

# Routine Program Change

Seeking to Incorporate Certain Provisions of the Lane County  
Comprehensive Plan and Land Use and Development Code  
into the Oregon Coastal Management Program

*July 8, 2015*

## I. Introduction

The Oregon Department of Land Conservation and Development (DLCD) seeks approval by the National Oceanic and Atmospheric Administration (NOAA) Office for Coastal Management's (OCM) to incorporate the current version of the **Lane County Rural Comprehensive Plan (LCRCP) and Chapter 16, Land Use and Development Code of the Lane County Code (LUDC)**, into the Oregon Coastal Management Program (OCMP). DLCD requests OCM's concurrence that the incorporation is a Routine Program Change (RPC) to the OCMP. The DLCD has identified and described the enforceable policies that DLCD will apply to federal consistency reviews and explains why their incorporation constitutes a routine program changes to the OCMP.

The Land Conservation and Development Commission (LCDC) acknowledged the LCRCP and development codes as being in compliance with the Statewide Planning Goals on September 13, 1984. OCM approved these documents as components of the OCMP on September 21, 1993. The County has revised some parts of the plan and code provisions over the years; these amendments are captured in this RPC submittal.

These changes were approved by the State of Oregon (through the Land Conservation and Development Commission) as meeting the statewide planning goals. However, DLCD has not submitted the current versions of these documents to NOAA/OCM for review and approval. DLCD is now submitting to OCM the current version of the plan and code reflecting all changes subsequent to NOAA's 1993 approval, for incorporation into the OCMP.

Section II of this analysis describes the legal and policy framework of Oregon's Coastal Management Program, summarizes the key elements of Oregon's land use planning system and the relationship between state requirements and local land use plans and regulations, lists the statewide planning goals, and describes the relationship between the statewide program and the OCMP. Section III lists and briefly describes the enforceable policies of the LCRCP and LUDC that DLCD seeks to incorporate into the OCMP. Section IV analyzes the five CZMA program approvability areas potentially impacted, and determines that this request qualifies as a routine program change. Finally, Section V contains a table of all Lane County enforceable policies that Oregon seeks to incorporate into the OCMP.

## II. Framework for Oregon's Approved Coastal Management Program

### A. Oregon's land use planning program: state-local relationship

As noted in NOAA's review and approval of the Oregon Coastal Management Program in 1977, the Statewide Planning Program (ORS Chapter 197, Comprehensive Land Use Planning Coordination), is the principal mechanism by which the state ensures that state goals for land use planning, conserving and developing coastal and other resources in Oregon are implemented by local governments with state oversight. Local governments, such as Lane County, are required to adopt comprehensive land use plans that meet the statewide requirements and to make the day-to-day land use decisions in conformance with those state-approved goal-based plans. Since the mid-1980s, the plans and ordinances of all cities and counties in Oregon have been found to be in compliance with the goals. The state, through the LCDC and DLCD, also review amendments to local plans and ordinances for compliance with state requirements.

### B. Statewide Planning Goals

The nineteen statewide planning goals (<http://www.oregon.gov/LCD/goals.shtml>), which are adopted as administrative rules (Oregon Administrative Rules Chapter 660, Division 015), express the state's policies on land use and (along with additional administrative rules) provide standards for local land use planning and decision-making. Some goals set standards for how certain types of land are to be planned and zoned; for example, Goal 18 sets specific standards for development on various types of dunes. NOAA/OCM has approved these statewide planning goals and related administrative rules as core components of the OCMP.

The central purpose and requirements of the statewide planning goals are:

**Goal 1 CITIZEN INVOLVEMENT:** requires local governments to provide "the opportunity for citizens to be involved in all phases of the planning process;" requires each city and county to have a citizen involvement program and a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

**Goal 2 LAND USE PLANNING:** outlines procedures for planning; specifies elements of comprehensive planning, requires local jurisdictions to adopt enforceable "implementation ordinances" to carry out the plan's "enforceable" policies; requires local land use decisions to conform to adopted comprehensive plan and ordinances.

**Goal 3 AGRICULTURAL LANDS:** defines "agricultural lands;" requires counties to inventory soil types and designate such lands as agricultural lands based on soil type and actual use and to "preserve and maintain" those lands through zoning.

**Goal 4 FOREST LANDS:** defines "forest lands;" requires counties to inventory forest capability, identify forest land, and adopt policies and ordinances to "conserve forest lands for forest uses."

**Goal 5 OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES:** requires local plans to address more than a dozen natural and cultural resources (e.g. wildlife habitats, wetlands, historic sites); establishes a process for each resource is to be inventoried and evaluated by local governments; creates options for local governments to protect identified significant resources.

**Goal 6 AIR, WATER AND LAND RESOURCES QUALITY:** requires local comprehensive plans and ordinances to be consistent with state and federal regulations on solid waste, groundwater pollution, municipal sewerage discharge, air emissions, etc.

**Goal 7 AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS:** seeks to protect development from natural hazards (e.g. floods, landslides, and erosion); requires jurisdictions to use hazard inventories supplied by state agencies and apply "appropriate safeguards" (i.e. floodplain zoning) to those areas.

**Goal 8 RECREATION NEEDS:** requires jurisdictions to plan for recreational opportunities based on an inventory of recreational resources, evaluation of areas and facilities for recreation, and projected demand for recreation.

**Goal 9 ECONOMY OF THE STATE:** calls for diversification and improvement of the economy; requires inventory of existing and potential commercial and industrial lands, determine future needs for such lands, and plan and zone lands sufficient to meet those needs.

**Goal 10 HOUSING:** specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing.

**Goal 11 PUBLIC FACILITIES AND SERVICES:** calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection; links provision of new services to urbanization policies in Goal 14.

**Goal 12 TRANSPORTATION:** aims to provide "a safe, convenient and economic transportation system;" requires consideration of multiple transportation modes; links funding for transportation facilities to transportation plans.

**Goal 13 ENERGY:** seeks to use land use plans to control development to "maximize the conservation of all forms of energy, based upon sound economic principles."

**Goal 14 URBANIZATION:** requires cities to work with counties to estimate future population growth and related needs for land in unincorporated areas and to jointly designate sufficient land to meet those needs; requires each city jointly with its county, to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land."

**Goal 15 WILLAMETTE GREENWAY:** pertains only to those jurisdictions that touch on or include the Willamette River Greenway; not applicable in the Coastal Zone.

**Goal 16 ESTUARINE RESOURCES:** establishes state-level estuary classification system and designates each of 22 estuaries into one of four categories: Natural, Conservation, Shallow-draft Development, and Deep-draft Development; establishes planning and management requirements for each category; specifies land uses and activities permissible in those areas; emphasizes habitat protection; links closely to Goal 18.

**Goal 16 COASTAL SHORELANDS:** defines a shoreland planning area along the ocean shore, estuaries, and other water bodies and requires local governments to map the shoreland boundary; specifies how certain types of land and resources within the shoreland area are to be managed; emphasizes unique coastal land uses (e.g. port facilities) and requires protection of sites for "water-dependent" or "water related" uses.

**Goal 18 BEACHES AND DUNES:** specifies planning standards for protecting or developing various types of dunes; prohibits most development on beaches and active foredunes; prohibits ocean shorefront protective structures for most development built after 1977; establishes standards for dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

**Goal 19 OCEAN RESOURCES:** seeks to “conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf;” creates basis for planning and management of state ocean waters through the state Territorial Sea Plan; establishes requirements for state agencies rather than cities and counties.

### **C. The Oregon Coastal Management Program**

NOAA’s 1977 approval of the Oregon Coastal Management Program pre-dated development and state approval of coastal local government plans and ordinances (most of which occurred between 1978 and 1985), but was predicated on “the central authority by which Oregon will implement the program is SB 100” (subsequently codified as ORS 197). NOAA approval also included the enforceable policies of the statewide planning goals, including the coastal goals, and the statutory authorities of several state agencies (e.g. Department of Environmental Quality). In the years following this 1977 approval all coastal local governments created and adopted comprehensive plans and ordinances, which LCDC reviewed, approved, and submitted to OCM for approval as Routine Program Changes (RPC).

Local land use plans and ordinances were expected to be reviewed and amended in response to individual situations or pursuant to ORS 197 which requires local plans to be periodically reviewed and amended to reflect changes in laws, requirements for meeting the statewide planning goals, community needs, development, and other factors. For “Periodic Review” updates, the DLCD works closely with local governments to identify needed changes and a work schedule for addressing them. Many amendments are minor in nature and do not involve substantive policy changes. The analysis below discusses the current plan policies that DLCD seeks to incorporate as enforceable policies and how the provisions implement the applicable statewide planning goals.

## **III. Lane County Comprehensive Plan and Code Titles Incorporated as Enforceable Policies**

While DLCD seeks to incorporate the LCCP and LCC into the OCMP in their entirety, DLCD has identified specific sections within each that could be used as enforceable policies for federal consistency purposes.

As required by 16 USC 1453(6a) and OCM guidance, the enforceable policies are legally binding and contain standards of sufficient specificity to guide private and public uses. These policies, contained in discrete sections of the plan and ordinance, are listed in subsections A and B, below, and listed in table form in Section V. Any plan and ordinance provisions not part of this submittal that were approved by NOAA in 1993 remain unchanged.

### **A. LANE COUNTY RURAL COMPREHENSIVE PLAN**

The county’s comprehensive plan is in two parts: one for the urban areas of the county around Eugene and Springfield and the Lane County Rural Comprehensive Plan (LCRCP), which includes the coastal zone in Lane County and the Siuslaw River watershed, Siuslaw River estuary, coastal shorelands, and beaches and dunes. The policies of the LCRCP are organized to address the Statewide Planning Goals.

*NOTE: The Plan document is a scanned PDF document that does not permit text highlighting. Therefore DLCD has noted each enforceable policy in the document with a comment icon. In addition, the Plan document has no page numbers, so this analysis lists and describes these policies first by reference to the applicable Statewide Planning Goal as well as the PDF page number or span of page numbers.*

DLCD seeks to include the following as enforceable policies:

## **Goal 2, Land Use Planning**

Policy 10.e. (p. 13) – Designates nine unincorporated communities in the Siuslaw River watershed as “Unincorporated Rural Communities” for which specific enforceable policies (discussed below) apply that are different from policies that apply to other rural resource lands.

Policy 11.a.ii.A-I (p. 15) – Specifies the maximum density for creation of new lots in each of the nine unincorporated rural communities in the Siuslaw River Watershed.

Policy 19 (p. 20) – Establishes rural residential densities.

Policy 25 (pp 23-24) – Establishes zoning districts for land use plan designation.

Policy 26 (p. 24) – Requires an “exception” to resource goals for transmission line Rights of Way wider than 50 feet.

## **Goal 4, Forest Lands**

Policy 15 (p. 29) – Requires designation of forest lands into one of two forest use categories; provides criteria for making designation determination.

## **Goal 5: Open Spaces and Scenic, Historic, and Natural Resources**

### Mineral and Aggregate Policies

Policy 1 (p. 32) – Requires land use designations and regulations on uses of mineral and aggregate resources to be consistent with requirements of Oregon Administrative Rules for Statewide Planning Goal 5.

### Flora and Fauna Policies

Policy 6 (pp 33-34) – Specifies criteria for designating Riparian lands for purposes of applying land use regulations

Policy 7 (p. 34) – Requires wetland resources to be protected through application of specific requirements of Oregon Administrative Rules for Statewide Planning Goal 5. for “significant wetlands.”

Policy 8 (p. 34) – Requires Sensitive Fish and Wildfowl Areas identified in plan inventory document to be protected under specific provisions of Oregon Administrative Rules for Statewide Planning Goal 5.

Policy 15 (p. 35) – Requires certain avian wildlife habitat to be protected under specific provisions of Oregon Administrative Rules for Statewide Planning Goal 5.

Policy 16 (p. 35) – Requires certain rare and endangered vascular plants to be protected under specific provisions of Oregon Administrative Rules for Statewide Planning Goal 5.

### **Goal 6: Air, Water, and Land Resources**

Policy 2 (p. 38) – Requires revegetation as part of land development process.

### **Goal 11: Public Facilities and Services**

Policy 6 (pp 45-48) – establishes levels of public services to various categories of lands.

### **Goal 16: Estuarine Resources**

#### Natural

Policy 6 (p. 61) – Allows temporary alterations to estuarine areas to support uses allowed by the Goal; specifies approval criteria.

#### Conservation

Policy 1 (pp 61-62) – Specifies criteria for approval of log storage facility in conservation areas.

Policy 3 (p. 62) – Specifies criteria for approving dredge or fill in estuaries.

Policy 4 (pp 62-63) – Allows temporary alterations in estuarine areas to support uses allowed by the Goal; specifies approval criteria.

#### Development

Policy 1 (p. 63) – Allows dredging, filling, other activities only when certain criteria are satisfied.

Policy 2 (p. 63) – Requires dredge or fill activities to be mitigated by creation, restoration, or enhancement of estuarine areas.

Policy 3 (p. 63) – Authorizes maintenance dredging of navigation channel under specific conditions.

Policy 5 (p. 63) – Requires flood and erosion control structures to meet certain requirements.

Policy 6 (p. 63) - Allows temporary alterations in estuarine areas to support uses allowed by the Goal; specifies approval criteria.

### **Goal 17: Coastal Shorelands**

#### Significant Natural Areas

Policy 1 (p. 64) – Requires uses in Significant Natural Shoreland Management Units to be consistent with protections specified in description of the Management Unit.

Policy 2 (p. 64) – Allows artificial bank stabilization under certain specified conditions.

Policy 3 (p. 64) – Allows dredge spoil disposal in dunes only in management unit specified in Siuslaw Dredged Material Disposal Plan.

Policy 4 (p. 64) – Prohibits clearing of vegetation in excess of area necessary for structures and other specific uses.

Policy 5 (p. 64) – Prohibits filling in coastal lakes adjacent to Significant Natural Area Management Unit.

Policy 6 (p. 64) – Requires timber harvest to be consistent with state Forest Practices Act rules.

Policy 7 (p. 64) – Requires finding of substantial public benefit for approval of land division development of water-dependent, water-related, and other uses.

Policy 8 (p. 64) – Prohibits development on lots of less than 10 acres, specifies exception.

Policy 9 (p. 64-65) – Specifies minimum setback from shoreline for development in this management unit; specifies other setback criteria related to vegetation cover.

Policy 12 (p. 65) – Prohibits filling in freshwater marshes of this management unit; specifies management units.

#### Prime Wildlife Areas

Policy 1 (pp 65-66) – Requires uses in Prime Wildlife Shoreland Management Units to be consistent with protections specified in description of the Management Unit.

Policy 2 (p. 66) – Allows artificial bank stabilization under certain specified conditions.

Policy 3 (p. 66) – Specifies minimum setback from shoreline required for uses in this management unit; specifies other setback criteria related to vegetation cover.

Policy 4 (p. 66) – Prohibits clearing of vegetation in excess of area necessary for structures and other specific uses.

Policy 6 (p. 66) – Prohibits filling in coastal lakes adjacent to Prime Wildlife Area Management Unit.

Policy 7 (p. 67) – Prohibits development on lots of less than 5 acres, specifies exception.

Policy 8 (p. 67) – Requires timber harvest to be consistent with state Forest Practices Act rules.

Policy 9 (p. 67) – Prohibits disposal of dredge spoils in this Management Unit.

Policy 11 (p. 67) – Requires finding of substantial public benefit for approval of land division development of water-dependent, water-related, and other uses.

Policy 12 (p. 67) – Prohibits filling in freshwater marshes of this management unit; specifies management units.

#### Natural Resource Conservation

Policy 1 (p. 67) – Requires uses in Natural Resource Conservation Management Units to be consistent with protections specified in description of the Management Unit.

Policy 3 (p. 68) – Limits use of artificial bank stabilization to specific circumstances.

Policy 4 (p. 68) – Prohibits new piers when development is adjacent to Natural Estuarine Management Unit.

Policy 5 (p. 68) – Limits filling in coastal lakes adjacent to this management unit.

Policy 7 (p. 68) – Requires finding of substantial public benefit for approval of land division development of water-dependent, water-related, and other uses.

Policy 8 (p. 68) – Specifies setback from coastal lake or estuarine shoreline required for uses in this management unit.

#### Residential Development

Policy 2 (p. 69) – Specifies minimum setback from coastal lake or estuarine shoreline for development in this management unit.

Policy 5 (p. 70) – Prohibits filling in coastal lakes adjacent to this management unit.

Policy 6 (p. 70) – Requires finding of substantial public benefit for approval of land division development of water-dependent, water-related, and other uses.

#### Mixed Development

Policy 2 (p. 70) – Gives priority to water-dependent, water-related uses over other uses within this management unit.

Policy 8 (p. 71) – Allows filling in coastal lake adjacent to this management unit under specified conditions.

Policy 9 (p. 71) – Permits new residential development in this management unit under specific circumstances.

Policy 10 (p. 71) – Requires finding of substantial public benefit for approval of land division development of water-dependent, water-related, and other uses.

## **Goal 18: Beaches and Dunes**

### Beaches

Policy 1 (p. 72) – Prohibits development on beaches.

Policy 2 (p. 72) – Prohibits new beachfront protective structures for development existing before January 1, 1977; lists criteria for approval of structures.

Policy 3 (p. 72) – Prohibits sand mining on beach.

### Foredunes

Policy 1 (p. 73) – Prohibits permanent development on foredune.

Policy 3 (p. 73) – Allows breaching of foredune under specific circumstances.

Policy 4 (p. 73) – Requires minimum setback from high tide line for residential development.

### Recently Stabilized Dune Forms

Policy 3 (p. 73) – Requires sand stabilization; specifies options.

Policy 6 (p. 74) – Prohibits new buried fuel tanks in dune areas without County inspection.

### Interdune Forms

Policy 1 (p. 74) – Prohibits new development on interdune forms, with exception.

Policy 2 (p. 74) – Prohibits new buried fuel tanks in dune areas without County inspection.

## **B. LAND USE AND DEVELOPMENT CODE, CHAPTER 16 of LANE CODE**

### **General Provisions**

Sections 16.001 – 16.014

Specifies compliance with code, lists zone classifications, specifies plan designations and zoning map,

### **Definitions**

Section 16.090

Defines terms, abbreviations, phrases, and words used in the code.

### **Impacted Forest Lands Zone (F-2, RCP)**

Section 16.211: requirements for permitted uses, special uses, alterations, lot of record dwelling, siting standards and other provisions.

### **Exclusive Farm Use Zone (E-RPC)**

Section 16.212: definitions; requirements for permitted uses, special uses, allowable residential uses, farm operations.

### **Natural Resource Zone (NR-RCP)**

Section 16.213: permitted buildings and uses, conditional uses, special uses, and other standards.

### **Marginal Lands Zone (ML-RCP)**

Section 16.214: permitted uses, conditional uses, uses subject to director approval, uses subject to hearings officer approval, criteria and other standards.

### **Park and Recreation Zone (PR-RCP)**

Section 16.215: permitted uses, uses subject to director approval, uses subject to hearings officer approval, criteria, exception area standards, forest and farm area siting standards, and other standards.

### **Quarry and Mine Operations Zone (QM-RCP)**

Section 16.216: definitions and standards for approving a quarry or mine operation.

### **Sand, Gravel and Rock Products Zone (SG-RPC)**

Section 16.217: definitions, permitted uses, site improvement standards, operations standards, and other standards.

### **Sand, Gravel and Rock Products-Controlled Processing Zone (SG-CP-RPC)**

Section 16.218: regulations and operational standards, permitted uses, and other standards.

### **Public Facilities Zone (PF/RCP)**

Section 16.219: requirements for siting public facilities, including telecommunication towers.

### **Limited Commercial Zone (C-1, RCP)**

Section 16.220: permitted buildings and uses, special uses, and other siting criteria.

### **Neighborhood Commercial Zone (C-2, RCP)**

Section 16.221: permitted buildings and uses, special uses, and other siting criteria.

### **Commercial Zone (C-3, RCP)**

Section 16.222: permitted buildings and uses, uses subject to hearings official approval, special use criteria, and other siting criteria.

### **Rural Commercial Zone (C-R, RCP)**

Section 16.223: permitted uses, uses subject to director approval, and other property development standards.

### **Limited Industrial Zone (M-1, RCP)**

Section 16.224: permitted buildings and uses, uses subject to hearing official approval, special use criteria, and other standards.

### **Light Industrial Zone (M-2, RCP)**

Section 16.225: permitted buildings and uses, uses subject to hearing official approval, special use criteria, and other standards.

### **Heavy Industrial Zone (M-3, RCP)**

Section 16.226: permitted buildings and uses, uses subject to hearing official approval, special use criteria, and other standards.

### **Suburban Residential Zone (RA-RCP)**

Section 16.229: permitted uses, uses subject to director's approval, uses subject to hearings official approval, criteria for hearings official, property development standards and other requirements.

### **Garden Apartment Residential Zone (RG-RCP)**

Section 16.230: permitted uses, uses subject to director's approval, uses subject to hearings official approval, criteria for hearings official, property development standards and other requirements.

### **Rural Residential Lands Zone (RR-RCP)**

Section 16.231: permitted uses, uses subject to director's approval, uses subject to hearings official approval, criteria for hearings official, property development standards and other requirements.

### **Destination Resort Zone (DR-RCP)**

Section 16.232: permitted uses, special criteria and conditions, fire and safety standards, other requirements

### **Historic Structures or Sites Combining Zone (/H-RCP)**

Section 16.233: criteria and other approval standards for historic buildings or sites.

### **Natural Estuary Zone (NE-RCP)**

Section 16.234: permitted uses, special uses approved by the director, uses subject to state and federal permits, additional criteria for projects involving dredge or fill.

### **Conservation Estuary Zone (CE-RCP)**

Section 16.235: provides for long-term use of renewable resources without major alteration of estuary; permitted uses, special uses approved by the director, uses subject to state and federal permits, additional criteria for projects involving dredge or fill.

### **Development Estuary Zone (DE-RCP)**

Section 16.236: provides for navigational needs and water-dependent uses requiring an estuarine location; permitted uses, special uses approved by the director, uses subject to state and federal permits, additional criteria for projects involving dredge or fill.

### **Significant Natural Shorelands Combining Zone (/SN-RCP)**

Section 16.237: provides for protection from intensive disturbance shorelands such as coastal headlands and open sand expanses; permitted uses, special uses approved by the director, site and development requirements, additional requirements, appeal procedures, uses subject to state and federal permits

### **Prime Wildlife Shorelands Combining Zone (/PW-RCP)**

Section 16.238: applied to coastal shorelands with unique biologic assemblages, habitats of rare or endangered species, or a diversity of species; permitted uses, special uses approved by the director, prohibited uses, site development requirements, uses subject to state and federal permits, and other requirements.

### **Natural Resources Conservation Combining Zone (/NRC-RCP)**

Section 16.239: provides for long-term use of coastal lands while protecting natural resource qualities; permitted uses, special uses approved by the director, uses subject to state and federal permits, additional criteria for projects involving dredge or fill.

### **Residential Development Shorelands Combining Zone (/RD-RCP)**

Section 16.240: applies to lands suitable for residential inside urbanizable areas or rural lands committed to residential development; permitted uses, special uses approved by the director, uses subject to state and federal permits, other requirements.

### **Shorelands Mixed Development Combining Zone**

Section 16.241: applies to shorelands committed to industrial or commercial development near the Siuslaw River channel; permitted uses, criteria for determining land suitable for water-dependent or water-related uses, special uses approved by the director, site development requirements, other requirements.

### **Dredged Material/Mitigation Site Combining Zone (/DMS-RCP)**

Section 16.242: requirements for protecting and using lands identified in the Lane County Rural Comprehensive Plan for use as dredged material disposal or mitigation; permitted uses, special uses subject to further review, other requirements.

### **Beaches and Dunes Combining Zone (/BD-RCP)**

Section 16.243: requirements for a designation to be applied to in conjunction with underlying zones in beach and dune areas; permitted uses, special uses, requiring planning director approval, uses subject to state and federal permits, setback and other site development requirements, other requirements.

### **Floodplain Combining Zone (/FP-RCP)**

Section 16.244: specifies lands to which the zone applies, definitions, other requirements for flood hazard reduction.

### **Resource Capability Determination**

Section 16.248: requirements and findings necessary for approving a Resource Capability Determination required for certain activities in estuarine management units.

### **Estuarine Impact Assessment**

Section 16.249: requirements for an Impact Assessment of uses proposed that may affect the estuarine environment; provides exceptions.

### **Nonconforming Uses**

Section 16.251: criteria for determining legal nonconforming use, requirements for continuation, repair, conveyance, and restoration of nonconforming building, structure, or use.

### **Procedures for Zoning, Rezoning and Amendments to Requirements**

Section 16.252: requirements and criteria for approving zoning, rezoning, and amendments.

### **Stream Riparian Regulation**

Section 16.253: regulations to implement policies in Goal 5, Flora and Fauna, and Goal 6, Water Quality; regulations for removal of streamside vegetation, restoration of indigenous vegetation, and alteration plan.

### **Variances**

Section 16.256: criteria for approval of waivers of requirements for certain elements of development.

### **Clear Lake Watershed Protection Zone (CLWP-RPC)**

Section 16.258: regulations, definitions, and criteria for land uses within the Clear Lake watershed, as source of domestic water.

### **Rural Residential Zone (RR)**

Section 19.290: requirements for permitted uses, special uses, uses subject to approval by director, alterations, lot of record dwelling, property development standards and other provisions.

### **Rural Commercial Zone (RC-RCP)**

Section 16.291: requirements for permitted uses, special uses, uses subject to approval by director, alterations, property development standards and other provisions.

### **Rural Industrial Zone (RI-RCP)**

Section 16.292: requirements for permitted uses and development, uses subject to approval by director, property development standards and other provisions.

**Rural Public Facility Zone (RPF-RCP)**

Section 16.293: requirements for permitted uses and development, uses subject to approval by director, property development standards and other provisions.

**Rural Park and Recreation Zone (RPR RCP)**

Section 16.295: requirements for permitted uses and development, uses and development subject to approval by director, property development standards and other provisions.

**Private Use Airport Overlay Zone (/PUAO RCP)**

Section 16.296: requirements for use and development of private use airports and for safety in adjacent areas.

## **IV. This Action is a Routine Program Change**

The incorporation of the enforceable policies listed above of the current Lane County Comprehensive Plan and Code into the OCMP does not substantially alter any of the five program areas detailed in 15 CFR 923:

### **1. Uses subject to management (Subpart B)**

This action does not substantially change the uses subject to management specified in the OCMP (navigation and transportation; residential/urban/industrial, including energy production; agriculture and forestry; recreation; fish and wildlife production and utilization; public facilities; mining and minerals; and restoration) or those originally included in the Lane County Comprehensive Plan and Municipal Code approved by OCM in 1993. The State of Oregon requires the plan and ordinance to implement Oregon's statewide planning goals, which require local jurisdictions to set standards for various uses, including those set forth in the OCMP. Because the uses permitted by the plan and ordinance must be consistent with the statewide planning goals and because the city has not added any new uses, incorporation of the updated plan and ordinance into the OCMP merely refines and does not substantially change the uses subject to management.

### **2. Special management areas (Subpart C)**

This action does not change the criteria for designating areas of particular concern, or areas for preservation or restoration. Statewide planning goals 16 through 18 set the criteria and procedures for establishing and managing estuarine areas (Goal 16), coastal shorelands (Goal 16), and beaches and dunes (Goal 18). The Lane County Comprehensive Plan and Code merely set policies and standards for designating and managing these areas within city jurisdiction.

### **3. Boundaries (Subpart D)**

This action applies only to lands under the jurisdiction of the Lane County. It does not change Oregon's inland or seaward coastal zone boundary, nor does it change the status of excluded lands.

### **4. Authorities and organization (Subpart E)**

This action does not change Oregon's authority or organization, nor does it alter Oregon's administration of the OCMP. Oregon's land use system and statewide planning goals establish criteria and standards for local planning; the city plan and ordinance simply implement those standards.

### **5. Coordination, public involvement and national interest (Subpart F)**

This action does not change any coordination, public involvement, or national interest provisions of the OCMP.

## V. Enforceable Policies Table

<b>Changes to the OREGON COASTAL MANAGEMENT PROGRAM</b>				
<p>The OREGON COASTAL MANAGEMENT PROGRAM (OCMP) seeks to incorporate certain provisions of the <b>Lane County Rural Comprehensive Plan (LCRCP) and Land Use and Development Code (LUDC)</b> into its federally-approved coastal management program. The following table identifies specific provisions that DLCD seeks to incorporate as enforceable policies and that DLCD anticipates using for Federal Consistency review purposes.</p>				
State/Local Legal Citation	Name/Description of State or Local Law/Regulation/Policy/ Program Authority or Change	Enforcement Mechanism(s)	Date Adopted by State	Date Effective in State
<b>ADDED</b>			<b>mm/dd/year</b>	<b>mm/dd/year</b>
Lane County Plan and Zoning Code (Title 10 of City Code)	*DLCD seeks to incorporate the Lane County Rural Comprehensive Plan (LCRCP) and Land Use and Development Code (LUDC) into the OCMP in their entirety. However, DLCD only seeks to incorporate the provisions listed below as enforceable policies.	ORS 197/LCRCP; LUDC 16.006 <sup>1</sup> via county planning and permit processes, (hereinafter: county planning/permit processes)	09/13/1984	1984 - 2015
<b>LANE COUNTY COMPREHENSIVE PLAN</b>				
<b>Goal 2: Land Use Planning</b>				
Policy 10.e. (p. 13)	Designation of unincorporated communities in Siuslaw River watershed	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 11.a.ii.A-I (p. 15)	Densities for unincorporated communities in Siuslaw River watershed	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 19 (p. 20)	Establishes rural densities	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 25 (pp 23-24)	Zoning districts established	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 26 (p. 24)	Exception for Right of Way exceeding 50 feet	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
<b>Goal 4: Forest Lands</b>				
Policy 15 (p. 29)	Designation of forest lands	ORS 197, county planning and permit processes	09/13/84	1984 - 2015

<sup>1</sup>“(1) No person shall engage in, or cause to occur, a development which does not comply with the Lane County Land Use and Development Chapter.”

<b>Goal 5: Open Spaces and Scenic, Historic, and Natural Resources</b>				
Mineral and Aggregate Policies				
Policy 1 (p. 32)	Consistency with Oregon Administrative Rules for Statewide Planning Goal 5	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Flora and Fauna Policies				
Policy 6 (pp 33-34)	Criteria for designating riparian lands	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 7 (p. 34)	Wetland protection	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 8 (p. 34)	Sensitive Fish and Wildfowl Area protection	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 15 (p. 35)	Avian habitat protection	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 16 (p. 35)	Rare and endangered plant protection	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
<b>Goal 6 Air, Water, and Land Resources</b>				
Policy 2 (p. 38)	Revegetation required	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
<b>Goal 11 Public Facilities and Services</b>				
Policy 6 (pp 45-48)	Public services required for land use categories	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
<b>Goal 16 Estuarine Resources</b>				
Natural				
Policy 6 (p. 61)	Temporary alterations	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Conservation				
Policy 1 (pp 61-62)	Log storage criteria	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 3 (p. 62)	Dredge/fill criteria	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 4 (pp 62-63)	Temporary alterations	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Development				
Policy 1 (p. 63)	Dredge/fill criteria	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 2 (p. 63)	Dredge/fill mitigation	ORS 197, county planning	09/13/84	1984 - 2015

		and permit processes		
Policy 3 (p. 63)	Maintenance dredging for navigation channels	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 5 (p. 63)	Flood and erosion control structures	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 6 (p. 63)	Temporary alterations	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
<b>Goal 17 Coastal Shorelands</b>				
Significant Natural Areas				
Policy 1 (p. 64)	Uses in Significant Natural Shoreland Management Unit	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 2 (p. 64)	Artificial bank stabilization	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 3 (p. 64)	Dredged material disposal in dunes	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 4 (p. 64)	Vegetation clearance	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 5 (p. 64)	Filling in coastal lakes	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 6 (p. 64)	Timber harvest	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 7 (p. 64)	Finding of public benefits from land division development	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 8 (p. 64)	Minimum lot size	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 9 (pp 64-65)	Setback from shoreline	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 12 (p. 65)	Fill in freshwater marshes	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Prime Wildlife Areas				
Policy 1 (pp 65-66)	Uses in Prime Wildlife Shoreland Management Units	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 2 (p. 66)	Artificial bank stabilization	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 3 (p. 66)	Setback from shoreline	ORS 197, county planning and permit processes	09/13/84	1984 - 2015

Policy 4 (p. 66)	Vegetation clearance	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 6 (p. 66)	Filling in coastal lakes	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 7 (p. 67)	Minimum lot size	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 8 (p. 67)	Timber harvest	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 9 (p. 67)	Dredged material disposal	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 11 (p. 67)	Finding of public benefit from land division development	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 12 (P. 67)	Fill in freshwater marshes	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
<b>Natural Resource Conservation</b>				
Policy 1 (p. 67)	Uses in Natural Resource Conservation Management Unit	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 3 (p. 68)	Artificial bank stabilization	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 4 (p. 68)	Piers and docks	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 5 (p. 68)	Filling in coastal lakes	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 7 (p. 68)	Finding of public benefit from land divisions development	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 8 (p. 68)	Setback from shoreline	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
<b>Residential Development</b>				
Policy 2 (p. 69)	Setback from shoreline	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 5 (p. 70)	Filling in coastal lakes	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 6 (p. 70)	Finding of public benefit from land divisions development	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
<b>Mixed Development</b>				
Policy 2 (p. 70)	Priority to water-dependent, water-related uses	ORS 197, county planning and permit processes	09/13/84	1984 - 2015

Policy 8 (p. 71)	Filling in coastal lakes	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 9 (p. 71)	Residential development	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 10 (p. 71)	Finding of public benefit from land divisions development	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
<b>Goal 18 Beaches and Dunes</b>				
Beaches				
Policy 1 (p. 72)	Development on beaches	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 2 (p. 72)	Beachfront protective structures	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 3 (p. 72)	Sand mining	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Foredunes				
Policy 1 (p. 73)	Permanent structures	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 3 (p. 73)	Foredune breaching	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 4 (p. 73)	Setback from high tide	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Recently Stabilized Dune Forms				
Policy 3 (p. 73)	Sand stabilization	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 6 (p. 74)	Buried fuel tanks	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Interdune Forms				
Policy 1 (p. 74)	New development	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Policy 2 (p. 74)	Buried fuel tanks	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
<b>LANDE USE AND DEVELOPMENT CODE, CHAPTER 16 of LANE CODE</b>				
Sections 16.001 - 16.014	General Provisions	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.090	Definitions	ORS 197, county planning and permit processes	09/13/84	1984 - 2015

Section 16.211	Impacted Forest Lands Zone (F-2, RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.212	Exclusive Farm Use Zone (E-RPC)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.213	Natural Resource Zone (NR-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.214	Marginal Lands Zone (ML-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.215	Park and Recreation Zone (PR-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.216	Quarry and Mine Operations Zone (QM-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.217	Sand, Gravel and Rock Products Zone (SG-RPC)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.218	Sand, Gravel and Rock Products-Controlled Processing Zone (SG-CP-RPC)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.219	Public Facilities Zone (PF/RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.220	Limited Commercial Zone (C-1, RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.221	Neighborhood Commercial Zone (C-2, RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.222	Commercial Zone (C-3, RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.223	Rural Commercial Zone (C-R, RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.224	Limited Industrial Zone (M-1, RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.225	Light Industrial Zone (M-2, RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.226	Heavy Industrial Zone (M-3, RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.229	Suburban Residential Zone (RA-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.230	Garden Apartment Residential Zone (RG-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015

Section 16.231	Rural Residential Lands Zone (RR-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.232	Destination Resort Zone (DR-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.233	Historic Structures/Sites Combining Zone (/H-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.234	Natural Estuary Zone (NE-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.235	Conservation Estuary Zone (CE-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.236	Development Estuary Zone (DE-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.237	Significant Natural Shorelands Combining Zone (/SN-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.238	Prime Wildlife Shorelands Combining Zone (/PW-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.239	Natural Resources Conservation Combining Zone (/NRC-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.240	Residential Development Shorelands Combining Zone (/RD-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.241	Shorelands Mixed Development Combining Zone	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.242	Dredged Material/Mitigation Site Combining Zone (/DMS-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.243	Beaches and Dunes Combining Zone (/BD-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.244	Floodplain Combining Zone (/FP-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.248	Resource Capability Determination	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.249	Estuarine Impact Assessment	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.251	Nonconforming Uses	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.252	Procedures for Zoning, Rezoning and Amendments to Requirements	ORS 197, county planning and permit processes	09/13/84	1984 - 2015

Section 16.253	Stream Riparian Regulation	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.256	Variances	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.258	Clear Lake Watershed Protection Zone (CLWP-RPC)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 19.290	Rural Residential Zone (RR)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.291	Rural Commercial Zone (RC-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.292	Rural Industrial Zone (RI-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.293	Rural Public Facility Zone (RPF-RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.295	Rural Park and Recreation Zone (RPR RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
Section 16.296	Private Use Airport Overlay Zone (/PUAO RCP)	ORS 197, county planning and permit processes	09/13/84	1984 - 2015
<b>REMOVED</b>				
Lane County Rural Comprehensive Plan				
Lane County Land Use and Development Code				