

W.I.A.

**SUPPLEMENTAL MATERIAL**

**FIRST ADDENDUM TO  
AGENDA COVER MEMO**

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**DATE:** June 13, 2005      Date of First Addendum  
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.

**ISSUE**

The Board of Commissioners will be conducting a public hearing this Wednesday, June 15, 2005, on Ordinance No. PA 1222.

The Lane County Planning Commission conducted a work session, public hearing and deliberations on May 17, 2005 and forwarded a recommendation to the Board of Commissioners to adopt the Ordinance. (Vote 3-2)

The minutes for both the Planning Commission's work session and the public hearing are attached.

**ATTACHMENTS**

- A. LCPC minutes: May 17, 2005 work session
- B. LCPC minutes: May 17, 2005 public hearing

## MINUTES

Lane County Planning Commission  
Harris Hall - Lane County Courthouse

May 17, 2005  
5:30 p.m.

**PRESENT:** Steve Dignam, Chair; Lisa Arkin, Ed Becker, Jozef Siekiel-Zdzienicki, Juanita Kirkham, members; Stephanie Schulz, Bill Sage, Lane County Staff; Susanna Julber, Greg Mott, Springfield Staff.

**ABSENT:** James Carmichael, Vice Chair; Marion Esty.

### **I. Work Session**

Commission Chair Steve Dignam convened the meeting at 5:30 pm. He called for public comments on issues not being covered at the public hearing that evening.

There were no members of the public wishing to speak.

Planning Director Kent Howe announced that the Planning Commission posting had closed and 22 applications had been forwarded to the Board of County Commissioners. He said the Board would conduct its screening process and conduct interviews by the end of May with an objective of making appointments to the Planning Commission in June.

Mr. Howe reported that the Board of County Commissioners had heard testimony on the first two Ballot Measure 37 claims in Lane County. He said the Board would have deliberations the following day at 1:30 pm. He added that the City of Springfield had passed a vote on the County Wide Public Safety District by a 3:2 split. He said the City of Eugene would take action on May 23 and the Board of County Commissioners on June 1.

Mr. Howe distributed an e-mail with information regarding the next conference of the Oregon Planning Institute. He urged the commissioners to attend and noted that the county would pay any registration fees. He said it would be a good opportunity for commissioners to learn about current topics in the community.

Ms. Kirkham agreed and noted that she had learned valuable information from past attendance. She urged new commissioners to attend the conference.

#### **a. Deliberations: Glenwood Riverfront implementation plan amendments for Subarea 8, Glenwood Riverfront.**

Mr. Dignam noted the public comment had been submitted in writing after the public hearing in April. He noted that the meeting packet, including the new written testimony, had been mailed to commissioners the previous week. He called for initial comments from the commission.

Ms. Kirkham questioned whether the other jurisdictions had taken action on the subject and whether minutes were available.

Susanna Julber, City of Springfield, said the Springfield Planning Commission would vote on the following day. She said everything indicated that the Springfield Planning Commission would forward a favorable recommendation to their city council. Eugene will not be involved in the decision.

Mr. Dignam said staff had addressed the concerns raised by the Lane County Planning Commission during the first work session on the item. He called for questions from the commissioners.

Mr. Sikiel-Zdzienicki said he needed a better explanation of the setbacks from the river that would be applied in the area.

Ms. Julber drew a map of the area where the Willamette River Greenway Goal 15 applied. She said distances established by the Willamette River Greenway would apply within 150 of the low level waterline. She noted that this was not a set back but said a person would have to go through discretionary use site planning to develop in that area and noted that, in addition, there were riparian setbacks of 75 feet.

Mr. Sikiel-Zdzienicki remarked that the varying overlays made the actual distance of a setback from the river in the area confusing.

In response to a question from Mr. Sikiel-Zdzienicki regarding whether an existing structure would be grandfathered in if it wanted to further develop, Ms. Julber said if someone wanted to do a minor expansion then they would be grandfathered in but if a major expansion was planned then they would be governed by new setback rules.

Mr. Dignam commented that there multiple layers of regulation in the area. He said that it was extremely confusing to try to work with the Systems Development Charge Overlay, The Goal 15 Willamette Greenway overlay and the Glenwood Riverfront Implementation Plan.

In response to a question from Mr. Sikiel-Zdzienicki regarding the Goal 15 Greenway established setbacks and whether they were superceded by local jurisdictions, Ms. Julber said the Greenway boundaries established 150 foot 'area of special concern' that was sometimes confused as a setback. She said development within this area would require a special review process.

In response to a question from Mr. Sikiel-Zdzienicki regarding development in flood plains in the setback area, Ms. Julber said there was a separate federal review process for development under those circumstances. Greg Mott said the only federal involvement was if there was work in the actual channel. He said filling in the floodway was an extremely difficult process and the only experience the City had dealt with regarding filling the floodway was a boat launch that had been constructed. He said an applicant would have to prove that what was being proposed for development needed access to the river. He said it was not just that Army Corp of Engineers and various other federal agencies were involved, it was the purpose being served by the regulation. He said the purpose was to pretreat and control temperature of the discharge that went into the Willamette River. He said if no impervious surface existed in the 75 foot setback and riparian habitat existed on the shore then storm water would have its temperature decreased before being released into the river.

In response to a question from Ms. Kirkham regarding whether there was a map showing the flood plain designation, Ms. Julber called attention to page 3-23 of the meeting packet.

In response to a question from Ms. Kirkham regarding whether the flood plain identified was FEMA designated, Ms. Julber confirmed that it was.

In response to a question from Mr. Sikiel-Zdzienicki regarding where setbacks would be measured from, Ms. Julber said the setbacks would start at the top of the bank. Mr. Mott added that the high water mark could also be as a uniform elevation to measure setback distances from.

Mr. Sikiel-Zdzienicki commented that if banks were removed then the river would widen. He questioned if the setback would be expanded with the river if such a thing would happen.

Mr. Mott said that would take an extensive engineering operation for the Army Corps of Engineers to remove the bank enhancements. He said he was not aware of any one wanting to promote an initiative to start a project like that. He said he could not begin to estimate how long such a thing would take. He said setbacks would be based on existing circumstances and any project that would change that would have to move setbacks accordingly.

In response to a question from Ms. Arkin regarding C-I, (Commercial/Industrial), zoning and whether high tech manufacturing could take place in the planned development area, Ms. Julber said if the facility were completely enclosed and there was no outdoor storage then it would be allowed. She cited the Sony Disc Manufacturing Plant as an example of the type of clean industrial facility that would be allowed.

Ms. Arkin opined that this was not in keeping with the original plan.

Ms. Julber said part of the State plan for nodal development was to keep employment opportunities nearby. She said strictly commercial zoning had been considered but said the consensus had been that clean industrial facilities in Subarea 8 would provide more opportunities for family wage jobs.

Ms. Arkin reiterated that high tech industrial facilities would be inappropriate for the area.

Mr. Mott said the kind of industry that would be allowed in the area would be very benign. He cited think tanks, call centers, and corporate offices as the types of industry that would be allowed to locate in Subarea 8. He noted that the lots available were very small and commented that this would keep larger industry from locating in that area. He said the site would not be harmed in his opinion in either case. He stressed that the entire area would be almost exclusively residential but noted that one of the objectives was to have employment opportunities nearby. He urged Ms. Arkin to forward her concerns to the Board of County Commissioners for its deliberation.

In response to a question from Mr. Becker regarding whether there were commercial business in the setback zone now, Ms. Julber said there were some existing commercial businesses which could remain and rebuild as long as they kept their original footprint. She noted that any expansion would have to happen under new development regulations.

In response to a question from Mr. Sikiel-Zdzieniki regarding whether there was a way to limit industrial development in the specified area, Mr. Mott said restrictions of certain land uses could be imposed but reiterated that larger industrial uses would not want to locate on the small lots that were available.

Ms. Julber added that there were design standards built into the code. She stressed that the intent was for all development in the area to be designed to work together as appropriate for a mixed-use node.

In response to a question from Ms. Arkin regarding what height restrictions would be in effect, Ms. Julber said buildings as high as 60 feet could be developed. She added that anything next to the river would be limited to 35 feet.

Mr. Dignam said he would support the implementation plan. He said he had concerns regarding the setback but was satisfied that the setback requirements were sufficient. Regarding allowing limited industrial development in the area, he said campus industrial was certainly cleaner than heavy industrial. Regarding lighting, he expressed his pleasure that lighting would be shielded and not reflected into natural areas or on to the river.

The commission was unable to take action on the item since not all commissioners present had been present at the previous public hearing. Mr. Dignam suggested taking action at the next scheduled meeting. There was general consensus in support.

Ms. Kirkham, seconded by Ms. Arkin, moved to continue the deliberation until the June 7 meeting where action could be taken. The motion passed unanimously.

**b. Periodic Review: Coast Fork Willamette and Middle Fork Willamette Watersheds:**

Mr. Sage said the work session that evening was to review the last phase of a four phase work program that had begun implementation in 2000. He outlined the history of the periodic review process and the revisions to RCP Policies and Lane Code regulations that had been made within the McKenzie, Long Tom, and Siuslaw watersheds in 2002-2004. He said in this final phase in the Coast Fork and Middle Fork Willamette watersheds there was a requirement to go over the list of the final ten original communities that had been listed as unincorporated communities in 1984 and re-designate them into one of four different categories provided for in OAR 660-022.

He said the one unincorporated community category that had a mandate from the State was an urban unincorporated community. He said if a community reached a threshold of 15 existing permanent residences that are connected to both a community sewer system and a community water system then an automatic classification of Urban Unincorporated Community was required.

Calling attention to the Dexter portion of the staff report, Mr. Sage noted that Dexter had five mobile home parks which were considered by the State to be permanent residences. Each of these facilities was served by a State-permitted community water system and four of the facilities included 15 or more residences. He noted that the Dexter Sanitary District served over 300 residences and therefore Dexter would be re-classified as an urban unincorporated community.

Mr. Sage said the other nine communities would retain their same residential densities as they were with a few exceptions where the old zoning designations of Suburban Residential (RA) and Garden Apartment

Residential (RG) were being rezoned to Rural Residential (RR) with minimum division standards compatible with the surrounding RR densities. He said there were some –changes regarding standards of development for commercial and industrial properties which have floor area limitations of 4,000 square feet and 40,000 square feet respectively in the rural unincorporated communities. He said Board of Commissioners would be adopting RCP plan policies, densities densities , amended Official Plan and Zoning maps, and new commercial and industrial zoning designations in all ten communities as well as adopting amendments to the Pleasant Hill community boundary in June. Using Pleasant Hill as an example, Mr. Sage showed maps of the area showing the residential and commercial zones within Plot Maps 449 and 460 that were designated as the community boundaries in 1984. He said the re-designation of Plot map 473-1 as being within the community boundaries recognized the cultural significance of historical buildings and places including the Pleasant Hill School District #1 campus and the pioneer cemetery as essential parts of the rural community.

Mr. Dignam adjourned the work session at 7 pm. He asked Mr. Sage to continue his presentation during the regular session preceding the planned public hearing.

(Recorded by Joe Sams)

## MINUTES

Lane County Planning Commission  
Harris Hall - Lane County Courthouse

May 17, 2005  
7 p.m.

**PRESENT:** Steve Dignam, Chair; Lisa Arkin, Ed Becker, Jozef Sikiel-Zdzienicki, Juanita Kirkham, members; Bill Sage, Staff

**ABSENT:** James Carmichael, Vice Chair; Marion Esty.

- I. PUBLIC HEARING: 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 Goal 2 – Policies 10, 11, 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**

Commissioner Steve Dignam convened the meeting at 7 pm.

Bill Sage continued the staff report from the work session held that evening before the public hearing. He said when doing periodic review the State required an inventory of all the developed and vacant properties within the community that had a designation for either commercial or industrial. He said once that data had been collected a community report based on the Oregon Administrative Rule was also required. He mentioned the information packet that had been distributed to the planning commission members two weeks ago that included CD's with the collected data from all of the developed and committed exception areas in the two watersheds including the ten communities. He noted that large volumes of information would be provided in this manner in the future. He added that the disk included the Official Plan and Zoning Plots, zoning designations, rural commercial, rural industrial and rural public facility inventories, community reports, and OAR Compliance report. He added that the data would also be available on the County website in the future for the public to access.

Mr. Sage said periodic review offered a chance to review uses and designations that had been missed in the previous 1984-1989 adoption process as well as documenting events and development that had occurred since to justify new zoning designations. He said some of the communities would experience numerous changes during the periodic review process based on the new development plans, rezoning, and population growth. He said a database similar to what he had described would help with that planning process.

In response to a question from Mr. Dignam regarding whether the hearing that evening was legislative or quasi-judicial, Mr. Sage said it was legislative. Any future review under appeal of the Board's action

based on the Planning Commissions recommendation would be through the Oregon Land Conservation & Development Commission (LCDC) rather than the Oregon Land Use Board of Appeal (LUBA). He said the maps of the communities were being amended and would have the same densities and residential rules that had been applied to the other three watersheds in 2002-2004. He said the four commercial and three industrial zoning designations would be removed and replaced by a single rural industrial (LC 16.292) or rural commercial zone (LC 16.291). He noted that the new floor area standards might have Ballot Measure 37 implications.

In response to a question from Ms. Arkin regarding whether the hearing was a watershed process, Mr. Sage explained that in 1998, Lane County renegotiated the original periodic review work program agreement with DLCD to split the County's work program into five watersheds. He said the County was not looking beyond what the OAR 660-022 Community Rule required but was not looking at wildlife habitat, riparian areas, or enhancement of waterways issues.

In response to a question from Mr. Sikiel-Zdzienicki regarding the savings and severability clauses that were requested to be adopted, Mr. Sage explained that if some specific text in the ordinance was challenged in court and determined to be invalid, the rest of the text of the ordinance could still stand without becoming invalidated.

In response to a question from Ms. Kirkham regarding square footage in rural industrial and commercial lots, Mr. Sage outlined the square footage standards for Rural Commercial lands;

- 3,500 square feet for any single commercial use on a property outside a community but inside a developed and committed exception area, 4,000 square feet for any single commercial use inside a rural community and 8,000 square feet for a single commercial use inside an urban unincorporated community;
- For industrial zoning Mr. Sage said developed and committed exception areas could have a total of 35,000 square feet, rural communities could have 40,000 square feet, and noted that urban unincorporated communities could have 60,000 square feet within the boundaries of a property.

Mr. Dignam opened the public hearing and called for public testimony.

There were no members of the public wishing to speak.

Mr. Dignam closed the public hearing and called for questions/comments from the commission.

In response to a prompt from Ms. Kirkham to offer further explanation to new commissioners of what action was being taken that evening, Mr. Sage said periodic review was looked at as both a challenge and an opportunity. He said the main thing that it accomplished was to stimulate a discussion in communities and subareas of the watersheds. He noted that there had not been a high degree of public participation when the public information sessions had been held and opined that many people were not interested in the broader scope of planning unless there was a specific issue with their own property or a nearby property. He said the data gained from periodic review could be used in regional planning and to help attain grants and stimulus packages. He reiterated that periodic review was an opportunity for communities. He urged commissioners to work on their own to stimulate regional planning discussions in their communities.

In response to a question from Ms. Arkin regarding an example of a grant that could be attained, Mr. Sage said the major problem with rural areas was that the old resource employment base was gone or diminished and some levels of traditional families could no longer afford to live there. He noted that school enrollment was declining in most rural communities. He said employment, affordable housing, and education needed to be addressed in rural areas as much as needed to be addressed in larger urban communities. He said rural communities that had gone through the periodic review were in a better position with in the State agencies to apply for and receive grants for regional planning within the watersheds.

In response to a question from Mr. Sikiel-Zdzienicki regarding how many brown fields were in the communities being discussed, Mr. Sage said he did not know the exact number. He said that in many instances it was proprietary information that was not given out to the public. He said the only people who had that information were property owners and in some cases real estate agencies selling properties. He stressed the sensitive nature of the information. He noted that Eugene, Springfield and Lane County had recently worked with the Lane Metro Partnership to collect data on all the commercial and industrial sites in Lane County. He said it was intended as policy neutral information that would be recorded for public knowledge and noted that the information could be used in the future to make inferences about brown fields by the individual jurisdictions.

In response to a question from Mr. Sikiel-Zdzienicki regarding how many lumber mills were in the same areas, Mr. Sage said many were running at diminished capacity or were closed entirely. He said the processing of timber had diminished in the County and 48 mills in Lane County had closed or significantly reduced product since 1980.

In response to a question from Ms. Kirkham regarding what the recommended action for the evening was, Mr. Sage said staff was requesting a Planning Commission recommendation to the Board of Commissioners for passage of Ordinance No. PA 1222, which was included in the Commission's information packet

In response to a question from Mr. Dignam regarding the process for soliciting public input in rural communities, Mr. Sage said staff had picked a collection of rural communities with common interests and held public information sessions in Creswell, Cottage Grove, Pleasant Hill and Lowell

Mr. Dignam stressed that it would be fair to say that there had been plenty of opportunity for public input even if it had not been taken advantage of. Mr. Sage noted that the sessions had also been advertised in four local papers (Creswell Chronicler, Cottage Grove Sentinel, Springfield News and Eugene Register-Guard). He reiterated that people were generally uninterested unless there was a specific issue with their own property.

Mr. Dignam called for a motion from the commission.

Mr. Becker, seconded by Ms. Kirkham, moved to adopt Ordinance No. PA 1222 as recommended in the staff report.

Mr. Sikiel-Zdzienicki said he would not support the motion. He questioned what would happen with all of the lots that would be rezoned in the rural communities listed.

Mr. Sage said the OAR Community Rule mandate for periodic review included adoption of a single rural commercial and rural industrial zoning designation which had been applied through out Lane County on a watershed basis. He said rezoning of a specific property was a quasi-judicial activity and not legislative action. He said periodic review could do things required under Goal 14 or the Community Rule on a community basis but individual properties could not be rezoned without completing a post-acknowledgement plan amendment (PAPA) process. He said staff would be returning to the planning commission in July-August with recommendations for 85-100 site specific amendments under the PAPA process.

Mr. Sikiel-Zdzienicki raised concern that there had not been enough deliberation among the commission.

Ms. Kirkham explained that what the commission was doing was forwarding a recommendation to the Board for actions mandated by periodic review for each of the rural communities.

Mr. Sage explained where the periodic review and PAPA processes had already been implemented in the County. He said it was a chance for the County to do a second look at the developed and committed exception areas and rural communities and develop site specific inventories. He noted that the PAPA round of proposed amendments would reflect lawful uses occurring on properties and citizen requests for amendments to new designations.

Mr. Becker asked for a flow chart to illustrate the periodic review process. He said that would make things clearer for everyone.

Mr. Sikiel-Zdzienicki said he had not been prepared to take action that evening.

Ms. Arkin said she found it very difficult to go from work session to public hearing to vote in a single night. She said she had not been given time to understand the material.

Mr. Dignam said he was satisfied that there had been opportunity for public comment. He stressed that there had been virtually no public comment that evening. He said he intended to vote in favor of the motion and called for a vote.

The motion passed 3:2 with Mr. Sikiel-Zdzienicki and Ms. Arkin voting in opposition.

The meeting adjourned at 8 pm.  
(Recorded by Joe Sams)