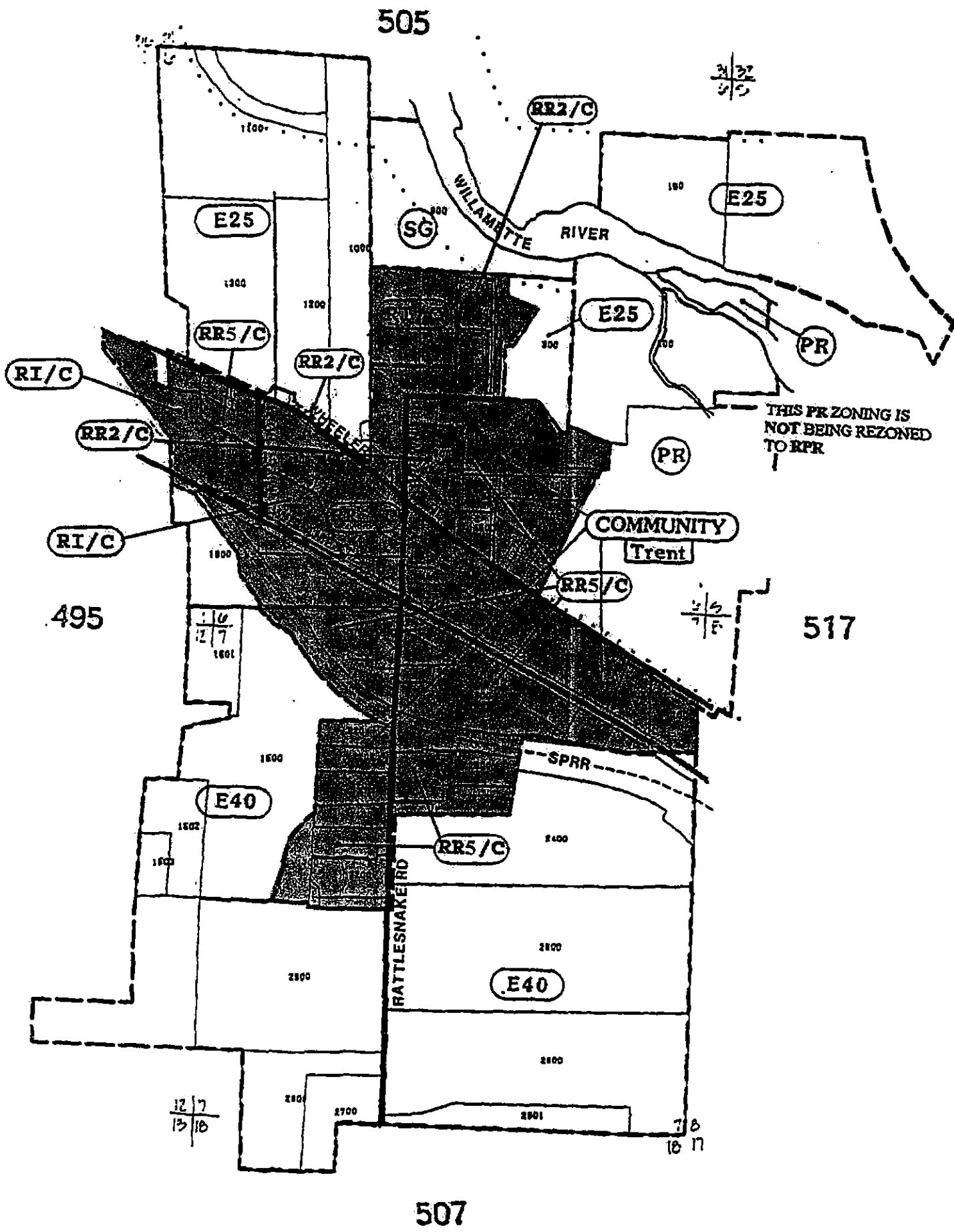
Township Range Section  
18 02 27 / 18 02 34

ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE # \_\_\_\_\_  
 REVISION # 2 ORD # PA1662-92 DATE 6/29/88

# FLOODPLAIN



lane county		<b>OFFICIAL PLAN MAP</b>		<b>PLOT #483</b>	
		Township Range Section			
		18 02 14		18 02 23	
ORIGINAL ORD. #	PA 884	DATE	2/29/1984	FILE #	
REVISION #	ORD#	DATE		FILE #	



county

0 1000 2000 3000 4000

SCALE IN FEET

NORTH

**OFFICIAL PLAN MAP**

**PLOT# 506**

Twnshp Range Section

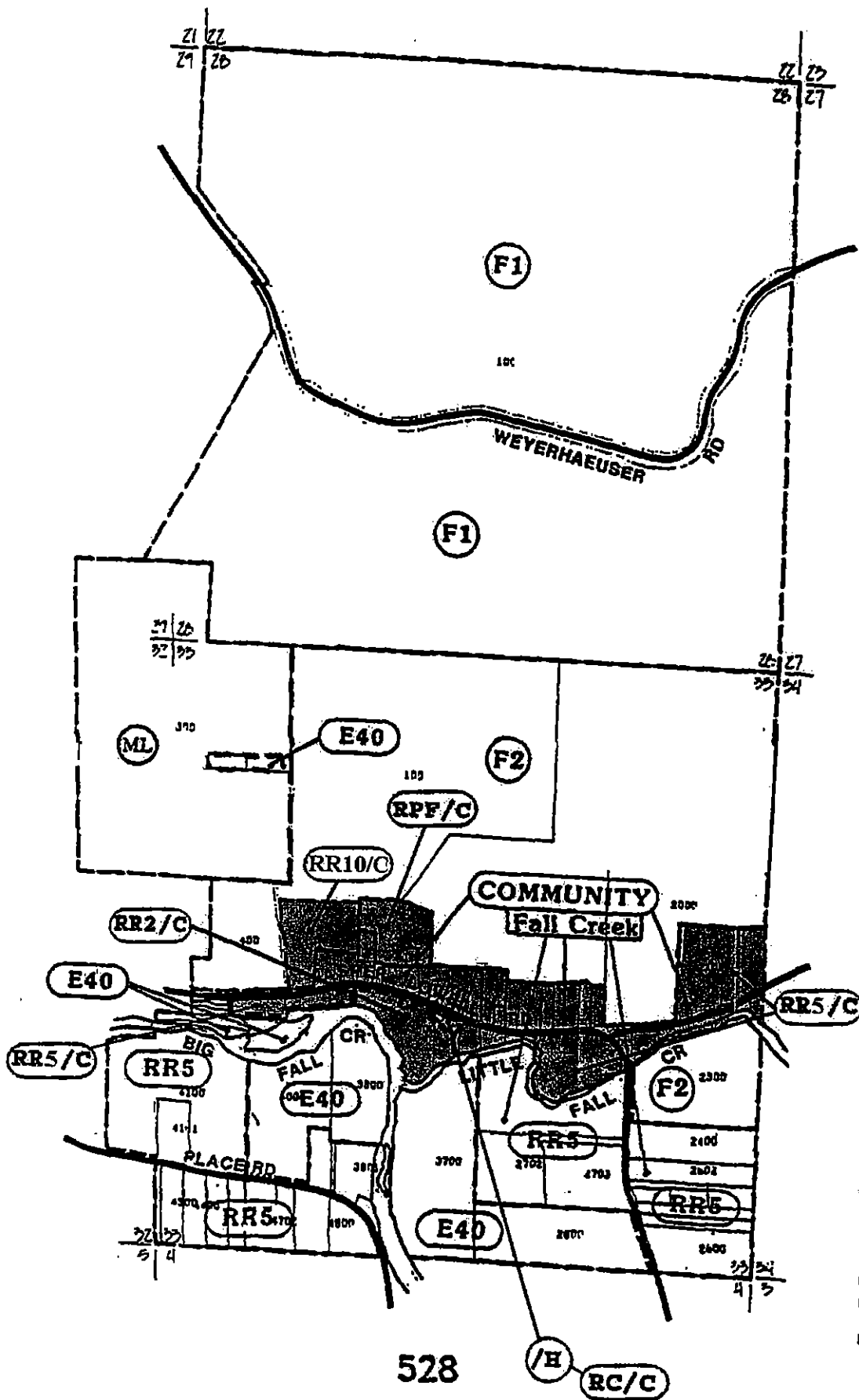
19 01 06 / 19 01 07

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

REVISION # ORD. # DATE FILE #

516

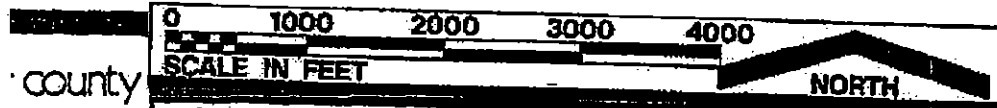
536



FLOODPLAIN

528

/H RC/C



OFFICIAL PLAN MAP

PLOT# 527

Twnshp Range Section  
 18 01 28 / 18 01 33

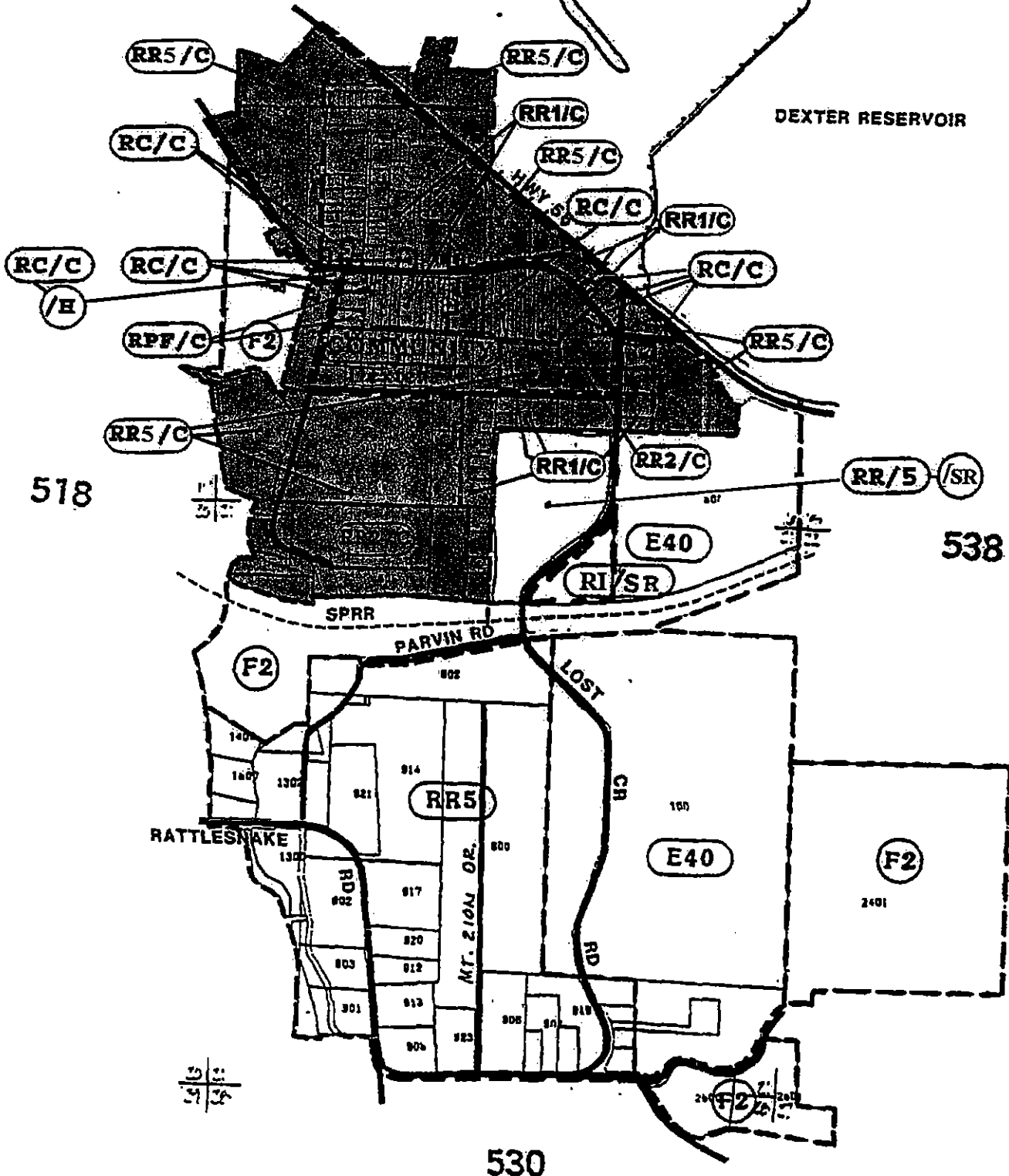
SIGNAL ORD. # \_\_\_\_\_ PA 884 DATE 2/29/1984 FILE # \_\_\_\_\_  
 SION # 3 ORD. # PA1076 DATE 9 / 25 / 95 FILE # PA0658-95

528

WILLAMETTE RIVER

RIVER

DEXTER RESERVOIR



518

538

530

2 county

0 1000 2000 3000 4000  
SCALE IN FEET

NORTH

**OFFICIAL PLAN MAP**

**PLOT# 529**

Township Range Section  
19 01 16 / 19 01 21

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

VISION # 4 ORD. # PA2831-90 DATE 11/10/90 FILE # PA2831-90

Ordinance No. PA 1222

**Exhibit B**  
**Official Zoning Diagrams for Unincorporated Communities**

**Coast Fork Willamette Watershed:**

Goshen: Plots 413-1, 414-1, 426-3, 427-2

Saginaw: Plots 403-1, 403-2 (proposed)

London: Plot 375-1

Dorena: Plot 509-1

Culp Creek: Plots 509-2, 520-1, 532-1

**Middle Fork Willamette Watershed:**

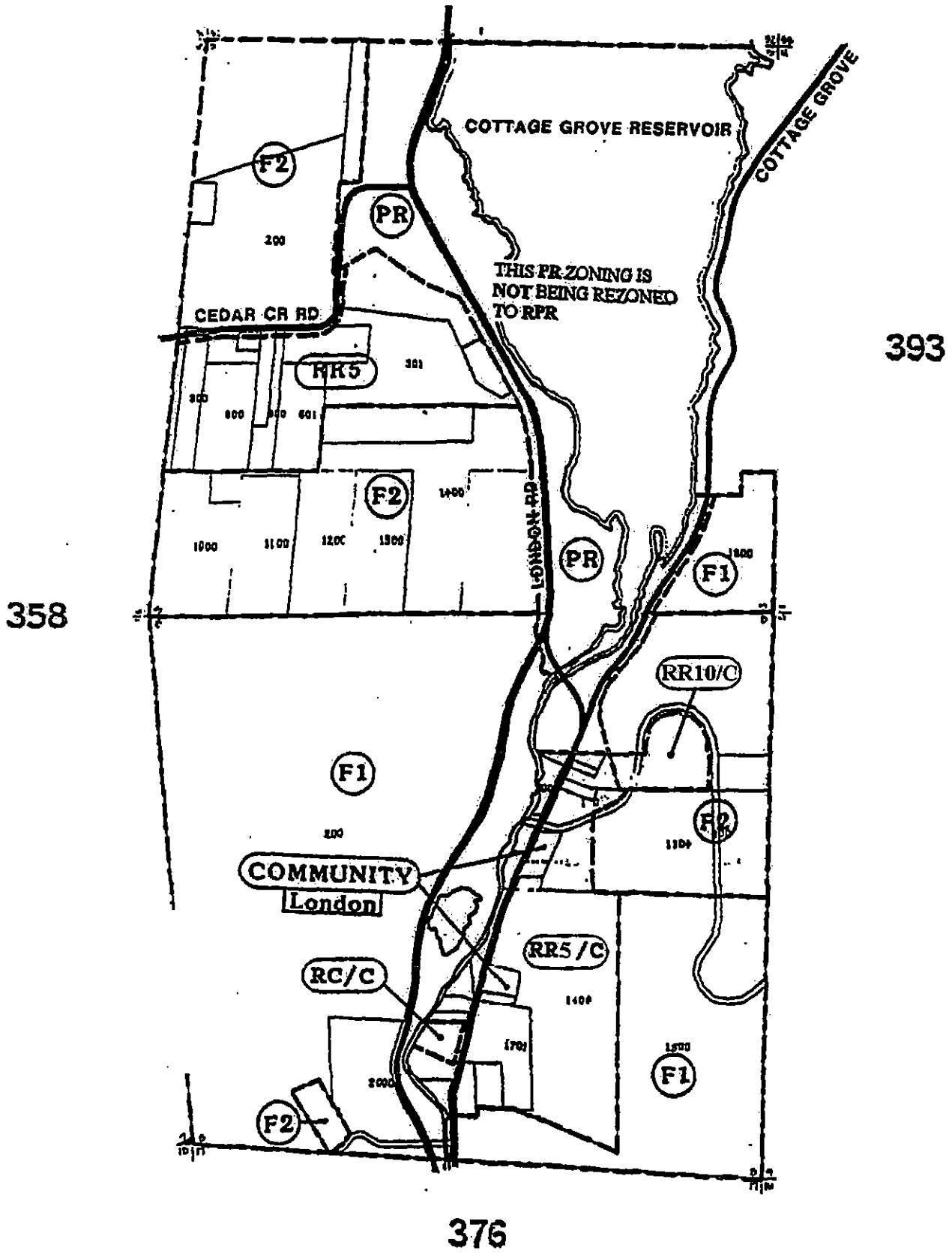
Pleasant Hill: Plots 449-1, 460-1, 473-1 (proposed)

Jasper: Plot 483-1

Trent: Plot 506-1

Fall Creek: Plot 527-1

Dexter: Plot 529-1



lane county

**OFFICIAL ZONING MAP**

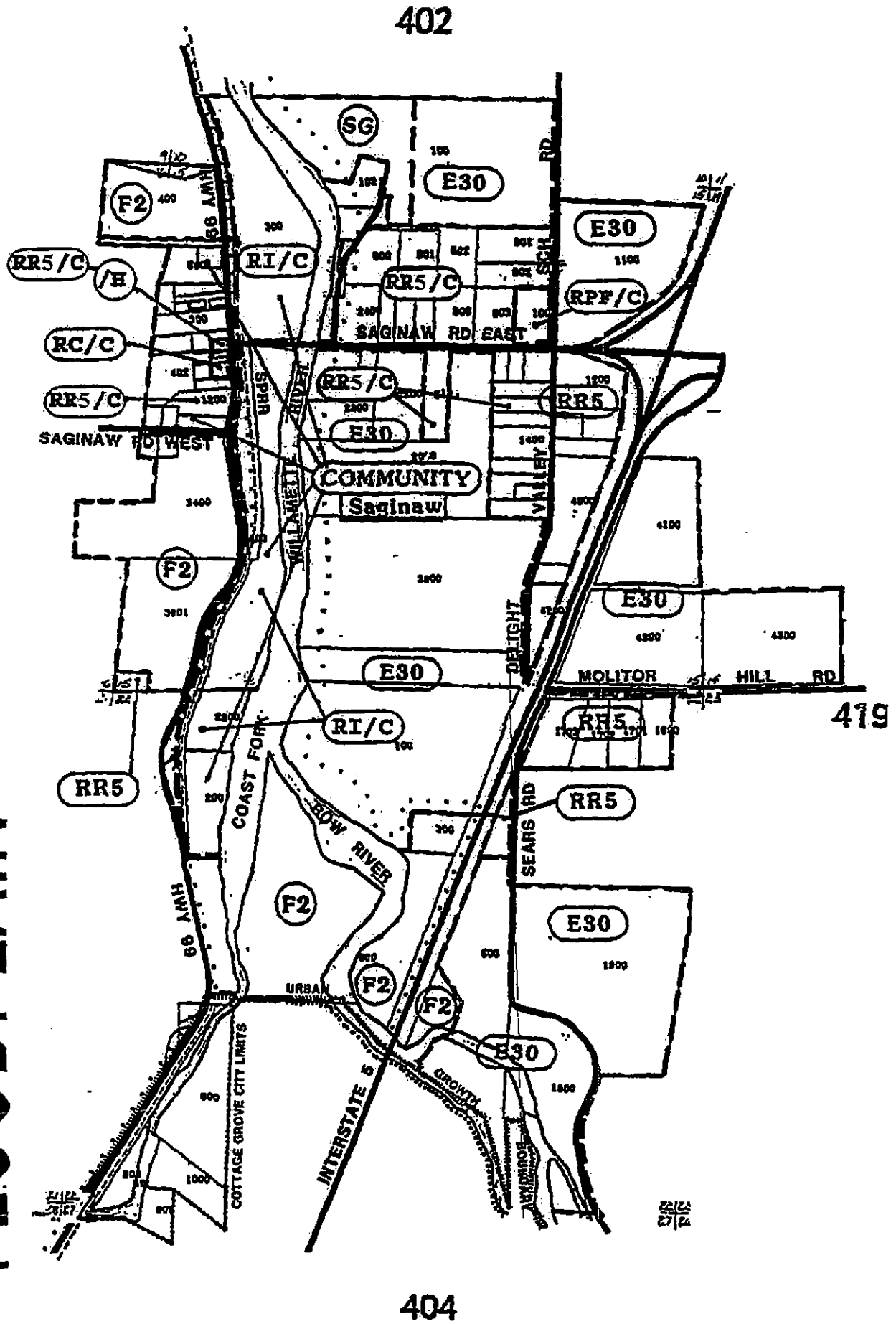
**PLOT# 375**

Township Range Section  
22 03 05 / 22 03 08

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

REVISION # \_\_\_\_\_ ORD. # \_\_\_\_\_ DATE \_\_\_\_\_ FILE # \_\_\_\_\_

# FLOODPLAIN



lane county

0 1000 2000 3000 4000  
SCALE IN FEET

NORTH

**OFFICIAL ZONING MAP**

**PLOT# 403**

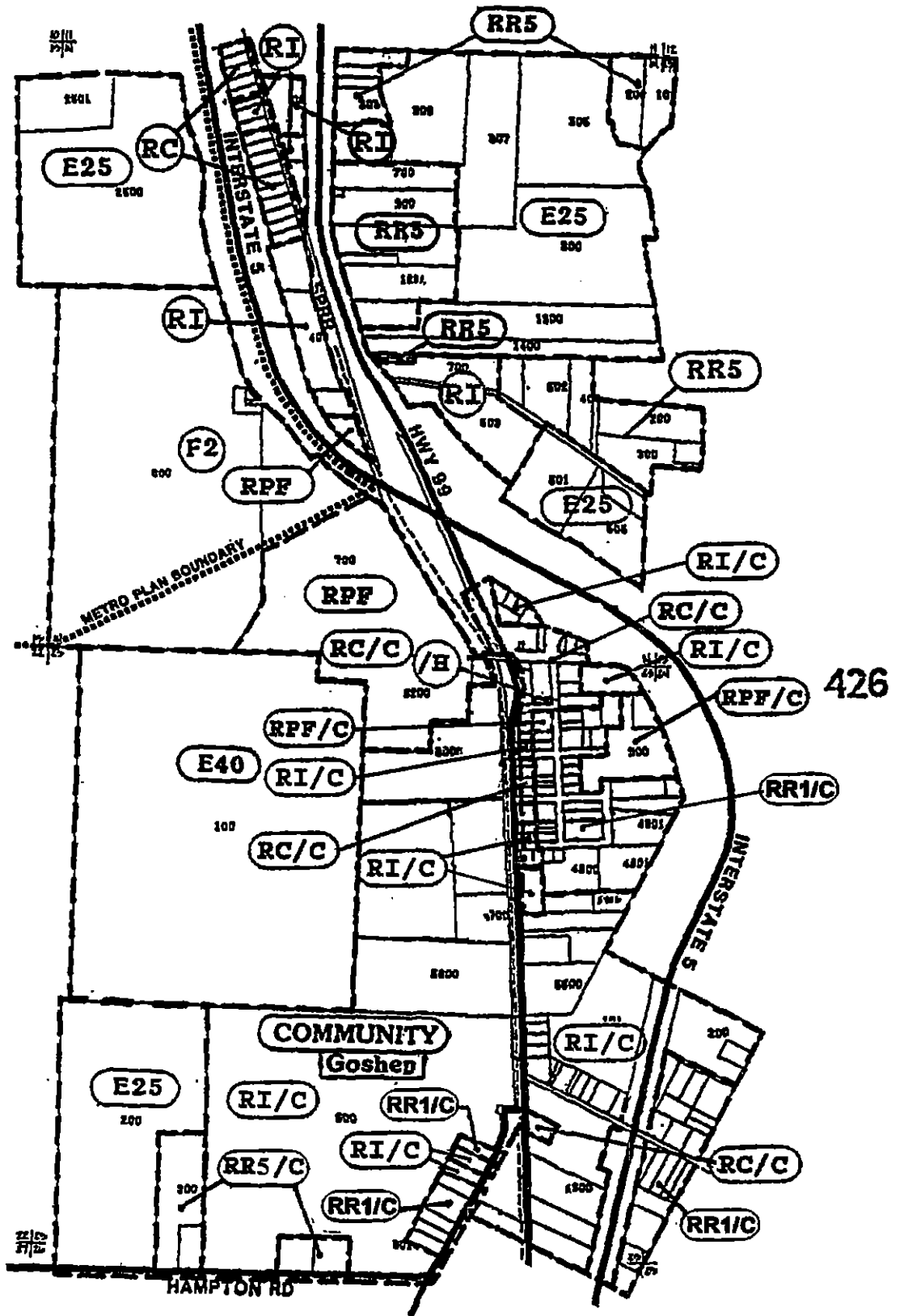
Township Range Section  
20 03 15 / 20 03 22

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

REVISION # \_\_\_\_\_ ORD. # \_\_\_\_\_ DATE \_\_\_\_\_ FILE # \_\_\_\_\_



412



FLOODPLAIN

397

414

one county

0 1000 2000 3000 4000  
SCALE IN FEET

NORTH

**OFFICIAL ZONING MAP**

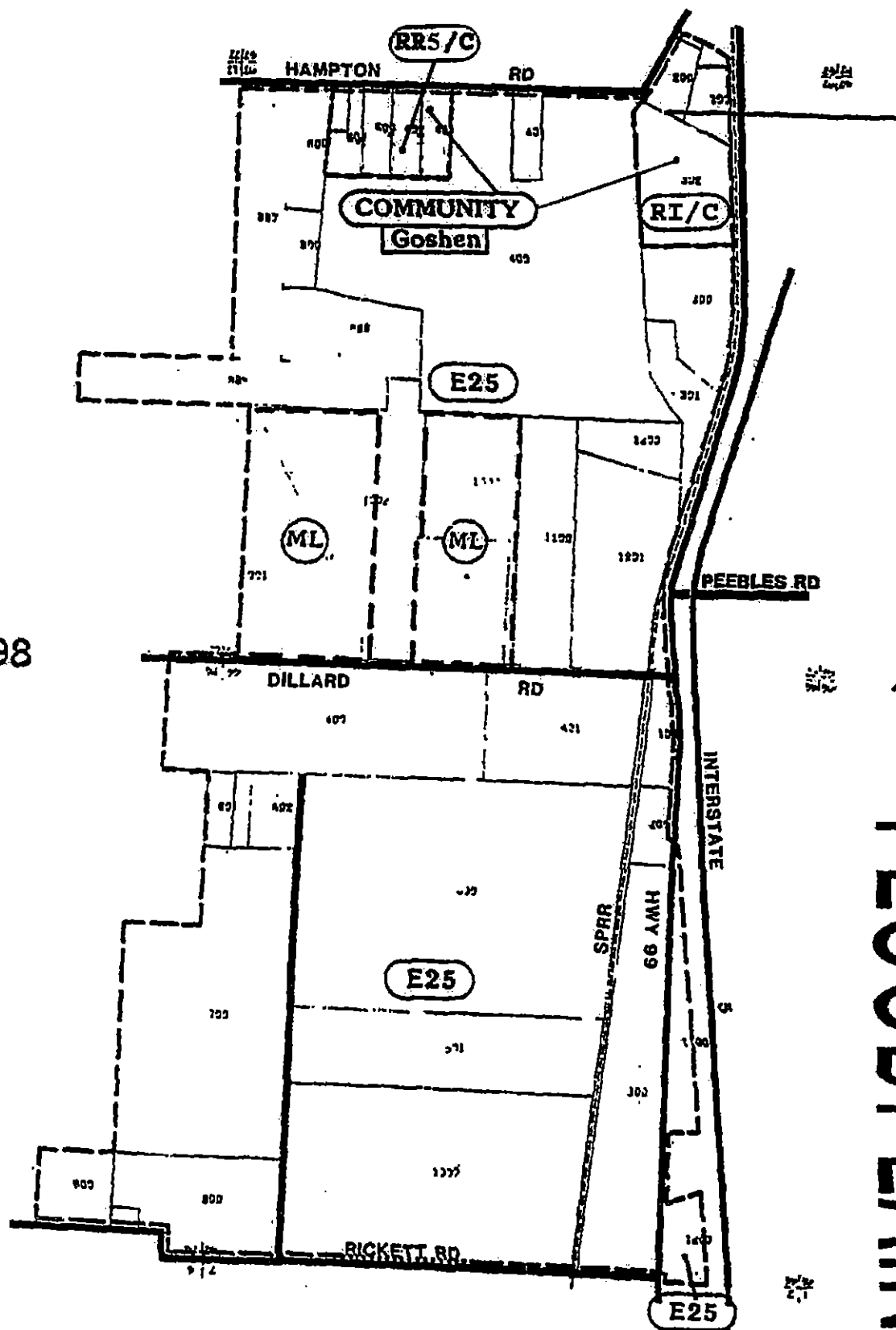
**PLOT# 413**

Township Range Section  
18 03 14 / 18 03 23

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

REVISION # 4 ORD. # PA0198-92 DATE 2/21/92 FILE # PA0198-92

413



FLOODPLAIN

398

427

415

0 1000 2000 3000 4000  
SCALE IN FEET

North

Official Zoning Map

Plot # 414

Township Range Section  
18 03 26 / 18 03 35

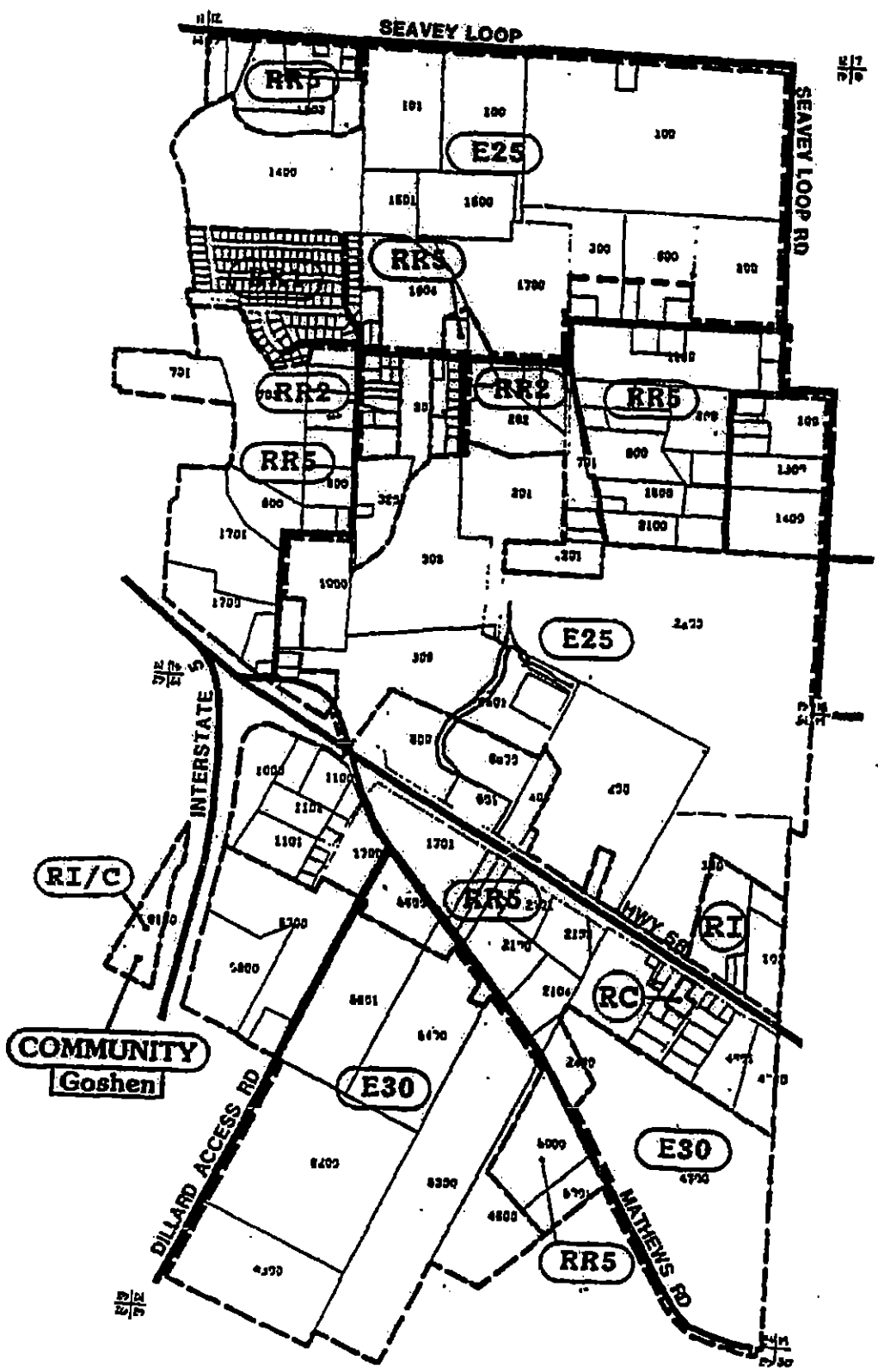
ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE #  
REVISION # 1 ORD. # PA1059 DATE 8 / 10 / 94 FILE # PA0795-94

425

413

437

427



the county

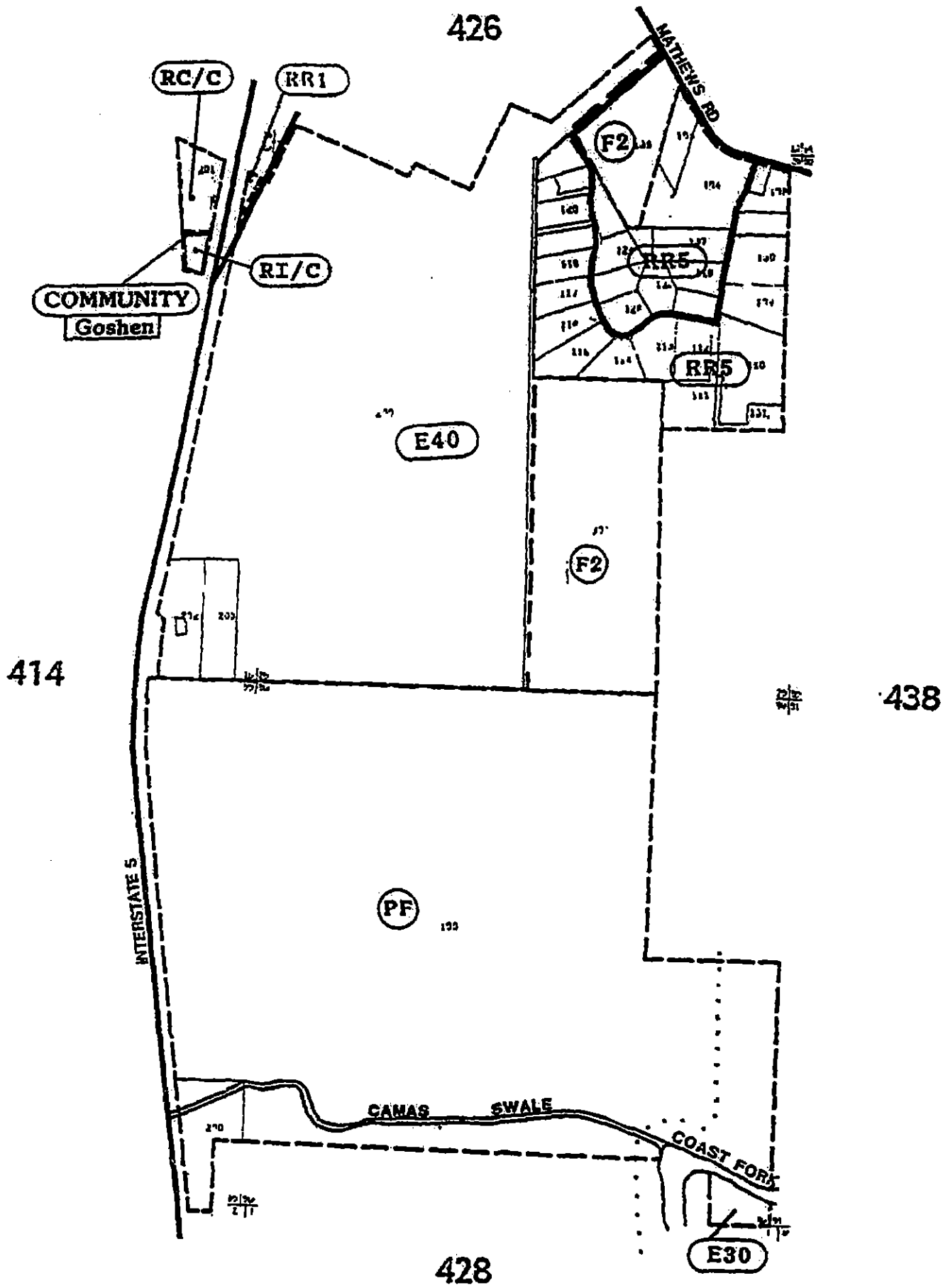


# OFFICIAL ZONING MAP

## PLOT# 426

Township Range Section	
18 03 13	18 03 24

ORIGINAL ORD. # \_\_\_\_\_ PA 884 DATE 2/29/1984 FILE # \_\_\_\_\_  
 VISION # \_\_\_\_\_ ORD # \_\_\_\_\_



0 1000 2000 3000 4000  
SCALE IN FEET

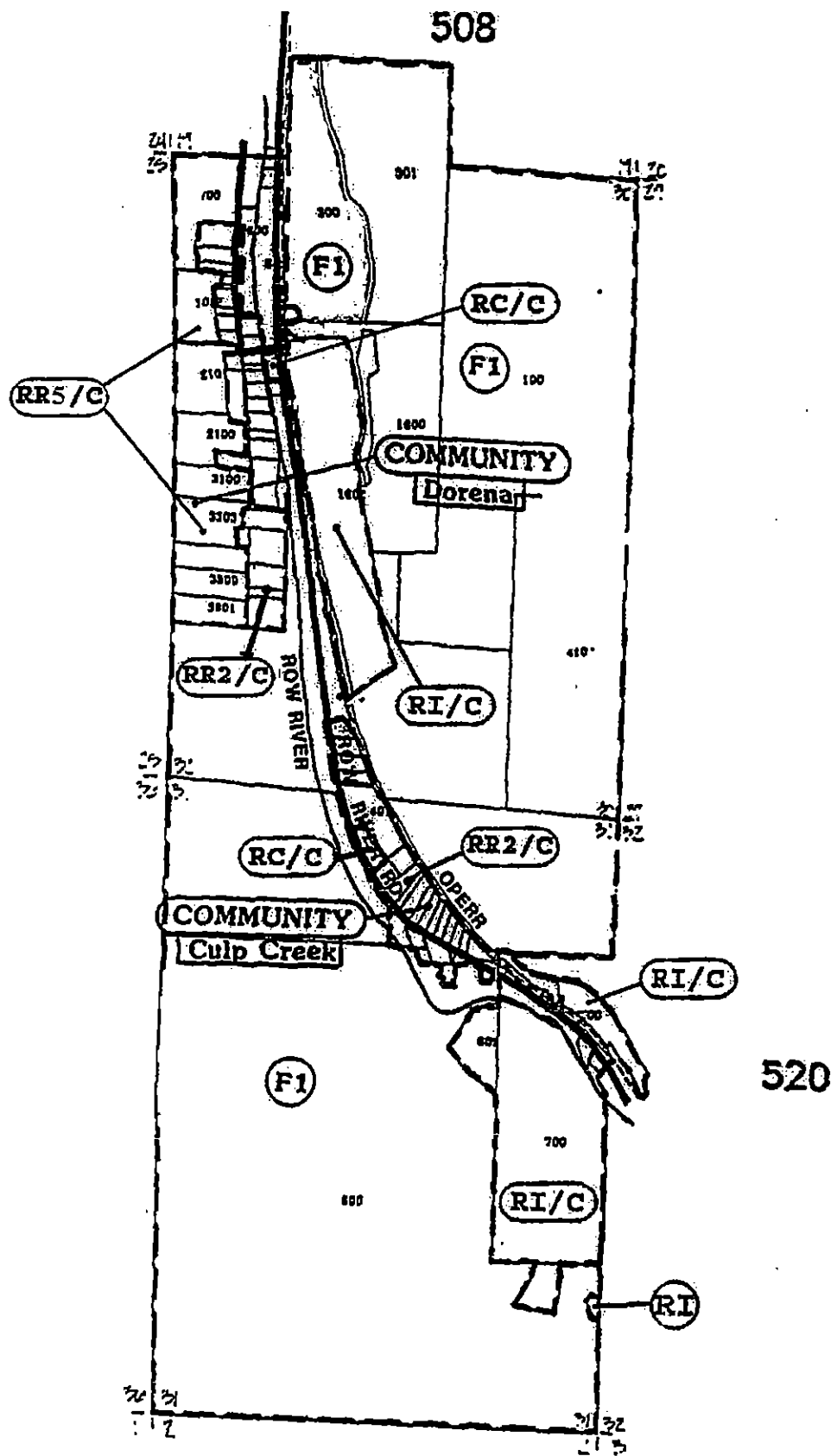
NORTH

**OFFICIAL ZONING MAP**

**PLOT# 427**

Township Range Section  
18 03 25 / 18 03 36

ORIGINAL ORD. # \_\_\_\_\_ PA 884 DATE 2/29/1984 FILE # \_\_\_\_\_  
 REVISION # \_\_\_\_\_ ORD. # \_\_\_\_\_



2 county

0 1000 2000 3000 4000  
SCALE IN FEET

NORTH

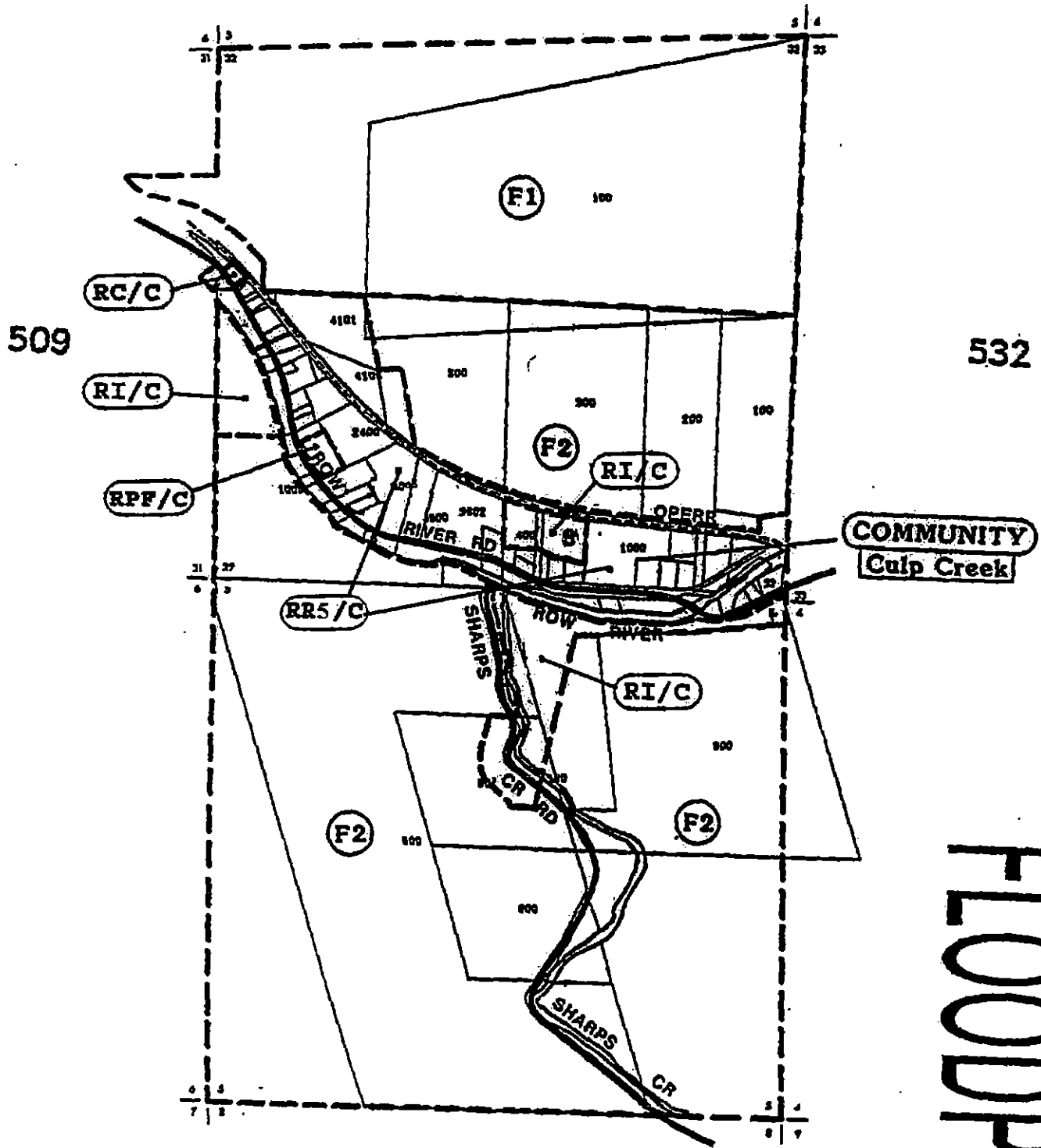
**OFFICIAL ZONING MAP**

**PLOT# 509**

Township Range Section  
21 01 30 / 21 01 31

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

REVISION # \_\_\_\_\_ ORD. # \_\_\_\_\_ DATE \_\_\_\_\_ FILE # \_\_\_\_\_



# FLOODPLAIN

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0 1000 2000 3000 4000  
SCALE IN FEET

NORTH

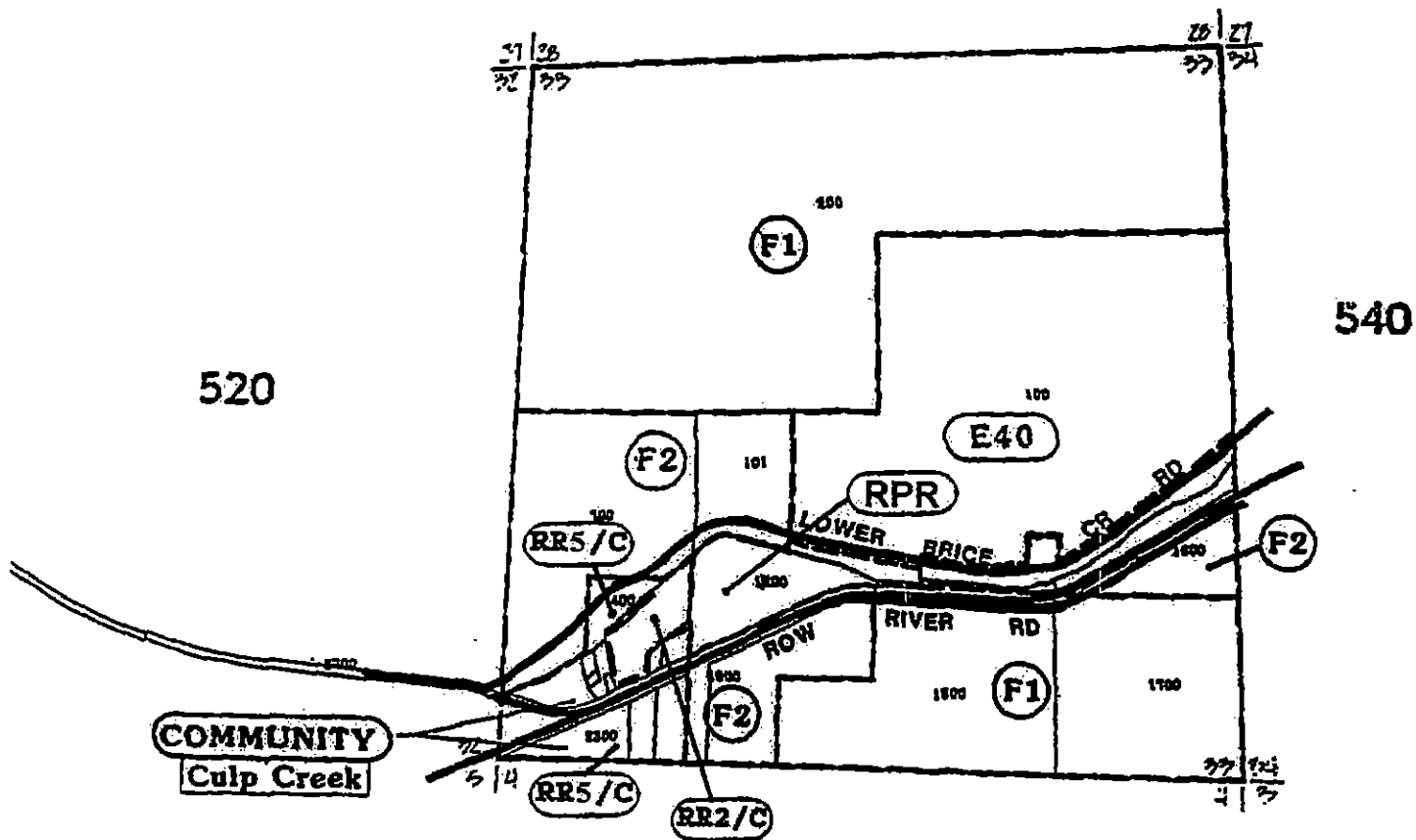
**OFFICIAL ZONING MAP**

**PLOT# 520**

Twship Range Section  
21 01 32 / 22 01 05

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

REVISION # 1 ORD. # PA 992 DATE 1/18/91 FILE # \_\_\_\_\_



# FLOODPLAIN

ne county

0 1000 2000 3000 4000  
SCALE IN FEET

NORTH

**OFFICIAL ZONING MAP**

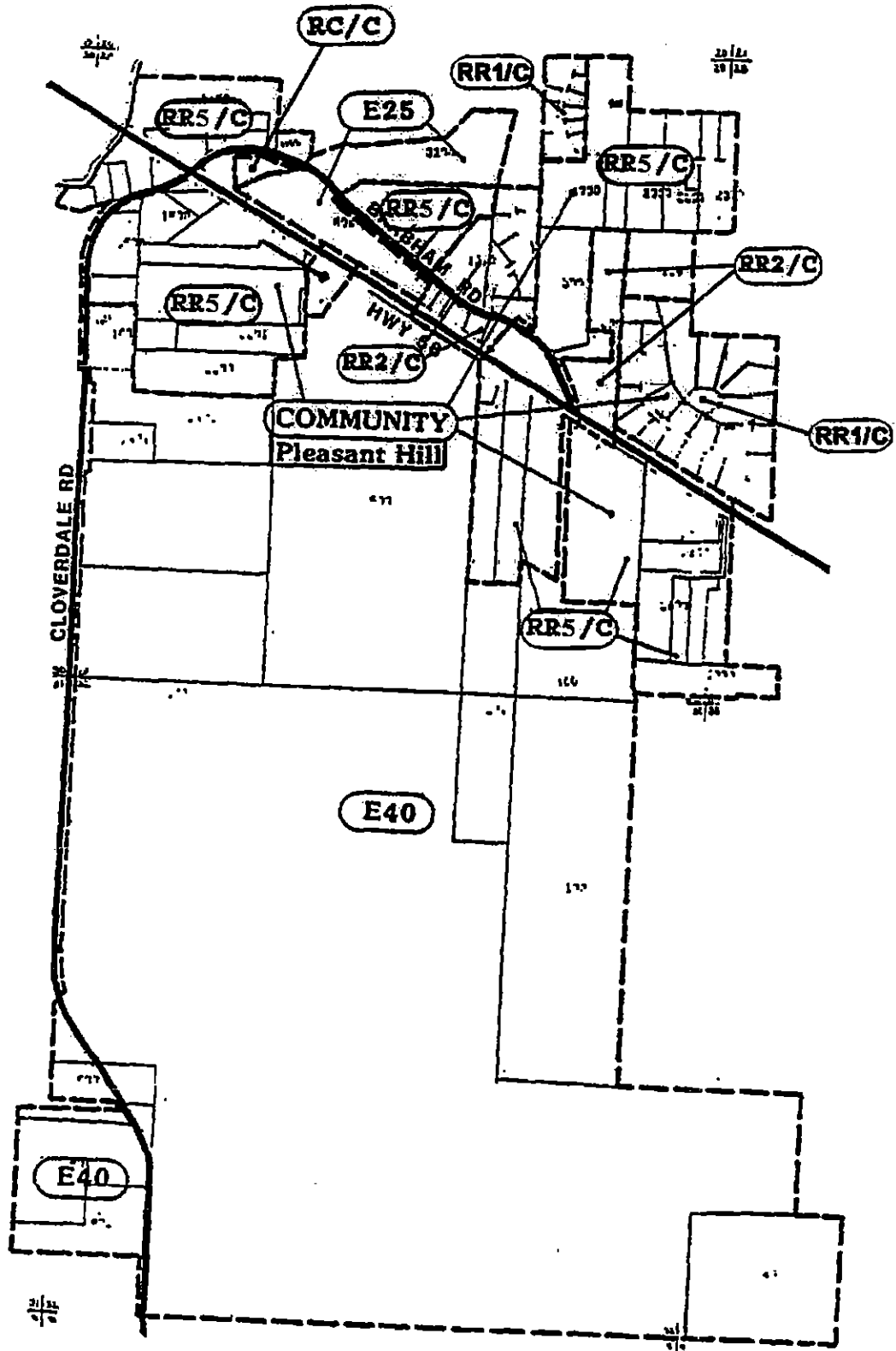
**PLOT# 532**

Township Range Section  
21-01-33

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

DIVISION # 2 ORD. # PA3596-91 DATE 3/18/82 FILE # DA2506.01

448



438

460

450

ane county



0 1000 2000 3000 4000  
SCALE IN FEET

NORTH

OFFICIAL ZONING MAP

PLOT# 449

Township Range Section

18 02 29

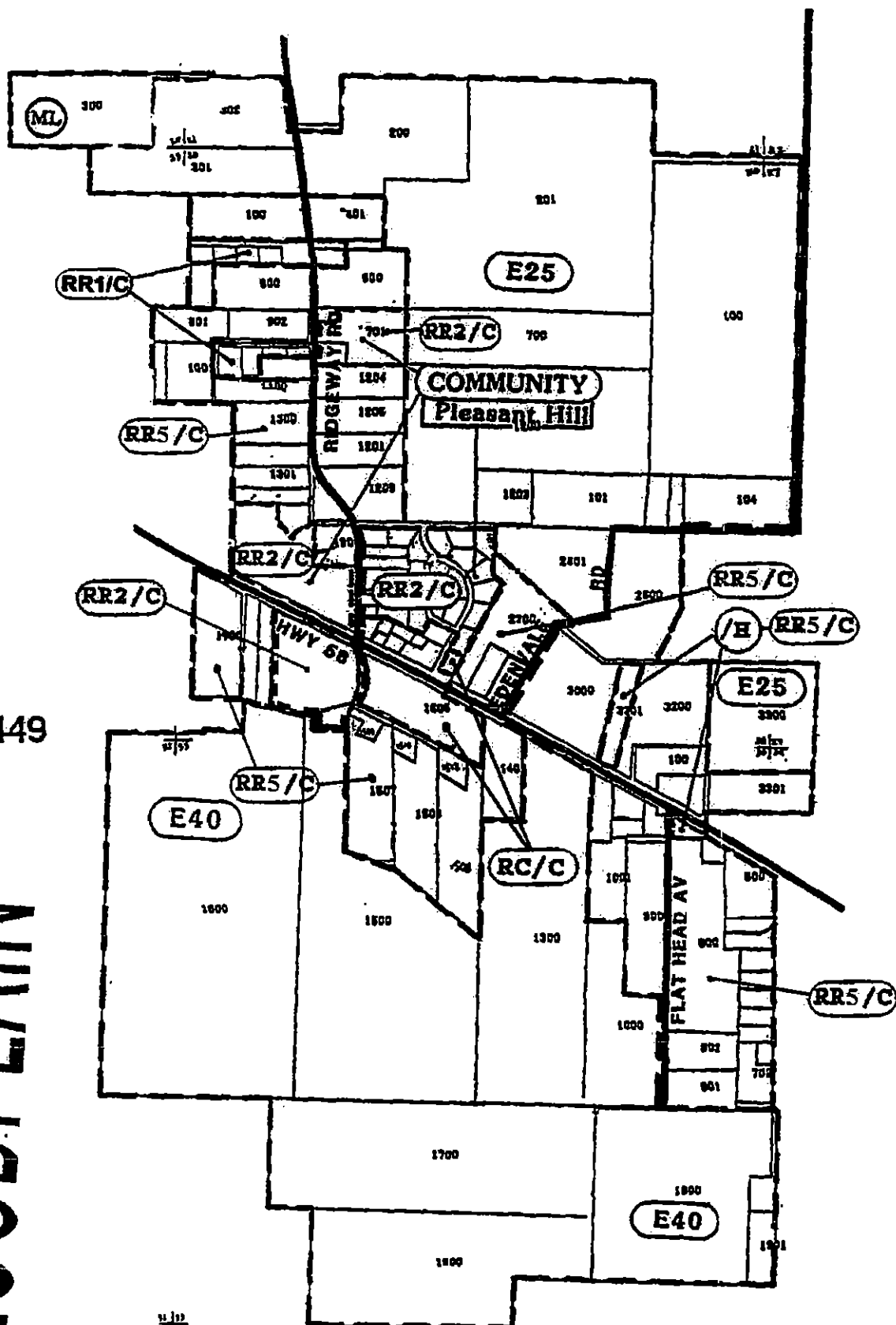
18 02 32

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

REVISION # ORD. # DATE FILE #



459



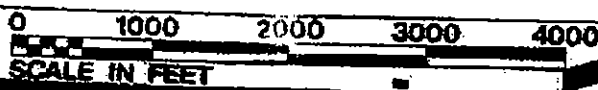
449

473

461

**FLOODPLAIN**

lane county



NORTH

**OFFICIAL ZONING MAP**

**PLOT# 460**

Township Range Section

18 02 28

18 02 33

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

REVISION # 3 ORD. # PA0972-91 DATE 6/1/91 FILE # PA0972-9