



Lane County Planning Commission Memo

July 30, 2024
August 6, 2024

(Date of Memorandum)
(Public Hearing)

TO: Lane County Planning Commission

DEPARTMENT: Public Works / Land Management Division

PRESENTED BY: Lindsey Eichner, Assistant Planning Director, Lane County Planning
Taylor Carsley, Senior Planner, Lane County Planning
Kelly Clarke, Principal Transportation Planner, Lane Council of Governments
Chloe Trifilio, Assistant Planner, Lane Council of Governments
Henry Hearley, Associate Planner, Lane Council of Governments

RE: **Department File No. 509-PA23-05691** / Amendments to the Lane County Rural Comprehensive Plan and Lane Code to implement a Complete Community Plan for the Rural Community of Blue River.

I. PROPOSED MOTIONS:

- 1) Move to forward a recommendation to the Board of County Commissioners (the Board) to adopt the proposed amendments to Lane Code as presented; or
- 2) Move to forward a recommendation that the Board adopt the proposed amendments to Lane Code with specific revisions (state revisions); or
- 3) Move to recommend staff to revise the proposed amendments and to return to the Planning Commission for recommendation to the Board.

II. ISSUE:

The project before the Planning Commission is to hold a public hearing on the draft Complete Community Plan along with associated plan and zone amendments for the unincorporated community of Blue River.

This project will result in amendments to the Lane County Rural Comprehensive Plan and Lane Code to implement a Complete Community Plan for the unincorporated community of Blue River. The Plan will promote compact, small-town development patterns with an active and convenient pedestrian environment along a mixed-use Blue River Drive, higher density development near Lane Transit District bus stops and the McKenzie River Community School, and mixed-use lands located within the community boundary. The project will help people meet their daily needs by the mode of their choice, with a particular emphasis on walking, biking, and transit.

III. DISCUSSION:

A. Background

In 1984, Lane County designated Blue River as a rural community as part of the adoption of the Lane County Rural Comprehensive Plan (RCP). As a rural unincorporated community, Blue River is subject to the State's Unincorporated Communities Rule (OAR 660-022). An unincorporated community consists primarily of permanent residential dwellings 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. Blue River easily met these requirements, with the local school, post office, library, and stores.

Specific to Blue River, the RCP also calls for plans to be developed for the maintenance and repair of the existing on-site sewage disposal system in Blue River's downtown area. Alternatively, the RCP identifies two more aggressive long-term options: a public facility plan "for public sewers and updating [the community plan] to comply with the requirements of the Community Rule for urban unincorporated communities," or incorporation as a city (Goal 2, Policy 15).

In September 2020, the Holiday Farm Fire burned hundreds of structures in the McKenzie River Valley, including in Blue River where it caused significant destruction to homes, businesses, and civic institutions. The McKenzie River Community School, a K-12 school, survived the fire.

The development of a Blue River Complete Community Plan and zoning amendments is a Transportation and Growth Management Program (TGM) grant funded project. The TGM Program is a joint effort of the Oregon Department of Transportation ("ODOT") and DLCD. The goals of TGM are to strengthen the capability of local governments to effectively manage growth and comply with the Oregon Transportation Planning Rules (OAR 660-012-0000), to integrate transportation and land use planning, and to encourage transportation efficient land uses that support modal choice and the efficient performance of transportation facilities and services. Specifically, TGM supports efficient use of land and resources; human scaled, walkable communities; good connections between local destinations; and pedestrian, bicycle, and transit-oriented development. The grant received by Lane County is funding consultants to collaborate on this project.

Lane County staff started working with DLCD staff on a Scope of Work document in fall 2021, but due to funding approval setbacks at the State level, the project did not kick off until August 2022. Since that time, a Project Management Team (PMT) was assembled. The PMT currently includes:

- Laura Buhl, Agency Project Manager – TGM Code Assistance Program (DLCD)
 - Ryan Marquardt, Land Use and Transportation Planner – Planning Services Division (DLCD)
- Lindsey Eichner, Lane County Project Manager, Lane County Assistant Planning Director
 - Taylor Carsley, Senior Planner, Lane County
- Kelly Clarke, Principal Transportation Planner, Lane Council of Governments
 - Chloe Trifilio, Assistant Planner
 - Henry Hearly, Associate Planner
- Zoe Anton, Program Director & Planner, Consultant, the Urban Collaborative

Community Stakeholder interviews were conducted in early 2022, which was used to help inform the Evaluation Memo and the Draft Alternatives.

A 16-person Project Advisory Committee (PAC) has also been formed. It is purposefully comprised of a diverse list of groups and interests:

- environmental interests
- non-motorized transportation advocate
- downtown small business owner
- real estate/development
- tourism industry
- emergency management
- McKenzie School District
- McKenzie River Trust
- McKenzie Community Land Trust
- Locals Helping Locals
- Department of Environmental Quality
- Oregon Department of Transportation
- Lane Transit District
- Blue River Water District
- Blue River Parks District
- Lane County staff (disaster recovery, transportation, sewer)

The PMT and PAC first met in May of 2023 to review and provide feedback on the Evaluation Memorandum and then again in October 2023 to review and provide feedback on the Draft Alternatives Plan. The Evaluation Memorandum contained critical information about stakeholder interviews, key policies, plans, and rules that apply to Blue River, findings from a density feasibility analysis, and recommendations for the Complete Community Plan. This relied on the Blue River Density Feasibility Memorandum, delivered two months behind schedule due to a delay in information from a wastewater study, conducted separately from this project being made available. Additional wastewater studies and memos have been issued and the PMT are staying in close contact with staff working on that project. Wastewater treatment capacity is vital to increasing density.

The Planning Commission held a work session on December 5, 2023, to provide feedback on the Draft Alternatives Plan previously presented to community members and stakeholders. The three alternatives presented were intended to be descriptive in nature by generally characterizing potential zoning, including the purpose, densities, allowed uses, and development standards. The alternatives also took into account existing conditions that place parameters on how a property may be zoned and developed and provided generalized land use regulations. The Planning Commission ultimately favored a custom plan that blended elements from each alternative, which is described as the Preferred Plan Alternative. The Preferred Plan Alternative included a new Community Flex Use (CFU) zone in downtown Blue River and several properties across the river, a new Community Residential (CR) zone for other properties currently zoned Rural Residential, a Blue River Drive Overlay applied to properties fronting Blue River Drive downtown to encourage commercial development and implement design standards, the allowance for potential future community wastewater disposal at the Blue River Park and Three Sisters Meadow properties, among other changes. The Draft Complete Community Plan was built on the foundation of the Preferred Plan Alternative.

On April 25, 2024, the PMT hosted the third Project Advisory Committee to discuss the revised Draft Complete Community Plan. Unfortunately, this was not well-attended with only one PAC member present. As such, the PMT did not receive the input it was looking for from the PAC, however staff believe that the Draft Complete Community Plan reflects the majority of input gathered from the community meetings. On April 30, 2024, a community meeting was held in Blue River to present an overview of the Draft Complete Community Plan. This included highlighting the newly proposed Plan goals, features, and zoning districts, and gathering feedback from community members. Turnout to the meeting was impressive and Plan characteristics were able to be amended based on comments from stakeholders. For those not able to attend, a virtual public workshop was open for two weeks to allow additional participation and comment.

Staff held a work session with the Planning Commission on July 16, 2024. At this meeting, staff presented the draft zones and plan designation changes.

A Measure 56 notice was mailed to all property owners within the community boundaries on July 1, 2024. Notice was published in the Register Guard on July 30, 2024. This notice was not published 21 days prior to the first public hearing in accordance with Lane Code 14.060(2)(e), so staff are recommending a continued public hearing to allow for ample notice and opportunity to comment prior to the Planning Commission making a formal recommendation to the Board of Commissioners.

B. Overview of Community Plan Goals and New Zoning

Goals

The Draft Complete Community Plan contemplates the establishment of four (4) new goals developed to reflect input from Blue River members and stakeholders.

- Goal 1. Livable and Resilient Community – Blue River is a livable and resilient community for all; complete with affordable housing and living wage jobs.
- Goal 2. Identifiable and Inviting Downtown – Blue River’s downtown reflects the community’s sense of pride and is inviting; and a place residents and visitors alike want to come to and spend time.
- Goal 3. Transportation Accessibility – Blue River’s transportation network meets the transportation needs for all users. This includes people walking, biking, driving, and riding transit.
- Goal 4. Recreational Destination – Blue River is located within a pristine natural environment and is a destination to access surrounding recreational opportunities.

Each goal has a series of objectives that are action-oriented interim measures that can be taken to achieve the goals. A major theme in the objectives provided to implement the goals is to establish new zones for the Blue River community. There are two new zones that will apply to the majority of the community as well as an overlay that will apply along the properties fronting downtown Blue River Drive. See below narrative for a more detailed description of the zones. Staff note the format of the proposed zoning code has been modernized akin to the County’s rural resource zones. Uses in the Community Flex Use (CFU) and Community Residential (CR) zones are displayed in a use table which provides the use type (allowed, not allowed, conditionally allowed), the local procedure (permitted outright, subject to Type I, II, or III permits, permitted with an assembly license, etc.), and the approval criteria the use is subject to. As the County moves toward modernizing the format of more of its Land Use and Development Code in separate projects, these two zones will be formatted consistently with that aim. The Blue River Drive Overlay (BRDO) is presented as form-based code designed to more precisely establish design standards unique to properties immediately fronting downtown Blue River Drive.

Community Flex Use Zone (CFU)

The Community Flex Use Zone is designed to allow maximum flexibility in residential, commercial, and light industrial uses within a community boundary that is denser than typically allowed in rural Lane County. The small minimum lot size, significantly reduced setbacks, and other standards established by this zone are intended to promote a tight-knit community character. It applies to downtown Blue River, and several properties across the bridge from downtown, including the Three Sisters Meadow and the

previous Blue River Ranger Station properties. The multiple types of uses allowed in the zone are normally be found in both the current Rural Residential and Rural Commercial zones, and provide more options to property owners that may be considering one or multiple types of uses and development on their property. Further, additional commercial uses are allowed outright through Type I administrative approval, as opposed to permitting through the Type II Planning Director discretionary review process, as is typical in the Rural Commercial zone. This acts to streamline land use permitting, increase the predictability of potential project issues upfront, and reduce permit costs and timelines. The code's ability to streamline permitting requirements in this way relies on a set of clear and objective Commercial Use Compatibility Standards with which uses and development must comply with to reduce on-site and off-site impacts. These currently address parking, hazardous uses, occupancy types, outdoor storage, and maximum floor space. Additional input and discussion regarding relevant standards that increase the compatibility of commercial use and development within the community is welcomed by the Planning Commission. Certain uses are still permitted through Type II discretionary review, including commercial kennels, campgrounds and RV parks, marijuana retail sales, raising crops and livestock, and light manufacturing activities. Some development standards have been decreased such as minimum lot size (8,000 sq ft), property line setbacks and the requirement to provide for off-street parking.

The CFU also provides special subdivision standards that apply for land divisions that create four (4) or more lots. The purpose of these standards is to support walkability and bikeability on rural roads and mixed-use centers, to support tight-knit development patterns found in an organized community, and increase transportation connectivity and resiliency. These standards include developing new roads or extensions of existing roads to Local Access Road (LAR) standards found in Lane Code Chapter 15, with the ability to allow for on-street parking which is not currently permitted on LARs. The code also encourages connective pedestrian infrastructure such as sidewalks and pathways for multi-modal transportation and recreation. This blends with the conceptual multi-modal trail that runs from River Street near the Blue River Drive bridge through the track and field.

Community Residential Zone (CR)

The Community Residential Zone is designed to promote a compatible and safe rural community residential living environment by limiting allowed uses and development to primary and accessory rural residential uses and to other compatible uses. It applies to all currently-residentially-zoned properties not located downtown and has a one-acre minimum lot size for purposes of land division. The CR zone also supports additional residential development than is allowed in the Rural Residential (RR) zone. Up to two single family dwellings or a two-family dwelling may be developed on a single lot or parcel, plus an accessory dwelling unit (ADU). The increased residential density that is allowable under the CR zone provides opportunities for additional and perhaps more affordable housing options. By comparison, ADUs currently allowed in the RR zone are limited to properties of at least two acres in area. Opportunities for increased residential density are contingent upon specific property characteristics, most notably the soil's capacity to handle on-site sewage disposal from multiple units. Other types of light commercial uses, such as a home occupation continue to be conditional uses that require Type II Planning Director approval.

Blue River Drive Overlay (BRDO)

The Blue River Drive Overlay is the first proposed form-based code within Lane Code. Unlike the focus on land use found in the other zones described, the BRDO is a means of encouraging and regulating development to achieve a physical downtown form. The BRDO provides for the usual development standards such as setbacks, lot coverage, building height, and parking by complementing the uses provided in the Community Flex Use Zone. It supports light commercial development in front-facing

buildings that cater to downtown multimodal traffic, residential use that is compatible the downtown character, and a mix of both. Unique to the BRDO is the support of multi-use buildings that encourages commercial use at street level and residential space above, if mixed-use is proposed. It is notable that off-street parking is not required but may be provided. Also, while a maximum building height of 40 feet has been established, there are no building setbacks except for a 15-foot maximum fronting Blue River Drive and lot coverage is up to 100 percent. Blue River may be able to take advantage of the greater lot coverage allowance if a community drainfield is built in the Blue River Park and is designated to serve uses along Blue River Drive. Structures must locate their primary entrances facing the street they front and may not locate accessory structures or parking between the front façade of the building and the street.

C. Other Changes

In addition to adoption of the Blue River Complete Community Plan with its attendant goals and objectives, and implementing zoning, the following policies of the Lane County Rural Comprehensive Plan are proposed to be updated in order to support the new zoning.

- Rural Comprehensive Plan policies for Goal 2 – Land Use Planning, Policies 11 & 25
 - Policy 11 currently requires properties that were zoned RR1 before the adoption of Ord. No. PA 1173 to be at least one acre. The Plan proposes amending this policy to align with the fact that very small lots already exist in the downtown area and that there has been an expressed need to facilitate increased residential density as the siting of sewage disposal facilities allow. It is also notable that the Rural Residential zone will not apply to areas within the unincorporated community boundary. This policy will be amended to accommodate lots that are as small as 8,000 sq ft within the community, dependent on sewage disposal capacity and the availability of community water service.
 - Policy 25 currently provides zoning districts that correspond to consistent Plan designations. Since this Plan proposes new zoning districts, they must be added to the table to show which Plan designation they implement. A new flex-use Plan designation is also being added to accommodate the Community Flex Use zone.
- Rural Comprehensive Plan Goal 11 – Public Facilities, Policy 6
 - Policy 6 provides the zoning districts that fall within designated unincorporated communities (including Blue River) and the new Community Flex Use and Community Residential zone districts must be added to this list.
- Rural Comprehensive Plan Community Boundary & Plan Designation Map
 - The Blue River Unincorporated Community Boundary is proposed to be expanded to encompass the entirety of the Blue River Park property, none of which is currently located in the Community Boundary.
 - The Blue River Plan Designation Map will redesignate areas currently designated ‘Commercial,’ ‘Residential,’ and ‘Industrial’ to ‘Flex, Community.’ It designates the Blue River Park and Forest Glen Landing properties to ‘Parks.’ The southern portion

of the school's track is redesignated 'Parks,' and an adjacent private property to the west currently designated 'Public Facility' is redesignated 'Residential.'

Preserving or promoting the ability for the development of community wastewater facilities has always been a core component of the TGM project and was incorporated into two of the draft alternatives, and was selected by the Planning Commission as part of the Preferred Plan Alternative. As provided in the *Blue River Density Feasibility Memorandum, 26 May 2023*, a centralized wastewater system carries the benefit of allowing for greater development density and freeing up space for uses on individual properties that would normally be developed with a septic system. The two sites that have been scoped as options for future drainfield area to support this goal are the Blue River Park and the Three Sisters Meadow properties. While studies are currently being completed to determine the actual efficacy of developing community wastewater facilities on one or both of these sites, overall input from stakeholders, the PAC, and the Planning Commission was that the Plan should maximize options on these properties should the community favor their development. However, currently, the Park and Recreation Zone (PR-RCP), codified as LC 16.215, does not permit a community drainfield on the Blue River Park property. To address this, a text amendment is proposed for the PR zone to add the allowance of *"Public and semipublic structures and uses rendering direct service to the public in local areas, such as utility substations, pump stations, wells, wastewater infrastructure, and underground utility lines or above ground utility lines that do not require a right-of-way more than 25 feet in width..."* With this change, a community wastewater system or other desired public or semi-public use could be permitted outright with relatively less land use permitting hurdles, such as the need for a variance or future zoning amendments.

D. Comments Received

The Project Management Team received comments on the Draft Complete Community Plan from members of the community at the public workshop held in Blue River on April 30. Additionally, the PMT received eight (8) responses from the online public workshop available from April 29 through May 13. The workshop included six multiple-choice and short-answer questions with an opportunity for general comments and concerns. These questions included but were not limited to satisfaction with proposed reduced setbacks, maximum building height, lot size, no minimum parking requirements, and the commercial use compatibility standards. Several questions were put forward to receive specific input on components of the proposed Blue River Drive Overlay:

- The standards for the Blue River Drive Overlay are presented in the form of a Building Standards Sheet. Building Standards are intended to be clear and objective and will allow for compatible uses without requiring a Type II Conditional Use Permit. Question on Note #1, which states: "if Mixed-Use, ground floor must be commercial. "This requirement is intended to encourage commercial development and contribute towards an identifiable and inviting downtown - a place where people can walk from store to store and invest in the community. As written, it applies only to developments that are mixed-use meaning residential and commercial in one building. The questions is: should this requirement be kept? Yes or no? [opportunity for short answer response]
- Relating to the Building Standards Sheet above for the Blue River Drive Overlay. Question on Note #9, which recommends that ground floor residential primary entrances should be 18-inches above grade in order to differentiate residential and commercial uses. If you need to view a larger version of the Building Standards Sheet, see Attachment 1, page 29. The

question is: should this be a requirement or a recommendation? [opportunity for short answer response]

In general, the responses received on the online workshop corresponded to those received in-person at the community meeting on April 30. The community generally responded positively to the Preferred Plan Alternative/Draft Plan and attributes of the zoning presented. There was some amount of concern with the proposed limit of commercial outdoor storage to five percent of the property area and the proposed limit of total commercial building space to 4,000 square feet. However, the community response received was mostly satisfied about the proposed development standards. Community response was also relatively united against requiring ground floor commercial in downtown mixed-use structures and requiring residential primary entrance be elevated 18 inches above grade in the Blue River Drive Overlay.

Several other themes emerged from comments received at the community meeting and in the virtual public workshop. Multiple comments expressed concern about the increased residential density that is allowed in the Community Flex Use and Community Residential zones without first developing a clear solution toward developing a community wastewater system. While commentors were generally satisfied with the Community Flex Use zone not requiring off-street parking as is currently the case in the Rural Commercial zone, concern was expressed about a potential shortage of parking in Blue River as future commercial use develops and attracts a larger tourist base. There was also strong support for an ordinance or regulation limiting nighttime light pollution and securing Dark Sky certification for the community.

The PMT incorporated the theme of these comments into edits and refinements of the Draft Complete Community Plan and associated zoning. It is considered necessary to have sensible clear and objective development standards and limits on commercial uses occurring in the Community Flex Use zone, since sensitive residential uses may be in proximity. As such, it is understood that relatively large commercial buildings and large outdoor areas of a property used for commercial storage are factors that can negatively increase compatibility issues. The area of commercial structures is also limited by statute. This explains why these elements are included in the draft code and why they are currently supported. The PMT also recognizes that additional clear and objective commercial compatibility standards may be considered, given the relatively short list that is currently proposed. As described above, these are included in lieu of discretionary compatibility standards that are normally implemented through a Type II special use permit process.

The PMT also recognizes that future parking needs could be an issue as Blue River redevelops and pulls tourists and motorists off the highway. A larger concern is likely the lack of lot area in much of the downtown area in which to develop a commercial use, sewage disposal, and parking. The development of the Blue River library is an example of the spatial challenges faced in this regard. In that example, the library owned two lots and was able to downsize the structure appropriately to comply with setbacks, to provide for on-site sewage disposal, and to provide for off-street parking. The flexibility afforded in the proposed zoning still allows individual or community entities to develop parking facilities as they wish and if they have room. If or as the need for parking arises, market and community demand will supply it.

The PMT is enthusiastic about the community's support for Dark Sky or similar certification. Very few communities have lighting standards in place to support obtaining this certification, and such lighting regulations are shown to have many benefits to public health, nighttime ecosystems, and

increased tourism¹. The PMT also recognizes that adopting a Dark Sky ordinance is outside of the scope of the TGM funded project and as such do not have the resources to craft an array of zoning regulations that are specific to lighting in Blue River at this time. However, a draft objective was added to the Plan's Goal 1: Livable and Resilient Community:

Consider supporting proposals for Dark Sky or similar certification and the associated measures necessary for its implementation.

The objective here is to recognize the community's aim toward Dark Sky certification without necessarily committing County resources toward pursuing it. Staff understand several community members are interested in pursuing such a lighting ordinance after the adoption of this Plan. If so, the Plan itself would be consistent with such a proposal and would not need to be amended.

On Tuesday, July 30, 2024, comments were submitted by representatives of the Three Sisters Meadow ("3SM") site, with suggested edits. Staff will review the submittal and be prepared to discuss the proposed edits during the public hearing on August 6, 2024. It is attached as Attachment 3.

E. Applicable Criteria

The proposed amendments are subject to the applicable criteria identified in Lane Code (LC) 12.100.050, 16.252(2), and 16.400.

LC 12.100.050 - Method of Adoption and Amendment.

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

The proposed amendments will be adopted by ordinance when enacted by the Board.

B. The Board may amend or supplement the comprehensive plan upon a finding of:

- 1. An error in the plan; or***
- 2. Changed circumstances affecting or pertaining to the plan; or***
- 3. A change in public policy; or***
- 4. A change in public need based on a reevaluation of factors affecting the plan; provided, the amendment or supplement does not impair the purpose of the plan as established by LC 12.005 above.***

Circumstances have changed that affect or pertain to the plan. The circumstances that have changed are the creation of a new area-specific Plan, the rezoning of areas of Blue River, as recommended by the Plan, the adjustment of the Blue River community boundary, and the adoption of new development standards for certain areas of Blue River. The aforementioned circumstances are what is necessitating a change to the plan.

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

¹ <https://darksky.org/what-we-do/advancing-responsible-outdoor-lighting/research/>

(2) Criteria. Zonings, rezonings and changes in the requirements of this chapter shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest.

Adoption of the Plan is not contrary to the public interest because the Plan was created with significant input and collaboration with members of the Blue River community as a result of numerous focus groups, interviews, work sessions, and community meetings. The outcome of these efforts were four guiding goals that represent the public interest: Livable and Resilient Community, Identifiable and Inviting Downtown, Transportation Accessibility, and Recreation Destination. The Plan implements these four goals by proposing to rezone certain areas of Blue River, adjustment of the Blue River community boundary, and adoption of new development standards.

LC 16.400(6)(h)(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

(aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

LC 16.400(8)(a) Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:

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

(bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:

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

This proposal is a Major Amendment which is necessary to fulfill an identified community need for the intended result of the amendment and a priority to the Board. The primary impetus for the Plan was the devastating Holiday Farm Fire in 2020. The Plan sets forth the vision, and the development standards for the rebuilding of downtown Blue River. The Plan has been vetted by the community which has been involved in its creation since its inception. The proposed amendments appear to be consistent with the following applicable Statewide Planning Goals:

Goal 1 - Citizen Involvement: To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

- Goal 2 - Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.
- Goal 3 - Agricultural Land: To preserve and maintain agricultural lands.
- Goal 4 - Forest Lands: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.
- Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: To conserve open space and protect natural and scenic resources.
- Goal 6 - Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.
- Goal 7 - Areas Subject To Natural Disasters And Hazards: To protect life and property from natural disasters and hazards.
- Goal 8 - Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.
- Goal 9 - Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.
- Goal 10 - Housing: To provide for the housing needs of citizens of the state.
- Goal 11 - Public Facilities and Services: To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.
- Goal 12 - Transportation: To provide and encourage a safe, convenient and economic transportation system.
- Goal 14 - Urbanization: To provide for an orderly and efficient transition from rural to urban land use.

Staff find that the proposed amendments comply with the approval criteria. Supplemental findings will be prepared to be incorporated with the draft ordinance before the Board.

IV. ACTION:

A. Options

1. Forward a recommendation to the Board of Commissioners to adopt the proposed amendments to Lane Code as presented; or
2. Forward a recommendation that the Board adopt the proposed amendments to Lane Code with revisions (state revisions); or
3. Direct staff to revise the proposed amendments and to return to the Planning Commission for recommendation to the Board of Commissioners.

B. Recommendation

Staff recommends continuing the public hearing to 7:00pm on August 20, 2024, to allow additional public testimony to those property owners and interested parties who received notice late and to incorporate any changes to be made, if directed by the Planning Commission.

C. Next Steps

After the August 20, 2024, public hearing, should the Planning Commission choose option one or two, staff will schedule a public hearing with the Board of Commissioners.

V. ATTACHMENTS

1. Draft Blue River Complete Community Plan
2. Draft Blue River Amendments
3. Comments from Three Sisters Meadow site representatives, 7/30/2024

Link to project website containing important documents: www.LaneCounty.org/BlueRiverCommunityPlan



Blue River **COMPLETE COMMUNITY PLAN**

Lane County, Oregon
DRAFT

Acknowledgments

Blue River Complete Community Plan

Completed by Lane County Land Management
In collaboration with Lane Council of
Governments, Oregon Transportation and Growth
Management Program & Urban Collaborative



Transportation Growth Management

This Complete Community Plan is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. This TGM grant is financed, in part, by federal Fixing America's Surface Transportation Act (FAST-Act), local government, and State of Oregon funds. The contents of this document do not necessarily reflect views or policies of the State of Oregon.

Project Management Team (PMT)

- Laura Buhl, Agency Project Manager – TGM Code Assistance Program (DLCD)
- Lindsey Eichner, Lane County Project Manager, Lane County Assistant Planning Director
- Taylor Carsley, Senior Planner, Lane County
- Kelly Clarke, Principal Transportation Planner, Lane Council of Governments
- Chloe Trifilio, Assistant Planner, Lane Council of Governments
- Henry Hearley, Associate Planner, Lane Council of Governments
- Zoe Anton, Program Director & Planner, Consultant, the Urban Collaborative

Board of County Commissioners

- Heather Buch
- Laurie Trieger
- Ryan Ceniga
- Pat Farr
- David Loveall

Acknowledgments Continued

Project Advisory Committee (PAC)

- Matt McRae, LC Emergency Management
- Jared Weybright, McKenzie Watershed Council
- Becky Taylor, LC Transportation Planning
- Melanie Stanley, Blue River business owner and resident
- Judy Casad, Windermere Realty and McKenzie Chamber of Commerce
- Jeffrey Kincaid, LC Emergency Management
- Robert Woodard, LC Public Works
- Lane Tompkins, McKenzie School District
- Cliff Richardson, Locals Helping Locals
- Brandi Ferguson, McKenzie Community Land Trust
- Mary Camarata, OR Department of Environmental Quality
- Bill Johnston, OR Department of Transportation
- Jeramy Card, Lane Transit District
- Josh Cloke, Blue River Water District

Lane County Planning Commission

- Jeffrey Choate, Chair
- Stephen Snider, Vice Chair
- Michelle Hanks
- Stephen Dignam
- Christian Wihtol
- Bruce Hadley
- Eliza Kashinsky
- Jonnie Peacock
- Markus Lay

Table of Contents

Executive Summary.....	5
Introduction	8
Purpose.....	8
Area History.....	10
Regulatory Background.....	11
Community Involvement.....	15
Blue River Complete Community Plan Goals & Objectives.....	16
Complete Community Plan	18
Summary of Plan Alternatives.....	18
Preferred Plan Alternative	18
Lane County Zoning Code Changes.....	21
Lane County Comprehensive Plan & Plan Designations	33
Appendix A - Alternatives Memo Task 2.1 FINAL	39

DRAFT

Executive Summary

The Blue River Complete Community Plan contains zoning and plan designations, as well as community attributes tailored to the rural unincorporated community of Blue River. It is intended to reflect the community context and vision and to ensure it develops as walkable, bikeable, and livable.

Plan Goals

Goal 1. Livable and Resilient Community

Blue River is a livable and resilient community for all; complete with affordable housing and living wage jobs.

Goal 2. Identifiable and Inviting Downtown

Blue River's downtown reflects the community's sense of pride and is inviting; and a place residents and visitors alike want to come to and spend time.

Goal 3. Transportation Accessibility

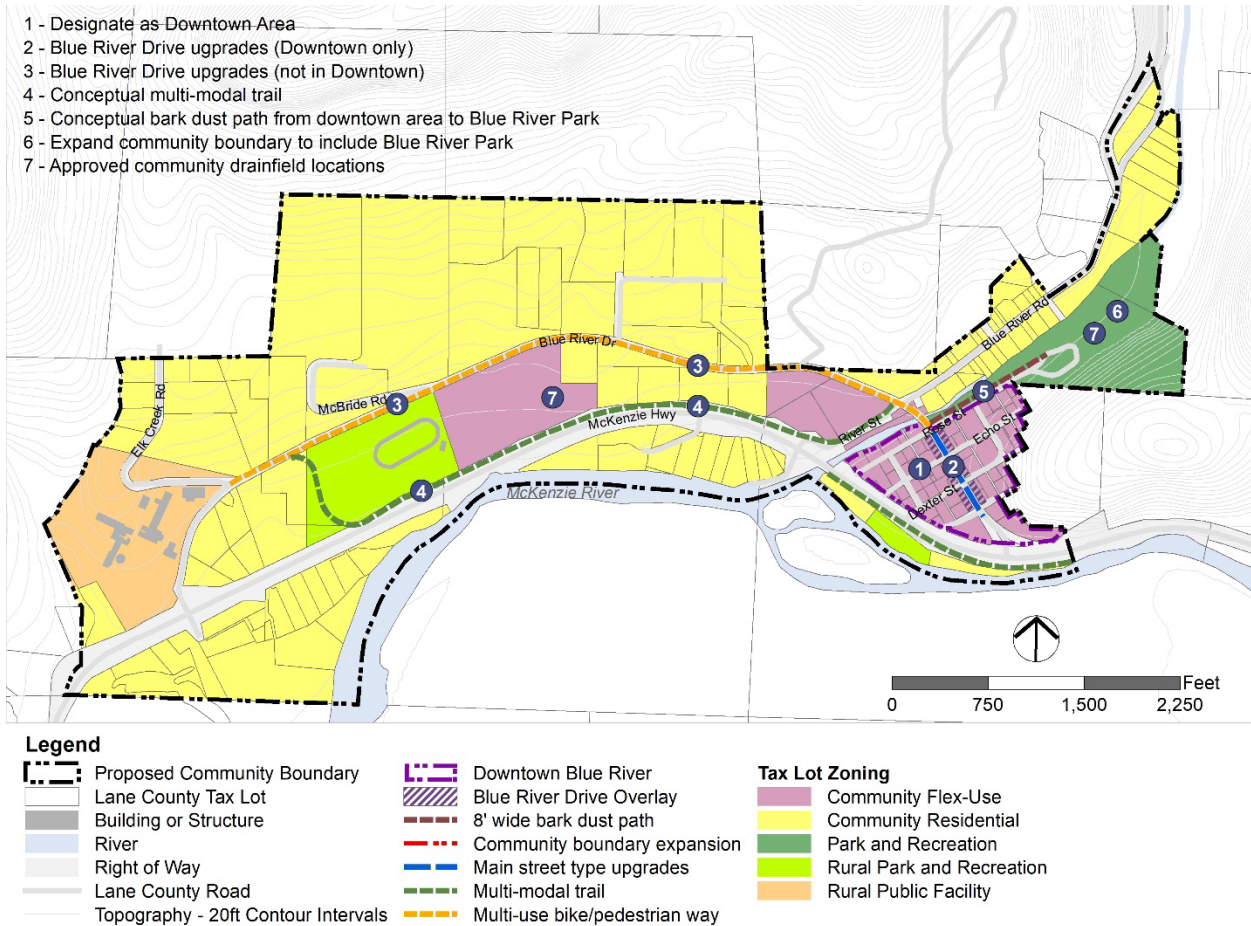
Blue River's transportation network meets the transportation needs for all users. This includes people walking, biking, driving, and riding transit.

Goal 4. Recreational Destination

Blue River is located within a pristine natural environment and is a destination to access surrounding recreational opportunities.

Blue River Complete Community Plan Map

The Blue River Complete Community Plan map depicts the zoning designations and community attributes as guided by Blue River residents and stakeholders.



Blue River Complete Community Plan Features

Key features shown on the Blue River Complete Community Plan map and presented in the Blue River Complete Community Plan are:

- Community Flex-Use Zone.** This new zone is designed to allow maximum flexibility in residential, commercial, and light industrial uses within a community boundary that is denser than typically allowed in rural Lane County. It is intended to allow for development flexibility. The minimum parcel size and other standards established by this zone are intended to promote a tight-knit community character.
- Community Residential Zone.** This new zone is designed to promote a compatible and safe rural community residential living environment by limiting allowed uses and development to primary and accessory rural residential uses and to other rural uses compatible with rural residential uses and the uses of nearby lands. It applies to all residentially zoned properties and has a 1-acre minimum lot size requirement.
- Blue River Drive Overlay.** This new zone overlay is designed to encourage commercial development and to establish design standards for that development specific to properties facing Blue River Drive in downtown Blue River.

- **Lane Code 16.215 Park and Recreation Zone.** Amendments to this zoning allow a community drainfield system and other public/semi-public uses.
- **Blue River Park.** The community boundary is expanded to include all Blue River Park properties and to zone them Park and Recreation.
- **Main street type upgrades.** These roadway upgrades include sidewalks and are intended to enhance walkability and bikeability.
- **Multi-modal trail and multi-use bike/pedestrian way.** These multi-use corridors are intended to enhance the pedestrian and bicycle experience and promote connections between key destinations in Blue River.

DRAFT

Introduction

Purpose

The Blue River Complete Community Plan (Community Plan) defines the land use future of the rural unincorporated community of Blue River and is implemented through amendments to the Lane County (County) Rural Comprehensive Plan (RCP) and Lane County Zoning Code. The Community Plan area includes the boundaries of the Unincorporated Community of Blue River, as well as the Blue River Park property to the north (See Figure 1).

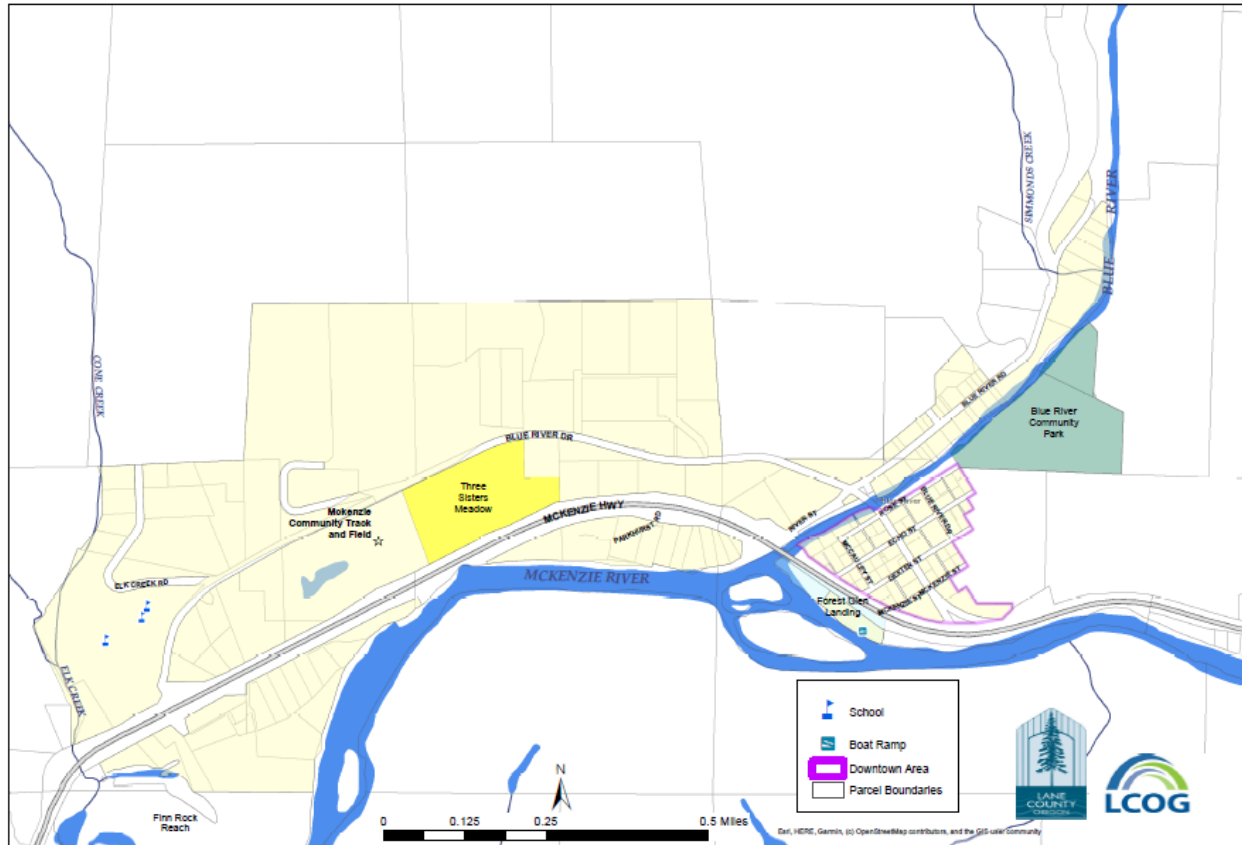


Figure 1. Blue River rural unincorporated community map.

The Community Plan aims to promote compact, small-town development patterns with an active and convenient pedestrian environment along a mixed-use Blue River Drive, higher density development near Lane Transit District bus stops and the McKenzie River Community School, and mixed-use lands located within the community boundary. The changes brought on by this Community Plan are intended to help people meet their daily needs by the mode of their choice, with a particular emphasis on walking, biking, and transit. It also aims to reflect the vision and goals of the members of the community. The Blue River Complete Community Plan and implementing measures could serve as a model for other unincorporated communities in Lane County.

The Community Plan is supported by the Transportation and Growth Management Program (TGM) Code Assistance Program. TGM is a joint effort of the Oregon Department of Transportation (ODOT) and the Department of Land Conservation and Development (DLCD). The goals of TGM are to strengthen the capability of local governments to effectively manage growth and comply with the Oregon Transportation Planning Rules (OAR 660-012-0000), to integrate transportation and land use planning, and to encourage transportation-efficient land uses that support modal choice and the efficient performance of transportation facilities and services. The Community Plan advances the TGM Mission, Goals, and Objectives¹.

DRAFT

¹ <https://www.oregon.gov/lcd/TGM/Documents/mission-goals-objectives.pdf>

Area History

Blue River is an unincorporated rural community in eastern Lane County, located at the confluence of the Blue and McKenzie Rivers, one of several rural unincorporated communities in the McKenzie River Valley. It is located approximately 44 miles east of Eugene, Oregon. Blue River occupies the original homeland of the Kalapuya and Molalla peoples.²

According to the Blue River Wastewater and Redevelopment Road Map (2015-2016)³;

“As far back as 8000 years ago, the Molalla and Kalapuya people traveled along the McKenzie River during their annual circuit, harvesting salmon, lamprey eel, camas root, huckleberries, medicinal plants, and hunting. In the early 1800s, European-American homesteaders began to settle the river valley, and in 1863, gold was discovered near Blue River. This led to a short boom which lasted until about 1912. While agriculture and the area’s recognition as a resort and fishing destination contributed to growth and stability throughout the 20th Century the timber industry acted as the leading economic driver for Blue River and the McKenzie River Valley.” (Page 11)

During the stakeholder interviews conducted during the Community Plan outreach efforts, longstanding members of the community spoke to deep pride in the area’s natural beauty and recreational opportunities; and reflected on witnessing the drop in timber industry and its impact on the local economy and livability.

In September 2020, the Holiday Farm Fire swept through the McKenzie River Valley, where it caused significant destruction to homes, businesses, civic institutions, and surrounding forests. The community of Blue River, especially the downtown area, was greatly affected by the fire. Before the fire, the community had a post-office, a library, a convenience store, a resort, and a handful of other local businesses. The McKenzie River Community School, a K-12 school that serves the greater McKenzie River area, survived the fire. Many members of the community, as well as local business owners were forced to relocate temporarily or permanently. Others are committed to stay. All have displayed great resilience. Although immense losses were felt by the communities of the McKenzie River Valley, many opportunities for rebuilding and revitalizing Blue River have come in the form of state and federal emergency funds, as well as quick policy updates at the State and County level.

² Source: <https://www.whose.land/>

³ “Blue River Downtown Redevelopment & Wastewater Roadmap, 2015-2016”, Stephen Dobrinich, Aniko Drlik-Muehleck, Chris Marko; Hatfield Fellows & Rural Community Assistance Corporation (RCAC)

Regulatory Background

In 1984, Lane County designated Blue River as a “Rural Community” (Ordinance No. PA 884) as part of the adoption of the Lane County Rural Comprehensive Plan (RCP). As a rural unincorporated community, Blue River is subject to the State’s Unincorporated Communities Rule (OAR 660-022). A rural unincorporated community consists primarily of permanent residential dwellings 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. Blue River easily met these requirements, with the local school, post office, library, and stores.

In 1984 the community of Blue River was zoned for residential, commercial, industrial, park, and public facility uses. The downtown area was mostly zoned Rural Residential 2 (RR-2) except for several properties zoned Rural Commercial (RC) along Blue River Drive and beyond, which can be seen in orange on Figure 2. RR2 zoning requires at 2-acre minimum lot size, however, in many parts of the community, the existing properties are much smaller than two-acres, yet they are subject to setback requirements of a property of that size.

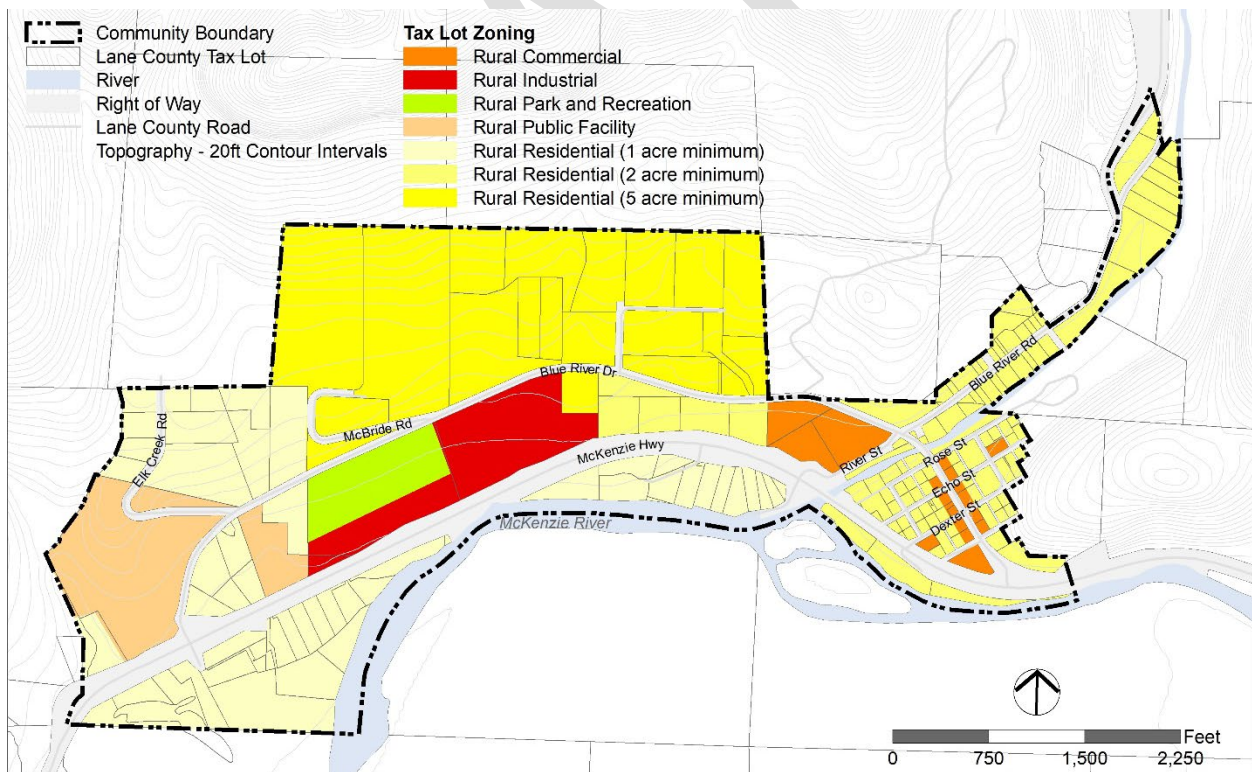


Figure 2. Existing community zoning map.

Specific to Blue River, the RCP calls for plans to be developed for the maintenance and repair of the existing on-site sewage disposal system in Blue River's downtown area. Alternatively, the RCP identifies two more aggressive long-term options: a public facility plan "for public sewers and updating [the community plan] to comply with the requirements of the Community Rule for urban unincorporated communities," or incorporation as a city (Goal 2, Policy 15). The RCP also contains McKenzie Watershed Land Use Policies, which apply to developed and committed exception lands in the McKenzie Watershed, including Blue River. If the community were to be designated an "urban unincorporated community" in the future, the Comprehensive Plan suggests the more aggressive alternative of developing a public facility plan for a public sewer (Goal 2, Policy 15). These potential paths were further explored in a 2016 report produced by the County's Community & Economic Development program and the Rural Community Assistance Corporation, Blue River Downtown Redevelopment & Wastewater Roadmap.

Development and redevelopment in Blue River are perhaps most strongly influenced by how wastewater can be treated. There are three feasible possibilities for wastewater treatment and there are benefits and limitations for each. They are:

1. On-site septic systems drainfields, and back-up drainfields. The size required for an onsite septic, drainfield, and back-up drainfield for onsite treatment impacts the developable area of a lot because no structure may be on top of this system. This is particularly impactful on the 80- by 100-foot lots that comprise much of the "downtown" area as their developable area becomes significantly limited. Wastewater in Blue River has been, and continues to be, treated by individual on-site septic tanks and subsurface disposal fields. The regulations for the subsurface disposal fields require twice as much area as in the past, which causes significant constraints for development in downtown Blue River.
2. Shared septic system between several properties, often called a "cluster system." The cluster system has the opportunity to create efficiencies in developable area as one drainfield would serve multiple lots. This shared system model requires agreement between all properties that tie into the system to commit to shared maintenance and inspection during the life of the system; even as property ownership changes. The County is analyzing current codes to determine if and how they are allowed.
3. Community drainfield. The feasibility, including its size and location, of a community drainfield is tied to regulations related to proximity to waterways, connections to aquifers, soil type, and slope.

Parallel in timing to the planning process for this Community Plan, Lane County was evaluating the capacity of two sites to support a community wastewater drainfield: Blue River Park and Three Sisters Meadow (See Figure 3). Site evaluation considered physical characteristics

including, but not limited to, soil type, slope, and discharge within the McKenzie River basin under the Three Basin Rule⁴.

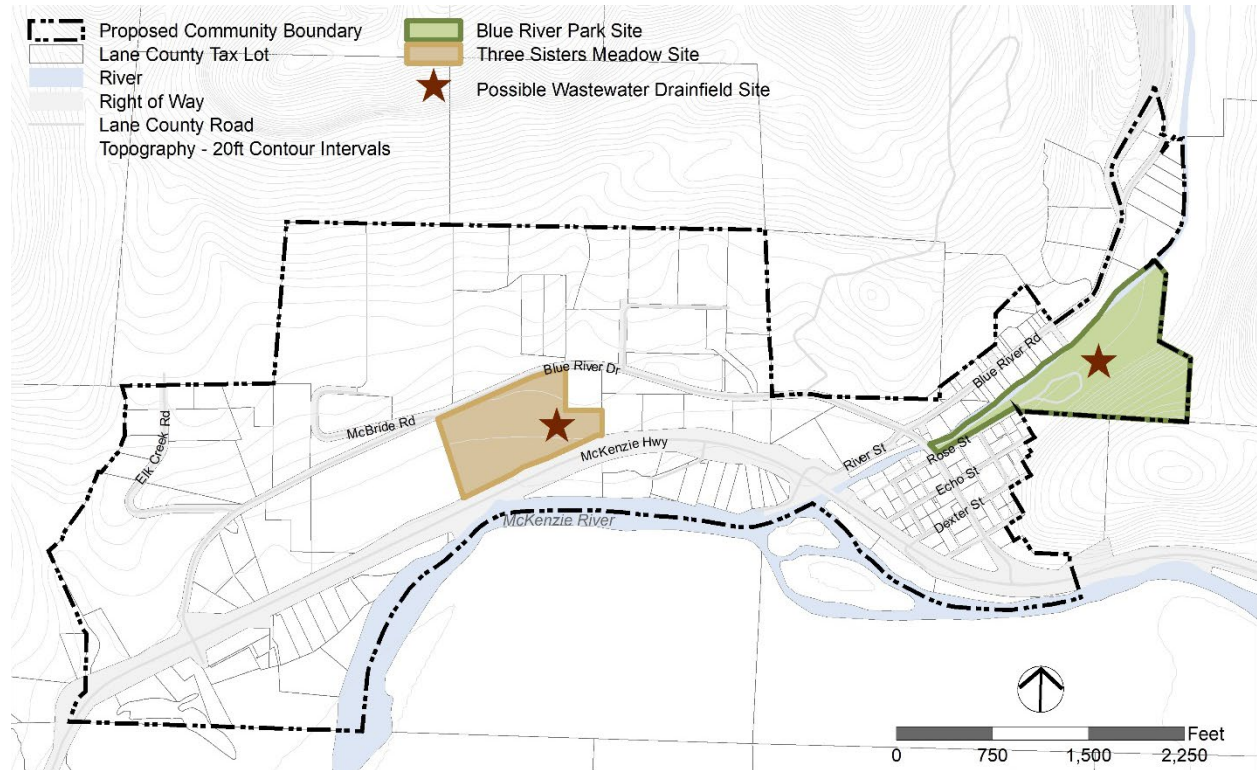


Figure 3. Potential wastewater drainfield sites.

At the time of writing, this evaluation was still underway. However, initial analysis indicated that Blue River Park and the Three Sisters Meadow site can accommodate a drainfield sized to treat 2,500 gallons per day (GPD); or about eight two-bedroom residential dwellings. A drainfield at Blue River Park would primarily serve the downtown area and properties adjacent to Blue River Drive. The majority of the Park's space that is vacant would have to be devoted to a drainfield. Roadways, dwellings, and structures would require infrastructure improvements to connect and deliver wastewater to the drainfield in Blue River Park.

The second site identified is the vacant former mill site, which is now commonly known as the Three Sisters Meadow site. Initial analysis also indicates that the Three Sisters Meadow site can accommodate a drainfield sized to treat 2,500 GPD. At the time of the drafting of this Plan, further evaluation is underway to determine if a larger drainfield is feasible. The drainfield at

⁴ The Department of Environmental Quality's Three Basin Rule regulates onsite septic and wastewater treatment systems to protect the drinking water, recreational uses, aquatic life, and high-quality sources of the North Santiam, Clackamas, and McKenzie Rivers. The Three Basin Rule requires discharge quantity and treatment quality to meet standards set by Oregon Administrative Rule 340-041-0350.

Three Sisters Meadow would likely solely serve development located on the site itself because connecting to properties across Blue River is not feasible.

More research on the feasibility of drainfields at both sites, the costs associated, and the community's desire to take on these improvements is being done concurrently with the drafting of this Complete Community Plan. This Plan supports any potential outcomes related to treatment of wastewater. In the absence of a community wastewater drainfield, re-development can only occur by utilizing individual on-site septic systems or shared "cluster" systems. The zoning code amendments recommended in this Complete Community Plan aim to provide the community with development flexibility should it decide to invest in communal wastewater infrastructure or continue to manage wastewater on an individual property basis. Although many in the community have envisioned commercial development to sustain a more complete community and bring in tourists, the density of development will hinge upon access to septic and drainfield space, whether it be on the property itself or collected communally.

DRAFT

Community Involvement

The Blue River Complete Community Plan was created and guided by the Blue River community. Community involvement throughout the Plan development and at key decision points informed the Community Plan goals, objectives, changes to Lane Code and Rural Comprehensive Plan, and community attributes.

Key priorities noted from early community involvement helped to establish a framework for the Community Plan. Those priorities were:

- A safe, clean community for both residents and visitors
- A place people want to come to
- Leverage Blue River's location as a gateway to a lot of recreational access right off a well-traveled highway.
- Community sewer and water
- Regulations that are easier to navigate, better reflect existing conditions, and offer more certainty

Community involvement included:

- ❖ **Conversations** with community members and stakeholders throughout the Community Plan development.
- ❖ **Ten stakeholder interviews** conducted throughout January and February of 2023. The community stakeholders were selected to represent a variety of interests and perspectives on Blue River and the McKenzie River valley.
- ❖ **Project Advisory Committee (PAC)** provided direction throughout the Community Plan development; most directly at three PAC meetings.
- ❖ **Project webpage** kept up to date with project information, materials, and ways to be involved.
- ❖ **Interested parties list** maintained and utilized to email interested parties project information and ways to be involved.
- ❖ **Project notice postcard** sent to every project area property owner, occupant, and tenant.
- ❖ **Two community meetings** timed to get feedback on the plan alternatives and the draft Community Plan.
- ❖ **Two virtual public meetings** timed to get feedback on the plan alternatives and the draft Community Plan.

Blue River Complete Community Plan Goals & Objectives

The following goals and objectives were developed to reflect input from Blue River community members and stakeholders. Goals are intended to be aspirational, and objectives are action oriented interim measures that can be taken to achieve the goals.

Goal 1. Livable and Resilient Community

Blue River is a livable and resilient community for all; complete with affordable housing and living wage jobs.

Objective 1. Update Lane Code so that the land use process for development and redevelopment is clearer and outcomes are more definitive.

Objective 2. Create a flexible zone that allows for a mix of residential and employment in multi-modal transportation friendly areas.

Objective 3. Create a residential zone that has a minimum 1-acre lot size for residential lots outside of downtown Blue River but within the rural unincorporated community.

Objective 4. Consider supporting proposals for Dark Sky or similar certification and the associated measures necessary for its implementation.

Goal 2. Identifiable and Inviting Downtown

Blue River's downtown reflects the community's sense of pride and is inviting; and a place residents and visitors alike want to come to and spend time.

Objective 1. Encourage commercial and mixed-use development in downtown Blue River by zoning it flex use.

Objective 2. Place historical plaques in downtown and/or the Three Sisters Meadow site commemorating and honoring the history of Blue River and the Holiday Farm Fire.

Objective 3. Add Blue River additional community signage directing traffic from Highway 126 into the Blue River Community.

Goal 3. Transportation Accessibility

Blue River's transportation network meets the transportation needs for all users. This includes people walking, biking, driving, and riding transit.

Objective 1. Develop a multi-modal paved trail between downtown Blue River and the McKenzie Elementary School.

Objective 2. Develop a bark dust trail between downtown Blue River and Blue River Park along the Blue River.

Objective 3. Implement the Blue River Drive Concept Plan.

Goal 4. Recreational Destination

Blue River is located within a pristine natural environment and is a destination to access surrounding recreational opportunities.

Objective 1. Support short-term stays for those wanting to stay and recreate in the Blue River area.

Objective 2. Support development that highlights and connects to Blue River’s existing attractions such as the McKenzie Community Track and Field.

DRAFT

Complete Community Plan

Summary of Plan Alternatives

The Community Plan represents the preferred alternative of three Community Plan Alternatives (Alternatives) that were presented to community members and stakeholders in order to gain feedback on what zoning will best serve Blue River’s needs. The alternatives were intended to be descriptive in nature by generally characterizing potential zoning, including the purpose, densities, allowed uses, and development standards. The alternatives also took into account existing conditions that place parameters on how a property may be zoned and developed including, but not limited to, soil types, slopes, wastewater drainfield regulations, and state land use regulations. While these existing conditions are not able to be changed, the alternatives presented to the community were intended to open a discussion about how Blue River might develop. In response to community feedback, all featured a new zoning district called Community Flex Use, intended to provide flexibility in use and site design.

The Alternatives are described in detail in the “Alternatives Memo Task 2.1 FINAL” (Appendix A) in summary they were:

- Alternative 1 proposes code changes that would allow for flexibility in redeveloping residential and commercial uses downtown, promote opportunities for recreation and multi-modal trail connectivity, as well as zoning flexibility and streamlined development opportunities while maintaining individual septic systems.
- Alternative 2 is based on a community drainfield being built on the Blue River Park property and centering the downtown area along Blue River Drive. This concept extends the flexible zoning type to the Three Sisters Meadow property.
- Alternative 3 is based on an increased emphasis around commercial uses along Blue River Drive. It also considers additional impacts of a community drainfield being built on the Three Sisters Meadow property, which would come with some specific development standards and a discretionary approval process to achieve outcomes in line with the plan objectives. It more heavily emphasizes commercial and mixed uses downtown.
- A custom alternative blending elements from each alternative was also presented as an option.

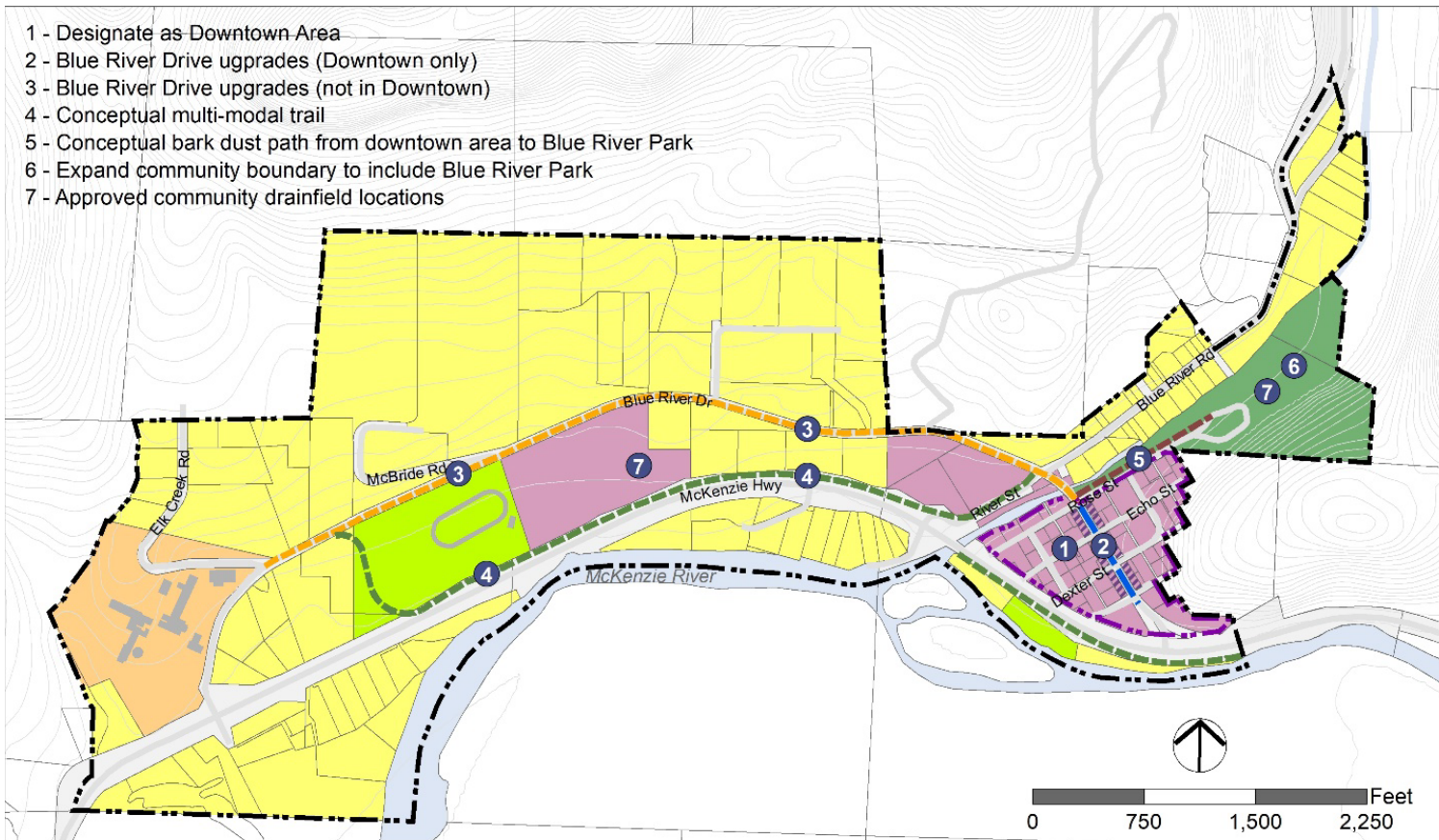
Preferred Plan Alternative

Based on community input, the preferred plan alternative is a combination of the most desired elements of the three alternatives. Primary elements of the preferred plan are changes to the

current zoning, including new zones and rezones, and community design elements as shown in Tables 1 and 2 and on Figure 4:

Table 1: Preferred Plan Alternative: New Zones and Re-zones
New Community Flex Use (CF-U) zone in downtown Blue River and several properties across the river
New Community Residential zone for other properties currently zoned Rural Residential
Rezone an existing public park property to Rural Parks and Recreation (Forest Glen Wayside Park)
Rezone the south half of the McKenzie Community Track and Field to Rural Park and Recreation
Blue River Drive Overlay for the properties that front along Blue River Drive in downtown between McKenzie Street and Rose Street.
Expand the rural community boundary to include Blue River Park and rezone tax lots 201 and 204 Park and Recreation (PR)
Rezone the Three Sisters Meadow to the Community Flex Use Zone, and include a Community Drainfield as an allowed use

Table 2: Community Design Elements
Blue River Drive upgrades, both in and out of downtown
Multi-modal trail from downtown to the school
Bark dust trail from downtown to Blue River Park
Zero minimum parking requirements
Sidewalks on Blue River Drive
Street improvements on Blue River Drive (lighting, landscaping, etc.)
Update Park and Recreation zoning to allow community drainfields or public/semi-public uses
Holiday Farm Fire commemoration or plaque or other community-identifying art/information



- 1 - Designate as Downtown Area
- 2 - Blue River Drive upgrades (Downtown only)
- 3 - Blue River Drive upgrades (not in Downtown)
- 4 - Conceptual multi-modal trail
- 5 - Conceptual bark dust path from downtown area to Blue River Park
- 6 - Expand community boundary to include Blue River Park
- 7 - Approved community drainfield locations

Legend

- | | | |
|-------------------------------------|-------------------------------|---------------------------|
| Proposed Community Boundary | Downtown Blue River | Tax Lot Zoning |
| Lane County Tax Lot | Blue River Drive Overlay | Community Flex-Use |
| Building or Structure | 8' wide bark dust path | Community Residential |
| River | Community boundary expansion | Park and Recreation |
| Right of Way | Main street type upgrades | Rural Park and Recreation |
| Lane County Road | Multi-modal trail | Rural Public Facility |
| Topography - 20ft Contour Intervals | Multi-use bike/pedestrian way | |

Figure 4. Blue River Complete Community Plan Preferred Alternative

Lane County Zoning Code Changes

The Complete Community Plan adopts two new zoning districts, a zone overlay, and zoning code amendments that are intended to respond to community direction for more flexibility and less complex code. The following tables summarize the development standards and uses for the two new zoning districts: Community Flex Use Zone and Community Residential Zone. The new Blue River Drive Overlay standards are presented in the format of a building sheet with a graphical presentation of the overlay standards.

Please refer to Figures 5 and 6 respectively for existing and proposed community zoning maps.

DRAFT

Community Flex Use Zone

The purpose of the Community Flex-Use (CFU-RCP) Zone is to allow maximum flexibility in residential, commercial, and light industrial uses within a community boundary that is more dense than typically allowed in rural Lane County. The CFU zone is also intended to allow for development flexibility. The minimum parcel size and other standards established by this zone are intended to promote a tight-knit community character. Standards below do not apply in the Blue River Drive overlay.

	Proposed Draft Zone Standards	Existing Zoning Districts	
Development Standard	Community Flex Use Zone	Quick Comparison – Rural Residential	Quick Comparison – Rural Commercial
Front Setback	5 feet	20 feet	20 feet
Side Setback	0 feet for attached buildings (duplex) 5 feet for detached buildings	10 feet	10 feet
Rear Setback	0 feet for attached buildings (duplex) 5 feet for detached buildings	10 feet	10 feet
Height	40 feet Over 40 feet with Fire District sign-off Floor to floor height – 10 foot minimum	None	None
Lot Size	8,000 square feet	2 acres, 1 acre within unincorporated community	No minimum, must accommodate sewerage
Parking	No minimum parking requirements	No minimums	Parking minimums based on use
Uses			
<i>Residential</i>			
Allowed Uses	Single family dwelling (up to 2) or a two-family dwelling (duplex)		
	Guest house		
	Bed and breakfast		
	Residential home, childcare facility, group home, nursing home		

	Home occupation
	Residential accessory structures and uses
Allowed Uses with Special Standards (Type I)	Multiple dwellings (3+ units)
	Accessory dwelling unit
	Temporary medical hardship
Commercial	
Allowed Uses	Outdoor tourist attractions featuring displays of education or historical value
	Day camp and picnic areas
	Convenience and decorative elements
Allowed Uses with Special Standards (Type I)	Retail
	Eating or drinking establishments
	Offices and personal business services
	Indoor or outdoor recreational activities
	Service stations
	Public and semi-public facilities
	Churches
	Cemeteries
Conditional Uses (Type II)	Commercial kennel
	Campground and camping vehicle park
	Marijuana retail sales
	Uses similar to permitted uses
Light/Community Industrial	
Conditional Uses (Type II)	Light manufacturing

<i>Agricultural</i>	
Allowed Uses	Raising crops and livestock (limited by use standards)
	Fish and wildlife habitat management
	Roadside stand for the sale of agricultural products
	Commercial breeding kennel
Conditional Uses (Type II)	Raising crops and livestock (above previous limitations)
<i>Public Facility</i>	
Allowed Uses	Transportation facilities
	Sewage disposal system for a nearby property
Allowed Uses with Compatibility Standards (Type I)	Public and semi-public buildings and structures
	Public and semi-public uses.
	Parks, playgrounds, outdoor community gathering spaces
	Paths or trails
	Community sewerage facilities and drainfields
Conditional Uses (Type II)	Telecommunication facilities
<i>Other</i>	
Allowed Uses	Maintenance, repair, or replacement of lawfully existing uses
	Accessory structures
Additional Subdivision Requirements (4 or more new lots)	
Internal Road Design	Street grids required, unless not possible due to existing conditions
	Sidewalks and connective pedestrian infrastructure recommended, pedestrian safety will be considered when designing driveways and parking

	Develop roads to Local Access Road standards (unless ADT \geq 100) with opportunity for on-street parking
Connectivity	Create safe multi-modal transportation and recreational paths that connect to existing paths or project future connectivity within the community
Compatibility Criteria for Commercial Uses	
Parking	Does not need to follow parking minimums of LC 16.250 but any off-street parking must meet requirements of Oregon Structural Specialty Code
Compatibility	Commercial uses must not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the Oregon Structural Specialty Code
	Commercial uses must not exceed that of Class B occupancy loads as classified by the Oregon Structural Specialty Code
	Outdoor storage of materials or merchandise on a property with a commercial use must not encompass more than five percent of the property area. For purposes of this provision, the property area will be considered the tax lot area
Square footage	Limited to 4,000 square feet of floor area for all commercial buildings combined

Community Residential

The purpose of the Community Residential (CR-RCP) Zone is to promote a compatible and safe rural community residential living environment by limiting allowed uses and development to primary and accessory rural residential uses and to other rural uses compatible with rural residential uses and the uses of nearby lands

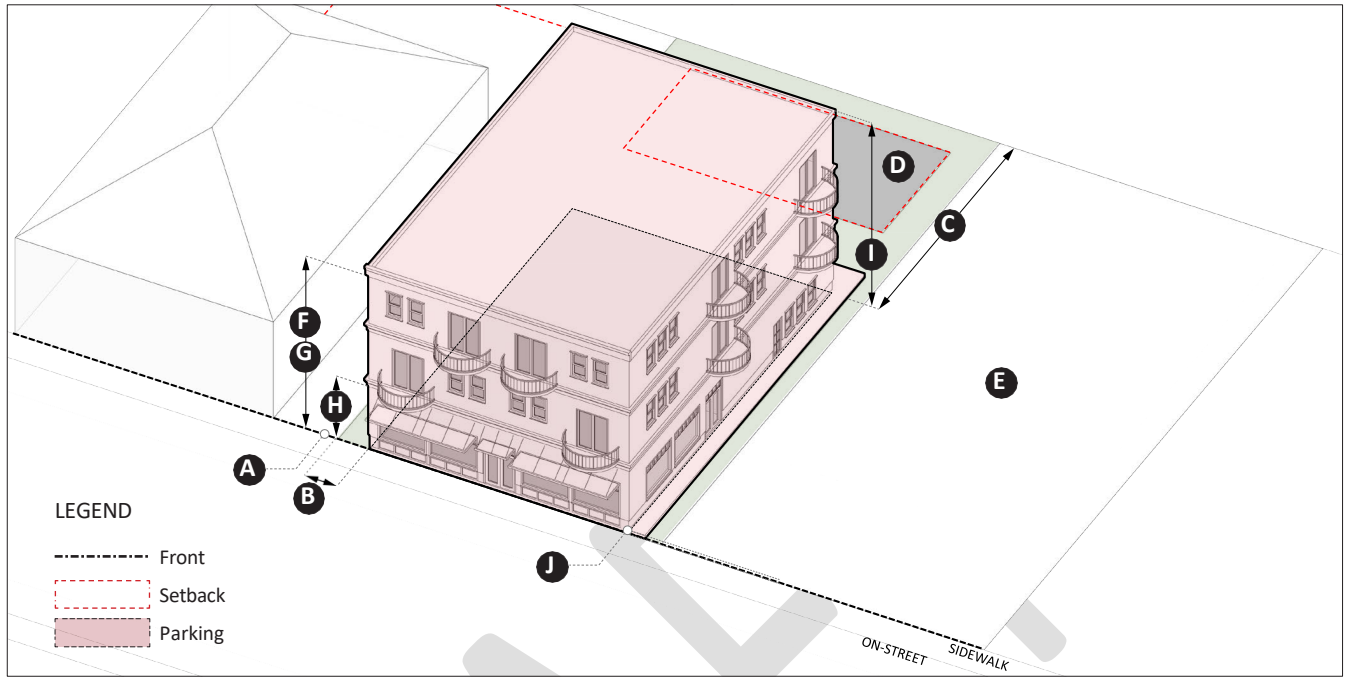
	Proposed Draft Zone Standards	Existing Zoning District	Another Proposed Zoning District
Development Standard	Community Residential	Quick Comparison – Rural Residential	Quick Comparison – Community Flex Use
Front Setback	20 feet	20 feet	5 feet
Side Setback	10 feet	10 feet	0 feet attached buildings (duplex) 5 feet detached
Rear Setback	10 feet	10 feet	0 feet for attached buildings (duplex) 5 feet for detached
Height	None	None	None
Lot Size	1 acre	2 acres, 1 acre within UC	8,000 square feet
Parking	No minimum parking requirements	No minimums	No minimums
Uses			
<i>Residential</i>			
Allowed Uses	Single family dwelling or a two-family dwelling (duplex) Guest house		
	Residential accessory structures and uses		
Allowed Uses with Compatibility Standards (Type I)	Accessory dwelling unit in conjunction with a single family dwelling		
	Temporary medical hardship		

	In-home daycare
Conditional Uses (Type II)	Home occupation
<i>Commercial/Public</i>	
Allowed Uses	Transportation facilities
	Sewage disposal system for a nearby property
Allowed Uses with Compatibility Standards (Type I)	Public and semipublic buildings and structures
	Churches
	Cemeteries
	Parks, playgrounds, outdoor community gathering spaces
	Paths or trails
	Residential home, childcare facility, group home, nursing home
	Bed and breakfast
	Minor home occupation
Conditional Uses (Type II)	Commercial kennel
	Telecommunication facilities
	Uses similar to permitted uses
<i>Agricultural</i>	
Allowed Uses	Raising crops and livestock (limited by use standards)
	Fish and wildlife habitat management
	Roadside stand for the sale of agricultural products
	Commercial breeding kennel
Conditional Uses (Type II)	Raising crops and livestock (above previous limitations)
<i>Other</i>	

Allowed Uses	Maintenance, repair, or replacement of lawfully existing uses
	Accessory structures

DRAFT

BLUE RIVER DRIVE OVERLAY - BUILDING STANDARDS



Use (see Note 1)	
Ground floor:	commercial (retail, service, office), residential, semi-public, and public uses
Upper floor(s):	commercial (retail, service, office, trade), residential, semi-public, and public uses
Placement (see Note 2)	
Front setback	0 ft min.; 15 ft max. (A)
Side setback	0 ft min. for attached uses; 5 ft min. for detached uses; <i>see Note 2</i> (B)
Rear setback	0 ft min. for attached uses; 5 ft min. for detached uses ; <i>see Note 2</i> (C)
Parking	<i>see Note 5</i> (D)
Coverage	
Lot area	no min. (E)
Lot coverage	100% max.
Height	
Minimum number of floors	no min. (F)
Maximum number of floors	3 floors (G)
Floor to floor height	10 ft min. (H)
Building height	40 ft max.; <i>see Note 6</i> (I)
Ground floor elevation	<i>see Note 9</i> (J)
Parking	
Number of spaces	no min. requirement; <i>see Note 5 for placement</i>

- Notes**
1. Recommended: If a building is Mixed-Use, ground floor should be commercial.
 2. Additional standards may apply to attached structures.
 3. Primary building entrances must be located along Blue River Drive and oriented towards Blue River Drive. If the property does not front Blue River Drive, the building must be oriented towards the street from which access is taken and the primary entrance shall be located along that street.
 4. Accessory uses shall not be located between the front façade of the primary use and the street.
 5. Off-street parking shall not be located between the front façade of the structure and the street.
 6. Building height is subject to review and comment by local fire authority. Buildings may be taller than 40 feet with a fire department sign-off.
- Other Applicable Standards**
7. Pedestrian walkways must be provided to connect the building primary entrance to the public right of way.
 8. Access shall be designed to encourage pedestrian and bicycle use and shall facilitate vehicular movements with minimum interference or hazards for through traffic. Access may be subject to review and approval of the County Engineer or State Department of Transportation. The dedication of additional right-of-way and construction of street improvements by the applicant may be required to facilitate traffic circulation.
 9. Recommended: Ground floor residential primary entrances are elevated 18" above grade in order to differentiate residential and commercial uses.
 10. Recommended: Residential uses entirely above the ground floor should have a balcony at least four feet deep.

Park and Recreation

Lane Code 16.215 is the Park and Recreation Zone. This zoning currently applies to the Blue River Park and will continue to be the applicable zoning after the park properties are brought into the community boundary. The Blue River Park is already a key amenity for Blue River, and also a possible candidate for a future community drainfield. An update to this existing zoning district is proposed in order to specifically allow a community drainfield system and other public/semi-public uses. Amending the code to include more public uses will allow it to serve the community to its fullest potential.

DRAFT

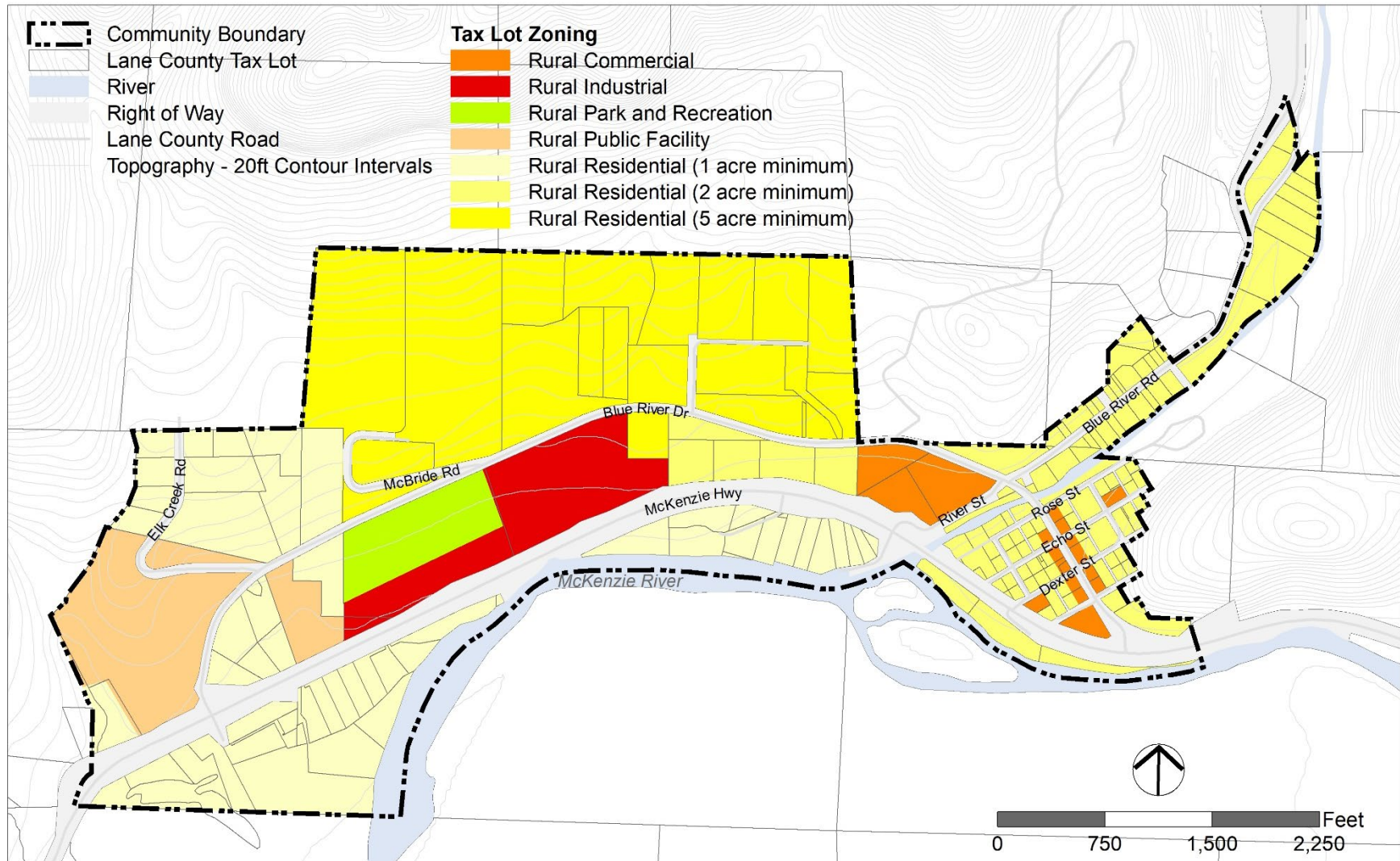


Figure 5. Existing community zoning map.

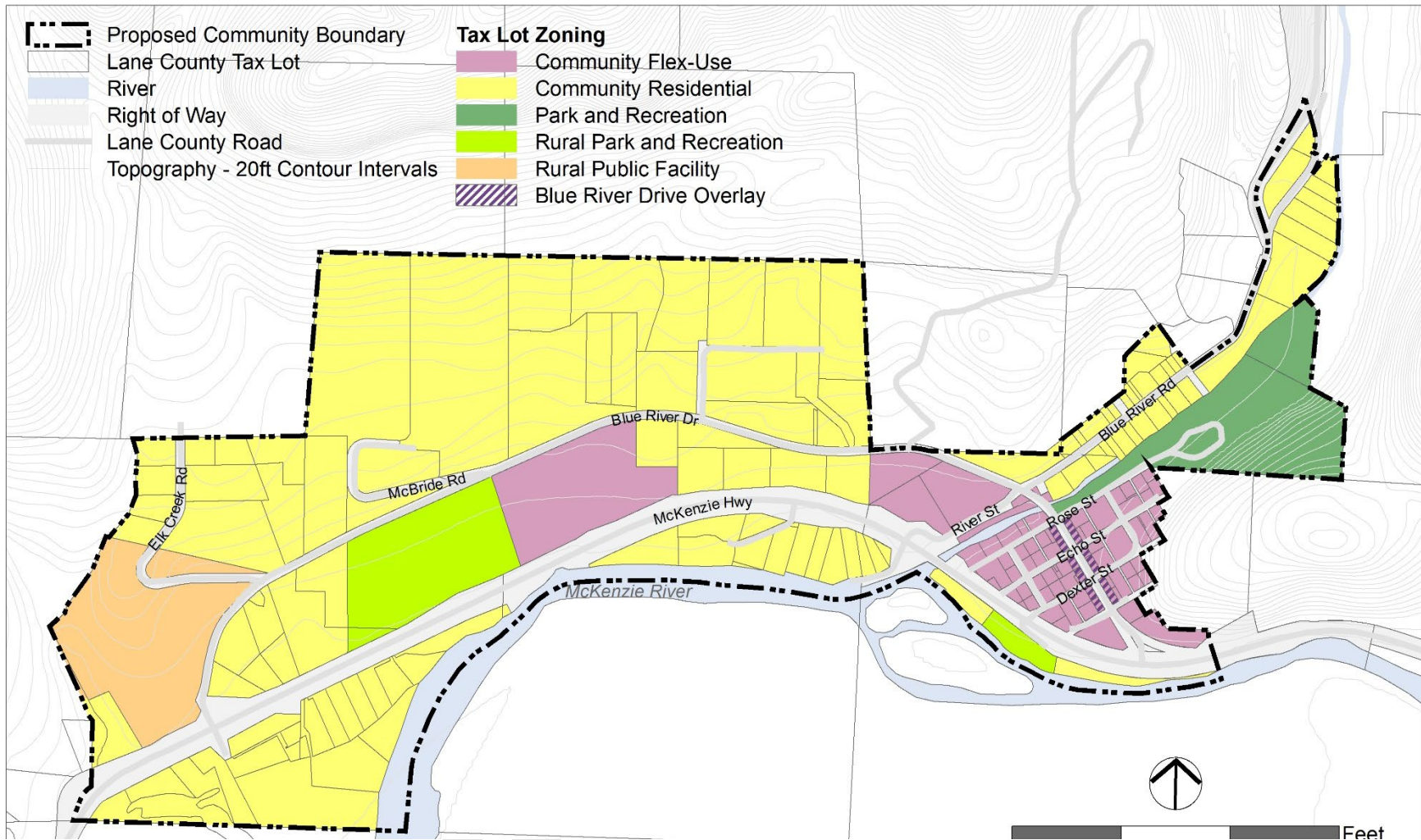


Figure 6. Proposed community zoning map.

Lane County Comprehensive Plan & Plan Designations

Rural Comprehensive Plan

In order to adopt new zoning districts and make changes to existing ones, the Rural Comprehensive Plan (RCP) also needs to be amended. Adopted in 1984, the RCP is the document that regulates land use in Blue River, and the rest of unincorporated Lane County.⁵ The intent of the RCP is to guide the social, economic, and physical development of the County to best promote public health, safety, order, convenience, prosperity, and general welfare in unincorporated lands within Lane County beyond the Urban Growth Boundaries of incorporated cities. The Plan's format has two main components: plan policies and plan diagrams.

There are several policies outlined in the RCP that currently prohibit the rural unincorporated community of Blue River from reaching the higher density and flexibility goals that the community desires.

Goal Two: Land Use Planning

Policy 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. 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:

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);"⁶

This policy requires properties that were zoned RR1 before the adoption of Ord. PA 1173 to be at least one acre. The community of Blue River was originally platted in the early 1900s and the sizes of the lots downtown were generally less than 0.2 acres. In order to maintain the existing

⁵ <https://www.lanecounty.org/common/pages/DisplayFile.aspx?itemId=6477350>

⁶ Ordinance PA 1173 was adopted after the County went through periodic review to comply with OAR 660 Division 22, "Unincorporated Communities," for designated unincorporated communities within the McKenzie Watershed. The Rural Comprehensive Plan (RCP) designation maps and zoning maps were amended, as well as policies within the RCP to support compliance with OAR 660 Division 22.

development pattern and create a more dense and walkable community where there are opportunities to both live and work, this policy must be revised.

Policy 25: “Each of the land use designations applied to the Plan Diagram shall be implemented by one or more zoning districts...”

This policy lists a variety of plan designations and the implementing zoning districts. Since this Community Plan is proposing new zoning districts, this policy must be amended to accommodate a flex-use plan designation, as well as the Community Flex Use zoning district. It is also proposing to add Community Residential as another zoning district that is implemented by the existing “Rural, Community” plan designation.

Goal Eleven: Public Facilities

Policy 6: “Land designations and service levels:

f. Community (RR-1, RR-2, RR-5, RR-10, RA, RG, C1, C2, C3, M2, M3)

Description: Land that has an existing cohesive, dense settlement and development pattern to the degree that it may no longer be considered available for other uses. (Refer to Goal #2, Policy #10, for the characteristics an exception area must have to receive a Community designation.)

Service Level: Schools, on-site or community sewage disposal, individual or community water supply, electrical service, telephone service, rural level of fire and police protection, reasonable access to solid waste disposal facility

This policy lists the zoning districts that fall within designated unincorporated communities, and the new Community Residential and Community Flex Use zones should be added to the list.

Community Boundary & Plan Designation Map

The final pieces of the RCP updates necessary to implement the goals of the Community Plan are the changes to the boundary of the community, and re-designating properties within the community boundary to the appropriate RCP Plan Designation. The change of the boundary will bring in the Blue River Park properties and allow for the possibility of a community drainfield to be built there. Please refer to the following figures for reference:

Figure 7. Existing community boundary map

Figure 8. Proposed community boundary map

Figure 9. Existing plan designation map

Figure 10. Proposed plan designations map



Figure 7. Existing community boundary map.



Figure 8. Proposed community boundary map.

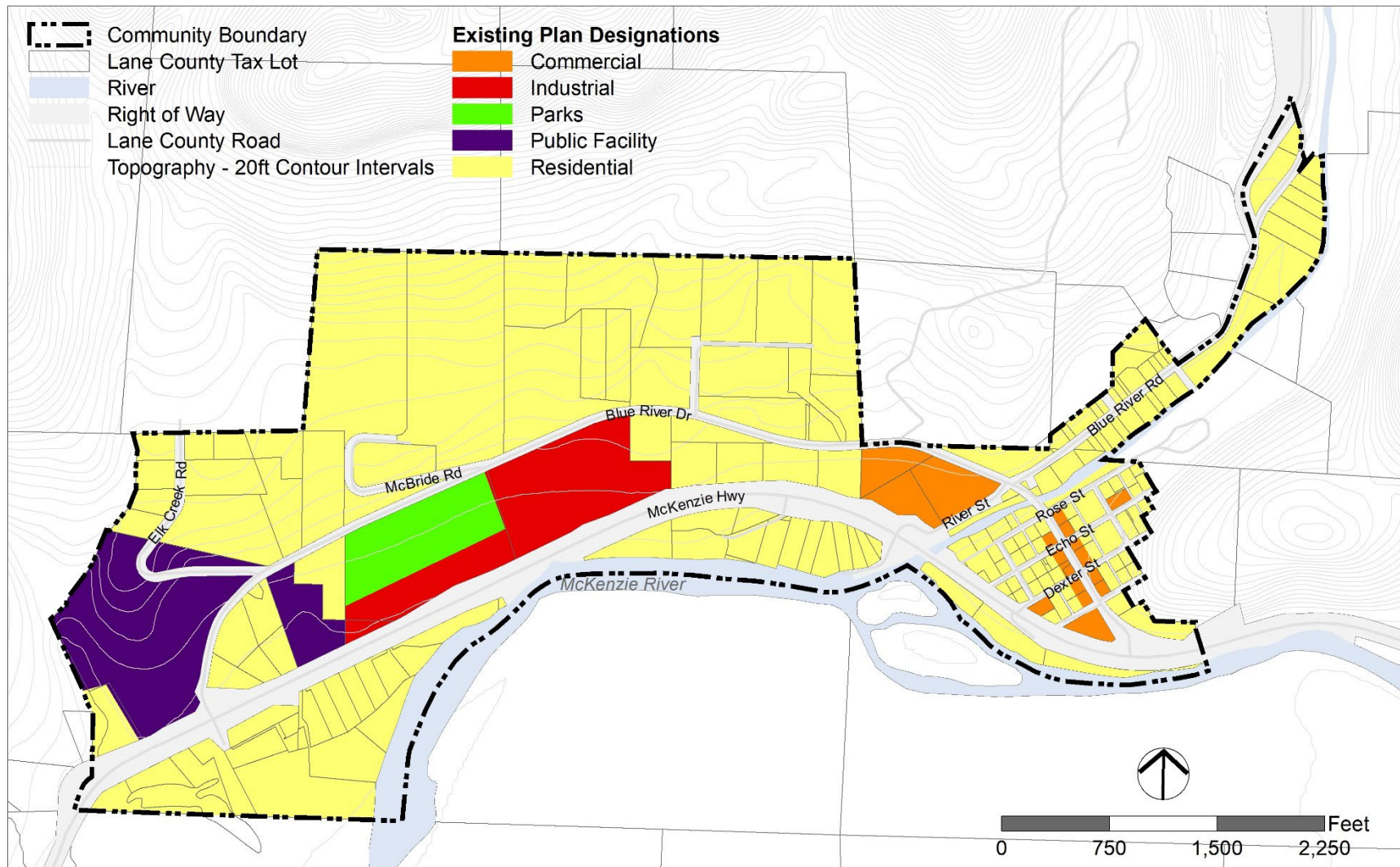


Figure 9. Existing plan designation map.

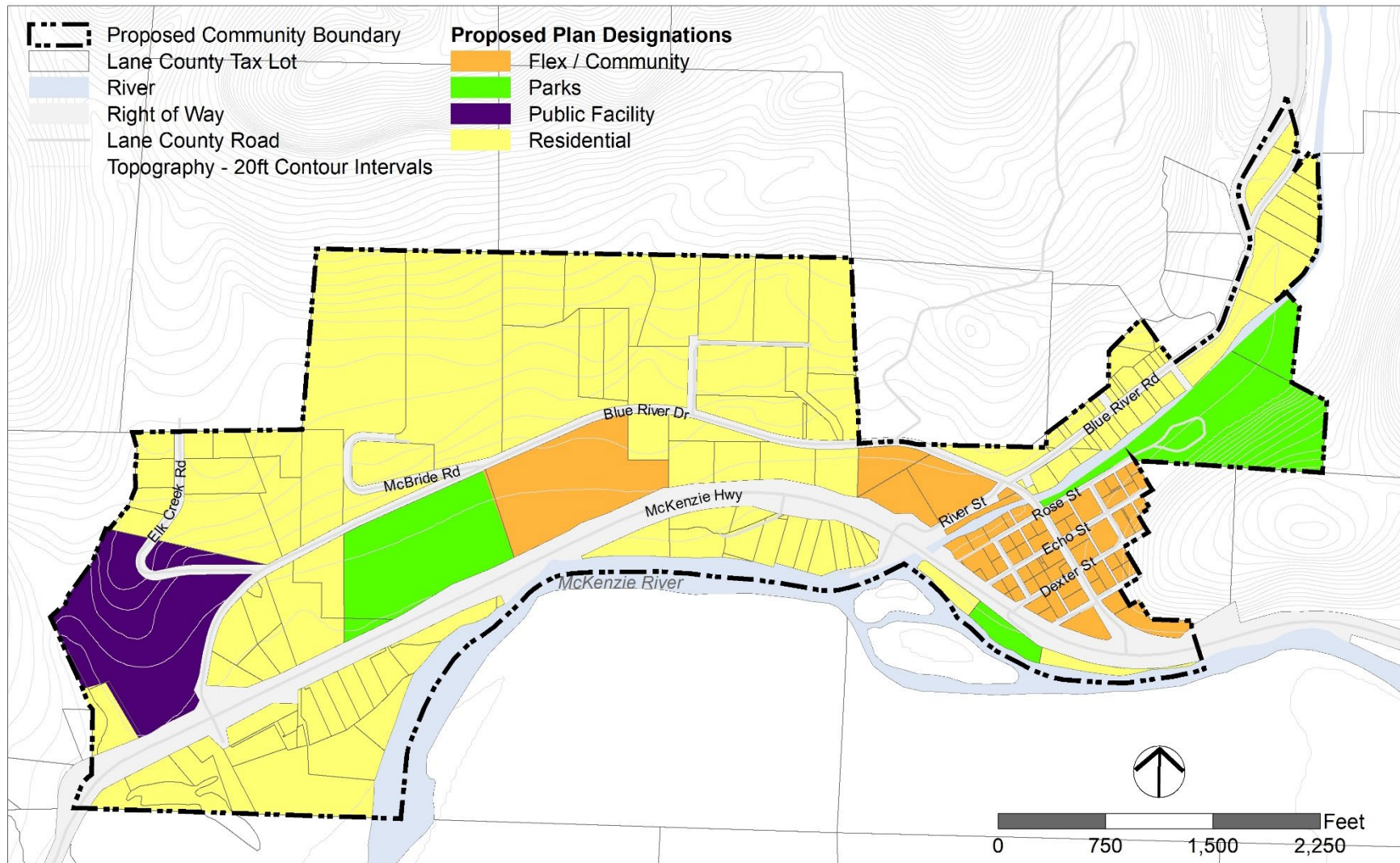


Figure 10. Proposed plan designations map.

Appendix A - Alternatives Memo Task 2.1 FINAL

*** To be included with the Final Plan***

DRAFT

Zoning Code Amendments

In order to implement the Blue River Complete Community Plan, several zoning code additions, and amendments to existing code must be made. This will be accomplished by adopting two zoning districts and one new overlay:

- Community Flex-Use Zones (CFU)
- Community Residential (CR)
- Blue River Drive Overlay (BRDO)

It will also include an amendment to the existing Park and Recreation Zone that is implemented by Lane Code 16.215.

DRAFT

Community Flex-Use Zone (CFU)

16.286 Community Flex-Use (CFU-RCP)

(1) Purpose

The purpose of the Community Flex-Use (CFU-RCP) Zone is to allow maximum flexibility in residential, commercial, and light industrial uses within a community Boundary that is more densely developed than typically allowed in rural Lane County. The CFU zone is also intended to allow for development flexibility.

The minimum parcel size and other standards established by this zone are intended to promote a tight-knit rural community character.

(2) All Development

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

(3) Use Table

Table of Permitted Uses

Table 16.286-1 sets forth the uses allowed subject to Type I, II, or III approval procedures in the community flex-use districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require review using Type I, II, or, III procedures, unless otherwise specified on Table 16.286-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Chapter.

As used in Table 16.286-1:

(a) Uses:

- (i) "A" means the use is outright allowed or permitted subject to standards.
- (ii) "C" means the use is a Conditional Use, subject to Section (5)
- (iii) "X" means use is not allowed.

(b) Procedures:

- (i) "P" means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.
- (ii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code and LC 14.030(1)(a).
- (iii) Type II uses may be allowed provided a land use application is submitted and approved through the Type II procedure set forth in LC Chapter 14.
- (iv) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.
- (v) "AL" means Assembly License, subject to LC 3.995.

(vi) "X" means no new use is allowed.

(c) The "Subject To" column identifies any specific provisions of LC 16.286 to which the use is subject. All uses and development are subject to the development standard provisions of LC 16.286(7).

(d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a "permit" as defined by ORS 215.402(4). "...discretionary approval of a proposed development of land..." An owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

Table 16.286-1: Use Table for CFU Zones				
I = Type I II = Type II III = Type III				
P = Permitted Outright AL = Assembly License X = Prohibited				
	Use	Use Type	Local Procedure	Subject To
1.	Residential			
1.1	Placement, alteration, and maintenance of up to two Single-Family Dwellings attached or detached, and/or manufactured dwellings, or a Two-Family Dwelling on a lot or parcel	A	P	
1.2	Placement, alteration, and maintenance of a Multiple Dwelling on a lot or parcel	A	P	(4)(c)
1.3	Accessory Dwelling Unit	A	P	(4)(d)
1.4	Guest House	A	P	(4)(e)
1.5	Temporary Medical Hardship	A	I	(4)(f)
1.6	Bed and breakfast	A	P	(4)(g)
1.7	One residential home, childcare facility, group home or nursing home	A	P	
1.8	Minor home occupation and/or home office	A	P	
2.	Commercial			
2.1	Retail	A	I	(4)(a)
2.2	Indoor or outdoor recreational activities	A	I	(4)(a)

2.3	Eating or drinking establishments	A	I	(4)(a)
2.4	Service stations	A	I	(4)(a)
2.5	Offices and personal business services	A	I	(4)(a)
2.6	Churches	A	I	(4)(a)
2.7	Cemeteries	A	I	(4)(a)
2.8	Indoor and outdoor theaters, other spaces providing artistic or performance opportunities	A	I	
2.9	Equipment rental and leasing service	A	I	
2.10	Veterinarian clinics	A	I	
2.11	Commercial kennel	C	II	(5)
2.12	Marijuana retail sales	C	II	(5), LC 16.420
2.13	Campground, glamping and camping vehicle park	C	II	(5)
2.14	Uses similar to permitted uses above	C	II	(4)(a)
3.	Industrial			
3.1	Light manufacturing	A	I or II	(4)(a) or (5)
4.	Agricultural			
4.1	Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses	A	P	(4)(h)
5.0	Public Uses and Facilities			
5.1	Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.	A	I	(4)(a)

5.2	Publicly oriented uses such as libraries, community centers, medical facilities, post offices, etc.	A	I	(4)(a)
5.3	Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).	A	P	
5.4	Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).	C	II	(5), LC 16.265
5.5	Changeout to an existing telecommunication tower	A	I	LC 16.264
5.6	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	LC 16.264
5.7	Collocation to an existing telecommunication tower	C	II	LC 16.264
5.8	New telecommunications tower or replacement tower	C	III	LC 16.264
5.9	An onsite sewage disposal system for a use on a nearby property	A	P	(4)(i)
5.10	Parks, playgrounds, outdoor community gathering spaces, picnic areas	A	I	(4)(a)
5.11	Publicly oriented infrastructure such as bike parking and bike maintenance, public restrooms, paths or trails, outdoor tourist attractions featuring displays of education or historical value, etc.	A	P	
5.12	Community sewerage facilities and drainfields	A	I	(4)(a)
5.13	Uses similar to permitted uses above	C	II	(4)(b), (5)

6.0	Other			
6.1	Maintenance, repair, or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.286-1.	A	P	
6.2	Fish and wildlife habitat management	A	P	
6.3	Structures and uses accessory to the primary use, including convenience and decorative elements	A	P	
7.0	Outdoor Gatherings			
7.1	An outdoor gathering of fewer than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
7.2	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	C	III	ORS 433.735-760
7.3	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III	(4)(j)

(4) Use Standards

(a) Commercial Use Compatibility Standards.

(i) Parking - Does not need to follow parking minimums of LC 16.250 but any off-street parking must meet requirements of Oregon Structural Specialty Code.

(ii) Hazards - Commercial or Industrial uses must not involve the manufacturing, processing, generation, or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the Oregon Structural Specialty Code.

(iii) Occupancy - Commercial or Industrial uses must not exceed that of Class B occupancy loads as classified by the Oregon Structural Specialty Code.

(iv) Outdoor Storage - Outdoor storage of materials or merchandise on a property with a commercial use must not encompass more than five percent of the property area. For purposes of this provision, the property area will be considered the tax lot area.

(v) Floor Space - One commercial use shall not take place in a building or buildings that exceed 4,000 square feet of floor space.

(b) Uses Similar. A Uses Similar finding shall be made by the Planning Director, upon request of an applicant, with the exception of development within the Blue River Drive Overlay. Such a finding shall apply the following criteria:

(i) Use is consistent with the purpose and intent of the District

(ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:

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

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

(c) Intensity of land use of the site.

(d) Potential demand for public facilities and services.

(e) Products or services produced or vended on or from the site.

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

(c) Multiple Dwelling. Placement of a Multiple Dwelling is allowed where no other single-family dwelling, manufactured home or duplex exist on the property.

(d) Accessory Dwelling Units.

(i) Definitions. For the purposes of LC 16.286(4)(d), unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

(a) "Accessory dwelling unit" (ADU) means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling (attached or detached) or duplex.

(b) "Historic home" means a single-family dwelling constructed between 1850 and 1945.

(c) "New" means that the dwelling being constructed did not previously exist in residential or nonresidential form. "New" does not include the acquisition, alteration, renovation, or remodeling of an existing structure.

(d) "Usable floor area" means the area included within the surrounding insulated exterior walls of a structure, exclusive of attached garages, carports, decks, stairs, porch covers, or similar appurtenances.

(e) "Vacation occupancy" means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

(aa) The occupant rents the unit for vacation purposes only, not as a principal residence;

(bb) The occupant has a principal residence other than at the unit; and

(cc) The period of authorized occupancy does not exceed 45 days.

(ii) Criteria for ADUs. A lot or parcel may qualify for one (1) ADU pursuant to the criteria under either subsection (xi) or (xii) below and provided:

(a) At least one single-family dwelling (attached or detached) or duplex is sited on the lot or parcel, but no more than a total of two dwelling units already exist on the lot or parcel;

(b) The ADU complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment; and,

(c) The ADU must comply with the property development standards of LC 16.286(7).

(d) A subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling (attached or detached) or duplex is situated on a different lot or parcel than the ADU may not be approved.

(e) Only one ADU as defined by LC 16.286(4)(d)(i) and allowed by LC 16.286(3)(1.3) is allowed on a qualifying lot or parcel.

(f) ADUs may be allowed subject to submittal of a Type I application pursuant to the procedures of LC Chapter 14.

(g) The provisions of LC 16.286(4)(d) do not apply to guest houses or accessory residential structures.

(h) ADUs located on lots or parcels within the boundaries of an area designated by the Rural Comprehensive Plan as being an unincorporated community must have an adequate supply of water. If the lot or parcel is served by an individual water supply system, the system must meet the standards of Lane Manual 9.005.160, or if served by a public or community water system, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.

(i) An ADU in the community flex use zone is allowed subject to LC 16.290(4)(d)(ii)(a) through (j) and must meet all of the following standards:

(aa) The ADU will be located no farther than 100 feet from the existing single-family dwelling, measured from a wall of the single-family dwelling to the nearest part of the usable floor area of the ADU.

(bb) The ADU will not include more than 900 square feet of usable floor area as defined by LC 16.286(4)(d)(i)(d).

(cc) The existing single-family dwelling (attached or detached) or duplex on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.

(dd) The lot or parcel on which the ADU is located is served by a fire protection district that complies with ORS 181A.410.

(ee) The applicant provides written certification from the applicable fire district, on a form prepared by Lane County, that access to the property meets minimum fire district requirements to provide emergency services to the property.

(ff) No portion of the lot or parcel is within a designated area of critical state concern as defined in Oregon Administrative Rule 660-043.

(gg) If the water supply source for the ADU or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.

(hh) The applicant signs and records a restrictive covenant with Lane County Deeds and Records stating that the ADU allowed under this section will not be used for vacation occupancy, as defined by LC 16.286(4)(d)(i)(e).

(ii) An existing single-family dwelling and an ADU allowed under this section are considered a single unit for the purposes of calculating exemptions under ORS 537.545(1).

(jj) The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:

(A) The lot or parcel is in an area identified as a high wildfire hazard zone on the statewide wildfire hazard map described in ORS 477.490; or

(B) No statewide wildfire hazard map has been adopted.

(kk) If the lot or parcel is in an area identified on the statewide wildfire hazard map described in ORS 477.490 as within the wildland urban interface, the lot or parcel and ADU must comply with the defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by the local government pursuant to ORS 476.392.

(j) Conversion of a historic home to an ADU in the community flex use zone is allowed subject to LC 16.286(4)(d)(ii)(a) through (h) and provided:

(aa) The owner of a lot or parcel within an area zoned for community flex uses constructs a new dwelling unit;

(bb) A historic home, as defined by LC 16.286(4)(d)(i)(b), is sited on the lot or parcel;

(cc) The owner converts the historic home to an ADU upon completion of the dwelling unit; and,

(dd) ADUs established pursuant to LC 16.286(4)(d)(ii)(j) may not be:

(A) Altered, renovated, or remodeled so that the usable floor area of the ADU is more than 120 percent of the historic home's usable floor area at the time construction of the new dwelling commenced.

(B) Rebuilt if the structure is deemed a dangerous building due to fire, pursuant to the Uniform Code for the Abatement of Dangerous Buildings, which defines "dangerous building" as "Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location." The applicant must sign and record with Lane County Deeds and Records a restrictive covenant stating that an ADU allowed under this section cannot be rebuilt if deemed a dangerous building as described in this section. (Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.18.10; 7-12, 12.28.12; 14-09, 12.16.14; 15-03, 04.17.15; 20-05, 6.16.20; 23-05, 8.29.23)

(e) Guest House or Accessory Residential Structure. A structure that contains area for residential use or occupancy, that includes a toilet or bathroom, and that complies with these requirements:

(i) The total floor area of the structure is no more than 850 square feet;

(ii) The structure does not contain a kitchen.

(iii) The structure is located on a lot or parcel that has a lawfully existing dwelling (attached or detached) or duplex on it and that does not have two or more permanent dwellings, a guest house or another accessory residential structure on it;

(iv) Sewage disposal for the structure is connected to the same onsite sewage disposal system, or community or public sewer connection, and the same electrical meter as the existing dwelling on the same lot or parcel; and

(v) The structure shall not have an address.

(vi) The conversion of a lawfully existing dwelling to an accessory residential guesthouse is allowed if it complies with these requirements:

- (a) The dwelling for the conversion shall be a lawful dwelling existing on the date of the adoption of this requirement;
 - (b) The kitchen sink and cooking facilities shall be removed from the existing dwelling and not replaced. When, the kitchen sink is removed, the plumbing shall be capped-off at the wall, and the kitchen sink shall not be replaced. When the cooking facilities are removed, the power source shall be removed. Any 220 circuits used for the cooking facilities shall be disconnected at the circuit box and approval of any required electrical permits for the disconnection shall be obtained, and the electrical circuit and cooking facilities shall not be replaced. Except for a bathroom and/or a laundry sink, a sink or cooking facilities shall not be located elsewhere in the guest house structure;
 - (c) The address shall be removed from the guesthouse and not replaced;
 - (d) The property owner shall record a covenant with the Lane County Clerk disclosing that a kitchen sink or cooking facilities cannot be placed in the guest house and that it is an accessory residential use that cannot be separated from the remainder of the parcel that contains the dwelling
- (f) Temporary Medical Hardship- Not more than one manufactured home, recreational vehicle or the temporary residential use of an existing building on a lot or parcel, in addition to an existing dwelling, manufactured home or duplex, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured home or duplex, or a relative of the resident, subject to compliance with these requirements:
- (i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.
 - (ii) A resident of the existing dwelling, manufactured home or duplex has a medical hardship and needs care for daily living from a resident of the temporary hardship dwelling; or
 - (iii) A resident of the temporary hardship dwelling is a relative of a resident of the existing dwelling, manufactured home or duplex, has a medical hardship and needs care for daily living which will be provided by a relative living in the existing dwelling, manufactured dwelling or duplex. 'Relative' means grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece or nephew or first cousin of a resident of the existing dwelling, manufactured dwelling or duplex.
 - (iv) Evidence of the medical hardship and a description of the family relationship and assistance with the daily living that will be provided shall be furnished and shall consist of:
 - (a) A written statement from a medical physician disclosing the existence of and need for the medical hardship;
 - (b) Any family relationship between the person with the hardship and the person who will provide care; and
 - (c) The general nature of the care that will be provided.
 - (v) The temporary hardship dwelling shall be located on the same lot or parcel as the existing dwelling, manufactured home, or duplex.

(vi) The hardship dwelling shall be connected to the same on-site sewage disposal system serving the existing dwelling, manufactured home, or duplex. If that sewage disposal system is not adequate for the connection, as determined by the Lane County Sanitarian, to accommodate the addition of the temporary hardship dwelling, then that sewage disposal system shall be improved to meet the Oregon Department of Environmental Quality (DEQ) requirements in order to accommodate the addition of the temporary dwelling. A separate on-site sewage disposal system meeting DEQ requirements for the temporary dwelling may be used, when in the opinion of the Lane County Sanitarian, connecting the temporary dwelling to the existing sewage disposal system would be impracticable because of the physical conditions of the subject property. The use of the separate sewage disposal system by the temporary dwelling shall be discontinued when the hardship ceases and shall not be used for other purposes unless in compliance with LC Chapter 16.

(vii) The temporary hardship dwelling shall comply with applicable Oregon Department of Environmental Quality review and removal requirements.

(viii) The temporary hardship dwelling shall not be allowed if there is an accessory living structure, as defined by LC 16.286(4)(f)(i) through (vi), on the same lot or parcel.

(ix) Except as provided in LC 16.286(4)(f)(x) below, approval of a temporary hardship dwelling permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.

(x) Within 90 days of the expiration date of the temporary hardship permit, the end of the hardship, or the care provider no longer residing in the temporary hardship dwelling, the hardship dwelling shall be removed from the property, converted to an allowable nonresidential use or demolished.

(g) Bed and Breakfast. Not more than one bed and breakfast accommodation on a lot or parcel and in a dwelling, manufactured dwelling or duplex. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

(h) Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses. Animals and bees shall not exceed the following numbers per each acre of the subject CFU zoned property:

(i) One goat, sheep, llama or alpaca per 8,000 square feet not including offspring younger than 6 months old from one of the female animals being counted.

(ii) 10 chickens, other fowl or rabbits per 8,000 square feet.

(iii) The number of colonies of bees allowed on a property shall be limited to one colony for each 8,000 square feet of lot area and shall be located no closer than 15 feet from any property line.

(iv) One horse, cow, or swine per acre not including offspring younger than 6 months old from one of the female animals being counted.

(i) An onsite sewage disposal system for a use on an adjacent property. The property shall be contiguous along a boundary or a point of the subject property including those separated the

right-of-way of a road. The sewage disposal system on an adjacent property must be accompanied by a perpetual access and maintenance easement.

(j) Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following requirements:

- (i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;
- (ii) The proposed gathering is compatible with existing land uses;
- (iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and
- (iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

(5) Conditional Use Review Criteria

Approval Criteria. Uses and development listed as Conditional in LC 16.286(3), except for telecommunication facilities allowed in LC 16.286(3)(5.5)-(5.8), shall comply with the requirements in LC 16.286(5) below. Telecommunications facilities allowed by LC 16.290(4)(d) above shall comply with the requirements in LC 16.264.

- (a) Shall not create significant adverse impacts on existing uses on adjacent and nearby lands or on uses permitted by the zoning of adjacent or nearby undeveloped lands;
- (b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands;
- (c) The proposed use and development shall not exceed the carrying capacity of the soil or of the existing water supply resources and sewer service. To address this requirement, factual information shall be provided about any existing or proposed sewer or water systems for the site and the site's ability to provide on-site sewage disposal and water supply if a community water or sewer system is not available; and
- (d) The proposed use and development shall not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations.

(6) Area

The minimum area requirement for the creation of lots or parcels shall be 8,000 square feet.

(7) Development Standards

All uses or development permitted by LC 16.286(3), except as may be provided therein, shall comply with the following development standards:

- (a) Property Line Setbacks. Structures other than a fence or sign shall be located:
 - (i) At least 5 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15;
 - (ii) At least 5 feet from all other property lines, 0 feet if the structures are attached across properties;

(iii) Notwithstanding LC 16.286(7)(a)(ii) above, a structure that contains less than 120 square feet of floor area and that is located more than 10 feet from other structures may be located in the 5-foot setback otherwise required by LC 16.286(7)(a)(ii) above provided it complies with LC 16.290(7)(b) below.

(b) Riparian Setback Area

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

(ii) Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(c) Height

(i) Maximum building or structure height of 40 feet.

(ii) Buildings and structures may be over 40 feet with information from a Fire Protection District confirming the building or structure can be adequately served by the firefighting equipment of the agency providing fire protection.

(iii) 10-foot minimum floor-to-floor height.

(d) Lighting and Signs

(i) Exterior lighting must be directed downward and shielded by enclosure within a full cutoff fixture. A cutoff fixture is one that prevents the light from being directly visible at or above 90 degrees from the light source.

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

(iii) Signs may not be illuminated between the hours of 10 pm and 7 am and in no case be flashing or capable of movement.

(iv) Individual signs are limited to 200 square feet. In no case may total signage on a property exceed one square foot per foot of right-of-way frontage.

(v) Signs must not project above the height of the tallest structure on the property.

(e) Parking

(i) For residential uses, off-street parking shall be provided in accordance with LC 16.250(1).

- (ii) For all other uses, there is no minimum off-street parking requirement.

(8) Additional Subdivision Provisions

Subdivisions, as defined by Lane Code 13.030(3)(kk), in the CFU zone are subject to the following provisions in addition to Lane Code Chapter 13 and any other applicable regulations. The goal of the additional subdivision provisions is to promote safe, comfortable transportation conditions for all modes, enhance bikeability and walkability, and integrate roadway standards better suited for unincorporated communities.

(a) Internal Road Design

New roads or extension of existing roads created as a result of a subdivision within the CFU zone are subject to the following standards:

- (i) Be developed as Local Access Roads (LAR) if generated average daily traffic (ADT) is 100 or less and be accompanied by a perpetual maintenance agreement subject to LC 15.045, 15.053, and 15.706.
- (ii) Notwithstanding LC 15.706(13), on-street parallel parking is allowed on new roads or extensions of existing roads, if proposed at the time of subdivision. If on-street parking is proposed, the minimum private access easement width provided in Table 10 of LC 15.706 and minimum roadway width in Table 11 of LC 15.706 must be increased by 8 feet for each side of the road proposed to be utilized for on-street parking.
- (iii) Be developed as Rural Local Roads if generated ADT is above 100, subject to LC 15.705. (aa) Notwithstanding LC 15.705(14), on-street parallel parking is allowed on new roads or extensions of existing roads, if proposed at the time of subdivision. If on-street parking is proposed, the minimum pavement width provided in Table 9 of LC 15.705 must be increased by 8 feet for each side of the road proposed to be utilized for on-street parking.
- (iv) The subdivision shall be configured to utilize a street grid pattern with street connections and access points as close to 90 degrees as feasible when considering local terrain, slopes, natural hazards, and existing development.

(b) Additional Standards

The following subdivision standards are not approval criteria but are strongly encouraged:

- (i) New roads created as a result of the subdivision should be designed in the most efficient manner to allow emergency services and efficient use of land; and,
- (ii) Opportunities for connective pedestrian infrastructure such as sidewalks and pathways for multi-modal transportation and for recreation should be considered within the subdivision and where connections can be made to existing or planned infrastructure offsite on contiguous properties.

Community Residential (CR)

16.285 Community Residential (CR-RCP)

(1) Purpose

The purposes of the Community Residential Zone (CR) are:

- (a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed lands within unincorporated communities. LC 16.285 does not apply to lands designated by the RCP as non-resource lands;
- (b) To promote a compatible and safe rural community residential living environment by limiting allowed uses and development to primary and accessory rural residential uses and to other rural uses compatible with rural residential uses and the uses of nearby lands;
- (c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP; and
- (d) To provide that LC 16.285 shall not be retroactive and that the Director shall not have authority to initiate compliance with LC 16.285 for uses and development lawfully existing (per LC Chapter 16) on the effective date that LC 16.285 was applied to the subject property.

(2) All development

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

(3) Use Table

Table of Permitted Uses

Table 16.285-1 sets forth the uses allowed subject to Type I, II, or III approval procedures in the community flex-use districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require review using Type I, II, or, III procedures, unless otherwise specified on Table 16.285-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Chapter.

As used in Table 16.285-1:

(a) Uses:

- (i) "A" means the use is outright allowed or permitted subject to standards.
- (ii) "C" means the use is a Conditional Use, subject to Section (5)
- (iii) "X" means use is not allowed.

(b) Procedures:

- (i) "P" means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.

(ii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code and LC 14.030(1)(a).

(iii) Type II uses may be allowed provided a land use application is submitted and approved through the Type II procedure set forth in LC Chapter 14.

(iv) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.

(v) "AL" means Assembly License, subject to LC 3.995.

(vi) "X" means no new use is allowed.

(c) The "Subject To" column identifies any specific provisions of LC 16.285 to which the use is subject. All uses and development are subject to the development standard provisions of LC 16.285(7).

(d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a "permit" as defined by ORS 215.402(4). "...discretionary approval of a proposed development of land..." An owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

Table 16.285-1: Use Table for CR Zones				
I = Type I II = Type II III = Type III				
P = Permitted Outright AL = Assembly License X = Prohibited				
Use		Use Type	Local Procedure	Subject To
1.	Residential			
1.1	Placement, alteration, and maintenance of up to two Single-Family Dwellings; attached or detached, or up to two manufactured dwellings, or a Two-Family Dwelling on a lot or parcel	A	P	
1.2	Accessory Dwelling Unit	A	I	(4)(a)
1.3	Temporary Medical Hardship	A	I	(4)(b)
1.4	Bed and breakfast	A	P	(4)(c)
1.5	One residential home	A	P	
1.6	One childcare facility	A	P	
1.7	Minor home occupation	A	P	(4)(d)
1.8	Home occupation	C	II	(4)(e), (5)

1.9	Guest house	A	P	(4)(f)
1.10	Mobile home park existing on a property prior to 1984	A	P	(4)(g)
2.	Public Facility			
2.1	Public and semipublic buildings and structures	A	P	
2.2	Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).	A	P	
2.3	Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).	C	II	(5), LC 16.265
2.4	Changeout to an existing telecommunication tower	A	I	LC 16.264
2.5	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	LC 16.264
2.6	Collocation to an existing telecommunication tower	C	II	LC 16.264
2.7	New telecommunications tower or replacement tower	C	III	LC 16.264
2.8	Uses similar to permitted uses above	C	II	(5)
3.0	Other			
3.1	Farm uses	A	P	(4)(h)
3.2	Forest uses	A	P	(4)(i)
3.3	Roadside stand	A	P	(4)(j)
3.4	Noncommercial dog kennels	A	P	(4)(k)
3.5	Rock, sand, gravel or loam excavation or extraction	A	P	
3.6	Fish and wildlife habitat management	A	P	

3.7	Structures accessory to the primary use, including convenience and decorative elements	A	P	
3.8	Uses similar to permitted uses above	C	II	(5)
4.0	Outdoor Gatherings			
4.1	An outdoor gathering of fewer than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
4.2	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	C	III	ORS 433.735- 760
4.3	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III (LCPC)	(4)(k)

(4) Use Standards

(a) Accessory Dwelling Units.

(i) Definitions. For the purposes of LC 16.285(4)(a), unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

(a) “Accessory dwelling unit” (ADU) means a residential structure that is used in connection with or that is auxiliary to a single family dwelling or duplex.

(b) “Area zoned for community residential use” means lands that are zoned Community Residential (CR, RCP), not located inside an urban growth boundary as defined in ORS 195.060, and that are subject to an acknowledged exception

to a statewide land use planning goal relating to farmland or forestland and planned and zoned by the county to allow residential use as a primary use.

(c) "Historic home" means a single-family dwelling constructed between 1850 and 1945.

(d) "New" means that the dwelling being constructed did not previously exist in residential or nonresidential form. "New" does not include the acquisition, alteration, renovation or remodeling of an existing structure.

(e) "Usable floor area" means the area included within the surrounding insulated exterior walls of a structure, exclusive of attached garages, carports, decks, stairs, porch covers, or similar appurtenances.

(f) "Vacation occupancy" means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

(aa) The occupant rents the unit for vacation purposes only, not as a principal residence;

(bb) The occupant has a principal residence other than at the unit; and

(cc) The period of authorized occupancy does not exceed 45 days.

(ii) Criteria for ADUs. A lot or parcel may qualify for one (1) ADU pursuant to the criteria under either subsection (k) or (l) below and provided:

(a) The lot or parcel is at least one acres in size;

(b) At least one single-family dwelling or duplex is sited on the lot or parcel;

(c) The lot or parcel is not located within an urban reserve area, consistent with ORS 195.137;

(d) The ADU complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment; and,

(e) The ADU must comply with the property development standards of LC 16.285(7).

(f) A subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling or duplex is situated on a different lot or parcel than the ADU may not be approved.

(g) Only one ADU as defined by LC 16.285(4)(a)(i)(a) is allowed on a qualifying lot or parcel.

(h) ADUs may be allowed subject to submittal of a Type I application pursuant to the procedures of LC Chapter 14.

(i) The provisions of LC 16.285(4)(a) do not apply to guest houses or accessory residential structures, as allowed by LC 16.285(4)(f).

(j) ADUs located on lots or parcels within the boundaries of an area designated by the Rural Comprehensive Plan as being an unincorporated community must have an adequate supply of water. If the lot or parcel is served by an individual water supply system, the system must meet the standards of Lane Manual 9.005.160, or if served by a public or community water system, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.

(k) An ADU in the community residential zone is allowed subject to LC 16.285(4)(a)(ii)(a) through (j) and must meet all of the following standards:

(aa) The ADU will be located no farther than 100 feet from an existing single family dwelling or duplex, measured from a wall of the single-family dwelling to the nearest part of the usable floor area of the ADU.

(bb) The ADU will not include more than 900 square feet of usable floor area as defined by LC 16.285(4)(a)(i)(e).

(cc) The existing single-family dwelling on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.

(dd) The lot or parcel on which the ADU is located is served by a fire protection district that complies with ORS 181A.410.

(ee) The applicant provides written certification from the applicable fire district, on a form prepared by Lane County, that access to the property meets minimum fire district requirements to provide emergency services to the property.

(ff) No portion of the lot or parcel is within a designated area of critical state concern as defined in Oregon Administrative Rule 660-043.

(gg) If the water supply source for the ADU or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.

(hh) The applicant signs and records a restrictive covenant with Lane County Deeds and Records stating that the ADU allowed under this section will not be used for vacation occupancy, as defined by LC 16.285(4)(a)(i)(f).

(ii) An existing single-family dwelling and an ADU allowed under this section are considered a single unit for the purposes of calculating exemptions under ORS 537.545(1).

(jj) The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:

(A) The lot or parcel is in an area identified as a high wildfire hazard zone on the statewide wildfire hazard map described in ORS 477.490; or

(B) No statewide wildfire hazard map has been adopted.

(kk) If the lot or parcel is in an area identified on the statewide wildfire hazard map described in ORS 477.490 as within the wildland urban interface, the lot or parcel and ADU must comply with the defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by the local government pursuant to ORS 476.392.

(l) Conversion of a historic home to an ADU in the community residential zone is allowed subject to LC 16.285(4)(a)(ii)(a) through (j) and provided:

(aa) The owner of a lot or parcel within an area zoned for community residential use constructs a new single-family dwelling or duplex;

(bb) A historic home, as defined by LC 16.285(4)(a)(i)(c), is sited on the lot or parcel;

(cc) The owner converts the historic home to an ADU upon completion of the new single-family dwelling or duplex; and,

(dd) ADUs established pursuant to LC 16.285(4)(a)(ii) may not be:

(A) Altered, renovated, or remodeled so that the usable floor area of the ADU is more than 120 percent of the historic home's usable floor area at the time construction of the new single-family dwelling commenced.

(B) Rebuilt if the structure is deemed a dangerous building due to fire, pursuant to the Uniform Code for the Abatement of Dangerous Buildings, which defines "dangerous building" as "Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location." The applicant must sign and record with Lane County Deeds and Records a restrictive covenant stating that an ADU allowed under this section cannot be rebuilt if deemed a dangerous building as described in this section. (Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.18.10; 7-12, 12.28.12; 14-09, 12.16.14; 15-03, 04.17.15; 20-05, 6.16.20; 23-05, 8.29.23)

(b) Temporary Medical Hardship- Not more than one manufactured home, recreational vehicle or the temporary residential use of an existing building on a lot or parcel, in addition to an existing dwelling, manufactured home or duplex, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured home or duplex, or a relative of the resident, subject to compliance with these requirements:

(i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.

(ii) A resident of the existing dwelling, manufactured home or duplex has a medical hardship and needs care for daily living from a resident of the temporary hardship dwelling; or

(iii) A resident of the temporary hardship dwelling is a relative of a resident of the existing dwelling, manufactured home or duplex, has a medical hardship and needs care for daily living which will be provided by a relative living in the existing dwelling, manufactured dwelling or duplex. 'Relative' means grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece, or nephew or first cousin of a resident of the existing dwelling, manufactured dwelling or duplex.

(iv) Evidence of the medical hardship and a description of the family relationship and assistance with the daily living that will be provided shall be furnished and shall consist of:

(aa) A written statement from a medical physician disclosing the existence of and need for the medical hardship;

(bb) Any family relationship between the person with the hardship and the person who will provide care; and

(cc) The general nature of the care that will be provided.

(v) The temporary hardship dwelling shall be located on the same lot or parcel as the existing dwelling, manufactured home, or duplex.

(vi) The hardship dwelling shall be connected to the same on-site sewage disposal system serving the existing dwelling, manufactured home, or duplex. If that sewage disposal system is not adequate for the connection, as determined by the Lane County Sanitarian, to accommodate the addition of the temporary dwelling, then that sewage disposal system shall be improved to meet the Oregon Department of Environmental Quality (DEQ) requirements in order to accommodate the addition of the temporary dwelling. A separate on-site sewage disposal system meeting DEQ requirements for the temporary dwelling may be used, when in the opinion of the Lane County Sanitarian, connecting the temporary dwelling to the existing sewage disposal system would be impracticable because of the physical conditions of the subject property. The use of the separate sewage disposal system by the temporary dwelling shall be discontinued when the hardship ceases and shall not be used for other purposes unless in compliance with LC Chapter 16.

(vii) The temporary dwelling shall comply with applicable Oregon Department of Environmental Quality review and removal requirements.

(viii) The temporary hardship dwelling shall not be allowed if there is an accessory dwelling unit or guest house on the same lot or parcel.

(ix) Except as provided in LC 16.285(4)(b)(x) below, approval of a temporary hardship dwelling permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.

(x) Within 90 days of the expiration date of the temporary hardship permit, the end of the hardship, or the care provider no longer residing in the temporary hardship dwelling, the hardship dwelling shall be removed from the property, converted to an allowable nonresidential use or demolished.

(c) Bed and Breakfast. Not more than one bed and breakfast accommodation on a lot or parcel and in a dwelling, manufactured dwelling or duplex. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

(d) Minor Home Occupation. A minor home occupation and/or a home office that comply with these conditions:

(i) No more than five persons shall work in the minor home occupation and/or home office, including the operator. With the following exception, these persons shall reside on the lot or parcel where the minor home occupation and/or home office are located: one of these persons may reside off the lot or parcel where the minor home occupation and/or home office are located.

(ii) The minor home occupation and/or home office shall be conducted substantially in the dwelling or in an attached or detached structure and shall not exceed 1,000 square feet in floor area. "Operated substantially in" means indoors except for accessory minor home occupation uses that are normally located outdoors such as: roads or driveways for ingress and egress; areas for loading or unloading business vehicles; parking for vehicles operated as part of the home occupation; screened storage areas and maintenance of minor home occupation vehicles.

(iii) Customers, not including business or delivery vehicles, shall not come for the conduct of business to the property where the minor home occupation and/or home office are located.

(iv) No more than two trips per day shall be made by one or any combination of business delivery vehicles coming to the subject property in conjunction with the minor home occupation and/or home office. This does not include US Postal Service delivery vehicles.

(v) The operation of sound producing tools, machinery and devices shall comply with LC 6.225 PROHIBITED NOISE, and shall comply with this more restrictive requirement. The operation of sound producing tools, machinery and devices as part of the minor home occupation, other than the vehicles of the owner, shall not produce "Plainly Audible Sound," as defined by LC 6.225.005, from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday, or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vi) The operation of the minor home occupation shall comply with LC 9.570 NUISANCE, and shall comply with this more restrictive requirement. Odors from the home occupation shall not be plainly detectable from any boundary of the subject property before 7:30 A.M. or after 5:30 P.M. on Monday through Friday or before 11 A.M. or after 1 P.M. on Saturday through Sunday.

(vii) Advertising signs for the minor home occupation and/or home office shall not be displayed on the subject property or structures on the subject property.

(viii) Outdoor parking of vehicles used with the minor home occupation and/or home office shall not exceed a maximum of two motorized vehicles and two non-motorized

vehicles such as trailers or flatbeds. The operation of these vehicles on the minor home occupation and/or home office property shall be limited to persons who qualify as workers of the minor home occupation and/or home office under LC 16.285(4)(d)(i) above and shall not involve more than three trips per day from and to the minor home occupation and/or home office property.

(ix) Use of buildings or structures for the minor home occupation shall not involve the manufacturing, processing, generation or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the Oregon Structural Specialty Code.

(x) The Building Official shall determine if a building plan review application is necessary and shall issue a report with the determination. Any required building permits and certificates of occupancy shall be obtained by the operator prior to operation of the minor home occupation.

(e) Home Occupation. A home occupation is allowed subject to: prior submittal and approval of a land use application pursuant to Type II procedures of LC Chapter 14; and compliance of the home occupation with the requirements of LC 16.285(4)(e)(i) through (vi) below and where applicable elsewhere in LC Chapter 16.

(i) The purposes of LC 16.285(4)(e) are:

(a) To provide rural property owners with opportunities to work at home and to operate home occupation on their Community Residential zoned land;

(b) To assure that the operation of home occupation will be compatible with nearby uses;

(c) To recognize the uniqueness of each home occupation including its nature and scope, the characteristics of the development site and nearby property, and the impacts that it may have on the development site and nearby properties; and

(d) To comply with Statewide Planning Goal 14 by requiring more intensive commercial and industrial uses to locate in areas appropriately planned and zoned for these uses.

(ii) It shall be operated by a resident of the subject property.

(iii) It shall employ or contract on the subject property no more than five full or part-time persons. The operator shall be considered as one of the five employees.

(iv) It shall be operated substantially in the dwelling or other buildings normally associated with uses allowed by LC 16.285(3) above. Any structure that would not otherwise be allowed by LC 16.285(2) above shall not be allowed for use as a home occupation. LC 16.285(4)(e) above shall be implemented, in part, through compliance with these requirements:

(a) "Operated substantially in" means indoors except accessory home occupation uses that are normally located outdoors such as: advertising signs for the home occupation; roads or driveways for ingress and egress; areas for loading or unloading business vehicles; customer or employee parking spaces; parking for vehicles operated as part of the home occupation; screened storage areas; and outdoor accessory uses similar to the above as determined by the Approval Authority.

(b) To determine if a structure is one that would not otherwise be permitted by LC 16.285(3) above, the external and internal structure shall be examined. If a home occupation requires a special structure within which to operate that is not useable, without significant alteration, for other uses allowed by LC 16.285(3), then the home occupation shall not be allowed.

(c) The amount of building floor area of home occupation shall not exceed 4,000 square feet for any parcel or lot located inside an unincorporated community.

(v) It shall not interfere with existing uses permitted by LC Chapter 16 on nearby land or with other uses allowed by LC 16.285(3) above on nearby parcels without residences. Compliance with LC 16.285(4)(e) above shall include, but shall not necessarily be limited to, addressing the compatibility of these home occupation operation concerns:

(a) The number of business, service and customer vehicles and the adequacy of roads, driveways and parking for these vehicles;

(b) Buffering or screening of outdoor storage allowed under LC 16.285(4)(e)(iv)(a) above;

(c) Fire safety;

(d) The hours of operation;

(e) Any noise or odors;

(f) Outdoor lighting; and

(g) Appropriate handling of chemicals or substances that may be dangerous or harmful to the environment.

(vi) Approval of applications for home occupations are valid until December 31 of the year following the year that the application was initially approved. Prior to the expiration of the December 31 approval date, the property owner or applicant who received the approval shall provide the Director with written request for renewal of approval for the home occupation and written information. The Director shall determine if the home occupation has been operated in compliance with the conditions of approval. Home occupations that continue to be operated in compliance with the conditions of approval will receive a two-year extension of the approval. Home occupations for which a request for renewal of approval has not been received or which do not comply with the conditions of approval shall not be renewed by the Director. The Director shall provide the applicant with written notice of a decision to not renew the approval in accordance with Type II notice of decision procedures of LC Chapter 14. The applicant may appeal the Director's decision to the Hearings Official in accordance with LC 14.080.

(f) Guest House or Accessory Residential Structure. A structure that contains area for residential use or occupancy, that includes a toilet or bathroom, and that complies with these requirements:

(i) The total floor area of the structure is no more than 850 square feet;

(ii) The structure does not contain a kitchen.

(iii) The structure is located on a lot or parcel that has a lawfully existing dwelling or duplex on it and that does not have two or more permanent dwellings, a guest house or another accessory residential structure on it;

(iv) Sewage disposal for the structure is connected to the same onsite sewage disposal system, or community or public sewer connection, and the same electrical meter as the existing dwelling on the same lot or parcel; and

(v) The structure shall not have an address.

(vi) The conversion of a lawfully existing dwelling to an accessory residential guesthouse that complies with these requirements:

(aa) The dwelling for the conversion shall be a lawful dwelling existing on the date of the adoption of this requirement;

(bb) The kitchen sink and cooking facilities shall be removed from the existing dwelling and not replaced. When the kitchen sink is removed, the plumbing shall be capped-off at the wall, and the kitchen sink shall not be replaced. When the cooking facilities are removed, the power source shall be removed. Any 220 circuits used for the cooking facilities shall be disconnected at the circuit box and approval of any required electrical permits for the disconnection shall be obtained, and the electrical circuit and cooking facilities shall not be replaced. Except for a bathroom and/or a laundry sink, a sink or cooking facilities shall not be located elsewhere in the guest house structure;

(cc) The address shall be removed from the guesthouse and not replaced;

(dd) The property owner shall record a covenant with the Lane County Clerk disclosing that a kitchen sink or cooking facilities cannot be placed in the guest house and that it is an accessory residential use that cannot be separated from the remainder of the parcel that contains the dwelling

(g) Lawfully existing mobile home park. For mobile homes to be located in lawfully existing mobile home parks, the setbacks from a projected or existing right-of-way of a County or local-access public road shall be the same as required in LC 16.285(7), and lesser setbacks from all other mobile home lot lines are permitted if in compliance with Oregon Administrative Rules, Chapters 918-600.

(h) Farm uses. Subject to conditions and limitations provided herein:

(i) The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required for each animal listed below:

(a) One horse, cow or swine per acre;

(b) One goat or sheep per half acre;

(ii) A minimum of 500 square feet of area shall be required for each chicken, other fowl or rabbit kept on the property.

(iii) The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet of lot area and shall be located no closer than 20 feet from any property line.

(i) Roadside stand for the sale of any agricultural produce where more than one half of the gross receipts result from the sale of produce grown on the tract where the roadside stand is located.

(j) Noncommercial dog kennels, subject to conditions and limitations provided herein:

(i) For more than three dogs over four months of age, there shall be at least 5,000 square feet of lot area for each dog on the lot.

(ii) Where the lot area is 20 acres or less, the maximum number of dogs over four months shall be eight.

(iii) Where the lot area exceeds 20 acres and where more than eight dogs over four months of age are accommodated, kennel structures and fenced runs shall be required for all such dogs in excess of eight and shall be located at least 100 feet from any adjoining property.

(iv) All dogs shall be owned by the kennel owner, except those temporarily kept for purposes of breeding.

(5) Conditional Use Review Criteria

Approval Criteria. Uses and development listed as Conditional in Table LC 16.285(3)-1, except for telecommunication facilities allowed in LC 16.285(3)(2.4)-(2.7) above, shall comply with the requirements in LC 16.285(5) below. Telecommunications facilities allowed by LC 16.285(3)(2.4)-(2.7) above shall comply with the requirements in LC 16.264.

(a) Shall not create significant adverse impacts on existing uses on adjacent and nearby lands or on uses permitted by the zoning of adjacent or nearby undeveloped lands;

(b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands;

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

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

(6) Area

The creation of new lots and parcels shall comply with LC Chapter 13 and with the following requirements:

(a) The minimum area requirement for the creation of lots or parcels for residential purposes shall be one (1) acre. An exception to this area requirement may be pursuant to LC 16.285(6)(b) below.

(b) The creation of new parcels smaller than the minimum area required by LC 16.285(6)(a) above may be allowed if all of these conditions exist:

(i) The parcel to be divided contains less than the minimum area needed by LC 16.285(6)(a) above to divide it and, after October 4, 2000, was not reduced in area by a boundary line adjustment to below the area needed to divide it;

- (ii) The parcel to be divided has two or more lawful (not in violation of LC Chapter 16) and permanent habitable dwellings or manufactured dwellings or duplexes on it;
- (iii) The permanent habitable dwellings, manufactured dwellings on the parcel were established before October 4, 2000;
- (iv) Each new parcel created by the partition would have at least one of those permanent habitable dwellings or manufactured dwellings on it;
- (v) The partition would not create any vacant parcels where a new dwelling or manufactured dwelling could be established; and
- (vi) "Habitable dwelling" means a dwelling, that:
 - (aa) Has intact exterior walls and roof structure;
 - (bb) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (cc) Has interior wiring for interior lights; and
 - (dd) Has a heating system.

(7) Development Standards

All uses or development permitted by LC 16.285(3), except as may be provided therein, shall comply with the following development standards:

- (a) Property Line Setbacks. Structures other than a fence or sign shall be located:
 - (i) At least 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15;
 - (ii) At least 10 feet from all other property lines;
 - (iii) Notwithstanding LC 16.285(7)(a)(ii) above, a structure that contains less than 120 square feet of floor area and that is located more than 10 feet from other structures may be located in the 5-foot setback otherwise required by LC 16.285(7)(a)(i) above provided it complies with LC 16.285(7)(c) below.
- (b) The setback for property lines other than front-yard shall be five (5) feet, except as provided below, for any lot or parcel containing less than 1 acre and created prior to March 30, 1984.
- (c) Riparian Setback Area. Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 50 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 50 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met.

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

(e) Height. None.

(f) Signs.

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

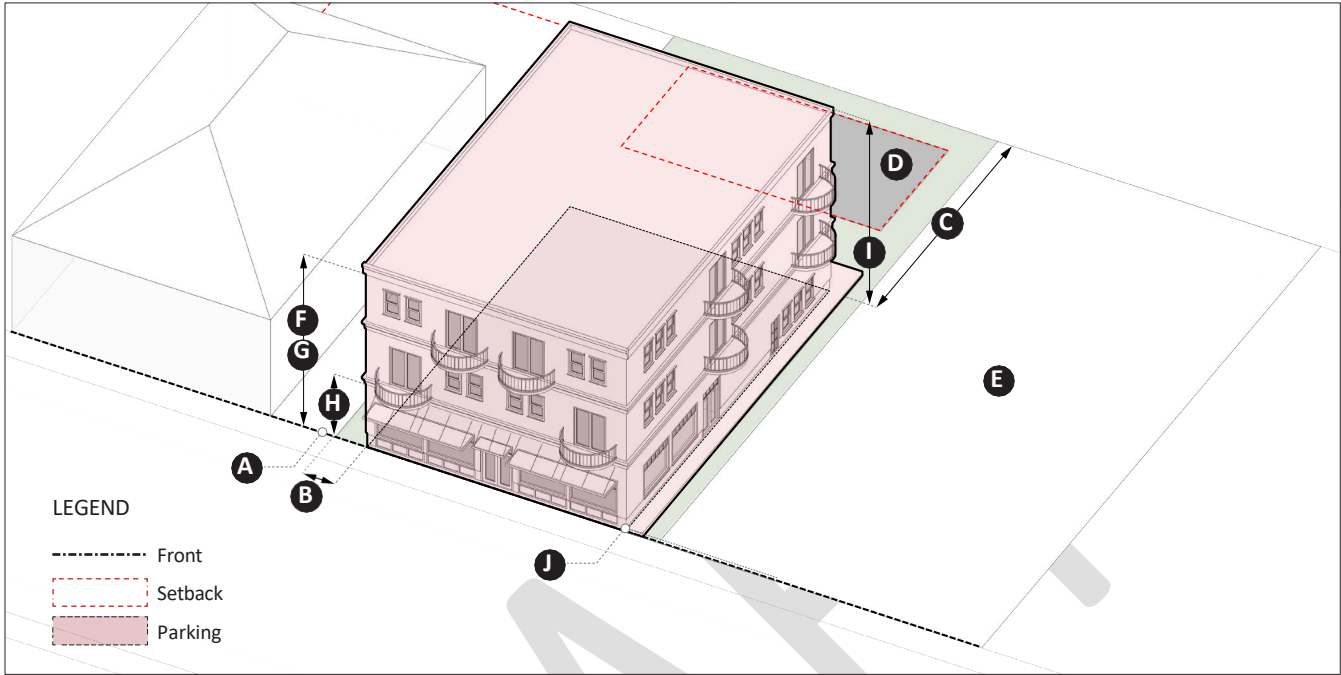
(ii) Signs shall not be illuminated or capable of movement.

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

DRAFT

Blue River Drive Overlay

16.287 Blue River Drive Overlay (BRDO)



Use (see Note 1)	
Ground floor:	commercial (retail, service, office), residential, semi-public, and public uses
Upper floor(s):	commercial (retail, service, office, trade), residential, semi-public, and public uses
Placement (see Note 2)	
Front setback	0 ft min.; 15 ft max. A
Side setback	0 ft min. for attached uses; 5 ft min. for detached uses; <i>see Note 2</i> B
Rear setback	0 ft min. for attached uses; 5 ft min. for detached uses; <i>see Note 2</i> C
Parking	<i>see Note 5</i> D
Coverage	
Lot area	no min. E
Lot coverage	100% max.
Height	
Minimum number of floors	no min. F
Maximum number of floors	3 floors G
Floor to floor height	10 ft min. H
Building height	40 ft max.; <i>see Note 6</i> I
Ground floor elevation	<i>see Note 9</i> J
Parking	
Number of spaces	no min. requirement; <i>see Note 5 for placement</i>

- Notes**
1. Recommended: If a building is Mixed-Use, ground floor should be commercial.
 2. Additional standards may apply to attached structures.
 3. Primary building entrances must be located along Blue River Drive and oriented towards Blue River Drive. If the property does not front Blue River Drive, the building must be oriented towards the street from which access is taken and the primary entrance shall be located along that street.
 4. Accessory uses shall not be located between the front façade of the primary use and the street.
 5. Off-street parking shall not be located between the front façade of the structure and the street.
 6. Building height is subject to review and comment by local fire authority. Buildings may be taller than 40 feet with a fire department sign-off.
- Other Applicable Standards**
7. Pedestrian walkways must be provided to connect the building primary entrance to the public right of way.
 8. Access shall be designed to encourage pedestrian and bicycle use and shall facilitate vehicular movements with minimum interference or hazards for through traffic. Access may be subject to review and approval of the County Engineer or State Department of Transportation. The dedication of additional right-of-way and construction of street improvements by the applicant may be required to facilitate traffic circulation.
 9. Recommended: Ground floor residential primary entrances are elevated 18" above grade in order to differentiate residential and commercial uses.
 10. Recommended: Residential uses entirely above the ground floor should have a balcony at least four feet deep.

Park and Recreation Zone (PR-RCP)

Lane Code 16.215

In order to allow community drainfields and other public-serving infrastructure to this existing zoning district the following language is proposed:

Lane Code 16.215(2)

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

This language was chosen because a similar use is listed as permitted outright in another section of Lane Code that is geared towards parks and recreation; Lane Code 16.295 Rural Park and Recreation. Changing the existing zoning means this use will be allowed anywhere that is already zoned Park and Recreation, therefore precaution should be taken when introducing new uses allowed outright. The existing setbacks in LC 16.215(6) are appropriate for public or semipublic structures.

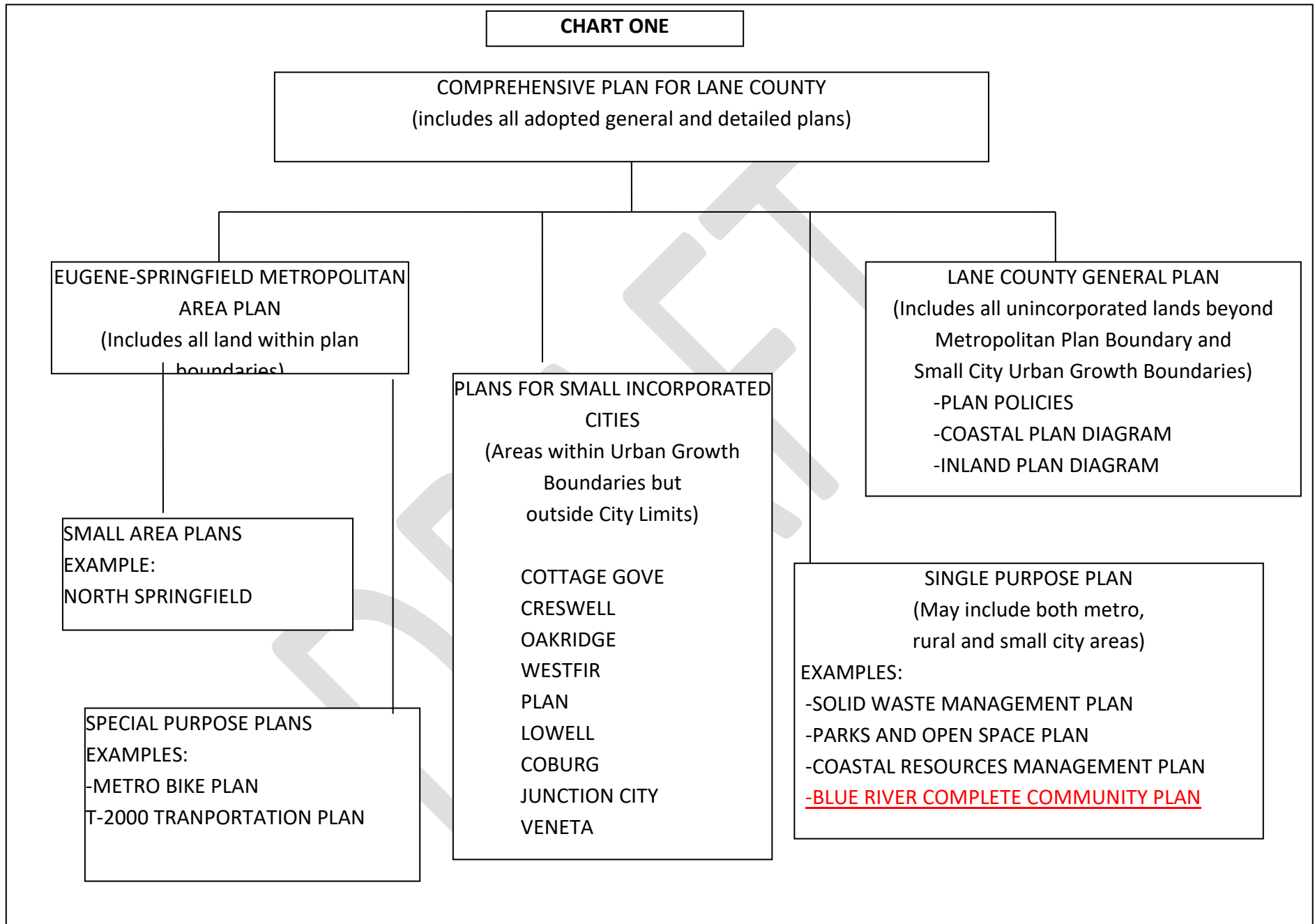
Comprehensive Plan Amendments

Proposed Introductory Material Amendment

Chart One

The chart on the following page is found on page 6 of Lane County Rural Comprehensive Plan General Plan Policies 1984 (RCP). In Part I: Introductory Material, Chart One diagrams the relationship of the elements of the RCP and indicates relationships with other portions of the RCP. It is proposed that the Blue River Complete Community Plan be added in the appropriate location on this chart, as a “Single Purpose Plan”.

DRAFT



Proposed Policy Amendments

Goal Two: Land Use Planning

Policy 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 ma1 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:

F. Blue River: upon the adoption of the Blue River Complete Community Plan (Ord. _____, 2024) density shall be set by community-specific zoning,

Minimum lot or parcel sizes will be contingent upon evidence that the creation of lots or parcels can accommodate wastewater treatment in accordance Lane Code 13.060(1)(g). 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);"~~

This policy limits the minimum size of lots or parcels to one acre on properties that were previously zoned RR1. The community of Blue River was originally platted in the early 1900s and the sizes of the lots downtown were generally less than 0.2 acres. In order to maintain the existing development pattern and create a more dense and walkable community where there are both opportunities to live and work, this policy must be revised.

Policy 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 Operation Combining	/QM-RCP
Natural Resource	Sand, Gravel and Rock Products	SG-RCP
Natural Resource	Sand, Gravel and 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.		
<u>Flex Use, Community</u>	<u>Community Flex Use</u>	<u>CFU, RCP</u>
<u>Flex Use, Community</u>	<u>Blue River Drive Overlay</u>	<u>/BRDO, RCP</u>

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
<u>Rural, Community</u>	<u>Community Residential</u>	<u>CR, RCP</u>
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 Material/Mitigation Site Comb.	/DMS-RCP
Beaches & Dunes	Beaches and Dunes Combining	/BD-RCP
	Floodplain Combining	/FP-RCP
	Commercial Airport Safety District	/CAS-RCP
	Airport Safety District	/AS-RCP
Airport	Airport Operation	AO-RCP
	Private Use Airport Overlay	/PUAP-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.

Goal Eleven: Public Facilities

Proposed addition of the new zoning districts that will apply to unincorporated communities:

Policy 6: "Land designations and service levels:

f. Community (CR, CFU, RR-1, RR-2, RR-5, RR-10, RA, RG, C1, C2, C3, M2, M3)

Description: Land that has an existing cohesive, dense settlement and development pattern to the degree that it may no longer be considered available for other uses. (Refer to Goal #2, Policy #10, for the characteristics an exception area must have to receive a Community designation.)

Service Level: Schools, on-site or community sewage disposal, individual or community water supply, electrical service, telephone service, rural level of fire and police protection, reasonable access to solid waste disposal facility

This policy lists the zoning districts that fall within designated unincorporated communities, and the new Community Residential and Community Flex Use zones should be added to the list.

DRAFT

Community Boundary

Findings shall be made to address pertinent goals and policies of the Rural Comprehensive Plan and Statewide Planning Goals in order to incorporate Assessor's Map and Tax Lots 16-45-21-00-00201 and 16-45-21-00-00204 into the Rural Unincorporated Community Boundary of the community of Blue River.



Existing Community Boundary



Proposed Community Boundary

July 30, 2024

Lindsey Eichner, Assistant Planning Director
Lane County Land Management Division
3050 North Delta Highway
Eugene, Oregon 97408

RE: Blue River Complete Community Plan and Three Sisters Meadow (202225/1.3)
**Planning Commission - Public Testimony for the proposed Blue River Complete
Community Plan and Lane Code Amendments**

Dear Lindsey:

On behalf of the current property representatives of the Three Sisters Meadow (“3SM”) site, we are writing to provide public testimony about the proposed *draft* Blue River Complete Community Plan (“Plan”) and proposed amendments to the Lane Code (“LC”). We greatly appreciate the high level of coordination and open communication during the concurrent public Blue River Complete Community Plan and the private Three Sisters Meadow Concept Master Planning projects. Please enter this letter into the public record for consideration by the County staff, Lane County Planning Commission, and the Lane County Board of County Commissioners.

BLUE RIVER COMPLETE COMMUNITY PLAN

The following section lists a topic area of the proposed Plan and a general description of the issue in ***bold italicized*** text. Our testimony follows each issue statement in normal text.

Issue 1: Community Plan Goals and Objectives

The plan includes goals and objectives that are intended to reflect community input and priorities. The focus is communitywide; however, certain passages are relevant to 3SM.

Comment: Where applicable, Goals and Objectives are consistent with the 3SM community outreach and concept master planning processes. Specifically, the actionable item – Objective 1 – under Goal 3. Transportation Accessibility calls for the development of a multi-modal paved trail between downtown Blue River and the McKenzie Schools campus. Objective 1 is consistent with the community input received during the 3SM listening sessions and outreach efforts. The 3SM representatives understand that there are two currently proposed alignments: (1) parallel to and abutting Blue River Drive along the northern 3SM property boundary and (2) adjacent to Highway 126 along the southern 3SM property boundary and the McKenzie Community Track.

Issue 2: Proposed Plan Designation – Flex Use/Community

The plan proposes to change the current Industrial plan designation to a new designation Flex Use/Community.

Lane County Planning Commission
Blue River Complete Community Plan Public Testimony
July 30, 2024
Page 2 of 3

Comment: The redesignation of 3SM from the Industrial to the Flex Use/Community plan designation is consistent with the community input received during the 3SM listening sessions and outreach efforts. During the 3SM community outreach efforts, the participating community members identified three preferred land uses: open space and recreation, housing, and industrial, along with slightly lower levels of support for commercial development and small-scale lodging uses. The proposed redesignation to Flex Use/Community enables this range of land uses and development types.

***Issue 3: Proposed Rural Comprehensive Plan Policy Amendments
The proposed amendments to Policies 11 and 25 of the Land Use Planning element and
Policy 6 of the Public Facilities element.***

Comment: The proposed Policy Amendments are consistent with the community input received during the 3SM listening sessions and community outreach efforts. The contingency provided for the potential development of a community-wide wastewater system was a high priority for the community expressed during the 3SM community outreach process. This approach wisely accounts for the future infrastructure provision. Similarly, the private 3SM master plan diagram has reserved viable areas on the site for potential additional development, which would be enabled only when there is additional wastewater treatment capacity. This allowance, along with the proposed policy language that defers density calculations to the specific zoning district standards, is a forward-looking strategy that allows the County and property owners to be adaptable as infrastructure capacity expands. It also facilitates potentially avoiding time consuming and expensive future planning processes and/or applications.

***Issue 4: Proposed Zoning – Community Flex-Use
To implement the proposed Flex/Community plan designation, the site is proposed to be
zoned Community Flex-Use.***

Comment: The proposed zone change of 3SM from the Rural Industrial zone to the proposed Community Flex Use zone is consistent with and enables the preferred uses identified during the 3SM listening sessions and community outreach efforts.

***Issue 5: Multi-Use Trail
The County plan includes a proposed multi-modal trail to connect downtown Blue River
and the McKenzie School. The proposed trail runs next to River Street, along the northside
of Highway 126 adjacent to 3SM, and then turning northwesterly across the McKenzie
Community Track and Field complex toward Blue River Drive and the school.***

Comment: The 3SM representatives support the proposed project and general trail alignment. As described above regarding Objective 1, providing a multi-use trail between downtown Blue River and the McKenzie Schools campus improves connectivity and safety for people walking and biking. This is consistent with community input received during the 3SM listening sessions and community outreach efforts, which identified passive recreation (i.e., walking/jogging trails) and improved transportation connections (i.e., multi-use paths) as high priorities for the site.

Lane County Planning Commission
Blue River Complete Community Plan Public Testimony
July 30, 2024
Page 3 of 3

Issue 6: Community Wastewater System

The plan acknowledges that the County and Blue River community have approved the 3SM site as one of two potential sites for a community wastewater drain field system location.

Comment: The 3SM representatives support the placement of the Community Wastewater System on the 3SM site. An online survey conducted by 3SM representatives was used to solicit community input as a complementary tool to the in-person listening session and site tour. Most survey respondents – 86 percent – supported siting the Community Wastewater System at 3SM. Also, it should be recognized that the original land donation intended for the 3SM site to be used to address a community need or purpose. The community recognizes that a potential Community Wastewater System fulfills that intent.

LANE COUNTY LAND USE AND DEVELOPMENT CODE – PROPOSED CODE AMENDMENTS

The attached Zoning Code Amendments document is annotated with comments that recommend changes, identify areas of concern, and provide possible clearer alternative code language to the proposed amendments. Largely, the comments are in response to the 3SM listening sessions and community outreach efforts that could affect the 3SM site. In some instances, our review has included suggestions that improve overall clarity, user friendliness, and code administration based on our professional experience working with codes throughout the state of Oregon serving both private and public clients.

CONCLUSION

As noted previously, the 3SM team has greatly appreciated the working relationships among all parties during the various on-going projects in the McKenzie River Valley. It is clear that everyone is committed to supporting Blue River and the surrounding community.

Thank you for incorporating this letter into the public record and for considering the revisions to the current proposed draft plan and code amendments. We think these revisions will better serve development of the Three Sisters Meadow site and support overall redevelopment of Blue River.

Sincerely,



Zach Galloway, AICP
Senior Planner

ZG/kt

Enclosures: Draft Blue River Amendments_LCPC WS-ANNOTATED, dated July 30, 2024

cc: Lane Tompkins, Board President, *McKenzie Community Land Trust*
Brandi Ferguson, Interim Executive Director, *McKenzie Community Land Trust*

Z:\PROJ\202225 MCLT Three Sisters Meadow\Corresp\Agency\LCPC_Ltr-2024.07.30.docx

Zoning Code Amendments

In order to implement the Blue River Complete Community Plan, several zoning code additions, and amendments to existing code must be made. This will be accomplished by adopting two zoning districts and one new overlay:

- Community Flex-Use Zones (CFU)

COMMENT: The CFU zone is proposed to be applied to the Three Sisters Meadow (3SM) site. The CFU zone allows a range of land use and development types that are consistent with the input and direction received during the Three Sisters Meadow (3SM) community involvement phase.

- Community Residential (CR)
- Blue River Drive Overlay (BRDO)

COMMENT: The CR zone and BRDO overlay zone are proposed to be applied in downtown Blue River. It is not applied to the Blue River Drive corridor that abuts the 3SM site.

It will also include an amendment to the existing Park and Recreation Zone that is implemented by Lane Code 16.215.

Community Flex-Use Zone (CFU)

16.286 Community Flex-Use (CFU-RCP)

COMMENT: Is there a purpose or benefit in applying the Rural Comprehensive Plan acronym RCP here? If not, we recommend removing RCP to achieve consistency in the terminology, improve clarity, and avoid confusion.

(1) Purpose

The purpose of the Community Flex-Use (CFU-RCP) Zone is to allow maximum flexibility in residential, commercial, and light industrial uses within a community Boundary that is more densely developed than typically allowed in rural Lane County. The CFU zone is also intended to allow for development flexibility.

The minimum parcel size and other standards established by this zone are intended to promote a tight-knit rural community character.

COMMENT: The capitalization of Boundary suggests that the term has significance or is a term of law. Please clarify the importance or revise to be lower case letter.

COMMENT: We understand that Blue River is a listed “rural unincorporated community” in the Lane County Rural Comprehensive Plan. This term has regulatory significance both in local code and state land use planning statutes. If the “community boundary” above does refer to the rural unincorporated community, we request using the formal term for clarity of purpose and intent.

(2) All Development

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

COMMENT: It appears that this is a development standard that applies to all development. As such, is it appropriate to move this text to fall under subsection (7) with the other development standards? This suggested change concentrates all standards in a single code section, which improves clarity.

(3) Use Table

Table of Permitted Uses

Table 16.286-1 sets forth the uses allowed subject to Type I, II, or III approval procedures in the community flex-use districts. This table applies to all new uses, expansions of existing uses, and changes of use when the expanded or changed use would require review using Type I, II, or, III procedures, unless otherwise specified on Table 16.286-1. All uses and their accessory buildings are subject to the general provisions, special conditions, additional restrictions and exceptions set forth in this Chapter.

As used in Table 16.286-1:

(a) Uses:

- (i) "A" means the use is outright allowed or permitted subject to standards.
- (ii) "C" means the use is a Conditional Use, subject to Section (5)
- (iii) "X" means use is not allowed.

(b) Local Procedures:

COMMENT: We note that Table 16.286-1 uses the term "Local Procedures." As frequent code users, we appreciate the use of consistent terminology to assist in more efficient use and understanding of the code.

- (i) "P" means the use is permitted outright; uses and activities and their accessory buildings and uses are permitted subject to the general provisions set forth by this Chapter.
- (ii) Type I uses and activities are permitted subject to the general provisions and exceptions set forth by this chapter of Lane Code and LC 14.030(1)(a).
- (iii) Type II uses may be allowed provided a land use application is submitted and approved through the Type II procedure set forth in LC Chapter 14.

(iv) Type III uses may be allowed provided a land use application is submitted and approved by the Hearings Official pursuant to LC Chapter 14.

(v) "AL" means Assembly License, subject to LC 3.995.

(vi) "X" means no new use is allowed.

(c) The "Subject To" column identifies any specific provisions of LC 16.286 to which the use is subject. All uses and development are subject to the development standard provisions of LC 16.286(7).

(d) A determination by the Director for whether or not a use fits within the classification of uses listed as Type I, Permitted Outright, or Assembly License in the use table may constitute a "permit" as defined by ORS 215.402(4). "...discretionary approval of a proposed development of land..." An owner of land where the use would occur therefore may request to elevate review of a Type I, Permitted Outright, or Assembly License use to a Type II land use application pursuant to LC Chapter 14. The burden of proof in the application will be upon the owner of land to demonstrate that the proposed use fits within the classification.

Table 16.286-1: Use Table for CFU Zones				
I = Type I II = Type II III = Type III				
P = Permitted Outright AL = Assembly License X = Prohibited				
Use		Use Type	Local Procedure	Subject To
1.	Residential			
1.1	Placement, alteration, and maintenance of up to two Single-Family Dwellings attached or detached, and/or manufactured dwellings, or a Two-Family Dwelling (<u>Duplex</u>) on a lot or parcel	A	P	

COMMENT: It appears that some terms employed as permitted uses in the Table are inconsistent with the codified definitions; this is the case where LC 16.090 includes the word "(Duplex)" to clarify Two-Family Dwelling. This could be interpreted by code users as an intentional decision. We suggest consistent use of codified terms throughout the code, where applicable, to provide clarity and avoid unintended interpretations.

1.2	Placement, alteration, and maintenance of a Multiple Dwelling on a lot or parcel	A	P	(4)(c)
1.3	Accessory Dwelling Unit	A	P	(4)(d)
1.4	Guest House	A	P	(4)(e)

1.5	Temporary Medical Hardship	A	I	(4)(f)
1.6	Bed and breakfast	A	P	(4)(g)
1.7	One residential home, childcare facility, group home or nursing home	A	P	
1.8	Minor home occupation and/or home office	A	P	
2.	Commercial			
2.1	Retail	A	I	(4)(a)
2.2	Indoor or outdoor recreational activities	A	I	(4)(a)

COMMENT: Based on the codified definitions of high- and low-intensity recreation, we interpret the Indoor or outdoor recreational activities permitted use as including athletic facilities, such as a potential expansion of the neighboring McKenzie Community Track and Field or other athletic facility use. Based on conversation with County staff, we understand that this interpretation is accurate, and the current permitted use accounts for athletic facility uses.

2.3	Eating or drinking establishments	A	I	(4)(a)
2.4	Service stations	A	I	(4)(a)
2.5	Offices and personal business services	A	I	(4)(a)
2.6	Churches	A	I	(4)(a)
2.7	Cemeteries	A	I	(4)(a)
2.8	Indoor and outdoor theaters, other spaces providing artistic or performance opportunities	A	I	
2.9	Equipment rental and leasing service	A	I	
2.10	Veterinarian clinics	A	I	

2.11	Commercial kennel	C	II	(5)
2.12	Marijuana retail sales	C	II	(5), LC 16.420
2.13	Campground, glamping and camping vehicle park	C	II	(5)
2.14	Uses similar to permitted uses above	C	II	(4)(a)
3.	Industrial			
3.1	Light manufacturing	A	I or II	(4)(a) or (5)

COMMENT: *The Light manufacturing use is categorized as Allowed, and per note (5), a Conditional Use Permit may be required. This is relevant to the 3SM site, as many community members are interested in potential light manufacturing development. Does noting Allowed in the table indicate that only certain Light manufacturing uses require a CUP? Further clarity is recommended to improve user friendliness and future code administration.*

4.	Agricultural			
4.1	Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses	A	P	(4)(h)
5.0	Public Uses and Facilities			
5.1	Public and semipublic buildings, structures and uses rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations and wells.	A	I	(4)(a)
5.2	Publicly oriented uses such as libraries, community centers, medical facilities, post offices, etc.	A	I	(4)(a)
5.3	Transportation facilities and uses as specified in LC 16.265(3)(a) through (m).	A	P	
5.4	Transportation facilities and uses as specified in	C	II	(5), LC 16.265

Lane County Planning Commission
 Zoning Code Amendments Public Testimony
 July 30, 2024
 Page 6 of 22

	LC 16.265(3)(n) through (q).			
5.5	Changeout to an existing telecommunication tower	A	I	LC 16.264
5.6	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	LC 16.264
5.7	Collocation to an existing telecommunication tower	C	II	LC 16.264
5.8	New telecommunications tower or replacement tower	C	III	LC 16.264
5.9	An onsite sewage disposal system for a use on a nearby property	A	P	(4)(i)
5.10	Parks, playgrounds, outdoor community gathering spaces, picnic areas	A	I	(4)(a)
5.11	Publicly oriented infrastructure such as bike parking and bike maintenance, public restrooms, paths or trails, outdoor tourist attractions featuring displays of education or historical value, etc.	A	P	
5.12	Community sewerage facilities and drainfields	A	I	(4)(a)
5.13	Uses similar to permitted uses above	C	II	(4)(b), (5)
6.0	Other			
6.1	Maintenance, repair, or replacement of lawfully (per LC Chapter 16) existing uses and development not authorized elsewhere by LC 16.286-1.	A	P	

6.2	Fish and wildlife habitat management	A	P	
6.3	Structures and uses accessory to the primary use, including convenience and decorative elements	A	P	
<u>6.4</u>	<u>Parking Area not directly related to a primary use on the same development site</u>	<u>A</u>	<u>P</u>	

COMMENT: The 3SM site is currently used for overflow parking for the neighboring McKenzie Community Track and Field during athletic events. The feedback from the community through the 3SM listening sessions and community outreach efforts is that they would like the 3SM site to continue to be used for this purpose. Space for this potential use has been incorporated into the 3SM concept master plan diagram to acknowledge its importance to the community. The proposed use above will allow the permanent (or temporary) use of a portion of 3SM for parking spaces that are dedicated to a permitted use on a different parcel. [The proposed text was excerpted from the City of Eugene land use code as an example.]

7.0	Outdoor Gatherings			
7.1	An outdoor gathering of fewer than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period	A	P or AL (if over 1,000 persons)	LC 3.995
7.2	An outdoor mass gathering of more than 3,000 persons, that is not anticipated to continue for more than 120 hours in any three-month period, and which is held primarily in open spaces and not in any permanent structure as provided in ORS 433.735-760	C	III	ORS 433.735-760

7.3	Any outdoor gathering of more than 3,000 persons that is anticipated to continue for more than 120 hours in any three-month period is subject to review by the Planning Commission under ORS 433.763, notwithstanding Type III Hearings Official review	C	III	(4)(j)
-----	---	---	-----	--------

(4) Use Standards

(a) Commercial Use Compatibility Standards.

(i) Parking - Does not need to follow parking minimums of LC 16.250 but any off-street parking must meet requirements of Oregon Structural Specialty Code.

(ii) Hazards - Commercial or Industrial uses must not involve the manufacturing, processing, generation, or storage of materials that constitute a high fire, explosion or health hazard as defined by Section 307 of the Oregon Structural Specialty Code.

(iii) Occupancy - Commercial or Industrial uses must not exceed that of Class B occupancy loads as classified by the Oregon Structural Specialty Code.

COMMENT: Is there a reason why the draft code co-mingles building code requirements with the land use code? This can create unnecessary complexities, may create difficulty in code administration, and could force design processes to be out of sequence. If possible, we suggest that the land use code be used to determine the preferred outcome and avoid regulating across codes that involve different disciplines. For example, the land use code typically dictates permitted uses and development types within a certain zoning district. Introducing occupancy types from the building code can create confusion by giving the appearance that a use is allowed in Table 16.286-1, only to have that precluded by the building code. If this proposed language is intended to address a land use of particular concern, is it possible to provide a list of prohibited uses and remove references to the building code?

(iv) Outdoor Storage - Outdoor storage of materials or merchandise on a property with a commercial use must not encompass more than five percent of the property area. For purposes of this provision, the property area will be considered the tax lot area.

(v) Floor Space - One commercial use shall not take place in a building or buildings that exceed 4,000 square feet of floor space.

COMMENT: After discussing the above criterion with County staff, it is our understanding that the intent is to apply the square footage limitation to the use, not the building. Therefore, the text above needs to be revised because as currently written, it can be interpreted that the building area is also limited to 4,000 square feet, which precludes efficient multi-tenant buildings at 3SM or in downtown Blue River, as well as efficient and effective building construction and functional use.

(b) Uses Similar. A Uses Similar finding shall be made by the Planning Director, upon request of an applicant, with the exception of development within the Blue River Drive Overlay. It shall be the applicant's responsibility to provide sufficient information to allow the Director to make the above determination. Such a finding shall apply the following criteria:

- (i) Use is consistent with the purpose and intent of the District
- (ii) Comparison of the proposed use with those now permitted outright, within this District, as measured by:
 - (a) Bulk, size, and operating characteristics of the proposed use.
 - (b) Parking demand, customer types and traffic generation.
 - (c) Intensity of land use of the site.
 - (d) Potential demand for public facilities and services.
 - (e) Products or services produced or vended on or from the site.

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

COMMENT: Subpart (iii), above, is not a criterion. It is a procedural clarification of the applicant's responsibility. Therefore, we recommend it be deleted from the list of criteria and moved to the introductory text in subsection (b), as shown above.

(c) Multiple Dwelling. Placement of a Multiple Dwelling is allowed where no other single-family dwelling, manufactured home or duplex exist on the property.

(d) Accessory Dwelling Units.

(i) Definitions. For the purposes of LC 16.286(4)(d), unless otherwise specifically provided, certain words, terms, and phrases are defined as follows:

(a) "Accessory dwelling unit" (ADU) means a residential structure that is used in connection with or that is auxiliary to a single-family dwelling (attached or detached) or duplex.

(b) "Historic home" means a single-family dwelling constructed between 1850 and 1945.

(c) "New" means that the dwelling being constructed did not previously exist in residential or nonresidential form. "New" does not include the acquisition, alteration, renovation, or remodeling of an existing structure.

(d) "Usable floor area" means the area included within the surrounding insulated exterior walls of a structure, exclusive of attached garages, carports, decks, stairs, porch covers, or similar appurtenances.

(e) "Vacation occupancy" means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:

(aa) The occupant rents the unit for vacation purposes only, not as a principal residence;

(bb) The occupant has a principal residence other than at the unit; and

(cc) The period of authorized occupancy does not exceed 45 days.

(ii) Criteria for ADUs. A lot or parcel may qualify for one (1) ADU pursuant to the criteria under either subsection (xi) or (xii) below and provided:

(a) At least one single-family dwelling (attached or detached) or duplex is sited on the lot or parcel, but no more than a total of two dwelling units already exist on the lot or parcel;

(b) The ADU complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment; and,

(c) The ADU must comply with the property development standards of LC 16.286(7).

(d) A subdivision, partition or other division of the lot or parcel so that the existing single-family dwelling (attached or detached) or duplex is situated on a different lot or parcel than the ADU may not be approved.

(e) Only one ADU as defined by LC 16.286(4)(d)(i) and allowed by LC 16.286(3)(1.3) is allowed on a qualifying lot or parcel.

(f) ADUs may be allowed subject to submittal of a Type I application pursuant to the procedures of LC Chapter 14.

(g) The provisions of LC 16.286(4)(d) do not apply to guest houses or accessory residential structures.

(h) ADUs located on lots or parcels within the boundaries of an area designated by the Rural Comprehensive Plan as being an unincorporated community must have an adequate supply of water. If the lot or parcel is served by an individual water supply system, the system must meet the standards of Lane Manual 9.005.160, or if served by a public or community water system, the applicant must submit evidence that the service agency is mutually bound and able to serve the development.

(i) An ADU in the community flex use zone is allowed subject to LC 16.290(4)(d)(ii)(a) through (j) and must meet all of the following standards:

(aa) The ADU will be located no farther than 100 feet from the existing single-family dwelling (attached or detached) or duplex, measured from a wall of the single-family dwelling (attached or detached) or duplex to the nearest part of the usable floor area of the ADU.

COMMENT: As shown above, there are several references to LC 16.290. These appear to be vestiges of a prior code amendment process or drafting a different zoning district. As currently drafted, the references lead to non-existent or unrelated code sections.

COMMENT: The terms applied to specific residential dwelling uses in Table 16.286-1 are not consistently used elsewhere in the code. Is this intentional to differentiate the uses here from elsewhere in the code? If this was not an intentional difference, please review for consistent use of terms to avoid unintended future complications. Note that there are additional inconsistencies within section (d) that we recommend reviewing and revising as applicable.

(bb) The ADU will not include more than 900 square feet of usable floor area as defined by LC 16.286(4)(d)(i)(d).

(cc) The existing single-family dwelling (attached or detached) or duplex on the lot or parcel is not subject to an order declaring it a nuisance or subject to any pending action under ORS 105.550 to 105.600.

(dd) The lot or parcel on which the ADU is located is served by a fire protection district that complies with ORS 181A.410.

(ee) The applicant provides written certification from the applicable fire district, on a form prepared by Lane County, that access to the property meets minimum fire district requirements to provide emergency services to the property.

(ff) No portion of the lot or parcel is within a designated area of critical state concern as defined in Oregon Administrative Rule 660-043.

(gg) If the water supply source for the ADU or associated lands or gardens will be a well using water under ORS 537.545 (1)(b) or (d), no portion of the lot or parcel is within an area in which new or existing ground water uses under ORS 537.545 (1)(b) or (d) have been restricted by the Water Resources Commission.

(hh) The applicant signs and records a restrictive covenant with Lane County Deeds and Records stating that the ADU allowed under this section will not be used for vacation occupancy, as defined by LC 16.286(4)(d)(i)(e).

(ii) An existing single-family dwelling (attached or detached) or duplex and an ADU allowed under this section are considered a single unit for the purposes of calculating exemptions under ORS 537.545(1).

(jj) The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:

(A) The lot or parcel is in an area identified as a high wildfire hazard zone on the statewide wildfire hazard map described in ORS 477.490; or

(B) No statewide wildfire hazard map has been adopted.

(kk) If the lot or parcel is in an area identified on the statewide wildfire hazard map described in ORS 477.490 as within the wildland urban interface, the lot or parcel and ADU must comply with the defensible space requirements for wildfire risk reduction established by the State Fire Marshal under ORS 476.392 and any applicable local requirements for defensible space established by the local government pursuant to ORS 476.392.

(j) Conversion of a historic home to an ADU in the community flex use zone is allowed subject to LC 16.286(4)(d)(ii)(a) through (h) and provided:

(aa) The owner of a lot or parcel within an area zoned for community flex uses constructs a new dwelling unit;

(bb) A historic home, as defined by LC 16.286(4)(d)(i)(b), is sited on the lot or parcel;

(cc) The owner converts the historic home to an ADU upon completion of the dwelling unit; and,

(dd) ADUs established pursuant to LC 16.286(4)(d)(ii)(j) may not be:

(A) Altered, renovated, or remodeled so that the usable floor area of the ADU is more than 120 percent of the historic home's usable floor area at the time construction of the new dwelling commenced.

(B) Rebuilt if the structure is deemed a dangerous building due to fire, pursuant to the Uniform Code for the Abatement of Dangerous Buildings, which defines "dangerous building" as "Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location." The applicant must sign and record with Lane County Deeds and Records a restrictive covenant stating that an ADU allowed under this section cannot be rebuilt if deemed a dangerous building as described in this section. (Revised by Ordinance No. 6-02, Effective 5.16.02; 10-04, 6.4.04; 5-04, 7.1.04; 6-10, 9.18.10; 7-12, 12.28.12; 14-09, 12.16.14; 15-03, 04.17.15; 20-05, 6.16.20; 23-05, 8.29.23)

(e) Guest House or Accessory Residential Structure. A structure that contains area for residential use or occupancy, that includes a toilet or bathroom, and that complies with these requirements:

COMMENT: Current Lane Code definitions (LC 16.090) include “Guest House, Employee Quarters.” Is another definition or revision to the current definition needed to provide clarity?

- (i) The total floor area of the structure is no more than 850 square feet;
- (ii) The structure does not contain a kitchen;
- (iii) The structure is located on a lot or parcel that has a lawfully existing single-family dwelling (attached or detached) or duplex on it and that does not have two or more permanent dwellings, a guest house or another accessory residential structure on it;

COMMENT: We interpret this passage to be internally inconsistent because the first clause allows something – a duplex – and then precludes it in the second clause – “does not have two or more permanent dwellings.” The fire-stricken areas of the McKenzie River Valley need housing of all types. Please consider allowing more housing to take place within Blue River, as well as other rural unincorporated communities, by revising the second clause to state “does not have three or more permanent dwellings.”

- (iv) Sewage disposal for the structure is connected to the same onsite sewage disposal system, or community or public sewer connection, and the same electrical meter as the existing dwelling on the same lot or parcel; and
- (v) The structure shall not have an address.
- (vi) The conversion of a lawfully existing dwelling to an accessory residential structure or guest house is allowed if it complies with these requirements:

COMMENT: As noted above, the inconsistent use of terms applied to permitted land uses suggest to readers that there is an intentional difference. Similarly, blending terms can cause confusion. Is the intent to use Guest House and Accessory Residential Structure interchangeably? If so, then please be consistent to ensure clarity and/or revise definition.

- (a) The dwelling for the conversion shall be a lawful dwelling existing on the date of the adoption of this requirement;
- (b) The kitchen sink and cooking facilities shall be removed from the existing dwelling and not replaced. When, the kitchen sink is removed, the plumbing shall be capped-off at the wall, and the kitchen sink shall not be replaced. When the cooking facilities are removed, the power source shall be removed. Any 220 circuits used for the cooking facilities shall be disconnected at the circuit box and approval of any required electrical permits for the disconnection shall be obtained, and the electrical circuit and cooking facilities shall not be replaced. Except for a bathroom and/or a laundry sink, a sink or cooking facilities shall not be located elsewhere in the guest house structure;

(c) The address shall be removed from the guesthouse and not replaced;

(d) The property owner shall record a covenant with the Lane County Clerk disclosing that a kitchen sink or cooking facilities cannot be placed in the guest house and that it is an accessory residential structure use that cannot be separated from the remainder of the parcel that contains the dwelling

(f) Temporary Medical Hardship - Not more than one manufactured home, recreational vehicle or the temporary residential use of an existing building on a lot or parcel, in addition to an existing dwelling, manufactured home or duplex, as a temporary use for the term of a medical hardship suffered by a resident of the existing dwelling, manufactured home or duplex, or a relative of the resident, subject to compliance with these requirements:

(i) The property owner or authorized representative of the property owner shall submit to the Director an application on the form provided by the Director.

(ii) A resident of the existing dwelling, manufactured home or duplex has a medical hardship and needs care for daily living from a resident of the temporary hardship dwelling; or

(iii) A resident of the temporary hardship dwelling is a relative of a resident of the existing dwelling, manufactured home or duplex, has a medical hardship and needs care for daily living which will be provided by a relative living in the existing dwelling, manufactured dwelling or duplex. 'Relative' means grandparent, step grandparent, grandchild, parent, stepparent, child, brother, sister, step sibling, aunt, uncle, niece or nephew or first cousin of a resident of the existing dwelling, manufactured dwelling or duplex.

(iv) Evidence of the medical hardship and a description of the family relationship and assistance with the daily living that will be provided shall be furnished and shall consist of:

(a) A written statement from a medical physician disclosing the existence of and need for the medical hardship;

(b) Any family relationship between the person with the hardship and the person who will provide care; and

(c) The general nature of the care that will be provided.

(v) The temporary hardship dwelling shall be located on the same lot or parcel as the existing dwelling, manufactured home, or duplex.

(vi) The hardship dwelling shall be connected to the same on-site sewage disposal system serving the existing dwelling, manufactured home, or duplex. If that sewage disposal system is not adequate for the connection, as determined by the Lane County Sanitarian, to accommodate the addition of the temporary hardship dwelling, then that sewage disposal system shall be improved to meet the Oregon Department of Environmental Quality (DEQ) requirements in order to accommodate the addition of the temporary dwelling. A separate on-site sewage disposal system meeting DEQ requirements for the temporary dwelling

may be used, when in the opinion of the Lane County Sanitarian, connecting the temporary dwelling to the existing sewage disposal system would be impracticable because of the physical conditions of the subject property. The use of the separate sewage disposal system by the temporary dwelling shall be discontinued when the hardship ceases and shall not be used for other purposes unless in compliance with LC Chapter 16.

(vii) The temporary hardship dwelling shall comply with applicable Oregon Department of Environmental Quality review and removal requirements.

(viii) The temporary hardship dwelling shall not be allowed if there is an accessory living structure, as defined by LC 16.286(4)(f)(i) through (vi), on the same lot or parcel.

COMMENT: During the 3SM community outreach process, housing was identified as one of the top 3 preferred land uses. Is it possible to provide a pathway for the development of more housing? In this case, could a temporary hardship dwelling be allowed to convert to a permanent dwelling or ADU, especially due to subsection (viii) above limiting the number of structures consistent with adding an ADU? Where infrastructure supports such an increase in residential density, there are likely other means to enable more housing within the rural unincorporated communities and with this planning effort, it is a beneficial time to consider all of the possible opportunities.

(ix) Except as provided in LC 16.286(4)(f)(x) below, approval of a temporary hardship dwelling permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements.

(x) Within 90 days of the expiration date of the temporary hardship permit, the end of the hardship, or the care provider no longer residing in the temporary hardship dwelling, the hardship dwelling shall be removed from the property, converted to an allowable nonresidential use or demolished.

(g) Bed and Breakfast. Not more than one bed and breakfast accommodation on a lot or parcel and in a dwelling, manufactured dwelling or duplex. A bed and breakfast accommodation shall have no more than five sleeping rooms provided on a daily or weekly period, not to exceed 29 consecutive days, for the use of travelers or transients for a charge or fee. Provision of a morning meal is customary as implied by title.

COMMENT: The Lane Code definition (LC 16.090) for bed and breakfast includes the development standards in the above subsection (g), such as the 5 room limitation. Because these are embedded in the codified definition, subsection (g) could be removed from the development standards section, thereby avoiding redundancy, improving brevity, and allowing the existing definition to guide development review.

Also, if there is interest in establishing unique room counts based on geographic locations, consider removing this level of regulatory control from the codified definitions and tailoring standards to a specific location in the zoning district development standards.

(h) Raising and harvesting crops or the feeding, breeding and management of livestock, poultry or fur bearing animals, including structures for these uses. Animals and bees shall not exceed the following numbers per each acre of the subject CFU zoned property:

(i) One goat, sheep, llama or alpaca per 8,000 square feet not including offspring younger than 6 months old from one of the female animals being counted.

(ii) 10 chickens, other fowl or rabbits per 8,000 square feet.

(iii) The number of colonies of bees allowed on a property shall be limited to one colony for each 8,000 square feet of lot area and shall be located no closer than 15 feet from any property line.

(iv) One horse, cow, or swine per acre not including offspring younger than 6 months old from one of the female animals being counted.

(i) An onsite sewage disposal system for a use on an adjacent property. The property shall be contiguous along a boundary or a point of the subject property including those separated by the right-of-way of a road. The sewage disposal system on an adjacent property must be accompanied by a perpetual access and maintenance easement.

(j) Any outdoor gathering of more than 3,000 people for more than 120 hours within any three-month period must comply with the following requirements:

(i) The applicant has complied or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

(ii) The proposed gathering is compatible with existing land uses;

(iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and

(iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

(5) Conditional Use Review Criteria

Approval Criteria. Uses and development listed as Conditional in LC 16.286(3), except for telecommunication facilities allowed in LC 16.286(3)(5.5)-(5.8), shall comply with the requirements in LC 16.286(5) below. Telecommunications facilities allowed by LC ~~16.286(3)(5.5)-(5.8). 16.290(4)(d)~~ above shall comply with the requirements in LC 16.264.

(a) The proposed use and development ~~S~~ shall not create significant adverse impacts on existing uses on adjacent and nearby lands or on uses permitted by the zoning of adjacent or nearby undeveloped lands;

(b) Where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby lands;

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

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

COMMENT: Note that “adjacent” and “nearby” are synonyms. We recommend deleting “nearby” for brevity. If the intent here was to include contiguous and nearby parcels, we recommend using “abutting” and “adjacent” to improve clarity.

(6) Area

The minimum area requirement for the creation of lots or parcels shall be 8,000 square feet.

COMMENT: We understand that at approximately 5 dwelling units per acre, the current proposed minimum lot size is a significant increase in residential density over the density allowed by the existing zoning. We understand from County staff that the 8,000 square foot limitation is based on an estimate of the area needed to accommodate an average house size, an on-site septic drain field, and a replacement drain field. Despite this reasoning, we recommend an alternative approach that allows a smaller minimum lot size, such as 5,000 square feet, contingent upon one of the following conditions:

- ***a future community wastewater system is constructed, and the lot is connected to the system; or***
- ***the smaller lot is connected to a private, shared private wastewater system that is off-site on a different lot, thereby negating the need for the larger area dedicated to an active and replacement drain field.***

Another benefit to reducing the minimum lot size area is reduction of hardships created by a nonconforming status. Consider that many of the existing lots in and around downtown Blue River are less than 8,000 square feet. This is the opportunity to remove the nonconforming status from numerous lots, thereby alleviating a regulatory burden in the ongoing rebuilding efforts.

(7) Development Standards

All uses or development permitted by LC 16.286(3), except as may be provided therein, shall comply with the following development standards:

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

(i) At least 5 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15;

(ii) At least 5 feet from all other property lines, 0 feet if the structures are attached across properties;

(iii) Notwithstanding LC 16.286(7)(a)(ii) above, a structure that contains less than 120 square feet of floor area and that is located more than 10 feet from other structures may be located in the 5-foot setback ~~otherwise required by LC 16.286(7)(a)(ii) above~~ provided it complies with LC 16.290(7)(b) below.

(b) Riparian Setback Area

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

(ii) Maintenance, removal and replacement of indigenous vegetation within the riparian setback area designated for riparian vegetation protection by the comprehensive plan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(c) Height

(i) Maximum building or structure height of 40 feet.

COMMENT: The codified definitions of building and structure are quite broad. A cross reference to the Lane Code section governing telecommunications towers or an exception would help avoid internal inconsistencies and difficulties in code administration.

(ii) Buildings and structures may be over 40 feet with information from a Fire Protection District confirming the building or structure can be adequately served by the firefighting equipment of the agency providing fire protection.

(iii) 10-foot minimum floor-to-floor height.

COMMENT: The above standard in subpart (iii) lacks clarity and needs additional description for readers to understand how to meet the standard. For example, where will the exact 10-foot dimension be applied? Will the standard be applied to all development, both residential and commercial? There may be an example from a local form-based code that commonly regulate heights by stories for instance.

(d) Lighting and Signs

- (i) Exterior lighting must be directed downward and shielded by enclosure within a full cutoff fixture. A cutoff fixture is one that prevents the light from being directly visible at or above 90 degrees from the light source.

COMMENT: The inclusion of Dark Sky concepts is consistent with community input received at the January listening session for 3SM.

- (ii) Signs must not extend over a public right-of-way or project beyond the property line.
- (iii) Signs may not be illuminated between the hours of 10 pm and 7 am and in no case be flashing or capable of movement.
- (iv) Individual signs are limited to 200 square feet. In no case may total signage on a property exceed one square foot per foot of right-of-way frontage.
- (v) Signs must not project above the height of the tallest structure on the property.

(e) Parking

- (i) For residential uses, off-street parking shall be provided in accordance with LC 16.250(1).
- (ii) For all other uses, there is no minimum off-street parking requirement.

(8) Additional Subdivision Provisions

Subdivisions, as defined by Lane Code 13.030(3)(kk), in the CFU zone are subject to the following provisions in addition to Lane Code Chapter 13 and any other applicable regulations. The goal of the additional subdivision provisions is to promote safe, comfortable transportation conditions for all modes, enhance bikeability and walkability, and integrate roadway standards better suited for unincorporated communities.

(a) Internal Road Design

New roads or extension of existing roads created as a result of a subdivision within the CFU zone are subject to the following standards:

- (i) Be developed as Local Access Roads (LAR) if generated average daily traffic (ADT) is 100 or less and be accompanied by a perpetual maintenance agreement subject to LC 15.045, 15.053, and 15.706.

(ii) Notwithstanding LC 15.706(13), on-street parallel parking is allowed on new roads or extensions of existing roads, if proposed at the time of subdivision. If on-street parking is proposed, the minimum private access easement width provided in Table 10 of LC 15.706 and minimum roadway width in Table 11 of LC 15.706 must be increased by 8 feet for each side of the road proposed to be utilized for on-street parking.

(iii) Be developed as Rural Local Roads if generated ADT is above 100, subject to LC 15.705. (aa) Notwithstanding LC 15.705(14), on-street parallel parking is allowed on new roads or extensions of existing roads, if proposed at the time of subdivision. If on-street parking is proposed, the minimum pavement width provided in Table 9 of LC 15.705 must be increased by 8 feet for each side of the road proposed to be utilized for on-street parking.

(iv) The subdivision shall be configured to utilize a street grid pattern with street connections and access points as close to 90 degrees as feasible when considering local terrain, slopes, natural hazards, and existing development.

COMMENT: It appears that many of the citations refer to existing applicable code sections in Chapter 15. We recommend including only those standards that are unique to the CFU zone and avoiding redundancy, which can result in internal inconsistency when the external sections are revised. Also, according to conversation with County staff, the intent here is to ensure that all new roads, including private roads, are built to public County standards. If that is the case, we recommend a simple statement to that effect and reference to the existing standards in Chapter 15, except where unique standards are proposed in Blue River.

(b) Additional Standards

The following subdivision standards are not approval criteria but are strongly encouraged:

(i) New roads created as a result of the subdivision should be designed in the most efficient manner to allow emergency services and efficient use of land; and,

(ii) Opportunities for connective pedestrian infrastructure such as sidewalks and pathways for multi-modal transportation and for recreation should be considered within the subdivision and where connections can be made to existing or planned infrastructure offsite on contiguous properties.

Lane County Planning Commission
Zoning Code Amendments Public Testimony
July 30, 2024
Page 22 of 22

Use <i>(see Note 1)</i>	
Ground floor:	commercial (retail, service, office), residential, semi-public, and public uses
Upper floor(s):	commercial (retail, service, office, trade), residential, semi-public, and public uses
Placement <i>(see Note 2)</i>	
Front setback	0 ft min.; 15 ft max.
Side setback	0 ft min. for attached uses; 5 ft min. for detached uses; <i>see Note 2</i>
Rear setback	0 ft min. for attached uses; 5 ft min. for detached uses; <i>see Note 2</i>
Parking	<i>see Note 5</i>
Coverage	
Lot area	no min.
Lot coverage	100% max.
Height	
Minimum number of floors	no min.
Maximum number of floors	3 floors
Floor to floor height	10 ft min.
Building height	40 ft max.; <i>see Note 6</i>
Ground floor elevation	<i>see Note 9</i>
Parking	
Number of spaces	no min. requirement; <i>see Note 5 for placement</i>

Notes

1. Recommended: If a building is Mixed-Use, ground floor should be commercial. [Delete this or add incentive.](#)
2. Additional standards may apply to attached structures.
3. Primary building entrances must be located along Blue River Drive and oriented towards Blue River Drive. If the property does not front Blue River Drive, the building must be oriented towards the street from which access is taken and the primary entrance shall be located along that street.
4. Accessory uses shall not be located between the front façade of the primary use and the street.
5. Off-street parking shall not be located between the front façade of the structure and the street.
6. Building height is subject to review and comment by local fire authority. Buildings may be taller than 40 feet with a fire department sign-off.

Other Applicable Standards

7. Pedestrian walkways must be provided to connect the building primary entrance to the public right of way.
8. Access shall be designed to encourage pedestrian and bicycle use and shall facilitate vehicular movements with minimum interference or hazards for through traffic. Access may be subject to review and approval of the County Engineer or State Department of Transportation. The dedication of additional right-of-way and construction of street improvements by the applicant may be required to facilitate traffic circulation.
9. Recommended: Ground floor residential primary entrances are elevated 18" above grade in order to differentiate residential and commercial uses. [Delete this or add incentive.](#)
10. Recommended: Residential uses entirely above the ground floor should have a balcony at least four feet deep. [Delete this or add incentive.](#)

COMMENT: *It appears that not all notes are referenced in the regulatory table above. To ensure the standards are enforceable, consider how to create a nexus between the adjacent table, which is clearly regulatory, and the notes, which appear to stand alone. This could be achieved through additional references, such as the existing parentheticals, or a brief introductory statement placed above the image that describes how to use the table and notes. These possible revisions establishing a connection should clarify that all notes are applicable.*

Also, as noted above, recommendations have little weight. Consider deleting or providing an incentive of some sort to achieve the desired outcome.

Lastly, has staff considered allowances for an SUP in cases where the proposed development does not meet the exact "letter" of the code and proposes an alternative approach to meet the intent of the code? This is an effective tool to allow flexibility to accommodate potential existing site and/or design challenges or opportunities, and it can allow for a more fitting outcome(s).