

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO: 24-08

IN THE MATTER OF AMENDING LANE CODE
CHAPTER 16 TO IMPLEMENT THE BLUE RIVER
COMPLETE COMMUNITY PLAN BY ADDING THE
COMMUNITY RESIDENTIAL ZONE, COMMUNITY
FLEX USE ZONE, AND BLUE RIVER DRIVE OVERLAY
ZONE, AMENDING THE PARK AND RECREATION
ZONE, AND ADOPTING A SAVINGS AND
SEVERABILITY CLAUSE (FILE NO. 509-PA23-05691),
(LC16.012, LC16.215, LC16.285, LC16.286, LC16.287,
AND LC16.400)

WHEREAS, Blue River was designated as a rural unincorporated community in the Lane County Rural Comprehensive Plan in 1984, adopted by the Board of County Commissioners; and

WHEREAS, as a rural unincorporated community, Blue River is subject to the State's Unincorporated Communities Rule, OAR Chapter 660-022; and

WHEREAS, in September 2020, the Holiday Farm Fire burned hundreds of structures in the McKenzie River Valley, including in Blue River; and

WHEREAS, the development of the Blue River Complete Community Plan and associated plan and zoning amendments is a Transportation and Growth Management Program (TGM) grant funded project. The grant received by Lane County is funding consultants to collaborate on this project; and

WHEREAS, on August 6, 2024, the Lane County Planning Commission held a public hearing and continued the hearing until August 20, 2024; and

WHEREAS, on August 20, 2024, the Lane County Planning Commission held a continued public hearing, deliberated on the matter, and recommended approval of the proposal with specific amendments; and

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

WHEREAS, the Board of County Commissioners of Lane County has conducted a public hearing and is now ready to take actions.

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

Lane Code Chapter 16 is amended by removing, substituting and adding the following sections:

REMOVE THESE SECTIONS

16.012
16.215
n/a

INSERT THESE SECTIONS

16.012
16.215
16.285

n/a	16.286
n/a	16.287
16.400	16.400

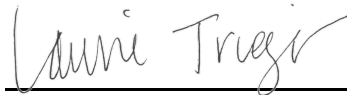
These sections are attached hereto as and incorporated herein by this reference. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion constitutes a separate, distinct and independent provision, and such holding does not affect the validity of the remaining portions hereof.

Nothing herein is intended to, nor acts to amend, replace, or otherwise conflict with any other ordinances of Lane County or any other Code or statutory provisions unless expressly so stated.

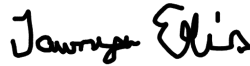
FURTHER, although not a part of this Ordinance, the Board of County Commissioners adopts findings set forth in **Exhibit A**.

This Ordinance will go into effect 30 days after Board adoption or upon Acknowledgement by the Land Conservation and Development Commission, whichever is later.

ENACTED this 29th day of October 2024.



Laurie Trieger, Chair
Lane County Board of Commissioners



Recording Secretary for this Meeting of the Board

16.012 Zone Classifications.

For the purpose of this chapter of Lane Code, the following zones are hereby established:

<u>Zone Classification</u>	<u>Abbreviation</u>	<u>Section No.</u>
Nonimpacted Forest Lands	F-1, RCP	16.210
Impacted Forest Lands	F-2, RCP	16.211
Exclusive Farm Use	E-RCP	16.212
Natural Resource	NR-RCP	16.213
Marginal Lands	ML RCP	16.214
Park and Recreation	PR-RCP	16.215
Quarry and Mining Operations	QM-RCP	16.216
Sand, Gravel and Rock Products	SG-RCP	16.217
Sand, Gravel and Rock Products Combining Processing	SG-CP-RCP	16.218
Public Facility	PF-RCP	16.219
Limited Commercial	C-1, RCP	16.220
Neighborhood Commercial	C-2, RCP	16.221
Commercial	C-3, RCP	16.222
Rural Commercial	C-R, RCP	16.223
Limited Industrial	M-1, RCP	16.224
Light Industrial	M-2, RCP	16.225
Heavy Industrial	M-3, RCP	16.226
Inmate Work Camp	IWC, RCP	16.227
Suburban Residential	RA-RCP	16.229
Garden Apartment Residential	RG-RCP	16.230
Rural Residential	RR-RCP	16.231
Destination Resort	DR-RCP	16.232
Historic Structures or Sites Combining	/H-RCP	16.233
Natural Estuary	/NE-RCP	16.234
Conservation Estuary	/CE-RCP	16.235
Development Estuary	DE-RCP	16.236
Significant Natural Shorelands Combining	/SN-RCP	16.237
Prime Wildlife Shorelands Combining	/PW-RCP	16.238
Natural Resources Conservation Combining	/NRC-RCP	16.239
Residential Development Shorelands Combining	/RD-RCP	16.240
Shorelands Mixed Development Combining	/MD-RCP	16.241
Dredge Material/Mitigation Site Combining	/DMS-RCP	16.242
Beaches and Dunes Combining	/BD-RCP	16.243
Floodplain Combining	/FP-RCP	16.244
Commercial Airport Safety District	/CAS-RCP	16.245
Airport Safety District	/AS-RCP	16.246
Airport Operation	AO-RCP	16.247
Clear Lake Watershed Protection	CLWP-RCP	16.258
Community Residential	CR-RCP	16.285
Community Flex Use	CFU-RCP	16.286
Blue River Drive Overlay	BRDO-RCP	16.287
Rural Residential	RR, RCP	16.290
Rural Commercial	RC, RLP	16.291
Rural Industrial	RI, RCP	16.292
Rural Public Facility	RPF, RCP	16.294
Rural Park and Recreation	RPR, RCP	16.295

Private Use Airport Overlay /PUAO-RCP 16.296

Interchange Area Management Plan /IAMP-RCP 16.297

Combining Zone

(Revised by Ordinance No. 7-87, Effective 6.17.87; 17-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91; 6-98, 12.2.98; 6-02, 5.16.02; 15-07, 2.1.08; 6-11, 7.21.11)

**PARK AND RECREATION ZONE (PR-RCP)
RURAL COMPREHENSIVE PLAN**

16.215 Park and Recreation Zone (PR-RCP).

(1) Purpose. The purpose of the Park and Recreation Zone (PR-RCP) is:

(a) To establish zones within which a variety of recreational activities may be conducted as outright permitted uses without interference from other nonrecreational uses.

(b) To establish standards and criteria to permit and conditionally permit recreational activities within areas for which a built upon or committed exception to a Statewide Planning Goal has been taken, or within a designated nonresource area, or within resource areas for which an exception to a Statewide Planning Goal has not been taken.

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Area Comprehensive Plan.

(d) To implement the policies of the Lane County Rural Area Comprehensive Plan.

(2) Permitted Uses. The following uses and activities are permitted in any area zoned PR-RCP subject to the general provisions and exceptions specified by this Chapter of Lane Code. Uses listed below may be subject to Site Review procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.

(d) Farm use.

(e) Towers and fire stations for forest fire protection.

(f) Water intake facilities, canals and distributions lines for farm irrigation and ponds.

(g) Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

(h) The following transportation facilities and uses:

(i) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or new parcels result.

(iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed.

(iv) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of ways

existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vii) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(viii) Changes in the frequency of transit, rail and airport services.

(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 or CR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR or CR zoned property to screen the utility substations or buildings from the view of the RR or CR zoned property and shall be maintained.

(3) Uses Subject to Director Approval. The following uses are allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14. The uses in LC 16.215(3)(a)-(i) may be allowed subject to conformance with the applicable approval criteria of LC 16.215(5) below. The uses in LC 16.215(3)(j)-(o) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

(a) Private hunting and fishing operations without any lodging accommodations.

(b) Caretaker residences for public parks and public fish hatcheries.

(c) Parks.

(d) Campgrounds for areas devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and not including intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A camping site may be occupied by a tent, travel trailer or recreational vehicle.

(e) Aids to navigation and aviation.

(f) Water intake facilities, related treatment facilities, pumping stations and distribution lines.

(g) The following transportation facilities and uses:

(i) Construction of additional passage and travel lanes requiring the acquisition of additional right-of-way but not resulting in the creation of new parcels.

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new parcels.

(iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new parcels.

(iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.

(v) Park and ride lots.

- (vi) Railroad mainlines and branchlines.
- (vii) Pipelines.
- (viii) Navigation channels.
- (ix) Subject to LC 16.215(10)(h), realignment as defined in LC 15.010 not otherwise allowed under LC 16.215(2) or LC 16.215(3).
- (x) Subject to LC 16.215(10)(h), replacement of an intersection with an interchange.
- (xi) Subject to LC 16.215(10)(h), continuous median turn lanes.
- (xii) Subject to LC 16.215(10)(h), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.
- (xiii) Subject to LC 16.215(10)(h), transportation facilities, services and improvements other than those listed in LC 16.215 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.
- (h) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and the following requirements.
 - (i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.
 - (ii) Only minor incidental and accessory retail sales are permitted.
 - (iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission.
 - (iv) Accommodations are located within 1/4 mile of fish-bearing Class I waters.
 - (i) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.
 - (j) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.
 - (k) Additional local distribution lines within existing rights-of-way (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.
 - (l) Temporary portable facility for the primary processing of forest products.
 - (m) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.
 - (n) Uninhabitable structures accessory to fish and wildlife enhancement.
 - (o) A youth camp that complies with LC 16.215(12) below. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130.
- (4) Uses Subject to Hearings Official Approval. The following uses may be allowed subject to prior submittal and approval of an application pursuant to Type III

procedures of LC Chapter 14 and provided the requirements in LC 16.215(5) below are met:

(a) Firearms training facility.
 (b) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and the following requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and
 (ii) Only minor incidental and accessory retail sales are permitted.
 (iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

(5) Criteria for Uses Subject to Approval by the Director or Hearings Official. Uses authorized by LC 16.215(3)(a)-(i) and (4) above may be allowed provided the following requirements are met:

(a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

(c) For uses authorized above in LC 16.215(3)(c) and (d), a written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

(d) For uses authorized above in LC 16.215(4), the proposed uses will not significantly conflict with the liveability and appropriate uses on adjacent and nearby lands.

(6) Permitted Uses Within An Exception Area. The following uses and activities are permitted whenever the subject property is included within an area for which a built upon or committed exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan and subject to Site Review procedures as may be required in LC 16.257:

(a) Any of the uses permitted within the above LC 16.215(2) or LC 16.215(3).

(b) Retail trade of food or new general merchandise conducted within a building not exceeding 750 square feet in total floor area.

(c) Golf courses with or without a country club.

(d) Riding stables.

(e) Bowling.

(f) Gymnasium or athletic club.

(g) Yachting clubs.

(h) Motel, hotel, lodges and other forms of recreational lodging. Any of the above lodging uses may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(i) Game rooms, miniature golf, go cart tracks.

(j) Boat rentals or boat storage and incidental minor repairs and sale of gas.

(k) Country clubhouse for a golf course which may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(7) Uses Subject to Hearings Official Approval. The following uses and activities are conditionally permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14, and subject to the compliance with the conditional use criteria specified in LC 16.215(8) below:

- (a) Race track.
- (b) Amusement park, carnival, circus.
- (c) Stadium.
- (d) Fairgrounds and amusement park.
- (e) Recreational shooting.
- (f) Airport and flying field.

(8) Exception Area Conditional Use Permit Criteria. Uses conditionally permitted above in LC 16.215(7) shall be subject to compliance with the following criteria:

(a) The subject property is included within an area for which an exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan.

(b) The proposed use will not adversely affect the livability, appropriate use, natural resources or scenic character of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and capacity of surrounding streets; and to any other relevant impact to the use.)

(c) The proposed use will not be adversely affected by natural hazards, such as floods, slides, erosion.

(d) The proposed use will not alter the stability of the overall land use pattern in the area nor interfere with farm and forest practices and will be compatible with the retention of existing and potential forest uses on the surrounding forest lands. The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(e) The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(9) Exception Area Property Development Standards. All uses or activities permitted or conditionally permitted by LC 16.215(6) and (7) above, except commercial forest practices regulated by the Oregon Forest Practices Act, shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) 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 100 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 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the 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.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous

vegetation within the riparian setback area 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.

(d) 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.

(10) Forest and Farm Area Siting Standards. The following siting standards shall apply to all new structures and dwellings and other uses as specified above in LC 16.215(3) and (4), except for uses regulated under the Oregon Forest Practices Act. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest or farm lands. The standards in LC 16.215(10)(a)-(b) below shall be weighed together with the requirements in LC 16.215(10)(c) and (e) below to identify any sites for a residence.

(a) Setbacks. Residences and structures shall be sited as follows:

(i) Near residences on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope; and

(ii) With minimal intrusion into forest areas undeveloped by nonforest uses; and

(iii) Where possible, when considering LC 16.215(10)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) The riparian setback area shall be the area between a line 100 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 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met; and

(v) Not closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(bb) 10 feet from all other property lines.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Safety Measures. Residences, structures and roads shall comply with the following fire safety measures:

(i) Fuel Breaks. Fuel breaks around residences shall be maintained as follows:

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

Size of the Primary Safety Zone by Percent Slope

% Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0	30	0
10	30	50
20	30	75
25	30	100
40	30	150

Building shall be restricted to slopes of less than 40 percent.

(bb) Secondary Fuel Break. The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(ii) Fire Suppression Water Supplies. An adequate fire suppression system shall be provided. Unless otherwise authorized by the local fire official, the minimum acceptable system shall include the following:

(aa) A water supply such as a pond, stream, tank, well, sump or any combination thereof, together with a delivery system capable of sustaining a volume of 20 gallons per minute for not less than 20 minutes. If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire-fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(bb) Sufficient water outlets, together with serviceable hose not less than three-quarter inch inside diameter and a nozzle to reach the dwelling and nearby improvements.

(cc) The water supply, pump, hose and nozzle shall be maintained as a connected, operating unit ready for immediate use during period of fire danger.

(iii) Chimneys and Roofs. Residences or structures with any chimneys shall have a spark arrestor on the chimneys, and residences shall have a fire retardant roof.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(e) Fire Safety Design Standards for Roads and Driveways. Except for private driveways, roads or bridges accessing only commercial forest uses, an applicant shall provide evidence and a clear explanation which demonstrates why the route of access for fire-fighting equipment, from the fire station to the destination point, across public road,

bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.215(10)(e). Evidence of compliance with the standards specified in LC 16.215(10)(e) below should include objective information about the fire-fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein "driveway" means a way of access used for one use and accessory uses.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire-fighting equipment and containing rock to a depth of at least six inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Cul-de-sacs. Any dead-end road over 200 feet in length and not maintained by Lane County shall be considered a cul-de-sac and shall meet these standards for cul-de-sacs. Cul-de-sacs shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet. Dead-end roads shall have cul-de-sacs spaced at intervals of not less than 500 feet. Cul-de-sacs on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches. No cul-de-sac shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. An applicant must submit objective evidence demonstrating that road and driveway grades in excess of eight percent are adequate for the fire-fighting equipment of the agency providing fire protection to access the use, fire-fighting equipment and water supply.

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305-15.335.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot passage space (turn out) at a maximum spacing of 400 feet, or wherever visibility is limited these distances shall be reduced to allow for safe visual conduct.

(vii) Modifications and Alternatives. The standards in LC 16.215(10)(e)(i)-(vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire-fighting equipment from its point of origination to its point of destination. Examples of some possible alternatives to the standards in the above LC 16.215(10)(e)(i)-(vi) are provided below:

(aa) Vehicle passage turnouts constructed at appropriate intervals and constructed to at least eight feet in width with six inches of gravel may be

acceptable alternatives to the road and driveway width standards mentioned above in LC 16.215(10)(e)(i).

(bb) Hammer-head turn-a-rounds may be an acceptable alternative to the standards for cul-de-sacs mentioned above in LC 16.215(10)(e)(ii). Railway flat bed cars of sufficient strength to maintain a minimum gross weight of 50,000 lbs. may be an acceptable alternative for short bridges or private roads and driveways. Road or driveway paving having a crushed base equivalent to six inches of base gravel may be an acceptable alternative for allowing grades in excess of those required above in LC 16.215(10)(e)(iv).

(f) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Comprehensive Plan must comply with the provisions of LC 16.253(2).

(g) 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.

(h) Transportation facilities and uses listed in LC 16.215(3)(g)(ix) through (xiii) shall comply with the following:

(i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(11) Telecommunication Towers. Notwithstanding the requirements in LC 16.215(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, with OAR 660-33 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(12) Youth Camps. The purpose of LC 16.215(12) below is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of

persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130. An application for a youth camp shall comply with these requirements:

(a) The number of overnight camp participants that may be accommodated shall be determined by the Approval Authority based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by LC 16.215(15)(b) below, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff;

(b) The Approval Authority may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under LC 16.215(12)(a) above;

(c) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp;

(d) A campground as described in ORS 215.213(2)(e) and OAR 660-006-0025(4)(e) shall not be established in conjunction with a youth camp;

(e) A youth camp shall not be allowed in conjunction with an existing golf course;

(f) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties;

(g) A youth camp shall be located on a lawful parcel that is:

(i) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel containing at least 40 acres;

(ii) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:

(aa) The proposed setback will prevent conflicts with commercial resource management practices;

(bb) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

(cc) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

(iii) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the Approval Authority shall verify that a proposed youth camp will not result in the need for a sewer system.

(h) A youth camp may provide for the following facilities:

(i) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in

conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use;

(ii) Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

(iii) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters;

(iv) Up to three camp activity buildings, not including primary cooking and eating facilities;

(v) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals;

(vi) Covered areas that are not fully enclosed;

(vii) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant;

(viii) An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.);

(ix) A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the subject property.

(i) A proposed youth camp shall comply with the following fire safety requirements:

(i) The fire siting standards in LC 16.251(10)(c) and (e) above;

(ii) A fire safety protection plan shall be developed for each youth camp that includes the following:

(aa) Fire prevention measures;

(bb) On site pre-suppression and suppression measures; and

(cc) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.

(iii) Except as determined under LC 16.215(1)(i)(iv) below, a youth camp's on-site fire suppression capability shall at least include:

(aa) A 1,000-gallon mobile water supply that can access all areas of the camp;

(bb) A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles;

(cc) A sufficient number of fire-fighting hand tools; and

(dd) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(iv) An equivalent level of fire suppression facilities may be determined by the Approval Authority. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel

if the camp is within an area protected by the ODF and not served by a local structural fire protection provider;

(v) The provisions of LC 16.215(12)(i)(iv) above may be waived by the Approval Authority if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.

(j) The Approval Authority shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 10.17.92; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-12, 12.28.12; 16-01, 2.25.16; 20-05, 6.16.20)*

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 Family child care home	A	P	(4)(g)
1.7	One group home	A	P	
1.8	One nursing home	A	P	
1.9	Minor home occupation	A	P	(4)(d)
1.11	Guest house	A	P	(4)(f)
1.12	Mobile home park existing on a property prior to 1984	A	P	(4)(i)
1.10	Home occupation	C	II	(4)(e), (5)
2.	Public Facility			
2.1	Public and semipublic buildings and structures	A	P	
2.2	Churches	A	P	
2.3	Parks, playgrounds, outdoor community gathering places, paths or trails	A	P	
2.4	Transportation facilities and uses as specified in LC	A	P	

	16.265(3)(a) through (m).			
2.5	Transportation facilities and uses as specified in LC 16.265(3)(n) through (q).	C	II	(5), LC 16.265
2.6	Changeout to an existing telecommunication tower	A	I	LC 16.264
2.7	Collocation to an existing telecommunication tower: Spectrum Act exemption eligible	A	I	LC 16.264
2.8	Collocation to an existing telecommunication tower	C	II	LC 16.264
2.9	New telecommunications tower or replacement tower	C	III	LC 16.264
2.10	Uses similar to permitted uses above	C	II	(5)
3.0	Other			
3.1	Farm uses	A	P	(4)(j)
3.2	Forest uses	A	P	(4)(k)
3.3	Roadside stand	A	P	(4)(l)
3.4	Noncommercial dog kennels	A	P	(4)(m)
3.5	Commercial kennel or commercial breeding kennel	C	II	(4)(n)
3.6	Rock, sand, gravel or loam excavation or extraction	A	P	
3.7	Fish and wildlife habitat management	A	P	

3.8	Structures accessory to the primary use, including convenience and decorative elements	A	P	
3.9	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)(o)

(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:
 - (aa) “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.
 - (bb) “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.
 - (cc) “Historic home” means a single-family dwelling constructed between 1850 and 1945.
 - (dd) “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.
 - (ee) “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.
 - (ff) “Vacation occupancy” means occupancy in a dwelling unit, not including transient occupancy in a hotel or motel, that has all of the following characteristics:
 - (A) The occupant rents the unit for vacation purposes only, not as a principal residence;
 - (B) The occupant has a principal residence other than at the unit; and
 - (C) 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:
 - (aa) The lot or parcel is at least one acres in size;

- (bb) At least one single-family dwelling or duplex is sited on the lot or parcel;
- (cc) The lot or parcel is not located within an urban reserve area, consistent with ORS 195.137;
- (dd) The ADU complies with all applicable laws and regulations relating to sanitation and wastewater disposal and treatment; and,
- (ee) The ADU must comply with the property development standards of LC 16.285(7).
- (ff) 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.
- (gg) Only one ADU as defined by LC 16.285(4)(a)(i)(aa) is allowed on a qualifying lot or parcel.
- (hh) ADUs may be allowed subject to submittal of a Type I application pursuant to the procedures of LC Chapter 14.
- (ii) 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).
- (jj) 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.
- (kk) An ADU in the community residential zone is allowed subject to LC 16.285(4)(a)(ii)(aa) through (jj) and must meet all of the following standards:
 - (A) 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.

- (B) The ADU will not include more than 900 square feet of usable floor area as defined by LC 16.285(4)(a)(i)(ee).
- (C) 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.
- (D) The lot or parcel on which the ADU is located is served by a fire protection district that complies with ORS 181A.410.
- (E) 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.
- (F) No portion of the lot or parcel is within a designated area of critical state concern as defined in Oregon Administrative Rule 660-043.
- (G) 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.
- (H) 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)(ff).
- (I) 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).
- (J) The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:

- (i-i) 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
 - (ii-ii) No statewide wildfire hazard map has been adopted.
 - (K) 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.
- (II) Conversion of a historic home to an ADU in the community residential zone is allowed subject to LC 16.285(4)(a)(ii)(aa) through (jj) and provided:
 - (A) The owner of a lot or parcel within an area zoned for community residential use constructs a new single-family dwelling or duplex;
 - (B) A historic home, as defined by LC 16.285(4)(a)(i)(c), is sited on the lot or parcel;
 - (C) The owner converts the historic home to an ADU upon completion of the new single-family dwelling or duplex; and,
 - (D) ADUs established pursuant to LC 16.285(4)(a)(ii)(II) may not be:
 - (i-i) 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.
 - (ii-ii) 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.

- (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; storage areas that are screened from being visible from streets and adjacent properties 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:
 - (aa) To provide rural property owners with opportunities to work at home and to operate home occupation on their Community Residential zoned land;
 - (bb) To assure that the operation of home occupation will be compatible with nearby uses;

- (cc) 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
 - (dd) 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:
 - (aa) "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; storage areas that are screened from being visible from streets and adjacent properties; and outdoor accessory uses similar to the above as determined by the Approval Authority.
 - (bb) 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.
 - (cc) 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:
 - (aa) The number of business, service and customer vehicles and the adequacy of roads, driveways and parking for these vehicles;
 - (bb) Buffering or screening from being visible from streets and adjacent properties of outdoor storage allowed under LC 16.285(4)(e)(iv)(aa) above;
 - (cc) Fire safety;
 - (dd) The hours of operation;
 - (ee) Any noise or odors;
 - (ff) Outdoor lighting; and
 - (gg) 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 structures 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) Family child care home. A child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280(2) or is registered under ORS 329A.330.
- (h) Child care center. A child care facility, other than a family child care home, that is certified under ORS 329A.280(3).
- (i) 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.
- (j) 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:
 - (aa) One horse, cow or swine per acre;
 - (bb) 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.
- (k) Forest uses, including the propagation and harvesting of forest products grown on the property or a primary processing facility. The "primary processing of a forest product" means the use of a portable chipper, stud mill or other similar equipment for the initial treatment of a forest product, to facilitate its shipment for further processing or its use on the subject property. "Forest products" means timber and other resources grown upon the land or contiguous units of RR zoned land where the primary processing facility is located.
- (l) 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.
- (m) 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.
- (n) Commercial dog kennel or commercial breeding kennel. A "commercial kennel" is a place of business where dogs are boarded. No more than two dogs shall be used for breeding. A "commercial breeding kennel" is a place of business for the breeding and/or selling of dogs.
- (o) 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 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 Standard.

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.

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 an unincorporated 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) Local 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 (Duplex) 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)(b)
1.3	Accessory Dwelling Unit	A	I	(4)(c)
1.4	Guest House	A	P	(4)(d)
1.5	Temporary Medical Hardship	A	I	(4)(e)
1.6	Bed and breakfast	A	P	(4)(f)
1.7	One residential home, group home or nursing home	A	P	
1.8	Minor home occupation and/or home office	A	P	(4)(g)
1.9	Family child care home	A	P	(4)(h)
2.	Commercial			
2.1	Retail	A	I or II	(4)(a), (5)
2.2	Indoor or outdoor recreational activities and supporting facilities	A	I or II	(4)(a), (5)
2.3	Eating or drinking establishments	A	I or II	(4)(a), (5)
2.4	Service stations	A	I or II	(4)(a), (5)
2.5	Offices and personal business services	A	I or II	(4)(a), (5)
2.6	Child care center	A	P	(4)(i)
2.7	Churches	A	I or II	(4)(a), (5)
2.8	Cemeteries	A	I or II	(4)(a), (5)

2.9	Indoor and outdoor theaters, other spaces providing artistic or performance opportunities	A	I or II	(4)(a), (5)
2.10	Equipment rental and leasing service	A	I or II	(4)(a), (5)
2.11	Veterinarian clinics	A	I or II	(4)(a), (5)
2.12	Commercial kennel	C	II	(5)
2.13	Marijuana retail sales	C	II	(5), LC 16.420
2.14	Campground, glamping and camping vehicle park	C	II	(5)
2.15	Uses similar to permitted uses above	C	II	(4)(a), (5)
3.	Industrial			
3.1	Light industrial	C	II	(4)(j), (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)(k)
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 or II	(4)(a), (5)
5.2	Publicly oriented uses such as libraries, community centers, medical facilities, post offices, etc.	A	I or II	(4)(a), (5)
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	C	II	(5), LC 16.265

	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 or II	(4)(a), (5)
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 or II	(4)(a), (5)
5.13	Uses similar to permitted uses above	C	II	(4)(n), (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	
6.4	Parking Area not directly related to a primary use on the same development site	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 and Public Use Compatibility Standards. Commercial and public uses subject to LC 16.286(4)(a) must meet the standards below. An exceedance of any of the standards in (i) – (iii) below is subject to a Conditional Use Permit review under a Type II procedure, pursuant to Lane Code Chapter 14. The Conditional Use Permit is subject to the criteria of LC 16.286(5).
 - (i) Parking - Does not need to follow parking minimums of LC 16.250 but any off-street parking must meet applicable local, state and federal regulations.
 - (ii) Air Quality - No external air emissions requiring a permit from an air quality public agency are allowed.
 - (iii) 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, unless screened from being visible from streets and adjacent properties. For purposes of this provision, the property area will be considered the tax lot area.
 - (iv) Floor Space - One commercial use shall not exceed 4,000 square feet of floor space area. One building may contain multiple commercial uses.
- (b) Multiple Dwelling. Placement of a Multiple Dwelling is allowed where no other single-family dwelling, manufactured home or duplex exist on the property.
- (c) 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:
 - (aa) “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.
 - (bb) “Historic home” means a single-family dwelling constructed between 1850 and 1945.
 - (cc) “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.
 - (dd) “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.

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

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

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

(C) 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:

(aa) 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;

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

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

(dd) 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.

(ee) 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.

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

(hh) 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.

- (ii) An ADU in the community flex use zone is allowed subject to LC 16.286(4)(c)(ii)(aa) through (jj) and must meet all of the following standards:
 - (A) 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 dwelling to the nearest part of the usable floor area of the ADU.
 - (B) The ADU will not include more than 900 square feet of usable floor area as defined by LC 16.286(4)(d)(i)(dd).
 - (C) 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.
 - (D) The lot or parcel on which the ADU is located is served by a fire protection district that complies with ORS 181A.410.
 - (E) 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.
 - (F) No portion of the lot or parcel is within a designated area of critical state concern as defined in Oregon Administrative Rule 660-043.
 - (G) 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.

- (H) 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)(ee).
- (I) 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).
- (J) The accessory dwelling unit complies with the construction provisions of section R327 of the Oregon Residential Specialty Code, if:
 - (i-i) 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
 - (ii-ii) No statewide wildfire hazard map has been adopted.
- (K) 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.
- (jj) Conversion of a historic home to an ADU in the community flex use zone is allowed subject to LC 16.286(4)(d)(ii)(aa) through (hh) and provided:
 - (A) The owner of a lot or parcel within an area zoned for community flex uses constructs a new dwelling unit;
 - (B) A historic home, as defined by LC 16.286(4)(d)(i)(bb), is sited on the lot or parcel;

- (C) The owner converts the historic home to an ADU upon completion of the dwelling unit; and,
- (D) ADUs established pursuant to LC 16.286(4)(d)(ii)(jj) may not be:
 - (i-i) 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.
 - (ii-ii) 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.
- (d) 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 single-family dwelling (attached or detached) or duplex on it and that does not have three 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 structure or guest house is allowed if it 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 structure that cannot be separated from the remainder of the parcel that contains the dwelling
- (e) 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 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)(d), on the same lot or parcel.
 - (ix) Except as provided in LC 16.286(4)(e)(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.
- (f) 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.
- (g) Minor home occupation.
 - (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; storage areas that are screened from being

visible from streets and adjacent properties 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) 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.
- (h) Family child care home. A child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280(2) or is registered under ORS 329A.330.
- (i) Child care center. A child care facility, other than a family child care home, that is certified under ORS 329A.280(3).
- (j) Light industrial. Land uses that are often involved in the secondary processing of materials into components, the assembly of components into finished products, transportation, communication and utilities, research and development, wholesaling, and warehousing. Such uses do not typically have significant potential for major pollution, adverse visual impacts, or nuisance or hazard factors. Activities are generally located indoors in either office space or warehouse-type space, with some outdoor storage anticipated as accessory to the interior functions. Light industrial uses do not include uses such as mining and extracting industries, petrochemical industries, rubber refining, or primary metal works.
 - (i) Light Industrial uses may occur in one or more buildings containing not more than 40,000 square feet per use.
- (k) 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.
- (l) 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.
- (m) 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.
- (n) Uses Similar. A Uses Similar finding shall be made by the Planning Director, upon request of an applicant. 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:
 - (aa) Bulk, size, and operating characteristics of the proposed use.
 - (bb) Parking demand, customer types and traffic generation.
 - (cc) Intensity of land use of the site.
 - (dd) Potential demand for public facilities and services.
 - (ee) Products or services produced or vended on or from the site.

(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) above shall comply with the requirements in LC 16.264.

- (a) The proposed use and development 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

- (a) The minimum area requirement for the creation of lots or parcels shall be 8,000 square feet.
- (b) The minimum area requirement for lots or parcels shall be 5,000 square feet if evidence is provided that it may be served by a sewer system, community drainage system or a shared private wastewater system off-site.

(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 provided it complies with LC 16.286(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, with the exception of telecommunication facilities as regulated by LC 16.264.
- (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) The height of a ground mounted sign may not exceed 15 feet in height. Height is measured from the grade of the curb line closest to the base of the sign to the highest point of the sign. In absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the average finish grade shall be used to measure the height.
- (vi) The height of an attached sign shall not exceed the ridgeline of the building or the top of the false façade.

(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.

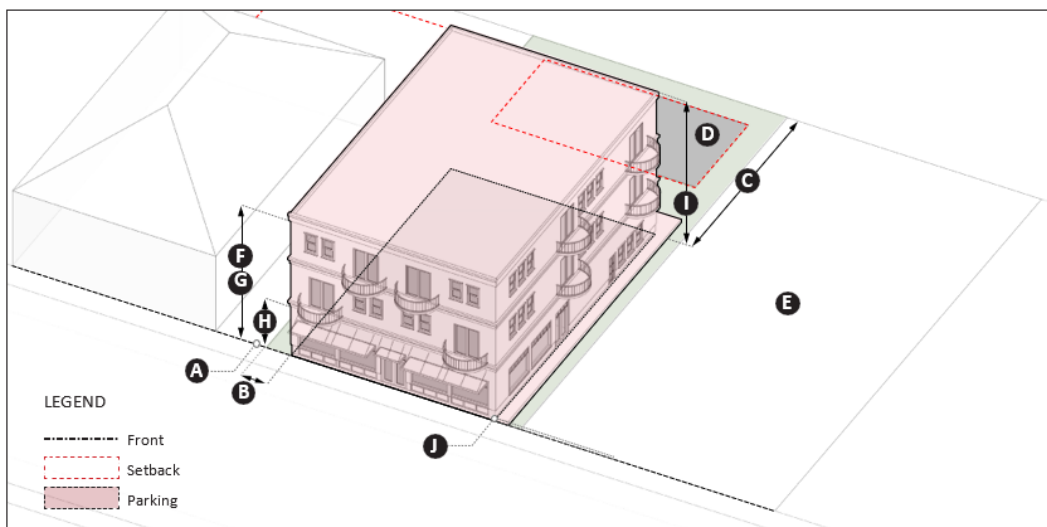
- (a) Internal Road Design: New roads or extension of existing roads created as a result of a subdivision within the CFU zone are subject to the following standards:
 - (i) Be developed as Local Access Roads (LAR) if generated average daily traffic (ADT) is 100 or less and be accompanied by a perpetual maintenance agreement subject to Lane Code Chapter 15.

- (ii) Be developed as Rural Local Roads if generated ADT is above 100, subject to Lane Code Chapter 15.
 - (iii) 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.

16.287 Blue River Drive Overlay (BRDO)

(1) **Purpose:** The purpose of the Blue River Drive Overlay is to support the Community Plan goals of creating an identifiable and inviting downtown that is accessible for people walking, biking, driving, and taking transit. The design standards are intended to encourage commercial development that people want to visit. The Blue River Drive Overlay complements the implementation of the Blue River Drive Design, which provides for car parking spaces, shared lanes for bicycles, sidewalks, and street trees all within the right-of-way.

Blue River Drive Overlay



Use (see Notes 1&3)	
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 Notes 2 & 4)	
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</i> for placement
Deviation	
A deviation from the applicable standards of Lane Code 16.287 may be allowed subject to approval by the Director, subject to (2) below.	

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 Blue River Drive.
 5. Off-street parking shall not be located between the front façade of the structure and Blue River Drive.
 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.

(2) Deviation from Blue River Drive Overlay design standards.

- (a) As deviation from the above design standards is subject to review under a Type II procedure, pursuant to Lane Code Chapter 14.
- (b) Criteria:
 - (i) Granting the deviation will equally or better meet the purpose of the regulation;

- (ii) Any impacts resulting from the deviation are mitigated to the extent practical;
- (iii) If more than one deviation is being requested, the cumulative effect of the deviations results in a project which is still consistent with the overall purpose of the overlay zone; and
- (iv) The deviation must be in support of a lawfully established use or in support of the lawful establishment of a use

**RURAL COMPREHENSIVE PLAN AMENDMENTS
RURAL COMPREHENSIVE PLAN**

16.400 Rural Comprehensive Plan Amendments.

(1) Purpose. The Board shall adopt a Rural Comprehensive Plan. The general purpose of the Rural Comprehensive Plan is the guiding of social, economic and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare. The Rural Comprehensive Plan shall be considered to be a dynamic policy instrument that can be modified to reflect changing circumstances and conditions as well as to correct errors and oversights. It is recognized that the Rural Comprehensive Plan affects the people of Lane County, and it is, therefore, important that the ability by individuals to propose amendments be free of restraint.

(2) Scope and Organization. The Rural Comprehensive Plan shall conform to the requirements of Statewide Planning Goals. The Rural Comprehensive Plan shall consist of components which shall be organized into categories by Plan type or geographic area as described in LC 16.400(3) below.

(3) Plan Categories.

(a) Rural Comprehensive Plan. This category includes all plans relating to lands beyond the Eugene-Springfield Metropolitan Area General Plan boundary and the urban growth boundaries of the cities within Lane County.

(b) Special Purpose Plan. This category includes Plans addressing a single or special need. The Plans may apply Countywide or to a limited area.

(4) Rural Comprehensive Plan Described. The Rural Comprehensive Plan of Lane County shall consist of the following components:

(a) Rural Comprehensive Plan.

(i) General Plan Policies and Plan Designations applying throughout Lane County outside of the Metropolitan Area General Plan and outside of all urban growth boundaries (Adopted by Ordinance No. 883).

(b) Special Purpose Plans.

(i) Transportation System Plan (Adopted by Ordinance No. 3-80 and Amended by Ordinance No. 10-04PA 1202) and the following component of the Transportation System Plan:

(aa) Coburg/Interstate 5 Interchange Area Management Plan (Adopted by Ordinance No. PA 1258).

(bb) Highway 126 Fern Ridge Corridor Plan (Adopted by Ordinance No. PA 1297).

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

(iii) Parks and Open Space Plan (Adopted by Ordinance No. 850 and Refinement Adopted by Ordinance No. PA 1364).

(iv) Solid Waste Management Plan (Adopted by Ordinance No. 771) (Amended by Ordinance Nos. 79-80, PA 918 and PA 1179).

(v) Coastal Resources Management Plan (Adopted by Ordinance No. 803) (Amended by Ordinance Nos. 862 and 876).

(vi) Siuslaw River Dredged Material Disposal Plan (Adopted by Ordinance No. 749) (Amended by Ordinance Nos. 861 and 877).

(vii) Housing Plan (Adopted by Ordinance No. 1-78).

(viii) 1994 Howard Buford Recreation Area Master Plan (Adopted to Eugene-Springfield Metropolitan Area General Plan by Ordinance PA No. 1056; Adopted to Rural Comprehensive Plan by Ordinance No. PA 1364).

(ix) Howard Buford Recreation Area Habitat Management Plan (Adopted by Ordinance No. PA 1364).

(x) Willamalane Park and Recreation District's Park and Recreation Comprehensive Plan (Adopted by Ordinance Nos. 24-03 and PA 1392).

(xi) Blue River Complete Community Plan (Adopted by Ordinance Nos. 24-XX and

PA XX)

(5) Interrelationship of Plan Components. New Comprehensive Plan components shall include a description of relationship to other Plan components within the respective Plan category and to the overall Rural Comprehensive Plan. Existing Plan components not containing such a description of relationship shall, at the next update of that Plan, be amended to include such a description.

(6) Plan Adoption or Amendment - General Procedures. The Rural Comprehensive Plan, or any component of such Plan, shall be adopted or amended in accordance with the following procedures:

(a) Referral to Planning Commission. Before the Board takes any action on a Rural Comprehensive Plan component, or an amendment to such Plan component, a report and recommendation thereon shall be requested from the County Planning Commission and a reasonable time allowed for the submission of such report and recommendation. In the event the Rural Comprehensive Plan component or amendment applies to a limited geographic area, only the Planning Commission having jurisdiction of that area need receive such referral.

(b) Planning Commission - Hearing and Notice.

(i) The Planning Commission shall hold at least one public hearing before making a recommendation to the Board on a Rural Comprehensive Plan component, or an amendment to such Plan component, and the hearing shall be conducted pursuant to Type IV hearing procedures of LC Chapter 14.

(ii) Notice of the time and place of hearing shall be given, pursuant to Type IV noticing procedures of LC Chapter 14.060.

(iii) If an exception to State Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notices of such hearing.

(iv) The proposed Rural Comprehensive Plan component, or an amendment to such Plan component, shall be on file with the Director and available for public examination for at least 10 days prior to the time set for hearing thereon.

(c) Planning Commission - Consideration With Other Agencies.

(i) In considering a Rural Comprehensive Plan component, or an amendment to such Plan component, the Planning Commission shall take account of and seek to harmonize, within the framework of the needs of the County, the Comprehensive Plans of cities, and the Plans and planning activities of local, state, federal and other public agencies, organizations and bodies within the County and adjacent to it.

(ii) The Planning Commission, during consideration of a Rural Comprehensive Plan component or an amendment to such Plan component, shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally to the end that maximum coordination of Plans may be secured.

(iii) Whenever the Planning Commission is considering a Rural Comprehensive Plan component, or an amendment to such Plan component, it shall be referred to the planning agency of every city and county affected to inform them and solicit their comments.

(iv) The provisions of this subsection are directory, not mandatory, and the failure to refer such Plan, or an amendment to such Plan, shall not in any manner affect its validity.

(d) Planning Commission - Recommendation and Record.

(i) Recommendation of the Planning Commission on a Rural Comprehensive Plan component, or an amendment to a Plan component, shall be by resolution of the Commission and carried by the affirmative vote of not less than a majority of its total voting members.

(ii) The record made at the Planning Commission hearings on a Rural Comprehensive Plan component, or an amendment to such Plan component and all materials submitted to or gathered by the Planning Commission for its consideration, shall be forwarded to the Board along with the recommendation.

(e) Board Action - Hearing and Notice.

(i) After a recommendation has been submitted to the Board by the Planning Commission on the Rural Comprehensive Plan component, or an amendment to such Plan component, all

interested persons shall have an opportunity to be heard thereon at a public hearing before the Board conducted pursuant to Type IV hearing procedures of LC Chapter 14.

(ii) Notice of the time and place of the hearing shall be given pursuant to Type IV noticing procedures of LC Chapter 14.060.

(iii) If an exception to Statewide Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notice of such hearing.

(iv) Hearings to consider amendments of the Plan Diagram that affect a single property, small group of properties or have other characteristics of a quasi-judicial proceeding shall be noticed pursuant to Type IV noticing procedures of LC Chapter 14.060.

(f) Concurrent Consideration. The Board and Planning Commission may hold a single joint meeting to consider the proposed Plan amendment consistent with the requirements of LC 16.400(6)(e)(ii),(iii) and (iv) above.

(g) Board Referral. Before the Board makes any change or addition to a Plan component, or Plan component amendment recommended by the Planning Commission, it may first refer the proposed change or addition to the Planning Commission for an additional recommendation. Failure of the Planning Commission to report within 21 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Planning Commission to hold a public hearing on such change or addition.

(h) Method of Adoption and Amendment.

(i) The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.

(ii) The adoption or amendment shall be concurrent with an amendment to LC 16.400(4) above. In the case of a Rural Comprehensive Plan adoption, the Code amendment shall place such Plan in the appropriate category. In the case of a Rural Comprehensive Plan amendment, the Code amendment shall insert the number of the amending Ordinance.

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

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

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

(i-i) necessary to correct an identified error in the application of the Plan; or

(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or

(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; or

(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; or

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

(cc) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

(dd) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.

(i) A change of zoning to implement a proposed Plan amendment may be considered concurrently with such amendment. In such case, the Board shall also make the final zone change decision, and the Hearings Official's consideration need not occur.

(7) Validation of Prior Action. The adoption of a Rural Comprehensive Plan component, or an amendment to such Plan component under the authority of prior acts, is hereby validated and shall continue in effect until changed or amended under the authority of these provisions.

(8) Additional Amendment Provisions. In addition to the general procedures set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components.

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

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

(ii) Major Amendment. Any amendment that is not classified as a minor amendment.

(b) Amendment proposals, either minor or major, may be initiated by the County or by individual application. Individual applications shall be subject to a fee established by the Board and submitted pursuant to Type IV procedures of LC Chapter 14.

(c) Minor amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(iii) above can be affirmatively made. Unless waived in writing by the Planning Director, the applicant shall supply documentation concerning the following:

(i) A complete description of the proposal and its relationship to the Plan.

(ii) An analysis responding to each of the required findings of LC 16.400(6)(h)(ii) above.

(iii) An assessment of the probable impacts of implementing the proposed amendment, including the following:

(aa) Evaluation of land use and ownership patterns of the area of the amendment;

(bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply and sewage disposal;

(cc) Impact of the amendment on proximate natural resources, resource lands or resource sites, including a Statewide Planning Goal 5 "ESEE" conflict analysis where applicable;

(dd) Natural hazards affecting or affected by the proposal;

(ee) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;

(ff) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan, within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;

(gg) For a proposed amendment to a Non-resource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983).

(9) Addition Amendment Provisions - Special Purpose Plans. In addition to the general provisions set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components classified in LC 16.400(4) above as Special Purpose Plans. Amendments to Special Purpose Plans may only be initiated by the County. Any individual, however, may request the Board to initiate such amendment. Requests must set forth compelling reasons as to why the amendment should be considered at this time, rather than in conjunction with a periodic Plan update. An offer to participate in costs incurred by the County shall accompany the request.

(10) Designation of Abandoned or Diminished Mill Sites. A minor plan amendment pursuant to LC 16.400(8)(a)(i), to the Rural Comprehensive Plan for an abandoned or diminished mill site on a lot or parcel zoned Nonimpacted Forest Lands Zone (F-1, RCP), Impacted Forest Lands Zone (F2, RCP) or

Exclusive Farm Use Zone (E-RCP) to Rural Industrial Zone (RI, RCP) without taking an exception to Statewide Goal 3 (Agricultural Lands), Goal 4 (Forest Land), Goal 11 (Public Facilities and Services), or Goal 14 (Urbanization) may be allowed after submittal, review, and approval of an application pursuant to Type IV procedures of LC Chapter 14 and LC 16.400(6) and (10).

(a) As used in this subsection, “abandoned or diminished mill site” means a mill, plant of other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:

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

(b) An abandoned or diminished mill site designated as Rural Industrial zone (RI, RCP) pursuant to LC 16.400(10), may be developed for any level of industrial use pursuant to LC 16.292(3)(o), is exempt from the standards of LC 16.292(3)(b), and may occur outside a building or in one or more buildings of any size.

(c) Concurrently with approval of a plan amendment, the Board may approve, without taking an exception to Statewide Goal 11:

(i) The extension of sewer facilities to lands that on June 10, 2003, were zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(ii) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for Rural Industrial (RI, RCP) use under LC 16.400(10) only as necessary to serve industrial uses authorized for the mill site.

(iii) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, was zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10).

(d) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.

(e) Sewer facilities approved pursuant to LC 16.400(10)(c) shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

(f) The Board shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10), land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

(g) For an abandoned or diminished mill site subject to LC 16.400(10)(f), the Planning Director may approve a permit only for industrial development and accessory uses subordinate to such development on the mill site. The Planning Director may not approve a permit for retail, commercial or residential development on the mill site.

(h) For land that on June 10, 2003, was zoned Impacted Forest Land Zone (F-1, RCP), Nonimpacted Forest Land Zone (F-2, RCP), or Exclusive Farm Use Zone (E-RCP), and that is rezoned for Rural Industrial Zone (RI, RCP) under LC 16.400(10), the Board may not later rezone the land for retail,

commercial or other nonresource use unless all appropriate exceptions under ORS 197.732 have been approved.

(11) Periodic Review of Plan Components. All components of the Rural Comprehensive Plan shall contain a provision requiring the Plan be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances. Any Plan component adopted under the authority of prior acts can be assumed to require a review every five years. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-02, 11.15.02; 10-04, 6.4.04; 12-04, 6.11.04; 6-11; 7.21.11; 13-1, 3.12.13; 18-12, 1.17.19; 20-05, 6.16.20; 24-03; 7.30.24)*

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16.012 Zone Classifications.

For the purpose of this chapter of Lane Code, the following zones are hereby established:

<u>Zone Classification</u>	<u>Abbreviation</u>	<u>Section No.</u>
Nonimpacted Forest Lands	F-1, RCP	16.210
Impacted Forest Lands	F-2, RCP	16.211
Exclusive Farm Use	E-RCP	16.212
Natural Resource	NR-RCP	16.213
Marginal Lands	ML RCP	16.214
Park and Recreation	PR-RCP	16.215
Quarry and Mining Operations	QM-RCP	16.216
Sand, Gravel and Rock Products	SG-RCP	16.217
Sand, Gravel and Rock Products Combining Processing	SG-CP-RCP	16.218
Public Facility	PF-RCP	16.219
Limited Commercial	C-1, RCP	16.220
Neighborhood Commercial	C-2, RCP	16.221
Commercial	C-3, RCP	16.222
Rural Commercial	C-R, RCP	16.223
Limited Industrial	M-1, RCP	16.224
Light Industrial	M-2, RCP	16.225
Heavy Industrial	M-3, RCP	16.226
Inmate Work Camp	IWC, RCP	16.227
Suburban Residential	RA-RCP	16.229
Garden Apartment Residential	RG-RCP	16.230
Rural Residential	RR-RCP	16.231
Destination Resort	DR-RCP	16.232
Historic Structures or Sites Combining	/H-RCP	16.233
Natural Estuary	/NE-RCP	16.234
Conservation Estuary	/CE-RCP	16.235
Development Estuary	DE-RCP	16.236
Significant Natural Shorelands Combining	/SN-RCP	16.237
Prime Wildlife Shorelands Combining	/PW-RCP	16.238
Natural Resources Conservation Combining	/NRC-RCP	16.239
Residential Development Shorelands Combining	/RD-RCP	16.240
Shorelands Mixed Development Combining	/MD-RCP	16.241
Dredge Material/Mitigation Site Combining	/DMS-RCP	16.242
Beaches and Dunes Combining	/BD-RCP	16.243
Floodplain Combining	/FP-RCP	16.244
Commercial Airport Safety District	/CAS-RCP	16.245
Airport Safety District	/AS-RCP	16.246
Airport Operation	AO-RCP	16.247
Clear Lake Watershed Protection	CLWP-RCP	16.258
Community Residential	CR-RCP	16.285
Community Flex Use	CFU-RCP	16.286
Blue River Drive Overlay	BRDO-RCP	16.287

| At left margin indicates changes
Bold indicates material being added
Strikethrough indicates material being deleted

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	Rural Residential	RR, RCP	16.290
	Rural Commercial	RC, RLP	16.291
	Rural Industrial	RI, RCP	16.292
	Rural Public Facility	RPF, RCP	16.294
	Rural Park and Recreation	RPR, RCP	16.295
	Private Use Airport Overlay	/PUAO-RCP	16.296
	Interchange Area Management Plan	/IAMP-RCP	16.297
	Combining Zone		

(Revised by Ordinance No. 7-87, Effective 6.17.87; 17-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91; 6-98, 12.2.98; 6-02, 5.16.02; 15-07, 2.1.08; 6-11, 7.21.11)

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**PARK AND RECREATION ZONE (PR-RCP)
RURAL COMPREHENSIVE PLAN**

16.215 Park and Recreation Zone (PR-RCP).

(1) Purpose. The purpose of the Park and Recreation Zone (PR-RCP) is:

(a) To establish zones within which a variety of recreational activities may be conducted as outright permitted uses without interference from other nonrecreational uses.

(b) To establish standards and criteria to permit and conditionally permit recreational activities within areas for which a built upon or committed exception to a Statewide Planning Goal has been taken, or within a designated nonresource area, or within resource areas for which an exception to a Statewide Planning Goal has not been taken.

(c) To provide protective measures for riparian vegetation along Class I streams designated as significant in the Rural Area Comprehensive Plan.

(d) To implement the policies of the Lane County Rural Area Comprehensive Plan.

(2) Permitted Uses. The following uses and activities are permitted in any area zoned PR-RCP subject to the general provisions and exceptions specified by this Chapter of Lane Code. Uses listed below may be subject to Site Review procedures as specified in LC 16.257, and verification of whether or not this is required must be made prior to development of a permitted use:

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals and disposal of slash.

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to, those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities.

(d) Farm use.

(e) Towers and fire stations for forest fire protection.

(f) Water intake facilities, canals and distributions lines for farm irrigation and ponds.

(g) Exploration for and production of geothermal, gas, oil and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

(h) The following transportation facilities and uses:

(i) Climbing and passing lanes within the right of way existing as of July 1, 1987.

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or new parcels result.

(iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed.

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(iv) Minor betterment of existing public road and highway related facilities such as maintenance yards, weigh stations and rest areas, within right of ways existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vii) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(viii) Changes in the frequency of transit, rail and airport services.

(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 or CR zoned property, native landscaping shall be provided between the utility substations or buildings and abutting RR or CR zoned property to screen the utility substations or buildings from the view of the RR or CR zoned property and shall be maintained.

(3) Uses Subject to Director Approval. The following uses are allowed subject to prior submittal and approval of an application pursuant to Type II procedures of LC Chapter 14. The uses in LC 16.215(3)(a)-(i) may be allowed subject to conformance with the applicable approval criteria of LC 16.215(5) below. The uses in LC 16.215(3)(j)-(o) may be allowed provided the application contains adequate evidence demonstrating the proposed use fits within the listed classification.

(a) Private hunting and fishing operations without any lodging accommodations.

(b) Caretaker residences for public parks and public fish hatcheries.

(c) Parks.

(d) Campgrounds for areas devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and not including intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations. A camping site may be occupied by a tent, travel trailer or recreational vehicle.

(e) Aids to navigation and aviation.

(f) Water intake facilities, related treatment facilities, pumping stations and distribution lines.

(g) The following transportation facilities and uses:

(i) Construction of additional passage and travel lanes requiring the acquisition of additional right-of-way but not resulting in the creation of new parcels.

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new parcels.

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(iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new parcels.

(iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Subject to LC 16.215(10)(h), realignment as defined in LC 15.010 not otherwise allowed under LC 16.215(2) or LC 16.215(3).

(x) Subject to LC 16.215(10)(h), replacement of an intersection with an interchange.

(xi) Subject to LC 16.215(10)(h), continuous median turn lanes.

(xii) Subject to LC 16.215(10)(h), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Subject to LC 16.215(10)(h), transportation facilities, services and improvements other than those listed in LC 16.215 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(h) Private accommodations for fishing occupied on a temporary basis may be allowed subject to compliance with LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and the following requirements.

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code.

(ii) Only minor incidental and accessory retail sales are permitted.

(iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission.

(iv) Accommodations are located within 1/4 mile of fish-bearing Class I waters.

(i) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

(j) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(k) Additional local distribution lines within existing rights-of-way (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or which provide service hookups, including water service hookups.

(l) Temporary portable facility for the primary processing of forest products.

(m) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

(n) Uninhabitable structures accessory to fish and wildlife enhancement.

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(o) A youth camp that complies with LC 16.215(12) below. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130.

(4) Uses Subject to Hearings Official Approval. The following uses may be allowed subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14 and provided the requirements in LC 16.215(5) below are met:

(a) Firearms training facility.
(b) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.215(10)(a) or (b) below, LC 16.215(10)(c)-(h) below, and the following requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code; and
(ii) Only minor incidental and accessory retail sales are permitted.
(iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission.

(5) Criteria for Uses Subject to Approval by the Director or Hearings Official. Uses authorized by LC 16.215(3)(a)-(i) and (4) above may be allowed provided the following requirements are met:

(a) The proposed use will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands.

(b) The proposed use will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel.

(c) For uses authorized above in LC 16.215(3)(c) and (d), a written statement recorded with the deed or written contract with the County or its equivalent is obtained from the landowner which recognizes the rights of adjacent and nearby landowners to conduct forest operations consistent with the Forest Practices Act and Rules.

(d) For uses authorized above in LC 16.215(4), the proposed uses will not significantly conflict with the liveability and appropriate uses on adjacent and nearby lands.

(6) Permitted Uses Within An Exception Area. The following uses and activities are permitted whenever the subject property is included within an area for which a built upon or committed exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan and subject to Site Review procedures as may be required in LC 16.257:

(a) Any of the uses permitted within the above LC 16.215(2) or LC 16.215(3).

(b) Retail trade of food or new general merchandise conducted within a building not exceeding 750 square feet in total floor area.

(c) Golf courses with or without a country club.

(d) Riding stables.

(e) Bowling.

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(f) Gymnasium or athletic club.
(g) Yachting clubs.
(h) Motel, hotel, lodges and other forms of recreational lodging. Any of the above lodging uses may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(i) Game rooms, miniature golf, go cart tracks.
(j) Boat rentals or boat storage and incidental minor repairs and sale of gas.

(k) Country clubhouse for a golf course which may include a restaurant, retail trade of food or new general merchandise exceeding the standard set in LC 16.215(4)(b) above.

(7) Uses Subject to Hearings Official Approval. The following uses and activities are conditionally permitted subject to prior submittal and approval of an application pursuant to Type III procedures of LC Chapter 14, and subject to the compliance with the conditional use criteria specified in LC 16.215(8) below:

- (a) Race track.
- (b) Amusement park, carnival, circus.
- (c) Stadium.
- (d) Fairgrounds and amusement park.
- (e) Recreational shooting.
- (f) Airport and flying field.

(8) Exception Area Conditional Use Permit Criteria. Uses conditionally permitted above in LC 16.215(7) shall be subject to compliance with the following criteria:

(a) The subject property is included within an area for which an exception has been taken to a Statewide Planning Goal and incorporated into the Lane County Rural Area Comprehensive Plan.

(b) The proposed use will not adversely affect the livability, appropriate use, natural resources or scenic character of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and capacity of surrounding streets; and to any other relevant impact to the use.)

(c) The proposed use will not be adversely affected by natural hazards, such as floods, slides, erosion.

(d) The proposed use will not alter the stability of the overall land use pattern in the area nor interfere with farm and forest practices and will be compatible with the retention of existing and potential forest uses on the surrounding forest lands. The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(e) The proposed use will have a water supply of sufficient quantity and quality to meet reasonably foreseeable needs.

(9) Exception Area Property Development Standards. All uses or activities permitted or conditionally permitted by LC 16.215(6) and (7) above, except commercial forest practices regulated by the Oregon Forest Practices Act, shall be subject to the following development standards:

(a) Property Line Setbacks. No structure other than a fence or sign shall be located closer than:

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(i) 20 feet from the right-of-way of a State road, County road or a local access public road specified in LC Chapter 15; and

(ii) 10 feet from all other property lines except as provided below.

(b) 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 100 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 100 feet from the ordinary high water of a Class I stream designated for riparian vegetation protection by the 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.

(c) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area 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.

(d) 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.

(10) Forest and Farm Area Siting Standards. The following siting standards shall apply to all new structures and dwellings and other uses as specified above in LC 16.215(3) and (4), except for uses regulated under the Oregon Forest Practices Act. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest or farm lands. The standards in LC 16.215(10)(a)-(b) below shall be weighed together with the requirements in LC 16.215(10)(c) and (e) below to identify any sites for a residence.

(a) Setbacks. Residences and structures shall be sited as follows:

(i) Near residences on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet from any ravine, ridge or slope; and

(ii) With minimal intrusion into forest areas undeveloped by nonforest uses; and

(iii) Where possible, when considering LC 16.215(10)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) The riparian setback area shall be the area between a line 100 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 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) are met; and

(v) Not closer than:

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(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in LC Chapter 15; and

(bb) 10 feet from all other property lines.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Safety Measures. Residences, structures and roads shall comply with the following fire safety measures:

(i) Fuel Breaks. Fuel breaks around residences shall be maintained as follows:

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

Size of the Primary Safety Zone by Percent Slope

% Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0	30	0
10	30	50
20	30	75
25	30	100
40	30	150

Building shall be restricted to slopes of less than 40 percent.

(bb) Secondary Fuel Break. The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(ii) Fire Suppression Water Supplies. An adequate fire suppression system shall be provided. Unless otherwise authorized by the local fire official, the minimum acceptable system shall include the following:

(aa) A water supply such as a pond, stream, tank, well, sump or any combination thereof, together with a delivery system capable of sustaining a volume of 20 gallons per minute for not less than 20 minutes. If a water supply is available and suitable for fire protection, such as a swimming pool, pond, stream, or lake, then road access to within 15 feet of the water's edge shall be provided for pumping units. The road access shall accommodate the turnaround of fire-fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

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(bb) Sufficient water outlets, together with serviceable hose not less than three-quarter inch inside diameter and a nozzle to reach the dwelling and nearby improvements.

(cc) The water supply, pump, hose and nozzle shall be maintained as a connected, operating unit ready for immediate use during period of fire danger.

(iii) Chimneys and Roofs. Residences or structures with any chimneys shall have a spark arrestor on the chimneys, and residences shall have a fire retardant roof.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rule (OAR 629-24-101(3)). If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

(e) Fire Safety Design Standards for Roads and Driveways. Except for private driveways, roads or bridges accessing only commercial forest uses, an applicant shall provide evidence and a clear explanation which demonstrates why the route of access for fire-fighting equipment, from the fire station to the destination point, across public road, bridges, private roads or private access easements and driveways will comply with the standards specified below in LC 16.215(10)(e). Evidence of compliance with the standards specified in LC 16.215(10)(e) below should include objective information about the fire-fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses. As used herein "driveway" means a way of access used for one use and accessory uses.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet constructed with gravel to a depth sufficient to provide access for fire-fighting equipment and containing rock to a depth of at least six inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Cul-de-sacs. Any dead-end road over 200 feet in length and not maintained by Lane County shall be considered a cul-de-sac and shall meet these standards for cul-de-sacs. Cul-de-sacs shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet. Dead-end roads shall have cul-de-sacs spaced at intervals of not less than 500 feet. Cul-de-sacs on private roads shall be marked and signed by applicants as "NO PARKING," and such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches. No cul-de-sac shall be allowed to cross any slope which will allow chimney-effect draws unless the

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dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. An applicant must submit objective evidence demonstrating that road and driveway grades in excess of eight percent are adequate for the fire-fighting equipment of the agency providing fire protection to access the use, fire-fighting equipment and water supply.

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305-15.335.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot passage space (turn out) at a maximum spacing of 400 feet, or wherever visibility is limited these distances shall be reduced to allow for safe visual conduct.

(vii) Modifications and Alternatives. The standards in LC 16.215(10)(e)(i)-(vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire-fighting equipment from its point of origination to its point of destination. Examples of some possible alternatives to the standards in the above LC 16.215(10)(e)(i)-(vi) are provided below:

(aa) Vehicle passage turnouts constructed at appropriate intervals and constructed to at least eight feet in width with six inches of gravel may be acceptable alternatives to the road and driveway width standards mentioned above in LC 16.215(10)(e)(i).

(bb) Hammer-head turn-a-rounds may be an acceptable alternative to the standards for cul-de-sacs mentioned above in LC 16.215(10)(e)(ii). Railway flat bed cars of sufficient strength to maintain a minimum gross weight of 50,000 lbs. may be an acceptable alternative for short bridges or private roads and driveways. Road or driveway paving having a crushed base equivalent to six inches of base gravel may be an acceptable alternative for allowing grades in excess of those required above in LC 16.215(10)(e)(iv).

(f) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian Setback Area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along Class I streams designated for riparian vegetation protection by the Comprehensive Plan must comply with the provisions of LC 16.253(2).

(g) 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.

(h) Transportation facilities and uses listed in LC 16.215(3)(g)(ix) through (xiii) shall comply with the following:

(i) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw

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land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(ii) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(iii) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

(11) Telecommunication Towers. Notwithstanding the requirements in LC 16.215(2)-(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264, with OAR 660-33 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(12) Youth Camps. The purpose of LC 16.215(12) below is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons 21 years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. Changes to or expansions of youth camps established prior to June 14, 2000, shall be subject to the provisions of ORS 215.130. An application for a youth camp shall comply with these requirements:

(a) The number of overnight camp participants that may be accommodated shall be determined by the Approval Authority based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by LC 16.215(15)(b) below, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff;

(b) The Approval Authority may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under LC 16.215(12)(a) above;

(c) Overnight stays for adult programs primarily for individuals over 21 years of age, not including staff, shall not exceed 10 percent of the total camper nights offered by the youth camp;

(d) A campground as described in ORS 215.213(2)(e) and OAR 660-006-0025(4)(e) shall not be established in conjunction with a youth camp;

(e) A youth camp shall not be allowed in conjunction with an existing golf course;

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(f) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties;

(g) A youth camp shall be located on a lawful parcel that is:

(i) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number of proposed facilities. A youth camp shall be located on a parcel containing at least 40 acres;

(ii) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:

(aa) The proposed setback will prevent conflicts with commercial resource management practices;

(bb) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

(cc) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

(iii) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the Approval Authority shall verify that a proposed youth camp will not result in the need for a sewer system.

(h) A youth camp may provide for the following facilities:

(i) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horseback riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use;

(ii) Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

(iii) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters;

(iv) Up to three camp activity buildings, not including primary cooking and eating facilities;

(v) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not

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include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals;

(vi) Covered areas that are not fully enclosed;

(vii) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant;

(viii) An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.);

(ix) A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the subject property.

(i) A proposed youth camp shall comply with the following fire safety requirements:

(i) The fire siting standards in LC 16.251(10)(c) and (e) above;

(ii) A fire safety protection plan shall be developed for each youth camp that includes the following:

(aa) Fire prevention measures;

(bb) On site pre-suppression and suppression measures; and

(cc) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.

(iii) Except as determined under LC 16.215(1)(i)(iv) below, a youth camp's on-site fire suppression capability shall at least include:

(aa) A 1,000-gallon mobile water supply that can access all areas of the camp;

(bb) A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles;

(cc) A sufficient number of fire-fighting hand tools; and

(dd) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(iv) An equivalent level of fire suppression facilities may be determined by the Approval Authority. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by the ODF and not served by a local structural fire protection provider;

(v) The provisions of LC 16.215(12)(i)(iv) above may be waived by the Approval Authority if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.

(j) The Approval Authority shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 10.17.92; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04; 5-04, 7.1.04; 7-12, 12.28.12; 16-01, 2.25.16; 20-05, 6.16.20)*

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**RURAL COMPREHENSIVE PLAN AMENDMENTS
RURAL COMPREHENSIVE PLAN**

16.400 Rural Comprehensive Plan Amendments.

(1) Purpose. The Board shall adopt a Rural Comprehensive Plan. The general purpose of the Rural Comprehensive Plan is the guiding of social, economic and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare. The Rural Comprehensive Plan shall be considered to be a dynamic policy instrument that can be modified to reflect changing circumstances and conditions as well as to correct errors and oversights. It is recognized that the Rural Comprehensive Plan affects the people of Lane County, and it is, therefore, important that the ability by individuals to propose amendments be free of restraint.

(2) Scope and Organization. The Rural Comprehensive Plan shall conform to the requirements of Statewide Planning Goals. The Rural Comprehensive Plan shall consist of components which shall be organized into categories by Plan type or geographic area as described in LC 16.400(3) below.

(3) Plan Categories.

(a) Rural Comprehensive Plan. This category includes all plans relating to lands beyond the Eugene-Springfield Metropolitan Area General Plan boundary and the urban growth boundaries of the cities within Lane County.

(b) Special Purpose Plan. This category includes Plans addressing a single or special need. The Plans may apply Countywide or to a limited area.

(4) Rural Comprehensive Plan Described. The Rural Comprehensive Plan of Lane County shall consist of the following components:

(a) Rural Comprehensive Plan.

(i) General Plan Policies and Plan Designations applying throughout Lane County outside of the Metropolitan Area General Plan and outside of all urban growth boundaries (Adopted by Ordinance No. 883).

(b) Special Purpose Plans.

(i) Transportation System Plan (Adopted by Ordinance No. 3-80 and Amended by Ordinance No. 10-04PA 1202) and the following component of the Transportation System Plan:

(aa) Coburg/Interstate 5 Interchange Area Management Plan (Adopted by Ordinance No. PA 1258).

(bb) Highway 126 Fern Ridge Corridor Plan (Adopted by Ordinance No. PA 1297).

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

(iii) Parks and Open Space Plan (Adopted by Ordinance No. 850 and Refinement Adopted by Ordinance No. PA 1364).

(iv) Solid Waste Management Plan (Adopted by Ordinance No. 771) (Amended by Ordinance Nos. 79-80, PA 918 and PA 1179).

(v) Coastal Resources Management Plan (Adopted by Ordinance No. 803) (Amended by Ordinance Nos. 862 and 876).

(vi) Siuslaw River Dredged Material Disposal Plan (Adopted by Ordinance No. 749) (Amended by Ordinance Nos. 861 and 877).

(vii) Housing Plan (Adopted by Ordinance No. 1-78).

(viii) 1994 Howard Buford Recreation Area Master Plan (Adopted to Eugene-Springfield Metropolitan Area General Plan by Ordinance PA No. 1056; Adopted to Rural Comprehensive Plan by Ordinance No. PA 1364).

(ix) Howard Buford Recreation Area Habitat Management Plan (Adopted by

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Ordinance No. PA 1364).

(x) Willamalane Park and Recreation District's Park and Recreation Comprehensive Plan (Adopted by Ordinance Nos. 24-03 and PA 1392).

(xi) Blue River Complete Community Plan (Adopted by Ordinance Nos. 24-XX and PA XX)

(5) Interrelationship of Plan Components. New Comprehensive Plan components shall include a description of relationship to other Plan components within the respective Plan category and to the overall Rural Comprehensive Plan. Existing Plan components not containing such a description of relationship shall, at the next update of that Plan, be amended to include such a description.

(6) Plan Adoption or Amendment - General Procedures. The Rural Comprehensive Plan, or any component of such Plan, shall be adopted or amended in accordance with the following procedures:

(a) Referral to Planning Commission. Before the Board takes any action on a Rural Comprehensive Plan component, or an amendment to such Plan component, a report and recommendation thereon shall be requested from the County Planning Commission and a reasonable time allowed for the submission of such report and recommendation. In the event the Rural Comprehensive Plan component or amendment applies to a limited geographic area, only the Planning Commission having jurisdiction of that area need receive such referral.

(b) Planning Commission - Hearing and Notice.

(i) The Planning Commission shall hold at least one public hearing before making a recommendation to the Board on a Rural Comprehensive Plan component, or an amendment to such Plan component, and the hearing shall be conducted pursuant to Type IV hearing procedures of LC Chapter 14.

(ii) Notice of the time and place of hearing shall be given, pursuant to Type IV noticing procedures of LC Chapter 14.060.

(iii) If an exception to State Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notices of such hearing.

(iv) The proposed Rural Comprehensive Plan component, or an amendment to such Plan component, shall be on file with the Director and available for public examination for at least 10 days prior to the time set for hearing thereon.

(c) Planning Commission - Consideration With Other Agencies.

(i) In considering a Rural Comprehensive Plan component, or an amendment to such Plan component, the Planning Commission shall take account of and seek to harmonize, within the framework of the needs of the County, the Comprehensive Plans of cities, and the Plans and planning activities of local, state, federal and other public agencies, organizations and bodies within the County and adjacent to it.

(ii) The Planning Commission, during consideration of a Rural Comprehensive Plan component or an amendment to such Plan component, shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally to the end that maximum coordination of Plans may be secured.

(iii) Whenever the Planning Commission is considering a Rural Comprehensive Plan component, or an amendment to such Plan component, it shall be referred to the planning agency of every city and county affected to inform them and solicit their comments.

(iv) The provisions of this subsection are directory, not mandatory, and the failure to refer such Plan, or an amendment to such Plan, shall not in any manner affect its validity.

(d) Planning Commission - Recommendation and Record.

(i) Recommendation of the Planning Commission on a Rural Comprehensive Plan component, or an amendment to a Plan component, shall be by resolution of the Commission and carried by the affirmative vote of not less than a majority of its total voting members.

(ii) The record made at the Planning Commission hearings on a Rural Comprehensive Plan component, or an amendment to such Plan component and all materials submitted to

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or gathered by the Planning Commission for its consideration, shall be forwarded to the Board along with the recommendation.

(e) Board Action - Hearing and Notice.

(i) After a recommendation has been submitted to the Board by the Planning Commission on the Rural Comprehensive Plan component, or an amendment to such Plan component, all interested persons shall have an opportunity to be heard thereon at a public hearing before the Board conducted pursuant to Type IV hearing procedures of LC Chapter 14.

(ii) Notice of the time and place of the hearing shall be given pursuant to Type IV noticing procedures of LC Chapter 14.060.

(iii) If an exception to Statewide Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notice of such hearing.

(iv) Hearings to consider amendments of the Plan Diagram that affect a single property, small group of properties or have other characteristics of a quasi-judicial proceeding shall be noticed pursuant to Type IV noticing procedures of LC Chapter 14.060.

(f) Concurrent Consideration. The Board and Planning Commission may hold a single joint meeting to consider the proposed Plan amendment consistent with the requirements of LC 16.400(6)(e)(ii),(iii) and (iv) above.

(g) Board Referral. Before the Board makes any change or addition to a Plan component, or Plan component amendment recommended by the Planning Commission, it may first refer the proposed change or addition to the Planning Commission for an additional recommendation. Failure of the Planning Commission to report within 21 days after the referral, or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Planning Commission to hold a public hearing on such change or addition.

(h) Method of Adoption and Amendment.

(i) The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.

(ii) The adoption or amendment shall be concurrent with an amendment to LC 16.400(4) above. In the case of a Rural Comprehensive Plan adoption, the Code amendment shall place such Plan in the appropriate category. In the case of a Rural Comprehensive Plan amendment, the Code amendment shall insert the number of the amending Ordinance.

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

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

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

(i-i) necessary to correct an identified error in the application of the Plan; or

(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or

(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; or

(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; or

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

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(cc) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

(dd) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.

(i) A change of zoning to implement a proposed Plan amendment may be considered concurrently with such amendment. In such case, the Board shall also make the final zone change decision, and the Hearings Official's consideration need not occur.

(7) Validation of Prior Action. The adoption of a Rural Comprehensive Plan component, or an amendment to such Plan component under the authority of prior acts, is hereby validated and shall continue in effect until changed or amended under the authority of these provisions.

(8) Additional Amendment Provisions. In addition to the general procedures set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components.

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

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

(ii) Major Amendment. Any amendment that is not classified as a minor amendment.

(b) Amendment proposals, either minor or major, may be initiated by the County or by individual application. Individual applications shall be subject to a fee established by the Board and submitted pursuant to Type IV procedures of LC Chapter 14.

(c) Minor amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(iii) above can be affirmatively made. Unless waived in writing by the Planning Director, the applicant shall supply documentation concerning the following:

(i) A complete description of the proposal and its relationship to the Plan.

(ii) An analysis responding to each of the required findings of LC 16.400(6)(h)(ii) above.

(iii) An assessment of the probable impacts of implementing the proposed amendment, including the following:

(aa) Evaluation of land use and ownership patterns of the area of the amendment;

(bb) Availability of public and/or private facilities and services to the area of the amendment, including transportation, water supply and sewage disposal;

(cc) Impact of the amendment on proximate natural resources, resource lands or resource sites, including a Statewide Planning Goal 5 "ESEE" conflict analysis where applicable;

(dd) Natural hazards affecting or affected by the proposal;

(ee) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;

(ff) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan, within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;

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(gg) For a proposed amendment to a Non-resource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983).

(9) Addition Amendment Provisions - Special Purpose Plans. In addition to the general provisions set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components classified in LC 16.400(4) above as Special Purpose Plans. Amendments to Special Purpose Plans may only be initiated by the County. Any individual, however, may request the Board to initiate such amendment. Requests must set forth compelling reasons as to why the amendment should be considered at this time, rather than in conjunction with a periodic Plan update. An offer to participate in costs incurred by the County shall accompany the request.

(10) Designation of Abandoned or Diminished Mill Sites. A minor plan amendment pursuant to LC 16.400(8)(a)(i), to the Rural Comprehensive Plan for an abandoned or diminished mill site on a lot or parcel zoned Nonimpacted Forest Lands Zone (F-1, RCP), Impacted Forest Lands Zone (F2, RCP) or Exclusive Farm Use Zone (E-RCP) to Rural Industrial Zone (RI, RCP) without taking an exception to Statewide Goal 3 (Agricultural Lands), Goal 4 (Forest Land), Goal 11 (Public Facilities and Services), or Goal 14 (Urbanization) may be allowed after submittal, review, and approval of an application pursuant to Type IV procedures of LC Chapter 14 and LC 16.400(6) and (10).

(a) As used in this subsection, "abandoned or diminished mill site" means a mill, plant of other facility engaged in the processing or manufacturing of wood products, including sawmills and facilities for the production of plywood, veneer, hardboard, panel products, pulp and paper, that:

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

(b) An abandoned or diminished mill site designated as Rural Industrial zone (RI, RCP) pursuant to LC 16.400(10), may be developed for any level of industrial use pursuant to LC 16.292(3)(o), is exempt from the standards of LC 16.292(3)(b), and may occur outside a building or in one or more buildings of any size.

(c) Concurrently with approval of a plan amendment, the Board may approve, without taking an exception to Statewide Goal 11:

(i) The extension of sewer facilities to lands that on June 10, 2003, were zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contain an abandoned or diminished mill site. The sewer facilities may serve only industrial uses authorized for the mill site and contiguous lands zoned for industrial use.

(ii) The extension of sewer facilities to an abandoned or diminished mill site that is rezoned for Rural Industrial (RI, RCP) use under LC 16.400(10) only as necessary to serve industrial uses authorized for the mill site.

(iii) The establishment of on-site sewer facilities to serve an area that on June 10, 2003, was zoned Rural Industrial Zone (RI, RCP), Light Industrial Zone (M-1, RCP), Limited Industrial Zone (M-2, RCP), or Heavy Industrial Zone (M-3, RCP), and that contains an abandoned or diminished mill site or to serve an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10).

(d) A local government, as defined in ORS 174.116, may not authorize a connection to any portion of a sewer facility located between an urban growth boundary or the boundary of an unincorporated community and the boundary of the mill site or the industrial zone containing the mill site, except as provided under ORS 197.732 and any goals adopted under ORS 197.225 relating to public facilities and services.

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(e) Sewer facilities approved pursuant to LC 16.400(10)(c) shall be limited in size to meet the needs of authorized industrial uses and may not provide service to retail, commercial or residential development, except as provided under any goals adopted under ORS 197.225 relating to public facilities and services, unless all appropriate exceptions are approved under ORS 197.732. The presence of the sewer facilities may not be used to justify an exception to any goals adopted to protect agricultural lands and forestlands or relating to urbanization.

(f) The Board shall determine the boundary of an abandoned or diminished mill site. For an abandoned or diminished mill site that is rezoned for Rural Industrial Zone (RI, RCP) pursuant to LC 16.400(10), land within the boundary of the mill site may include only those areas that were improved for the processing or manufacturing of wood products.

(g) For an abandoned or diminished mill site subject to LC 16.400(10)(f), the Planning Director may approve a permit only for industrial development and accessory uses subordinate to such development on the mill site. The Planning Director may not approve a permit for retail, commercial or residential development on the mill site.

(h) For land that on June 10, 2003, was zoned Impacted Forest Land Zone (F-1, RCP), Nonimpacted Forest Land Zone (F-2, RCP), or Exclusive Farm Use Zone (E-RCP), and that is rezoned for Rural Industrial Zone (RI, RCP) under LC 16.400(10), the Board may not later rezone the land for retail, commercial or other nonresource use unless all appropriate exceptions under ORS 197.732 have been approved.

(11) Periodic Review of Plan Components. All components of the Rural Comprehensive Plan shall contain a provision requiring the Plan be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances. Any Plan component adopted under the authority of prior acts can be assumed to require a review every five years. *(Revised by Ordinance No. 7-87, Effective 6.17.87; 10-02, 11.15.02; 10-04, 6.4.04; 12-04, 6.11.04; 6-11; 7.21.11; 13-1, 3.12.13; 18-12, 1.17.19; 20-05, 6.16.20; 24-03; 7.30.24)*

FINDINGS AND CONCLUSIONS IN SUPPORT OF ADOPTION OF ORDINANCE NO. PA 1393 & ORDINANCE NO. 24-08

The Lane County Board of Commissioners ("Board") finds as follows:

1. The ordinances to which these findings are attached updates the Lane County Rural Comprehensive Plan ("RCP"). The Board is adopting the Blue River Complete Community Plan ("Plan"), amending the text of Lane Code ("LC") and the RCP, expanding the Blue River community boundary, creating new zoning designations, and amending the zone and plan maps.
2. Pursuant to LC 12.100.050 (A-B) and LC 16.400(6)(h)(i) amendments to the RCP shall be by ordinance. Furthermore, LC 16.252 sets forth procedures for rezoning lands within the jurisdiction of the RCP. Adopting Ordinance No. PA 1393 accomplishes these requirements.
3. Applicable chapters of LC relevant to these findings:

LC 12.100.050 Method of Adoption and Amendment;
LC 16.400 Rural Comprehensive Plan Amendments; and
LC 16.252 Procedures for Zoning, Rezoning and Amendments to Requirements;

4. These findings address two ordinances which take official action.

Ordinance No. 24-08 amends LC Chapter 16 to add 16.285, and 16.287, as well as amends Sections 16.013, 16.215, and 16.400.

Ordinance No. PA 1393 adopts text amendments to RCP, RCP map designations, Lane County zoning map, and amends the Blue River community boundary.

In 1984, Lane County designated Blue River as a rural community under the RCP. As an unincorporated community, Blue River meets the State's Unincorporated Communities Rule (OAR 660-022) by having permanent residences and at least two additional land uses, such as a school, post office, library, and stores.

In September 2020, the Holiday Farm Fire devastated parts of the McKenzie River Valley, including Blue River, damaging homes, businesses, and civic institutions, though the McKenzie River Community School survived.

The Blue River Complete Community Plan and zoning amendments are funded by a Transportation and Growth Management Program (TGM) grant from the Oregon Department of Transportation ("ODOT") and Department of Land Conservation and Development ("DLCD"). TGM aims to enhance local governments' growth management capabilities, integrate transportation and land use planning, and promote walkable, connected communities. Lane County is utilizing the grant to hire consultants for this project.

Adoption of the Plan requires the following actions, which are categorized as follows:

RCP Amendments – Section I of these findings:

1. Adoption of the Community Plan
2. RCP text amendments, including the creation of new plan designation and zones
3. Expansion of the community boundary (as an amendment to RCP)
4. Amendments to the land use plan designation map

Zone Changes & Lane Code Amendments – Section II of these findings:

1. Addition of new code and amendments to existing code
2. Zoning map amendments

OAR 660-022-0020 Unincorporated Community Boundary – Section III of these findings:

1. Amendment of the Blue River Community Boundary (addresses OAR for expansion of unincorporated community boundary)

Conclusion – Section IV of these findings

In total, these actions will effectively adopt and implement the Plan.

These findings are written affirmatively and support the Board's decision to accept staff's recommendations as outlined in the staff report.

The findings are organized with applicable criteria shown in **bold italics** and are separated into sections. Section headings are **bold** and underlined. A staff finding, prefaced by the **bold** heading, **FINDING**, is recommended for each approval criterion for the Board's consideration.

Section I. RCP Amendments

Applicable approval criteria: Lane Code Chapter 12 – Comprehensive Plan

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.

FINDING: The Board passed Ordinance No. PA 1393 and Ordinance No. 24-08. These ordinances took official action to adopt the Plan and accompanying amendments, including Blue River community boundary expansion.

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

1. An error in the plan; or

FINDING: There is no error in the plan. Prior to the creation of the Plan, there was no area-specific planning document for Blue River to address growth and development; this Plan addresses that.

2. Changed circumstances affecting or pertaining to the plan; or

FINDING: Circumstances have changed that affect or pertain to the plan due to the destruction the Holiday Farm Fire has on the community of Blue River. 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.

3. A change in public policy; or

FINDING: There is no change in public policy that is the driving factor for a change to the plan.

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.

FINDING: The Plan does represent a change in public need for residents of Blue River. The Plan was created with four guiding goals, that were a direct result of numerous focus groups, interviews, work sessions, and community meetings, with the residents of Blue River and various stakeholders. The Plan attempts to address a change in public need by creating a livable and resilient community (Goal 1), creating an inviting and identifiable downtown (Goal 2), making transportation more accessible (Goal 3), and establishing Blue River as a recreation destination (Goal 4).

Therefore, the two criteria that are triggered to a change in the plan are (2) and (4) because circumstances in Blue River have changed, as discussed above, and as a result of extensive public outreach with the Blue River community, a change in public need was identified.

Applicable approval criteria: Lane Code Chapter 16.400 Rural Comprehensive Plan Amendments.

(3) Plan Categories.

(a) Rural Comprehensive Plan. This category includes all plans relating to lands beyond the Eugene-Springfield Metropolitan Area General Plan boundary and the urban growth boundaries of the cities within Lane County.

(b) Special Purpose Plan. This category includes Plans addressing a single or special need. The Plans may apply Countywide or to a limited area.

FINDING: LC 16.400 addresses amendments to the RCP. Embedded in LC 16.400 is subsection (3)(b) Plan Categories. This section provides two categories of amendments to the RCP. Subsection (b) deals with Special Purpose Plans. This category includes plans addressing a single or special need. The plans may apply countywide or to a limited area. The Plan is a "Special Purpose Plan" because it is confined to the limited area of Blue River and addresses the special needs of Blue River. The Plan is an amendment to the RCP.

Applicable approval criteria: LC 16.400 Rural Comprehensive Plan Amendments.

(6) Plan Adoption or Amendment - General Procedures. The Rural Comprehensive Plan, or any component of such Plan, shall be adopted or amended in accordance with the following procedures:

(a) Referral to Planning Commission. Before the Board takes any action on a Rural Comprehensive Plan component, or an amendment to such Plan component, a report and recommendation thereon shall be requested from the County Planning Commission and a reasonable time allowed for the submission of such report and recommendation. In the event the Rural Comprehensive Plan component or amendment applies to a limited geographic area, only the Planning Commission having jurisdiction of that area need receive such referral.

(b) Planning Commission - Hearing and Notice.

(i) The Planning Commission shall hold at least one public hearing before making a recommendation to the Board on a Rural Comprehensive Plan component, or an amendment to such Plan component, and the hearing shall be conducted pursuant to Type IV hearing procedures of LC Chapter 14.

(ii) Notice of the time and place of hearing shall be given, pursuant to Type IV noticing procedures of LC Chapter 14.060.

(iii) If an exception to State Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notices of such hearing.

(iv) The proposed Rural Comprehensive Plan component, or an amendment to such Plan component, shall be on file with the Director and available for public examination for at least 10 days prior to the time set for hearing thereon.

FINDING: The Plan, code amendments, new zoning designations, and change of Blue River community boundary have all been referred to the Lane County Planning Commission for review and a recommendation for approval or denial. The Lane County Planning Commission has been involved in the Plan process from the beginning and held a work session to review and select the preferred alternatives on December 5, 2023. The Planning Commission held another work session on July 16, 2024, to review the draft Plan, including proposed amendments to Lane Code, and RCP.

Lane County Planning Commission held the first evidentiary public hearing on August 6, 2024. Notice of this hearing was sent on July 1, 2024, and July 31, 2024, and DLCDD was notified on July 1, 2024. At the August 6 hearing, Planning Commission passed a motion to continue the hearing to August 20. The Planning Commission reconvened on August 20, and after receiving additional public testimony, passed a motion to recommend adoption to the Board, with the following changes to the Plan:

1st Motion Language: Move to forward a recommendation of the Blue River Complete Community Plan and code to the Board of County Commissioners with the following adjustments:

- Eliminate cross-references to building code and remove occupancy standards (CFU Zone)
- Add in a pathway for a proposal that cannot meet the compatibility standards for a CUP option (CFU Zone)
- More carefully define light industrial (CFU Zone)
- More consistently use term 'screening' and define it (CFU & BRDO Zones)
- Remove language surrounding similar uses to exception for the Blue River Drive overlay (CFU Zone)

Amendments to the Motion: Friendly Amendment by Commissioner Dignam to also include:

- Allow for more use flexibility, by allowing increased building size (up to 40kSF) with Type II: Instruct staff to review recommended changes from TBG Architects + Planners and evaluate how to address it. (CFU Zone)
- More equitably define signage rules (CFU Zone)

Notice of Board public hearing was issued on October 8, 2024.

(c) Planning Commission - Consideration With Other Agencies.

(i) In considering a Rural Comprehensive Plan component, or an amendment to such Plan component, the Planning Commission shall take account of and seek to harmonize, within the framework of the needs of the County, the Comprehensive Plans of cities, and the Plans and planning activities of local, state, federal and other public agencies, organizations and bodies within the County and adjacent to it.

(ii) The Planning Commission, during consideration of a Rural Comprehensive Plan component or an amendment to such Plan component, shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally to the end that maximum coordination of Plans may be secured.

(iii) Whenever the Planning Commission is considering a Rural Comprehensive Plan component, or an amendment to such Plan component, it shall be referred to the planning agency of every city and county affected to inform them and solicit their comments.

(iv) The provisions of this subsection are directory, not mandatory, and the failure to refer such Plan, or an amendment to such Plan, shall not in any manner affect its validity.

FINDING: Throughout the Plan development and drafting, state agencies, community groups, and the public were engaged and offered opportunities for guidance, review, coordination, and vetting. Stakeholders were interviewed and their feedback provided guidance and direction through development of the Plan's preferred alternative. The Plan's alternatives and then preferred alternative were presented at four technical advisory group meetings, two in-person open houses held in Blue River, and two virtual public workshops. Initial feedback was sought from a stakeholder group representing a variety of interests. DLCDD notice of the proposed amendment was submitted, and the project was guided by the TGM Grant Coordinator who participated in the creation and review of the Plan since the start of the project. These criteria are met.

(d) Planning Commission - Recommendation and Record.

(i) Recommendation of the Planning Commission on a Rural Comprehensive Plan component, or an amendment to a Plan component, shall be by resolution of the Commission and carried by the affirmative vote of not less than a majority of its total voting members.

(ii) The record made at the Planning Commission hearings on a Rural Comprehensive Plan component, or an amendment to such Plan component and all materials submitted to or gathered by the Planning Commission for its consideration, shall be forwarded to the Board along with the recommendation.

FINDING: Lane County Planning Commission held a public hearing on the proposed Plan and passed a motion to recommend adoption to the Board. The Board accepted the Planning Commission's recommendation and duly passed Ordinance No. PA 1393 and Ordinance No. 24-08 officially adopting the Plan.

(e) Board Action - Hearing and Notice.

(i) After a recommendation has been submitted to the Board by the Planning Commission on the Rural Comprehensive Plan component, or an amendment to such Plan component, all interested persons shall have an opportunity to be heard thereon at a public hearing before the Board conducted pursuant to Type IV hearing procedures of LC Chapter 14.

(ii) Notice of the time and place of the hearing shall be given pursuant to Type IV noticing procedures of LC Chapter 14.060.

FINDING: The Board passed a motion to adopt Ordinance No. PA 1393 and Ordinance No. 24-08 officially adopting the Plan, in accordance with the Type IV noticing procedures of LC Chapter 14.060.

Applicable approval criteria: Lane Code Chapter 16.400 Rural Comprehensive Plan Amendments.

(6) Plan Adoption or Amendment – General Procedures.

(h) Method of Adoption and Amendment.

(i) The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.

FINDING: Amendment to the RCP was duly adopted by the Board via Ordinance No. PA 1393.

(ii) The adoption or amendment shall be concurrent with an amendment to LC 16.400(4) above. In the case of a Rural Comprehensive Plan adoption, the Code amendment shall place such Plan in the appropriate category. In the case of a Rural Comprehensive Plan amendment, the Code amendment shall insert the number of the amending Ordinance.

FINDING: Amendment to the RCP was duly adopted by the Board via Ordinance No. PA 1393.

(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.

FINDING: The amendment of the RCP is classified as a Major Amendment. Refer to LC 16.400(8) below for a discussion on why these amendments to the RCP are considered Major. As presented and discussed in these findings, the Plan components and amendments meet all applicable local and state law, including Statewide Planning Goals and Oregon Administrative Rules (OAR). The OAR applicable to the Plan and these findings is OAR 660-022-0020(4), Unincorporated Communities. This OAR permits for Goal 3 or 4 lands to be included in a community boundary if the criteria for inclusion are met. Expansion of the Blue River community boundary is discussed in **Section III** of these findings. This criterion is met.

(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

FINDING: This criterion is not applicable as there is no existing plan in which an error has been identified. The Plan is new and specific to the community of Blue River and will be adopted as a refinement or Special Purpose Plan to the RCP.

(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or

FINDING: The Plan is necessary to fulfill an identified public or community need. The primary impetus for the Plan was the devastating Holiday Farm Fire in 2020, which destroyed much of the McKenzie River Valley, including Blue River. 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 start. Furthermore, the Plan makes strides in addressing a critical need for the community of Blue River: a reliable wastewater system. A wastewater system is crucial to the redevelopment and growth of Blue River, consistent with the community's goals and vision.

(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; or

FINDING: The adoption of the Plan is not necessitated by a local, state, or federal mandate.

(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; or

FINDING: The Plan referenced here is the RCP, not the Blue River Complete Community Plan. The adoption of amendments to the RCP that contain measures implementing the Blue River Complete Community Plan--e.g. RCP text amendments, including the creation of new RCP plan designations; expansion of the Blue River Unincorporated Community boundary; and amendments to the County's land use designation map--are necessary to implement the RCP Plan policy adopted in the new Blue River Complete Community Plan.

(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

FINDING: The Board finds the Plan, amendments to LC, new zoning designations, and change of Blue River community boundary fulfill an identified public need and provide for the implementation of the Plan.

Based on these findings, the Board concludes that the proposed Plan, amendments to the Lane Code, new zoning designations, and change of Blue River community boundary are consistent with the criteria listed above.

(cc) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

FINDING: As defined in 16.400(8)(a) below, the change of the Plan Diagram is considered a minor amendment. As is discussed and presented throughout these findings, the Plan amendment and components do not conflict with policies of the RCP. Criterion met.

(dd) For Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan.

FINDING: The minor amendment relevant to these findings is the change to the Plan Diagram. The change introduces a new plan designation, CFU, which does not alter the structure of the RCP. The associated text amendments can be easily incorporated into the RCP and LC without changing the overall structure of the RCP. Lastly, as discussed and presented throughout these findings, the amendment is consistent with the unamended portions and elements of the RCP.

(i) A change of zoning to implement a proposed Plan amendment may be considered concurrently with such amendment. In such case, the Board shall also make the final zone change decision, and the Hearings Officials consideration need not occur.

FINDING: The Board considered the proposed RCP amendments concurrently with a zone change. The proposed RCP amendments, Lane Code amendments, and zone changes were duly adopted via Ordinance No. PA 1393 and Ordinance No. 24-08.

(8) Additional Administrative Provisions. In addition to the general procedures set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of RCP components.

(a) Amendments to the RCP 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 only on the basis of 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.

FINDING: The amendment is major because the amendments are not limited to only the Plan Diagram and does not require an exception to Statewide Planning Goals. Therefore, the amendments are major.

(b) Amendment proposals, either minor or major, may be initiated by the County of by individual application. Individual applications shall be subject to a fee established by the Board and submitted pursuant to Type IV procedures of LC Chapter 14.

FINDING: The amendments are initiated by the County. An individual application is not necessary.

Section II. Zone Changes

COMMENTARY: For context, actions being discussed in Section II include both zoning map changes and amendment of LC text.

Lane Code Chapter 16.252 Procedures for Zoning, Rezoning and Amendments to Requirements.

(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. In addition, zonings and rezonings shall be consistent with the specific purposes of the zone classification proposed, applicable Rural Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners or the Hearings Official in accordance with the procedures in this section.

COMMENTARY: The criteria require a finding that “zonings, rezonings, and changes in the requirements,” of Chapter 16 not be contrary to the public interest. For zonings and rezonings only (not including Lane Code Chapter 16 text amendments), the section requires consistency with the specific purposes of the zone classification proposed, applicable elements and components of RCP, and with Statewide Planning Goals. The “amendments to requirements’ portion of the above criteria are technically an amendment to the RCP. However, the findings included throughout Section II are also adequate for the amendment to the RCP, specifically, the amendment of the plan designation map., The immediate next several pages of these findings provide a summary of the changes to the zone and plan maps. Figures showing the changes in the zone and plan map are provided. Following a summary of the changes to the zone and plan maps, the findings will continue to address the remainder of LC 16.252(2).

Figure 1 is the existing Blue River unincorporated community zoning map.

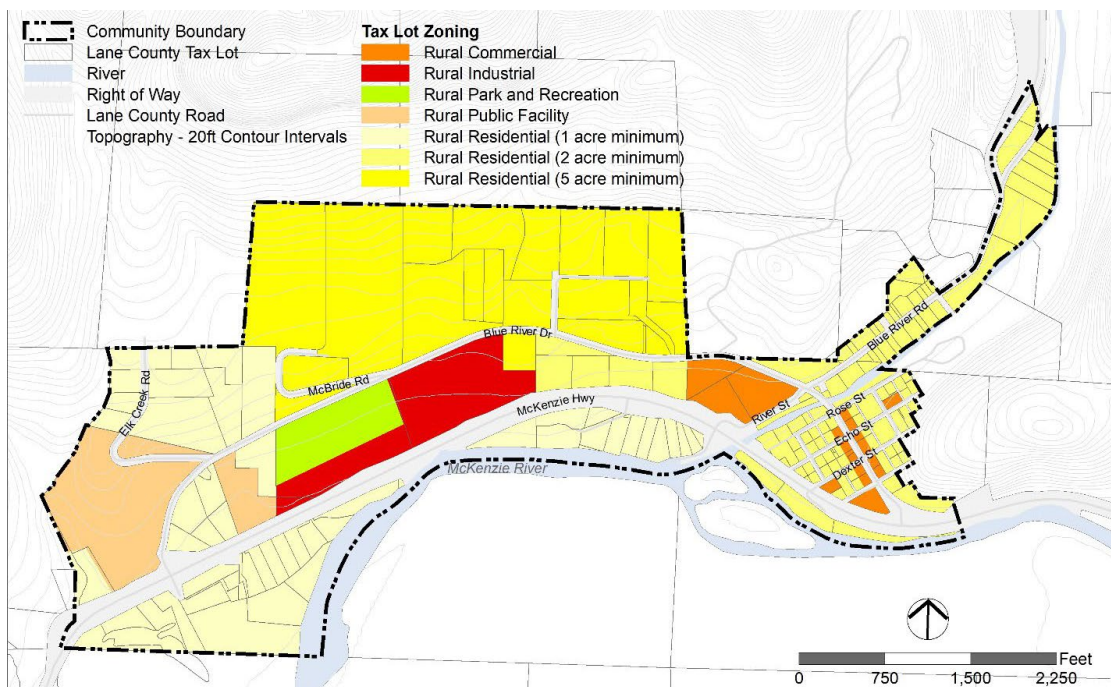


Figure 1. Existing Blue River unincorporated community zoning map.

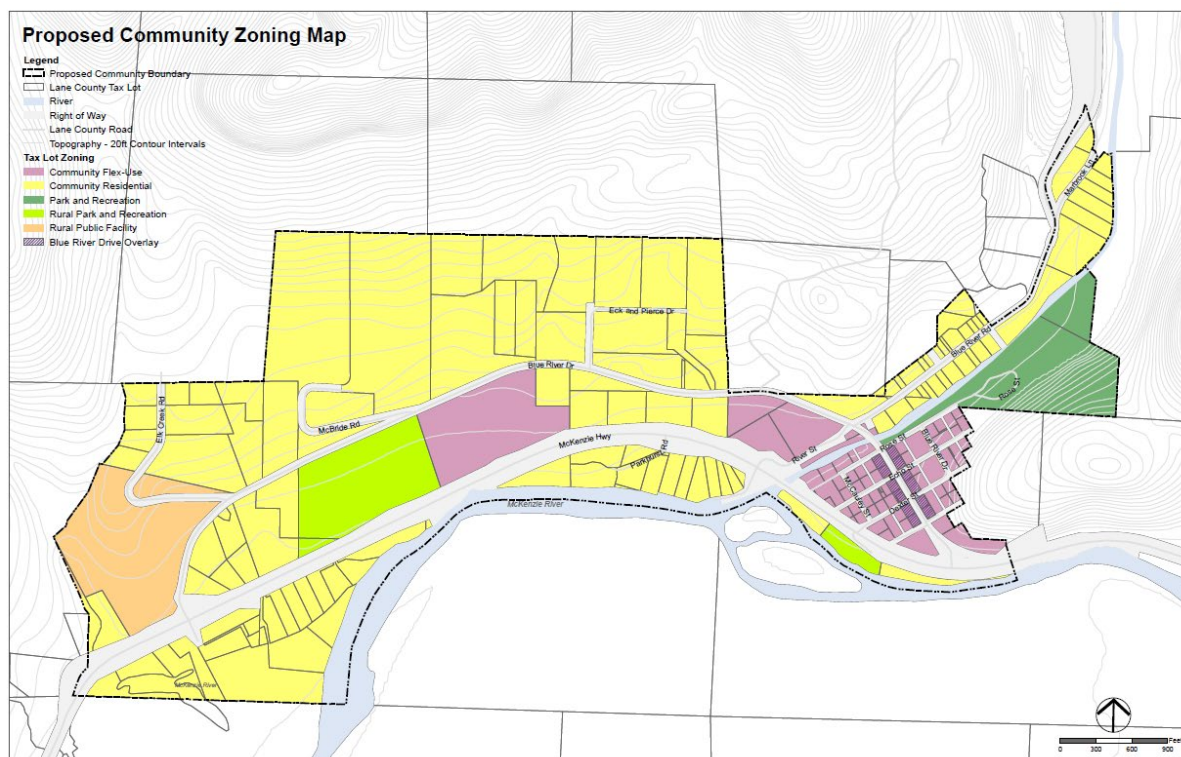


Figure 2. Proposed Blue River unincorporated community zoning map. This map will appear in the Plan. Official Lane County Zoning Map updated to reflect changes in Figure 2.

Figure 2 is the proposed Blue River community zoning map. As seen in **Figure 2**, the parcels in downtown Blue River and north of River Street, just across the bridge beyond Rose Street, north will be rezoned to a new zoning designation called Community Flex Use (CFU). The CFU zone allows for a flexibility of uses, including residential, commercial, and mixed-use. The flexibility in zoning is one key tenet of what the community expressed they wanted to see in the Plan. All other properties zoned Rural Residential will be rezoned to Community Residential (CR).

For all intents and purposes, a zoning designation of CR is the same as Rural Residential, but for a reduction in the minimum lot size from 2-acres to 1-acre. Another important aspect of **Figure 2** is the change of the property known as “Three Sisters Meadow” (3SM), located less than a mile from downtown Blue River. The 3SM property is the only property containing a zoning designation outside of downtown Blue River (seen in purple). In 2021, the property was donated to Blue River by the owners of The Seneca Family of Companies. Because Blue River is unincorporated, the community asked the McKenzie Community Land Trust to accept the land donation as the interim owner. The 3SM site is 16 acres. The zoning of 3SM is proposed to change from Rural Industrial to CFU. This zoning designation allows for a flexibility of uses and grants developers more discretion to decide the best use of the property, as permitted in the CFU zone.

Figure 2 also displays the inclusion of Blue River Park into the Blue River community boundary and having a zoning designation of Park and Recreation. The last notable change in **Figure 2** is the property containing the McKenzie School District Track. As seen in **Figure 1** this property is split-zoned Rural Industrial and Rural Park and Recreation. A more appropriate classification of Park and Recreation is proposed for this property.

Figure 3 is the existing plan designation map of Blue River. The Plan changes the plan designation of several areas of Blue River.

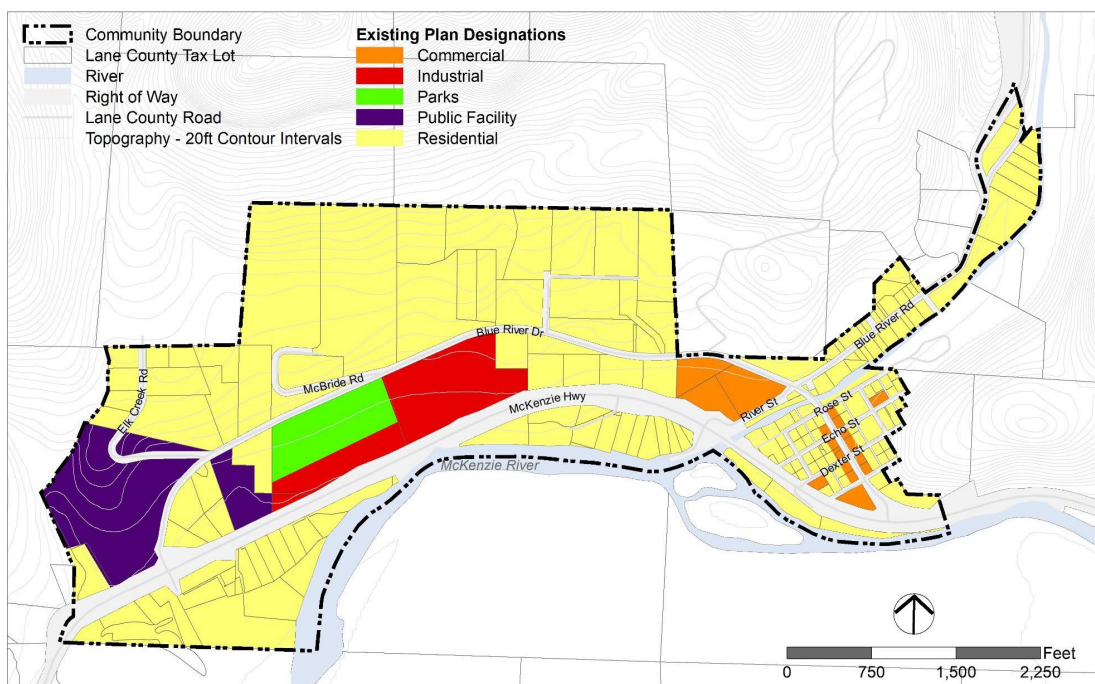


Figure 3. Existing plan designation map of Blue River.

Figure 4 is the proposed plan designation map of Blue River.

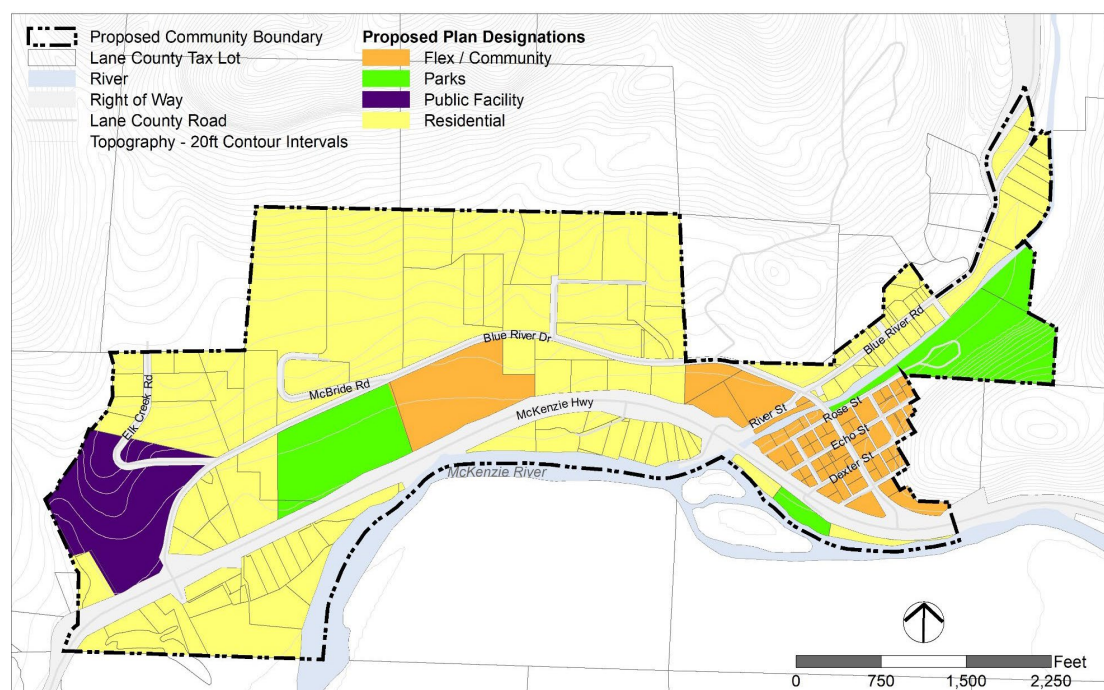


Figure 4. Proposed plan designation map of Blue River.

Consistent with the proposed rezoning of several areas of Blue River, those same areas will also have its plan designation changed, to be consistent with the new proposed zoning designations. The proposed plan designations are a broader classification than zoning.

This ends the summary of the changes to the zone and plan maps of Blue River. The next several pages of findings continue to address the approval criteria for changes to zoning, rezoning and amendments to requirements (LC 16.252(2)).

FINDING: The approval standard is : ***“shall not be contrary to the public interest.”***

The Plan was created at the behest of the Blue River community. Creation of the Plan involved 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 the rezone of certain areas of Blue River, adjustment of the Blue River community boundary, and adoption of new development standards. Accordingly, the rezonings and Lane Code requirement amendments are no contrary to the public interest.

FINDING: The approval standard is : ***“enacted to achieve the general purpose of this chapter.”***

The foundation for creating the Plan, including the necessary components to effectively implement it—such as rezones and amendments to LC—is guided by the four Goals developed by the Blue River community and stakeholders. Consequently, once enacted, each of the four Goals achieves the general purpose of LC Chapter 16.003, as detailed below.

Goal 1: Livable and Resilient Community

Purpose 1: Ensures development aligns with the land's character, promoting health, safety, and welfare.

Purpose 5: Supports the provision of affordable housing, enhancing livability for residents.

Purpose 12: Addresses recreational needs, contributing to a vibrant community life.

Goal 2: Identifiable and Inviting Downtown

Purpose 2: Protects and diversifies the economy, fostering a lively downtown that attracts residents and visitors.

Purpose 10: Ensures a clean environment, enhancing the appeal of downtown spaces.

Purpose 13: Conserves cultural and scenic resources, enriching the character of the downtown area.

Goal 3: Transportation Accessibility

Purpose 9: Promotes a convenient transportation system that accommodates all users, enhancing connectivity.

Purpose 7: Supports orderly land use transitions that facilitate transportation development and access.

Purpose 1: Ensures safe and efficient transportation routes that protect public health and safety.

Goal 4: Recreational Destination

Purpose 4: Conserves farm and forest lands, ensuring the natural environment remains intact for recreational use.

Purpose 6: Encourages sustainable land use that conserves energy while enhancing access to recreational opportunities.

Purpose 13: Protects open spaces and natural resources, making Blue River an attractive destination for outdoor activities.

Approval standard: ***“zonings and rezonings shall be consistent with the specific purposes of the zone classification proposed.”***

FINDING: The Plan creates three new zones: Community Flex Use Zone (CFU), Community Residential (CR), and a Blue Rive Drive Overlay (BRDO).

The purpose of the CFU zone is to:

“allow maximum flexibility in residential, commercial, and light industrial uses within an unincorporated 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 CFU zone is consistent with the specific purpose of the CFU zone because the newly created CFU zone includes development standards and permitted, and conditional uses that allow for maximum flexibility in residential, commercial, and light industrial uses. Furthermore, flexibility in development is achieved through allowance of any of the three permitted use types. This flexibility leaves it up to the developer to decide what use best fits their property and is best suited to serve Blue River. For these reasons, the CFU zone’s purpose is consistent with the proposed zoning classification of Community Flex Use.

The purpose of the Community Residential zone is to:

- (a) To implement the policies of the Lane County Rural Comprehensive Plan (RCP) pertaining to developed and committed lands within unincorporated communities;
- (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.

The purpose of the CR zone is consistent with a proposed zoning classification of CR because the stated purpose is the same as was previously existing under a zoning classification of Rural Residential. The primary change with the CR zone is a reduction in minimum lot size. Because the purpose of the Rural Residential zone will not change upon a zone change to CR, the rezoning is consistent with purpose of the zone classification proposed.

The purpose of the BRDO is to:

“support the Community Plan goals of creating an identifiable and inviting downtown that is accessible for people walking, biking, driving, and taking transit. The design standards are intended to encourage commercial development that people want to visit. The Blue River Drive Overlay complements the implementation of the Blue River Drive Design, which provides for car parking spaces, shared lanes for bicycles, and street trees all within the right-of-way.”

The purpose of the BRDO is consistent with BRDO because the design standards create an identifiable downtown and creates a design that advances the goals of the Plan and the vision of the community. Based on the above, the rezonings are consistent with the specific purposes of the zone classification proposed.

FINDING: Approval standard: ***“zonings and rezonings shall be consistent with . . . applicable Rural Comprehensive Plan elements and components.”***

Staff's review of the RCP found the applicable RCP plan elements and components relevant to the proposed amendments, showing compliance with 16.252(2).

Goal Two: Land Use Planning

- ***Policy 10***

FINDING: This policy directs any changes in the planning and zoning for the unincorporated community to comply with OAR 660 Division 22. Consistency with Policy 10 is met because the Plan and accompanying amendments comply with OAR 660-022-0020, Designation of Community Areas, Subsection 4. These findings address compliance with OAR 660 Division 22 as part of the findings provided for Goal 14 of the Oregon Statewide Planning Goals. OAR 660 Division 22 is important here because it permits the inclusion of Blue River Park into community boundaries, provided certain criteria are met, which are discussed under Goal 14.

- ***Policy 11***

FINDING: Policy 11 lays out criteria for appropriate land use designations and densities for developed and committed areas (such as unincorporated communities). Because the Plan and accompanying amendments change density for Blue River and amend the minimum lot size, this policy must be amended. Policy 11.a.i.F will be amended as follows:

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. PA1393, 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 with 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);"~~

With the proposed amended language, the proposal is consistent with Policy 11.

- **Policy 13**

FINDING: Policy 13 requires that rezoning within a “community” designation, of which Blue River is, shall be consistent with the following criteria:

- a. “The proposed use will not adversely affect the livability or appropriate development of the surrounding area”; and
- b. Commercial and industrial activities within Communities shall, to the greatest degree practicable, be concentrated in identifiable nodes which are favorably located with reference to transportation facilities and other public services.”

The “proposed use” in this instance is presumably the adoption of the Plan and the accompanying amendments and zone changes that come along with it. The Plan was created with the livability of Blue River residents at the forefront, and with community support. Livability of Blue River residents is not impacted by adoption of the Plan and the accompanying amendments, because the Plan was created by always referring back to the four community identified goals and linking each proposed amendment back to an identified goal.

Livability is not adversely affected, rather it is greatly enhanced by the Plan and accompanying amendments. Enhanced livability is achieved through allowing residents greater flexibility in how they chose to rebuild their properties, and by allowing outright residential and commercial uses in the Community Flex Use zone. Furthermore, greater livability is achieved through adoption of building design standards solely for properties fronting Blue River Drive that help aid in creating an inviting and identifiable downtown (Goal 2 of the Plan).

In addressing criterion (b), commercial and industrial uses are permitted on properties zoned Community Flex Use and such properties are located next to Blue River Drive – the primary transportation facility through Blue River. Water service as “Other public services,” is available from BRWD and wastewater service, at the moment, is available via private on-site septic systems, if the size of the property permits. The end-goal, with respect to wastewater service, is to have a community wastewater system and to no longer depend on on-site septic systems serving a sole property.

- **Policy 14**

FINDING: Policy 14 states that a zone change in this area shall be accomplished through an RCP refinement. Policy 14 is met because the proposed zone changes are being accomplished through the implementation of a refinement plan – The Blue River Complete Community Plan.

- **Policy 24**

FINDING: Policy 24 states: “Outside of designated ‘Community’ areas, all changes to Plan Diagram designations shall be evaluated through the County’s Plan Amendment procedure (LC 16.400) and approval based upon fulfillment of criteria therein.” The process described in Policy 24 is precisely the process by which adoption occurred. The proposed amendments are consistent with Policy 24.

Goal Three: Agricultural Lands

- **Policy 8**

FINDING: Policy 8 requires that maximum protection be given to agricultural activities by minimizing activities, particularly residential, that conflict with such use. There are no adjacent agricultural lands to the existing Blue River community boundary nor proposed Blue River community boundary. The existing and proposed community boundary of Blue River is surrounded by Forest Lands.

Goal Five: Open Spaces, Scenic and Historic and Natural Resources

- ***Policy 3 – Open Space and Scenic Areas***

FINDING: Policy 3 identifies the McKenzie Valley as an area of outstanding scenic value. Adoption of the Plan and the accompanying amendments will not change the outstanding scenic value of the McKenzie Valley because development is still limited to the community boundary and development was always permitted within the community boundary, so the Plan does not change this fact.

Notwithstanding, tax lots 00201 and 00204 will be included in the Blue River community boundary. Tax lot 00201 is already development with existing park and recreational uses. Development, if any, on tax lot 00204 would be in the form of a drain field to support a community wastewater system. Tax lot 00204 will continue to serve as a piece of Blue River Park, as it does now. Aside from temporary construction or development activities involved with the initial installation of a drain field, after installation is complete, the current scenic value of tax lot 00204 will not change as development on top of a drain field is not permitted.

- ***Policy 11 – Flora and Fauna***

FINDING: Policy 11 caps residential density where there is a “Major Big Game” designation and requires protections of big game in areas of the County that are not developed and committed. Lands within the Blue River community boundary are considered developed and committed; therefore, the “Impacted Big Game” designation, and “Major Big Game” areas, are not subject to this policy. The County is using OAR 660 Division 22 to justify the expansion of the Blue River community boundary to include Blue River Park and the adjacent parcel into the community boundary. The proposed amendment is consistent with Policy 11.

- ***Policy 13 – Flora and Fauna***

FINDING: Flora and fauna Policy #13 requires the protection of “1C” resources to the maximum extent possible by use of existing land use regulations.

FINDING: Major Big Game and riparian areas will continue to be adequately provided through Lane Code Chapter 16.253.

Goal Nine: Economy of the State

- ***Policy 9***

FINDING: Policy 9 states that tourism shall be considered as a base industry having high potential growth throughout the County. While the Plan is not explicitly or entirely directed at tourism of Blue River, it is an aspect of the redevelopment of Blue River. Creating an inviting and identifiable downtown Blue River increases Blue River’s chances at becoming a tourist destination which has benefits community-wide in terms of economic development and job opportunities.

Goal Eleven: Public Facilities

- ***Policy 2***

FINDING: Any increases in the levels of public facilities and services generated by the application of new or revised land use designations within an area shall, to the extent practicable, be financed and maintained by revenues generated within or as a result of those designated land uses. The wastewater study being performed by Lane County will take the potential mechanisms to finance potential wastewater systems into consideration. The proposed amendment is consistent with Policy 2.

Goal Fourteen: Urbanization

- **Policy 16**

FINDING: “Unincorporated communities shall be considered and treated as part of the County Plan with due consideration for community needs and values. Urban-level development requiring or ultimately likely to require urban services such as sewer and water systems shall not be approved unless the community itself, by public or private installation, can supply these services, and the development is in the form of an acceptable new development center proposal.” Although Lane County is analyzing the feasibility of a community wastewater system, it would be supplied by the community. OAR 660-011-0060(1)(f) defines “sewer system” as “a system that serves more than one lot or parcel, or more than one condominium unit or more than one unit within a planned unit development, and includes pipelines or conduits, pump stations, force mains, and all other structures, devices, appurtenances, and facilities used for treating or disposing of sewage or for collecting or conducting sewage to an ultimate point for treatment and disposal.”

FINDING: As outlined in **Section III**, the Plan and the associated amendments, including zone changes, are consistent with the applicable goals and policies of the RCP. The proposed amendment is consistent with Policy 16.

Approval standard: ***“zonings and rezonings shall be consistent with . . . applicable Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning Goals by the Land Conservation and Development Commission.”***

Staff’s review of Statewide Planning Goals is presented below and continues for several pages. Staff findings demonstrate compliance with LC 16.252(2).

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

FINDING for Goal 1: Pursuant to the requirements of Lane Code, citizen involvement was pursued and incorporated in the preparation and review of Ordinance No. PA 1393 and Ordinance No. 24-08 follows:

- 12 community stakeholder interviews
- Three Project Advisory Committee meetings
- Two virtual public workshops
- November 8, 2023 - Community Meeting #1. The meeting involved a presentation by staff, a project status update, and a review of plan alternatives.
- December 5, 2023 - Lane County Planning Commission Work Session. Work session involved a presentation by staff, a project status update, and Planning Commission review, and guidance on the preferred plan alternative.
- April 30, 2024 – Community Meeting #2. The meeting involved a presentation by staff, a project status update, and a presentation of the selected preferred alternative.
- July 16, 2024 – Lane County Planning Commission Work Session.

- August 6, 2024 – Lane County Planning Commission Public Hearing #1.
- August 20, 2024 – Lane County Planning Commission Public Hearing #2.
- October 15, 2024 - Board of Commissioners First Reading (no public comment).
- October 29, 2024 – Board of Commissioners Second Reading/Public Hearing.

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.

FINDING for Goal 2: The RCP was acknowledged by the Land Conservation and Development Commission (LCDC) as complying with statewide planning goals. LC 16.400, adopted and also acknowledged by LCDC specifies the means by which the RCP may be amended. Notice of the public hearing and pending adoption of the Plan, code amendments, new zoning designations, and Blue River community boundary adjustment was mailed to the Oregon Department of Land Conservation and Development (DLCD), the Oregon Department of Transportation (ODOT), the Oregon Department of Fish and Wildlife (ODFW) on July 31, 2024. The Plan, code amendments, new zoning designations, and community boundary adjustment follow the procedures outlined in Lane Code and these findings provide an adequate factual basis for action. The amendment therefore conforms to the established land use planning process and framework consistent with Goal 2.

Goal 3 - Agricultural Land: To preserve and maintain agricultural lands.

FINDING for Goal 3: The Plan seeks to create new development standards, zoning designations and to add Blue River Park into the community boundary. None of these actions involve or impact agricultural lands. Adoption of the Plan will not change any agricultural land use designations and is, therefore, consistent with Goal 3.

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.

FINDING for Goal 4: In regard to Statewide Planning Goal 4, Guideline B.1 Implementation states that before forest land is changed to another use, the productive capacity of the land in each use should be considered and evaluated. However, such a consideration is not necessary because OAR 660-022-0020(4)(b) permits community boundaries to include land that is designated for farm or forest use if the land was occupied by a church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility, prior to October 28, 1994. In the case of the inclusion of tax lots 00201 and 00204 into the Blue River community boundary, the tax lots were occupied by a park. Refer to **Section III** for a further discussion of inclusion of tax lots 00201 and 00204 into the Blue River community boundary.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: To conserve open space and protect natural and scenic resources.

FINDING for Goal 5: The treatment of resources regulated under Goal 5 will not change as a result of the Plan, and therefore, the associated amendments are consistent with Goal 5.

Goal 6 - Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

FINDING for Goal 6: While the Blue River Park property is under consideration for siting of a community wastewater drainfield, the final feasibility and construction of a community wastewater system in Blue River are still unknown. Properties in Blue River may still utilize on-site septic system, subject to permitting and Department of Environmental Quality (DEQ) regulations. Regardless of how it eventually takes form, wastewater treatment in Blue River is still subject to DEQ regulations. By following DEQ regulations, property owner due diligence, and review and permitting by Lane County Sanitarian of wastewater development proposals, the provision of wastewater service to Blue River properties are not anticipated to degrade the water resources of Blue River. Implementation of a community wastewater system will in part, alleviate reliance on underground septic systems and their propensity to fail over time and lead to contamination or pollution (see finding from Dyer Partnership study under Goal 11). No development proposals will be approved without first showing capacity to handle wastewater in accordance with state law and DEQ regulations. Presently, development in Blue River is permitted but development of a greater density, as contemplated in the Plan, is restricted by wastewater limitations. Such limitations will be in part addressed by the imposition of a community wastewater system. Because the treatment of resources regulated under Goal 6 will not change as a result of the Plan, and therefore, the associated amendments are consistent with Goal 6.

Goal 7 - Areas Subject To Natural Disasters And Hazards: To protect life and property from natural disasters and hazards.

FINDING for Goal 7: Much of Blue River was destroyed by wildfire because of the “Holiday Farm Fire” that occurred in September 2020. This Plan is not a hazard mitigation plan. The Plan itself does not increase the likelihood of damage to people or property in Blue River. Implementation of Goal 7 is primarily aimed at limiting development in areas subject to natural hazards. Much of downtown Blue River lies in floodplain Zone A. Any proposed development will still need to meet applicable floodplain development standards and fire mitigation measures, where and if applicable. The proposed amendments are consistent with Goal 7.

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.

FINDING for Goal 8: Recreational activities and opportunities is a value of the residents of Blue River and is Plan Goal 4 Recreational Destination, which states “Blue River is located within a pristine natural environment and is a destination to access surrounding recreational opportunities.” Included in the Plan is a proposal to bring a parcel of land immediately adjacent to Blue River Park into the community boundary to aid in meeting drain field standards for a community wastewater system. Elsewhere, a multi-use path is proposed that would connect downtown to the McKenzie School District and the Three Sisters Meadow (TSM) site. Adoption of the Plan does not limit or restrict any current or future recreational needs; rather, it provides avenues for increased recreational opportunities and is consistent with Goal 8.

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.

FINDING for Goal 9: A primary component of the Plan and the new development standards is to provide an environment that promotes increased economic development with a greater emphasis on commercial businesses. Included in the Plan is the new zoning designation of Community Flex Use (CFU). In the CFU zone commercial uses are permitted as outright permitted uses, subject to community compatibility standards. The proposed amendments are consistent with Goal 9.

Goal 10 – Housing: To provide for the housing needs of citizens of the state.

FINDING for Goal 10: The Plan is intended to provide more housing within Blue River. This is achieved through the adoption of the CR and CFU zone. Housing in which housing is permitted outright in both and lot development standards are more reflective of existing platted lot sizes and are flexible to enable more efficient use of limited land. In the CFU zone, the minimum lot size will be reduced from the current 1-2 acres for properties in the downtown's Rural Residential zoning designation to 8,000 square feet. In any case, a property's size must be sufficient to accommodate sewerage. Furthermore, up to two single-family dwellings or one two-family dwelling (duplex) are permitted per lot in the CR zone. The proposed amendments are consistent with Goal 10.

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.

FINDING for Goal 11: The planning for the timely, orderly, and efficient arrangement of public facilities and services is paramount to the Plan and the future of Blue River. Currently, Blue River does not have a community wastewater system. Properties in Blue River are presently served with water through the Blue River Water District (BRWD). The provision of water by BRWD to properties and residents in Blue River will not change as a result of the adoption. However, there is no community wastewater system in Blue River, properties in Blue River currently operate on an individual septic system with drain fields on each respective property. In 2012, prior to the Holiday Farm Fire, a study by the Dyer Partnership¹ inventoried existing septic systems in Blue River and found that 15-20% of the septic systems in Blue River were failing; this has only been exacerbated by the damage caused by the Holiday Farm Fire. Planning and testing for suitable locations for a community drain field to support a community wastewater system is underway and being led by Lane County Sanitation Department. The likely site for a community drainfield is the large and vacant empty field at Blue River Park. Preliminary analysis shows a capacity for eight dwellings to connect to a community wastewater system. The community wastewater system would likely primarily serve properties in downtown Blue River. Inclusion of a community wastewater system allows for a greater level of development on a property because space reserved for a drain field is not necessary. The proposed amendments are consistent with Goal 11.

Goal 12 – Transportation: To provide and encourage a safe, convenient and economic transportation system.

FINDING for Goal 12: A primary outcome of the Plan is to reduce reliance on automobiles and encourage transportation by walking, biking, and transit. To achieve this, the Plan proposes to exempt off-street parking requirements in the CFU zone. An exemption from off-street parking requirements does not mean that off-street parking cannot be provided, rather, it gives the business or developer the opportunity to decide the number of off-street parking spaces to meet their needs, not a number required by the County. Blue River Drive is proposed to have new right-of-way standards that are being advanced by Lane County Transportation Planning (not part of this Plan). The new right-of-way standards along Blue River Drive call for sidewalks on both sides to improve pedestrian safety and crosswalks at intersections. The addition of these features supports safe walking activity between key destinations including businesses, homes, and the library. The proposed amendments are consistent with Goal 12.

¹ As referenced in Blue River Density Feasibility Memo completed by Urban Collaborative as part of this project, dated May 16, 2023, and further referenced in Lane County Community and Economic Development, 2016.

Goal 13 – Energy: To conserve energy.

FINDING for Goal 13: The Plan will not change any County requirements related to energy, so this goal is not relevant to this amendment.

Goal 14 – Urbanization: To provide for an orderly and efficient transition from rural to urban land use.

FINDING for Goal 14: The Plan proposes to amend the Blue River community boundary to bring Blue River Park, and an adjacent parcel into the boundary of Blue River. The parcels under consideration for inclusion in the community boundary are Map and Tax Lot 16-45-21-00-00201 and 00204. Tax Lot 00201 is serving as the current Blue River Park is approximately 20-acres and zoned PR – Parks and Recreation by the RCP. The parcel immediately north is tax lot 00204, outside the community boundary, and is zoned F2 – Impacted Forest. Both parcels are proposed to be brought into the Blue River community boundary. The majority of Blue River Park will continue to exist as is and serve as a park for visitors and residents of Blue River. However, a vacant portion of the park and the parcel to the north, to be included in the Blue River community boundary are under consideration for use as a drainfield to support a community wastewater system. Tax lot 00204 will be rezoned to Park and Recreation and contain an RCP designation of Parks (P). Tax lot 00201 already contains these zone and plan designations. Tax lot 00204 is already existing as a de-facto portion of Blue River Park and by bringing it into the Blue River community boundary, it will be put to its best use as part of the community wastewater drain field. Furthermore, since no development can occur on a drainfield, tax lot 00204 will remain undeveloped and forested, effectively retaining its former designation as F2 – Impacted Forest. See **Figure 5** below.



Figure 5. Parcel to be brought into Blue River Community Boundary, outlined in red. Blue River Park is under consideration as a community wastewater system drainfield, primarily serving parcels located in downtown.

The parcel to be added to the community boundary is owned by the Blue River Park and Recreation District, is undeveloped, and consists of forested trees. The parcel is proposed to be included in the community boundary because it is immediately adjacent to the existing boundary of Blue River Park, so it is effectively already serving as a park for Blue River residents and for its capacity to aid in establishing a drainfield to support a community wastewater system to serve parcels in downtown Blue River. The newly added parcel will remain undeveloped and be rezoned to Parks and Recreation to match the zoning of the adjacent parcel.

Notwithstanding, Goal 14 of the RCP includes policy 1(c) stating that any addition to a community boundary shall be justified by a valid exception to Statewide Goal 2, Part II. Staff address policy 1(c) of the RCP by performing a review of OAR 660-022-000, which is the division that deals with unincorporated communities in Oregon. The purpose of the unincorporated communities' rule is to expedite the planning process for counties by reducing the need to take lengthy goal exceptions. This is precisely what staff will address as part of these findings and justification for amending the Blue River community boundary without pursuing a goal exception.

Goal 15 – Willamette River Greenway: To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

FINDING for Goal 15: Adoption of the Plan and its accompanying amendments will not change any County requirements related to the Willamette River Greenway. Therefore, this goal is not applicable.

Goal 16 - Estuarine Resources: To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and to protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

FINDING for Goal 16: Adoption of the Plan and its accompanying amendments will not change any County requirements related to estuarine resources. Therefore, this goal is not applicable.

Goal 17 - Coastal Shorelands: To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and to reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

FINDING for Goal 17: Adoption of the Plan and its accompanying amendments will not change any County requirements related to coastal shorelands. Therefore, this goal is not applicable.

Goal 18 - Beaches and Dunes: To conserve, protect, where appropriate develop and where appropriate restore the resources and benefits of coastal beach and dune areas; and to reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

FINDING for Goal 18: Adoption of the Plan and its accompanying amendments will not change any County requirements related to beaches and dunes. Therefore, this goal is not applicable.

Goal 19 - Ocean Resources: To conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf. All local, state, and federal plans, policies, projects, and activities which affect the territorial sea shall be developed, managed and conducted to maintain, and where appropriate, enhance and restore, the long-term benefits derived from the nearshore oceanic resources of Oregon. Since renewable ocean resources and uses, such as food production, water quality, navigation, recreation, and aesthetic enjoyment, will provide greater long-term benefits than will nonrenewable resources, such plans and activities shall give clear priority to the proper management and protection of renewable resources.

FINDING for Goal 19: Adoption of the Plan and its accompanying amendments will not change any County requirements related to ocean resources. Therefore, this goal is not applicable.

Section III. Amendment of Blue River Community Boundary, Pursuant to OAR 660-022-0020.

(4) Community boundaries may include land this is designated for farm or forest use pursuant to Goals 3 and 4 if all the following criteria are met:

(a) The land is contiguous to Goal 3 or 4 exception lands included in the community boundary;

FINDING: The Blue River Community Boundary is being expanded pursuant to OAR 660-022-0020, which is the unincorporated communities rule. **Section III** will discuss each provision of OAR 660-022-0020 that must be met in order to expand an unincorporated community boundary using this rule. See **Figure 6**, at the end of **Section III**, for a depiction of the expansion of the Blue River community boundary.

Tax lots 00204 and 00201 will remain contiguous with developed and committed lands zoned Rural Residential to the south and west that are Goal 3 or 4 exception lands included in the community boundary. When the unincorporated community was adopted, an exception was taken to Goals 3 & 4. Both parcels will serve as a buffer from forest uses from the impacted forest lands beyond the boundaries of tax lots 00204 and 00201. Both tax lots 00204 and 00201 have historically been “developed and committed” as a park.

(b) The land was occupied on the date of this division (October 28, 1994) by one or more of the following uses considered to be part of the community: Church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility;

FINDING: According to the Blue River Park and Recreation District’s website², the Blue River Park was first created in 1952 as a result of a generous gift by Fred and Dorothy Behm. Therefore, tax lot 00201 existed as a community park in 1952 and continues to exist to this day. After inclusion in the community boundary, tax lot 00201 will remain as a community park for residents of Blue River.

Tax lot 00204 has historically been and continues to be an extension of Blue River Park, albeit less intensively. The current circular pedestrian walking path that makes up a portion of Blue River Park extends over the property boundaries of tax lot 00204 and into 00201. Staff find tax lot 00201 has historically been “developed and committed” as a park and tax lot 00204 is an extension of park uses because existing park uses on tax lot 00201 fall over into tax lot 00204, amenities that are present, such as the walking path, and is used as a park by the Blue River community. Therefore, staff conclude that both parcels – tax lots 00201 and 00204 were occupied by park uses prior to October 28, 1994.

(c) Only the portion of the lot or parcel that is occupied by the use(s) in subsection (b) of this section is included within the boundary; and

FINDING: Tax lots 00201 and 00204 will be brought into the Blue River community boundary. Both tax lots are historically developed and committed with park uses and will continue to be used as a park resource following inclusion into the community boundary. If a portion of both tax lots do end up being used for a community wastewater drain field, the lands occupying the drain field can still be used for a walking and jogging path for recreationalists, but no uses that penetrate the ground would be permitted.

² <https://www.blueriverpark.com/about>

(d) The land remains planned and zoned under Goals 3 or 4.

FINDING: An RCP designation of Park and Recreation is considered to be resource land. Following inclusion into the Blue River community boundary, both parcels will contain the RCP designation of Park and Recreation. Therefore, both parcels will remain resource lands, and no exception will be taken.

For these reasons, the Board finds that the inclusion of tax lots 00201 and 00204, into the Blue River community boundary is justified under OAR 660-022-0020(4).



Figure 6. Proposed community boundary expansion outlined in yellow to bring tax lots 00201 and 00204 into the boundary of Blue River.

Section IV. Conclusion

Regarding these criteria the Board finds as follows:

- The Blue River Complete Community Plan, zone changes, amendments to Lane Code and RCP serve the public interest and support the development and redevelopment of the Blue River community.
- The Blue River Complete Community Plan, zone changes, amendments to Lane Code and RCP meet the applicable approval criteria as contained in these findings.
- The process by which amendments to RCP, adoption of refinement plans, and amendments to Lane Code has been duly followed, including public and DLCD notice.

Based upon all of the above findings, the Board approves adoption of the proposal.