

Exhibit A
To Ordinance No. 5-04

**FINDINGS IN SUPPORT OF AN ORDINANCE AMENDING LANE CODE CHAPTER
16 TO ADOPT RIPARIAN PROTECTION REGULATIONS OUTSIDE THE EUGENE-
SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) URBAN
GROWTH BOUNDARY AND INSIDE THE METRO PLAN BOUNDARY**

The following criteria from *Lane Code* 16.252(2) shall be applied by the Lane County Board of Commissioners in approving or denying an amendment to the *Lane Code*:

The changes in the requirements of Lane Code Chapter 16 shall be enacted to achieve the general purpose of this chapter and shall not be contrary to the public interest.

The Lane County Board of Commissioners makes the following findings with respect to the criteria set forth in Lane Code 16.252(2). The revisions to the riparian regulations in Lane Code 16.253 and various zones implement the policies of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) applicable to the area between the Metro Plan boundary and the Eugene and Springfield urban growth boundaries. The revisions provide and coordinate the regulations governing the development and use of lands in Lane County. They also make clear what regulations apply for the protection of riparian resources in the Rural Comprehensive Plan and the Metro Plan where Lane Code Chapter 16 applies. For those reasons, the revisions to the riparian regulations in Lane Code Chapter 16 achieve the general purposes of this chapter and are not contrary to the public interest. In addition, the revised riparian regulations are consistent with and implement the applicable Metro Plan Goal 5 policies that address riparian resources. To the extent necessary, findings addressing the Statewide Planning Goals are included below.

The following information, analysis, reports, minutes and materials are included along with other material, in the record of this proceeding. While this supporting background material may not all be specifically mentioned or referenced in the findings, they provide most of the factual basis for these findings.

1. February 10, 2004 minutes and staff notes of the Second Reading/Public Hearing of the Lane County Board of Commissioners.
2. Testimony submitted for the February 10, 2004 Second Reading/Public Hearing of the Lane County Board of Commissioners;
3. January 21, 2004 minutes and staff notes of the First Reading and setting the Second Reading/Public Hearing of the Lane County Board of Commissioners.

4. September 23, 2003 Lane County Planning Commission Work Session and June 3, 2003 Lane County Planning Commission Public Hearing staff notes and minutes; and staff notes and minutes for the Lane County Planning Commission, November 18, 2003.
5. Testimony submitted for the June 3, 2003 Planning Commission Public Hearing and comments submitted at the May 7, 2003 Public Workshop on the amendments to the *Lane Code* Chapter 16 riparian protection regulations.

Findings of consistency with the Statewide Planning Goals adopted by the Land Conservation and Development Commission are presented for the amendments to *Lane Code* Chapter 16 riparian protection regulations. These amendments implement Statewide Planning Goal 5 requirements for riparian corridors in the area outside the Eugene and Springfield urban growth boundaries (UGB) and inside the *Metro Plan* boundary. These amendments are a product of the Metropolitan Natural Resources Study, a task in the *Eugene-Springfield Metropolitan Area General Plan Periodic Review Work Program*, and implement the Goal 5 riparian corridor policies of the Metro Plan.

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.*

The *Metro Plan* designates the Joint Planning Commissions Committee (JPCC) as the official public involvement body for the *Metro Plan*. The JPCC is comprised of two planning commissioners from the Cities of Eugene and Springfield and Lane County. As part of the *Periodic Review Work Program* adoption process, the JPCC approved the following public involvement plan for Periodic Review projects:

- *An **Interested Parties Mailing List** will be maintained throughout the Periodic Review process and it will be used to notify those listed of significant events such as workshops, forums, Citizen Advisory Committee work, public hearings, etc.*
- ***Workshops** will be conducted to keep the public informed about the status of all work tasks and the Metro Plan.*
- ***Newspaper Ads and News Releases** will be prepared and released to the local media prior to all events.*
- ***Flyers, Fact Sheets, and Frequently Asked Questions** papers will be prepared and distributed throughout the process, as needed.*
- ***Presentations** by project staff to local citizen and special interest groups will continue to be available on request.*
- ***Public Hearings** will be held on all changes to the Metro Plan text or diagram.*

On April 26, 2003, more than twenty days prior to the June 3, 2003 joint planning commission public hearing, approximately 1,350 notices of the June 3 and June 17, 2003 public hearings were mailed to all property owners outside the UGB and inside the *Metro Plan* boundary, and to the Periodic Review Interested Parties Mailing List. The notice described the amendments to the *Lane Code* Chapter 16 riparian protection regulations. A *Periodic Review Newsletter* was included with the notice and was sent to the interested parties list as well as affected property owners. A total of 5,500 newsletters were mailed. Notice of the joint public hearings regarding the amendments to the *Metro Plan* and to the *Lane Code* was published in the Register-Guard on May 4, 2003 and May 13, 2003 and in the Springfield News, April 30, 2003, at least twenty days prior to the public hearings. Materials related to these amendments to the *Lane Code* riparian protection regulations were posted on the web site www.co.lane.or.us. The notice was posted on the Metropolitan Natural Resources Study web site, www.ci.eugene.or.us/NRS/Default.htm. A draft of the proposed *Lane Code* amendments was available for review at the Lane County Land Management Division office.

News releases were provided to the media on April 23 and May 6, 2003. A Public Workshop was held on the amendments to *Lane Code* and to the *Metro Plan* on May 7, 2003. Notice of the workshop was provided in: the news releases; the April 30, 2003 and May 4, 2003 newspaper display ads; and the *Periodic Review Newsletter* which was distributed as described in the previous paragraph. About 37 people attended the May 7 workshop and several people provided oral or written comment. For the most part, staff responded at the workshop to questions posed by workshop participants. Fact sheets, flyers, reports, and other written materials were provided at the workshop and available before and during the public involvement process.

This *Lane Code* amendment proposal is subject to the public notification and hearing processes adopted by Lane County in LC 16.252. The amendments were considered at a public hearing before the Lane County Planning Commission on June 3, 2003. Notice of the Planning Commission public hearing was published in the Register-Guard on May 13, 2003. Written notice of the public hearing was mailed to all property owners outside the UGB and inside the *Metro Plan* boundary and interested parties.

Following a recommendation from the Lane County Planning Commission made at their regular meeting held November 18, 2003, the Lane County Board of Commissioners held a duly noticed, on the record, first reading to consider approval, modification, or denial of the *Lane Code* amendments on January 21, 2004. The Lane County Board of Commissioners held the second reading/public hearing on the *Lane Code* amendments on February 10, 2004. The Oregon Department of Land Conservation and Development (DLCD) received drafts of the proposed amendments in compliance with Periodic Review requirements.

These processes afforded ample opportunity for citizen involvement consistent with Goal 1. Therefore, the amendments are consistent with statewide planning Goal 1.

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.

This proposal to amend the *Lane Code* is consistent with amendment provisions codified in the *Lane Code*.

On May 25, 1995, DLCD formally acknowledged the *Eugene-Springfield Metropolitan Plan Periodic Review Work Program*, following adoption of the work program by the Eugene and Springfield City Councils and the Lane County Board of Commissioners. The amendments to the *Lane Code* riparian protection regulations are one of the products that implement the requirements of the Periodic Review Work Task pertaining to the Metropolitan Natural Resources Study.

Provisions in the *Lane Code* (LC 16.252(2)) specify the means by which the *Lane Code* may be amended. This proposal, and the process for reviewing the requested amendments, follows the procedures outlined in the *Lane Code*, thus conforming with the established land use planning process consistent with Goal 2.

The record shows that there is an adequate factual base to support the *Lane Code* amendments, as Goal 2 requires. Refer to the report “Lane County Statewide Planning Goal Compliance for Wetlands, Riparian Corridors, and Wildlife Habitat” prepared for Lane County by Lane Council of Governments, May 2003. This report describes the Goal 5 requirements and how the county has complied with them for the area outside the UGB and within the *Metro Plan* boundary. The report includes inventory maps of the statewide wetland inventory, Goal 5 significant riparian corridors, and Goal 5 significant wildlife habitat for the area outside the UGB and inside the *Metro Plan* boundary. The purpose of the maps is to: identify wetlands for purposes of notifying the Division of State Lands concerning applications for development permits or other land use decisions affecting Goal 5 wetlands; identify significant riparian corridors for the purposes of applying Goal 5 riparian protection provisions (Class I Stream Riparian Protection Regulations) in Lane Code Chapter 16; and identify significant wildlife habitat for purposes of notifying the Oregon Department of Fish and Wildlife concerning applications for development permits or other land use decisions affecting significant wildlife habitat on the Goal 5 inventory.

The Goal 2 coordination requirement is met. Goal 2 requires that plans be coordinated with the plans of affected governmental units and that opportunities be provided for review and comment by affected governmental units. To comply with the Goal 2 coordination requirement, the review of the amendments was coordinated with all affected governmental units. Specifically, notice was mailed to: Springfield, City of Eugene, School District 4J; and the following state agencies: Oregon Department of Land Conservation and Development, and Oregon Department of Transportation. There are no Goal 2 Exceptions required for these amendments.

Therefore, the amendments to *Lane Code* Chapter 16 riparian protection regulations are consistent with Statewide Planning Goal 2.

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

The amendments to the *Lane Code* riparian protection regulations make no changes to agricultural land policies or designations in the *Lane County Rural Comprehensive Plan* or *Metro Plan*. The amendments apply to land outside the UGB and inside the *Metro Plan* boundary. The amendments make changes to the riparian setback requirements in the forest and agricultural zones in the *Lane Code* to make them consistent with the safe harbor inventory and implementation provisions for riparian corridors in the Goal 5 Rule and applicable Metro Plan policies. Therefore, the amendments to the *Lane Code* riparian protection regulations are consistent with Statewide Planning Goal 3.

Goal 4—Forest Land: *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.*

The amendments to the *Lane Code* riparian protection regulations make no changes to forest land policies or designations in the *Lane County Rural Comprehensive Plan* or *Metro Plan*. The amendments apply to land outside the UGB and inside the *Metro Plan* boundary. The amendments make changes to the riparian setback requirements in the forest and agricultural zones in the *Lane Code* to make them consistent with the safe harbor inventory and implementation provisions for riparian corridors in the Goal 5 Rule and applicable Metro Plan policies. Therefore, the amendments to *Lane Code* Chapter 16 riparian protection regulations are consistent with Statewide Planning Goal 4.

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

Oregon Administrative Rule (OAR 660, Division 23) requires local governments to inventory and evaluate Goal 5 resources and to develop land use programs to conserve and protect Goal 5 resources identified for protection. Lane County, Springfield, and Eugene jointly completed the Goal 5 requirements in Oregon Administrative Rule (OAR 660, Division 23) for wetlands, riparian corridors, and wildlife habitat for the area between the UGB and the *Metro Plan* boundary. The amendments to the *Lane Code* riparian protection regulations complete the Goal 5 requirements for riparian corridors in the area outside the UGB and inside the *Metro Plan* boundary. The amendments rely on the Goal 5 inventory of riparian corridors as shown on adopted *Metro Plan* maps, and apply protection measures for riparian corridors in compliance with the safe harbor implementation requirements for riparian corridors in the Goal 5 Rule and applicable Metro Plan policies. Therefore, the amendments to *Lane Code* Chapter 16 riparian protection regulations are consistent with Statewide Planning 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.*

The amendments to the *Lane Code* Chapter 16 riparian protection regulations make no changes to policies or designations affecting air, water and land resources quality in the *Lane County Rural Comprehensive Plan* or *Metro Plan*. The amendments apply to land outside the UGB and inside the *Metro Plan* boundary. The amendments rely on the Goal 5 inventory of riparian corridors as shown on adopted *Metro Plan* maps, and make changes to the riparian setback requirements in the forest, agricultural, natural resource, marginal lands, public reserve, quarry and mining, inmate work camp, and destination resort zones in the *Lane Code* to make them consistent with the safe harbor inventory and implementation provisions for riparian corridors in the Goal 5 Rule and applicable *Metro Plan* policies. These changes may improve water quality through more stringent requirements on uses within the riparian setback. Therefore, the amendments to *Lane Code* Chapter 16 riparian protection regulations are consistent with Statewide Planning Goal 6.

Goal 7—Areas Subject to Natural Disasters and Hazards: *To protect life and property from natural disasters and hazards.*

The amendments to the *Lane Code* Chapter 16 riparian protection regulations make no substantive changes to policies or findings in the *Lane County Rural Comprehensive Plan* or *Metro Plan* affecting areas subject to natural disasters and hazards and will not affect *Rural Comprehensive Plan* or *Metro Plan* compliance with Goal 7. Lane County development code regulations implement Goal 7 and are consistent with Goal 7. The amendments to the *Lane Code* do not affect those development code provisions. Continued compliance will occur through protections established by the floodplain development regulations of Lane County. Therefore, the amendments to the *Lane Code* Chapter 16 riparian protection regulations are consistent with Statewide Planning 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.*

The amendments to the *Lane Code* Chapter 16 riparian protection regulations make no changes to policies or findings in the *Lane County Rural Comprehensive Plan* or *Metro Plan* affecting recreational needs and facilities and will not affect *Rural Comprehensive Plan* or *Metro Plan* compliance with Goal 8. Therefore, the amendments to the *Lane Code* Chapter 16 riparian protection regulations are consistent with Statewide Planning 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.*

The amendments to the *Lane Code* Chapter 16 riparian protection regulations make no changes to policies or findings in the *Lane County Rural Comprehensive Plan* or *Metro Plan* affecting economic development and will not affect *Rural Comprehensive Plan* or *Metro Plan* compliance with Goal 9. Therefore, the amendments to *Lane Code* Chapter 16 riparian protection regulations are consistent with Statewide Planning Goal 9.

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

The amendments to the *Lane Code* Chapter 16 riparian protection regulations make no changes to policies or findings in the *Lane County Rural Comprehensive Plan* or *Metro Plan* affecting housing and will not affect *Rural Comprehensive Plan* or *Metro Plan* compliance with Goal 10. Therefore, the amendments to *Lane Code* Chapter 16 riparian protection regulations are consistent with Statewide Planning 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.*

The amendments to the *Lane Code* riparian protection regulations do not affect the provision of facilities or services and do not change project lists in the December 2001 *Eugene-Springfield Metropolitan Area Public Facilities and Services Plan* (PFSP). The amendments to the *Lane Code* Chapter 16 riparian protection regulations make no changes to policies or findings in the *Lane County Rural Comprehensive Plan* or *Metro Plan* affecting public facilities and services and will not affect *Rural Comprehensive Plan* or *Metro Plan* compliance with Goal 11. Therefore, the amendments to *Lane Code* Chapter 16 riparian protection regulations are consistent with Statewide Planning Goal 11.

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

The amendments to the *Lane Code* riparian protection regulations will not significantly affect any of the roads in the metropolitan area. The amendments will not affect the road projects in the *Eugene-Springfield Metropolitan Area Transportation System Plan* (*TransPlan*). *TransPlan* was adopted in the fall of 2001, became effective November 31, 2002, and was published as the December 2001 *TransPlan*.

The amendments will not affect a transportation facility and will not affect compliance with policies or projects contained in *TransPlan*, a functional refinement to the *Metro Plan*, acknowledged as complying with the requirements of Goal 12. Therefore, the amendments to *Lane Code* Chapter 16 riparian protection regulations will not affect *Metro Plan* compliance with Goal 12.

Goal 13—Energy Conservation: *To conserve energy.*

The amendments to the *Lane Code* Chapter 16 riparian protection regulations make no changes to policies or findings in the *Lane County Rural Comprehensive Plan* or *Metro Plan* affecting energy conservation and will not affect *Rural Comprehensive Plan* or *Metro Plan* compliance

with Goal 13. Therefore, the amendments to *Lane Code* Chapter 16 riparian protection regulations are consistent with Statewide Planning Goal 13.

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

The amendments to the *Lane Code* Chapter 16 riparian protection regulations do not convert land from rural to urban use, and thus will not affect *Rural Comprehensive Plan* or *Metro Plan* compliance with Goal 14. Therefore, the amendments to the *Lane Code* Chapter 16 riparian protection regulations are consistent with Statewide Planning Goal 14.

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.*

The amendments to the *Lane Code* Chapter 16 riparian protection regulations make no changes to policies or findings in the *Lane County Rural Comprehensive Plan* or *Metro Plan* affecting the Willamette River Greenway and will not affect *Rural Comprehensive Plan* or *Metro Plan* compliance with Goal 15. Therefore, the amendments to the *Lane Code* Chapter 16 riparian protection regulations are consistent with Statewide Planning Goal 15.

Goals 16 through 19: Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources:

Goals 16 through 19 are not applicable to the Metro area.

CONCLUSION

Based on the findings set forth herein, the Lane County Board of Commissioners concludes that the proposed amendments to the *Lane Code* Chapter 16 riparian protection regulations are consistent with applicable amendment criteria, *Metro Plan* policies and relevant statewide planning goals adopted by the Land Conservation and Development Commission.