

COMPREHENSIVE PLAN

- 12.005 Zoning Policy Pursuant to ORS Ch. 215.
- 12.010 Eugene-Springfield Metropolitan Area 1990 General Plan.
- 12.015 Cottage Grove Area Comprehensive Plan.
- 12.020 Santa Clara Plan Community Shopping District.
- 12.100 Intergovernmental Agreements.

PROCEDURE FOR THE INITIATION OF COMPREHENSIVE PLAN  
AMENDMENT REQUESTS

- 12.105 Introduction.
- 12.110 Application.
- 12.115 Decision Guidelines.
- 12.120 Significance of Decision.

PROCEDURE FOR THE CONSIDERATION OF "NEW DEVELOPMENT  
CENTER" COMPREHENSIVE PLAN AMENDMENTS

- 12.125 Introduction.
- 12.130 Application.
- 12.135 Planning Commission Recommendation and Board Decision.
- 12.140 Significance of Decision.

OPEN SPACE TAX DEFERRALS

- 12.205 Definition of Open Space.
- 12.210 Intent of ORS 308.740 to 308.790.
- 12.215 Procedure and General Criteria.
- 12.220 Withdrawal from the Open Space Deferral.
- 12.225 Need for Specific Lane County Policy.
- 12.230 Lane County Policy - Open Space Application Process.
- 12.235 Types of Land and Conditions to be Considered for Open Space Tax Deferrals.
- 12.240 Guidelines For Reviewing Open Space Tax Deferrals.
- 12.245 Specific Limitations.

SEWER AND WATER POLICY

- 12.410 County Interim Sewer and Water System Policy.
- 12.415 Water/Sewer Service Extensions and Establishments by Public and Private Agencies.
- 12.420 Planning for Commercial Areas.
- 12.425 Uniform Standards for Sewers.

PROCEDURE FOR THE ADMINISTRATION OF PERMITS SUBJECT TO THE  
INTERIM PROTECTIVE MEASURES OF LC 9.715(2) AND CHAPTER 13  
RELATIVE TO STATEWIDE GOAL #3 - AGRICULTURAL LANDS

- 12.505 Purpose.
- 12.510 Applicability.
- 12.515 Procedure to Determine Applicability.
- 12.520 Criteria for Evaluating Permits.
- 12.525 Appeal.

## Chapter 12

### COMPREHENSIVE PLAN

#### **12.005 Zoning Policy Pursuant to ORS Ch. 215.**

(1) The policy for the Countywide zoning of Lane County as provided in ORS Ch. 215 shall be to apply zoning regulations to lands included within the portions of the Comprehensive Plan for Lane County, as defined in the Lane Code, Chapter 12, as expediently as possible upon the adoption of any portion of the Comprehensive Plan.

(2) Zoning regulations may be applied to lands prior to inclusion in the Comprehensive Plan for Lane County, upon:

(a) The request of a substantial number of property owners and residents of an area, or,

(b) The determination by Lane County that conditions warrant protection of an area prior to that area being included within the Comprehensive Plan. *(No history available)*

#### **12.010 Eugene-Springfield Metropolitan Area 1990 General Plan.**

The Board, having reviewed public testimony, held public hearings in conformity with ORS 215.060 and otherwise performed its duties in accordance with applicable law, has adopted the "Eugene-Springfield Metropolitan Area 1990 General Plan, 1971 Revised Preliminary, 1st Revised Edition," with listed appendices. This plan amends and supersedes existing portions of the Comprehensive Plan for Lane County in the area included within this plan insofar as those other plan portions conflict or are inconsistent with this plan. In resolving ambiguities when the plans appear in conflict, greatest weight shall be given to the requirements and provisions of the Eugene-Springfield Metropolitan Area 1990 General Plan. *(No history available)*

#### **12.015 Cottage Grove Area Comprehensive Plan.**

The Board, having reviewed the recommendations of the Lane County Planning Commission, has approved and adopted the "Comprehensive Plan for Cottage Grove and Environs" and Sketch Plan - City of Cottage Grove as a portion of the Lane County Comprehensive Plan. *(No history available)*

#### **12.020 Santa Clara Plan Community Shopping District.**

The Lane County Planning Commission has adopted the document entitled "Study Committee Recommendation to Planning Commission Concerning Review of Santa Clara Plan" (dated February, 1970), such recommendations also including the document entitled "Santa Clara Plan Community Shopping District Development Policies and Proposals," as the official policy of the Planning Commission regarding development within the area designated as commercial by the Santa Clara Interim Comprehensive Plan. The Board hereby notes to the record the recommendation of the Planning Commission. *(No history available)*

#### **12.100 Intergovernmental Agreements.**

It shall be the policy of Lane County to encourage intergovernmental cooperation in land use matters. Lane County agrees to make its Planning Commission available to incorporated cities for the purpose of reviewing matters of regional significance. It is particularly important that agreements be maintained with the City of Florence and Dunes City regarding coastal matters and the relationship with the Planning Commissions of those two cities with the West Lane Planning Commission. *(No history available)*

## PROCEDURE FOR THE INITIATION OF COMPREHENSIVE PLAN AMENDMENT REQUESTS

### 12.105 Introduction.

Lane Code Chapter 12 does not specifically Provide a procedure for initiation of plan amendments by individual applicants. Pending study and possible revision of LC Chapter 12, an interim procedure not inconsistent with LC Chapter 12 as currently written is hereby adopted. It is anticipated that consideration of any amendments of LC Chapter 12 will include recommendations for concurrent processing of plan amendments and associated zoning, rezoning or permit applications. Plan amendments under this interim procedure may be related to a change to the text, map, or both of any County plan. *(Revised by Order No. 76-12-22-1, Effective 12.22.76)*

### 12.110 Application.

(1) A pre-application meeting with the Planning Division is requested by the applicant. The pre-application meeting is to acquaint the potential applicant with the process and requirements for application submittal.

(2) The application is submitted to the Planning Director with the following information, when applicable:

- (a) Name, address, and phone number of applicant(s) and property owner(s).
- (b) Description of subject site or area.
- (c) Brief description of the nature of the request and the Plan proposed for amendment.
- (d) Purpose and objectives of the request.
- (e) How the request compares with the guidelines in LC 12.115 below.

(3) The application request is placed before the Board by the Planning Division for decision within 40 days of submittal. The Planning Division is to submit an analysis of the request to the Board and the applicant at least five days prior to the scheduled action by the Board. The Planning Division will also provide the applicable Planning Commission an opportunity to review and comment on the proposal prior to the Board's scheduled decision. Additionally, the Planning Division shall make referral to other governmental agencies which may have an interest in the proposal. *(Revised by Order No. 76-12-22-1, Effective 12.22.76)*

### 12.115 Decision Guidelines.

A decision to initiate a Plan amendment shall require a finding the proposal is reasonable and of sufficient public importance for official public hearing consideration. The following guidelines shall be the basis for the finding:

- (1) The proposal would not be premature for consideration because of related other Plan studies in progress.
- (2) The proposal would likely require a plan change to be in conformance with the Plan.
- (3) The proposal is not obviously inconsistent with the provisions of the Comprehensive Plan of a city or adjacent county, or the applicable city and/or county also agrees to consider appropriate amendments to its Comprehensive Plan.
- (4) The proposal is of sufficient importance to Lane County to divert budgeted planning resources from other scheduled activities necessary to analyze and process the proposed amendment hearing.

(5) The proposal is not obviously in conflict with State laws nor required statewide goals or, if in conflict with goals, legitimate exceptions to the goals are not obviously unfeasible or likely to be invalid.

(6) The proposal is not obviously incompatible with the resources and character of the subject area.

(7) The proposal is not obviously contrary to the interests of the Lane County public. *(Revised by Order No. 76-12-22-1, Effective 12.22.76)*

#### **12.120 Significance of Decision.**

(1) A decision to initiate an amendment hearing is a formal agreement to hold official plan amendment hearings upon submittal of required information and analyses determined necessary at this time. Such agreement remains in force for a period of one year, unless specifically stipulated for a lesser period of time. This is not considered to be a commitment to look favorably upon the plan amendment proposal.

(2) A decision to not initiate the hearing terminates consideration of the request. *(Revised by Order No. 76-12-22-1, Effective 12.22.76)*

### **PROCEDURE FOR THE CONSIDERATION OF "NEW DEVELOPMENT CENTER" COMPREHENSIVE PLAN AMENDMENTS**

#### **12.125 Introduction.**

This policy sets forth the procedure for the processing of a Comprehensive Plan amendment for a "New Development Center" (NDC), as provided in the Goals and Policies component of the County General Plan. Approval for the submittal of a request is provided in consideration of LM 12.105 to 12.120 above.

Following decision to initiate a Plan amendment hearing for NDC, the proponents are able to prepare the required information necessary for a decision with the assurance the effort to prepare the information submittal will result in an official hearing. This process involves the analysis of the information as to compliance with the Goals and Policies provisions for NDCs.

Lane County's procedure to evaluate proposals for NDCs depends on the availability of sound, competent information about the proposal. It is largely the responsibility of the proponent to supply this information, although the County can prepare or cause to be prepared supplementary data as deemed necessary.

The purpose of the information submittal is to allow the officials of the County (primarily the Planning Commission(s) and Board) the opportunity of understanding the impact and implications of the proposal, as it may affect the County in years to come. Sound information will also permit an objective, rational decision to be made about the proposal. *(Revised by Order No. 76-12-22-1, Effective 12.22.76)*

#### **12.130 Application.**

(1) The application is submitted to the Planning Division with the required information.

(This list suggests that a certain topic, or area, be covered by a specific study or analysis. This study or analysis need not be overly detailed, but it is to contain enough information to enable the proponent to respond to the questions which follow the topic heading. The information need be sufficient to support any conclusions presented. Any additional information will be helpful to the process, but is not mandatory unless it is later determined through the public hearing process that important questions or issues have been raised which need further clarification.)

(2) Following is a summary of the required submittal information (see Attachment "A" for complete listing):

- (a) Characteristics of the proposal.
  - (i) Description.
  - (ii) General design characteristics.
  - (iii) Anticipated price/rent of dwellings.
  - (iv) Project staging information.
  - (v) Projected densities.
  - (vi) Associated nonresidential development.
- (b) Impact analysis.
  - (i) Natural environment.
  - (ii) Man-made environment.
  - (iii) Socio-economic environment.
  - (iv) Public facilities and services.
- (c) Preliminary sewage and water system reports.
  - (i) Description.
  - (ii) Method of treatment/disposal.
  - (iii) General routing proposal.
  - (iv) Anticipated sizing of facilities.
  - (v) Source of water supply and preliminary hydrological information.
  - (vi) Organization structure.
  - (vii) Service area(s).
  - (viii) Preliminary cost information.
  - (ix) Preliminary approvals from appropriate public agencies.
- (d) LCDC conformity analysis.
  - (i) An analysis of how the proposal, if implemented, will result in a development pattern which will/will not meet the applicable statewide planning goals.
  - (ii) If exceptions to specific statewide planning goals appear to be needed to justify implementation of the proposal, draft language for each exception.
- (e) Other. Additional information determined necessary by the County at the time for authorization for a Plan amendment hearing. *(Revised by Order No. 76-12-22-1, Effective 12.22.76)*

### **12.135 Planning Commission Recommendation and Board Decision.**

(1) The application is placed before the appropriate Planning Commission for public hearing by the Planning Division within 90 days of submittal (applicable State and County laws are followed for notice of the hearing).

(2) Following the recommended action of the Commission, the proposal is considered for final decision at the Board's public hearing (again, applicable procedural laws are followed).

(3) The decision is to be based upon the provisions for "New Development Centers" as provided in the Goals and Policies.

(4) A city's position on any NDC proposal relative to the considerations for a decision shall be persuasive in the final decision by the County if the proposal is within the city's "area of influence." Each city and the County shall mutually determine the city's "area of influence" upon initiation by the city. *(Revised by Order No. 76-12-22-1, Effective 12.22.76)*

**12.140 Significance of Decision.**

(1) A decision to approve a "New Development Center" is an official Plan change. It is in the form of:

(a) A description of general land use types, densities, and on-site utility arrangements,

(b) Any other qualifying statements necessary to describe what has been approved and under what circumstances a specific development application will be in compliance with the amended plan, and

(c) Any necessary changes to alleviate any other provisions in the subject Plan which may be conflicting with the approved "New Development Center."

Proponents can then proceed to prepare specific zoning, subdivision, and/or PUD applications.

The County shall state in the record its intent to reconsider the approval by means of subsequent Plan amendment hearings if the proposed development is not commenced within a specified time period. This procedure is necessary so as not to lock up the capacity for such developments or establish an artificial monopoly in any particular area without the likelihood of follow-through for the approved "New Development Centers."

(2) A decision by the Board to disapprove the proposal terminates the County's consideration of the request. Requests for which a substantially similar proposal have been disapproved within the previous year may be considered by the County only after the Board's separate determination that for good cause the request may be resubmitted. *(Revised by Order No. 76-12-22-1, Effective 12.22.76)*

Attachment "A" to LM 12.130(2)

**REQUIRED STEP 2 APPLICANT SUBMITTAL INFORMATION  
FOR A "NEW DEVELOPMENT CENTER" PROPOSAL**

INTRODUCTION

The following list of specified data items and questions is intended to aid the applicant in supplying the County with information it needs to properly evaluate the NDC proposal. The list is considered the minimum permissible--all points must be addressed--and the applicant is invited to expand the discussion where it seems appropriate.

The list identifies a specific "data item" (usually a study of some topic), and then poses a number of informational questions about it. Responses to the questions should draw upon the data item--this requires that the data item be sufficient to provide answers for at least those questions. Obviously, any additional information will be helpful to the evaluation process, but it is not mandatory unless it is later determined that important questions or issues have been raised which need further clarification.

Additional data items which the County expects to have available from the applicant are noted throughout the questions on the list.

This system operates on the premise that a critical need exists for the proponent, or applicant, to supply background data or information for conclusions or judgments which are used to respond to the questions. In other words, it is not sufficient to assert that a statement is true--it must be demonstrated where practical. Obviously, certain conclusions are by nature subjective or judgmental; for those, a listing of assumptions or reasoning leading to the conclusion is sufficient.

Finally, the applicant is free to make use of information generated by or for the County in other related studies, such as Subarea Plan technical analyses, provided that the source of the information is cited in the applicant's report and that it is supplemented as necessary to fulfill this submittal requirement.

A. DATA ITEM: CHARACTERISTICS OF THE PROPOSAL.

Provide response to the following questions about the proposal:

1. Describe the proposal in terms of
  - a. Location;
  - b. Approximate size (population, dwelling units);
  - c. Site area and configuration;
  - d. Housing type (seasonal, etc.).
2. Describe the general design characteristics of the proposal.
3. If dwelling units are for lease or sale, provide information on the anticipated general prices to buyers.
4. If staging or phasing of the project is expected, indicate the increments of build-out and their target dates.
5. Provide information on protected population densities (gross, net, minimum/maximum if seasonal).
6. What associated nonresidential development (motels, lodges, market facilities, etc.) is planned as part of the proposal?

B. DATA ITEM: IMPACT<sup>1</sup> ANALYSIS.

1. Natural environment - Describe
  - a. Natural features of the site;
  - b. Environmental character of the surrounding area or region;
  - c. Significant natural resources on or adjacent to the site
    - (1) Forest
    - (2) Surface water, groundwater recharge areas, springs, etc.
    - (3) Wildlife habitat, including marine life
    - (4) Plant life, especially rare or endangered species
    - (5) Geology, including mineral or aggregate deposits
    - (6) Soils<sup>2</sup>
    - (7) Wetlands or tidal areas
    - (8) Sand dune areas
    - (9) Other resources (example: geothermal area)
  - d. Natural hazards affecting or affected by the site
    - (1) Flooding, ponding, drainage or runoff
    - (2) Geologic, slope instability or other hazards
    - (3) Soils limitations for development
    - (4) Water supply, quality/quantity
    - (5) Air quality
  - e. Discuss the impacts (as defined above) of the proposal upon the natural environment of the site and or adjacent lands or resource features--list "beneficial" and "adverse" impacts, in terms of
    - (1) Short-term, direct impacts of significant nature.
    - (2) Long-term, direct impacts of significant nature.

---

<sup>1</sup> "Impact" refers to a comparative analysis of the condition or circumstances of the site (or other specified area) from before proposal implementation to after proposal implementation.

<sup>2</sup> ADDITIONAL DATA ITEM: DETAILED, ON-SITE SOILS SURVEY AND ANALYSIS. To be submitted as part of Impact Analysis.

- (3) Indirect and/or cumulative impacts over time.
- f. Discuss probable impacts of the proposal upon the natural environmental character (resource base, "livability," etc.) of the area or region<sup>3</sup> in which it is to be implemented.
  - g. Will implementation of the proposal result in net increases in energy consumption--quantify to extent practicable.
  - h. Outline techniques or methods anticipated to mitigate or eliminate adverse environmental impacts on the site or area.
- 2. Man-Made Environment - Describe
  - a. Land use of the site (if any development);
  - b. Land use patterns of the area or region;
  - c. Relationship of the proposal site to nearby communities or development centers;
  - d. Characteristics of properties or lands adjacent to the proposal site;
  - e. Impacts of the proposal upon the land use pattern or characteristics of
    - (1) Proposal site;
    - (2) Area immediately surrounding the site;
    - (3) Larger area or region in which the site occurs.
  - f. Beneficial effects (in terms of improved land use patterns, for example) on the site or area, brought about by proposal implementation.
- 3. Socio-Economic Environment - Describe
  - a. Impact of the proposal on the private economy of the area or region, as measured by
    - (1) Number of jobs created by (a) construction, and (b) operation of the proposal when implemented.
    - (2) Number of jobs preempted by proposal implementation.
    - (3) Estimated increase in base revenues to area.
    - (4) Estimated increase in local market activity, economy.
    - (5) Influences upon economy of nearby communities or development centers--positive and negative.
    - (6) Economic stimulus of proposal for similar growth or activity on nearby properties.
    - (7) Probable fluctuations or cycles of proposal-generated economic activity (if other than year-round residential development).
    - (8) Estimated impact of proposal-generated economic activity on local wage and price conditions.
  - b. Revenues to Public<sup>4</sup> - Describe impact of proposal upon the public economy of the area or region, as measured by:
    - (1) Change in True Cash Value of site;
    - (2) Influences or impacts of on-site value change on adjacent or nearby properties, in terms of TCV or market value;
    - (3) Estimate net increase in public revenues by comparing gross revenues generated by proposal implementation to gross revenues lost through

<sup>3</sup> For "area or region" use, if convenient, Lane County General Plan Subarea boundaries. Answer question, "Will the character of the area or region, as measured by its existing environment, be influenced or changed by the presence of the proposal, if implemented?"

<sup>4</sup> ADDITIONAL DATA ITEM: COST/REVENUE STUDY. Study should be of sufficient detail to permit responses to questions in this and following subsection, especially items 4c and 4d.

preemption of earlier uses. (Example: If site formerly used for timber, what revenue loss from elimination of this use?)

4. Public Facilities and Services - Describe

a. Projected increases in terms of numbers of users, quantities or units of services rendered, etc., brought about by the proposal for the following facilities:

- (1) Public schools, including post high school facilities;
- (2) Police and fire protection;
- (3) Solid waste disposal;
- (4) Public and private recreational facilities, including "passive" facilities such as wilderness areas;
- (5) Local community facilities, such as meeting halls;
- (6) Medical services and facilities;
- (7) General administrative costs to local government;
- (8) Power and communications facilities.

b. Impact on local and regional transportation facilities, as measured by:

- (1) Change in volume or pattern of traffic, both adjacent to site and in other portions of region or area if proposal is served by regional traffic carrier;
- (2) Change in usage of other transportation modes, including bus, rail, and air--on regional or areawide base.

c. For items a(1) through a(6), and b(1) through b(2) above, supply estimates of increased costs generated by increased demand on facilities. Costs should be calculated on basis of capital improvements and annual operation/expenses.

d. For same items, indicate probable improvements in facilities or services stimulated by proposal implementation--also indicate portion of associated costs to be borne by public. (Example: If project will "stimulate" Fire District establishment, what portion of cost will proposal carry and what portion will be paid by public?)

e. What on-site services or facilities will be readily available to the public of the area or region?

f. What administrative/organizational procedures will be used (if any) to supply needed non-utility services to the site, and/or to the site and surrounding lands combined?

C. DATA ITEMS: UTILITIES - PRELIMINARY REPORTS: (1) SEWERAGE SYSTEM, (2) WATER SYSTEM.

Provide information as cited below:

1. Sewerage Systems Only:

a. A preliminary report giving the basic data and criteria upon which the design of the system will be developed. The report should include:

- (1) The type, capacity, and location of the proposed treatment plant;
- (2) The point and type of final disposal of treatment plant effluent;
- (3) Proposed routing and size of sewers and other appurtenances in the collection system.

2. Water System Only:

a. A preliminary report giving the basic data and criteria, including peak water demands, upon which the design of the system will be developed. The report should include:

- (1) Proposed well or wells giving estimated depth, size, capacity, anticipated yield, and nature and location of underlying water-bearing stratum into which the well(s) will be installed;

(2) Surface supply--characteristics of the drainage area, hydrological data, possible pollution sources and anticipated yield;

(3) Type and capacity of the water treatment facilities and their location;

(4) Type, size and location of water storage units;

(5) Size and location of water distribution piping.

3. General Information, Both Systems:

a. Data concerning the structure of the organization(s) which will own and operate the systems and the means by which continuous satisfactory operation and maintenance of the systems at reasonable costs will be assured.

b. Areas to be served, both ultimately and by stages, together with corresponding population protections.

c. Preliminary cost information pertaining to both systems, including:

(1) Total estimated capital cost for each system;

(2) Total estimated annual cost for operation and maintenance of each system;

(3) Estimated monthly service charge required for operation and maintenance, and amortization of sewer and water utility systems.

D. DATA ITEM: LCDC CONFORMITY ANALYSIS.

1. Provide an analysis of how the proposal, if implemented, will result in a development pattern which will/will not meet the various applicable statewide planning goals and guidelines.

2. If Exceptions to specific statewide planning goals appear to be needed to justify implementation of the proposal, supply draft language for each exception.

Attachment "A"  
to LM 12.130(2)

*(Revised by Order No. 76-12-22-1, Effective 12.22.76)*

## OPEN SPACE TAX DEFERRALS

### 12.205 Definition of Open Space.

"Any land area so designated by an official comprehensive land use plan..." (ORS 308.740- 308.790), or any land which will preserve, conserve, or enhance natural scenic resources, beaches and wetlands, air or streams, golf courses, historic sites, recreation opportunities or generally promote orderly growth. *(Revised by Order No. 73-11-13-2, Effective 11.28.73)*

### 12.210 Intent of ORS 308.740 to 308.790.

The 1969 Oregon State Legislature approved a bill authorizing tax deferrals for Open Space Land, for the purpose of recognizing that it would be in the best interest of the State "to maintain, preserve, conserve and otherwise continue in existence adequate open space lands and the vegetation thereon to assure continued public health by counteracting pollutants and to assure the use and enjoyment of natural resources and scenic beauty... that it is the public interest to prevent the forced conversion of open space land to more intensive uses as the result of economic pressures caused by the assessment thereof for purposes of property taxation at values incompatible with their preservation as such open space land, and that assessment practices must be so designed as to permit the continued availability of open space land for these purposes..." *(Revised by Order No. 73-11-13-2, Effective 11.28.73)*

**12.215 Procedure and General Criteria.**

ORS 308.740-790 requires that applications for Open Space deferrals be filed with the County Assessor, who in turn refers an application to the Board. In considering an application for open space deferral, "the granting authority shall weigh the benefits to the general welfare of preserving the current use of the property which is the subject of application against potential loss in revenue which may result from granting the application? If the granting authority determines that preservation of the current use of land will conserve, preserve or enhance natural or scenic resources, air and water, beaches and wetlands, golf courses, historic sites, recreational opportunities, or promote orderly urban or suburban growth, then the application can be approved. "The granting authority shall not deny the application solely because of the potential loss in revenue which may result from granting the application." (Emphasis added.) *(Revised by Order No. 73-11-13-2, Effective 11.28.73)*

**12.220 Withdrawal from the Open Space Deferral.**

If an open space deferral is granted, assessed value is based on the open space use and the land cannot be assessed at fair market value.

However, should an individual later choose to withdraw land from the open space classification, said individual would be required to pay back taxes equal to the difference between the taxes paid at open space value and the taxes which would have been required had the land been assessed at its true market value. Interest is charged at a rate of two-thirds of one percent for each month the land is under open space classification (8% per annum). If the land use is changed before the Assessor is notified, but the owner notifies the Assessor of the change within 60 days, a 20% penalty is levied against the deferred taxes and interest. Failure to notify the Assessor within 60 days that land has been changed to some use other than open space results in an additional penalty of 20% of the total withdrawal payment. The total payback (exclusive of penalties) cannot exceed the dollar difference between the value of the land as open space for the last year of classification and the market value for the year of withdrawal. The payback provision applies to the entire period during which the land was classified as open space. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

**12.225 Need for Specific Lane County Policy.**

(1) The open space tax deferral program offers an incentive to maintain land in its natural state by removing the pressure to develop land created by excessive property taxes as a result of high assessed valuation. However, the bill adopted by the Legislature did not adequately provide criteria and guidelines for evaluating open space deferral applications. Local governments were left with the task.

(2) In order to differentiate legitimate applications for open space tax deferrals (such as golf courses, parks or wildlife preserves) from applications not meeting the intent of the law (such as backyards), it became necessary to establish a policy regarding the processes, conditions and guidelines for reviewing each application. The following policy is for the purpose of reviewing open space deferral applications. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

**12.230 Lane County Policy - Open Space Application Process.**

(1) Applications for open space tax deferrals are filed with the County Assessor. The Assessor shall refer each application to the Land Management Division for review and recommendation.

(2) The Land Management Division shall in turn refer each application to interested and affected local agencies and taxing bodies and shall prepare a report to the Planning Commission.

(3) The Planning Commission shall consider each application at public hearing and make a recommendation to the Board. The notification and hearing procedure for Planning Commission review of open space applications shall be the same as provided in Chapter 12 of Lane Code for Comprehensive Plan hearings.

(4) The Board shall hold a public hearing and, based upon all available information, shall grant, modify (with the applicant's concurrence) or deny each application for open space tax deferral. According to state law the same public notice procedures will be used by the granting authority as are used in processing an amendment to the Comprehensive Plan. Thus, the provisions of Lane Code Sections 12.025 and 12.040 shall apply regarding notice.

(5) The Board shall forward copies of orders approving open space deferrals to the Department of Assessment and Taxation and Land Management Division.

(6) Once an application for open space tax deferral has been granted, such land will be designated with the symbol "OS" on the unofficial Lane County zoning maps, as designated in LC 10.025-10 (if land is zoned) or on the Assessor's maps on file at the Lane County Land Management Division.

(7) The Department responsible for building permit compliance with planning laws may inform persons applying for building permits on land with open space tax deferrals of any potential conflict with the improvement limitations of the open space for failure to inform an applicant of any potential conflict with the open space legislation. Additionally, the Department of Assessment and Taxation shall be notified of any building permits issued on land with open space tax deferrals by said responsible Department. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

### **12.235 Types of Land and Conditions to be Considered for Open Space Tax Deferrals.**

(1) Flood Plains. Flood-prone areas are appropriate for preservation as open space. Development in such areas impedes and disrupts the flow of rivers, streams and natural drainageways as well as threatening and damaging personal property. Therefore, lands classified by Lane County as flood-prone areas through the assistance of the Soil Conservation Service, U.S. Army Corps of Engineers, or U.S. Geological Service should be considered for open space tax deferral.

(2) Golf Courses: Golf courses often are a very important part of an open space program. By virtue of the amount of landscaped area necessary within a golf course, it can and will become an integral Part of the County's development for recreational pursuits as well as being an asset to the environment, particularly in urban areas where such open space may otherwise be forced to develop as a result of high assessed value (and taxes) on the surrounding properties.

(3) Steep Slope Areas: There are many areas throughout the County that have quite steep slopes. These slopes should be retained in the natural state as nearly as possible. In so doing, it will assist in retaining the natural beauty of the County and will protect these areas from the erosion and slippage problems that most usually occur from the development on these slopes. Steep slope areas are defined as those lands that have a 20% or greater slope for a minimum distance of 100 feet.

(4) Area Adjacent to Rivers and Streams: There are many rivers and streams throughout Lane County and in order to protect their water quality it is necessary to preserve that natural environment along them. These are areas other than flood-prone areas. Appropriate areas adjacent to rivers and streams may be approved for open space

tax deferral based upon the character of the lands, scenic and natural value, wildlife considerations, etc.

(5) Lakes, Ponds and Wetlands: There are many smaller lakes or ponds throughout the County that should be allowed to continue and be protected from development. They often provide excellent recreational areas and places for fish and wildlife refuge. Open space tax deferral may be granted for lakes and ponds and adjacent lands which by their character, location and appearance are related to such lakes and streams.

(6) Wildlife Areas: Throughout Lane County there are many areas that are inhabited by wildlife and should be protected from development. Therefore, lands that are demonstrated to be wildlife refuge areas may qualify for open space tax deferral.

(7) Land Adjacent to Freeways and Major Arterials: There are some areas adjacent to freeways which may be appropriate for preservation as open space but which might be under pressure to develop as a result of high assessed value (and therefore high property taxes). In granting an open space tax deferral, the natural beauty of the area can be protected and thereby provide for routes of scenic driving.

(8) Unusual Stands of Trees: There are many unusual stands of trees throughout Lane County whose value lies in preserving them in their natural state rather than harvesting them for production or clearing them for development. Unusual stands of trees which have been so designated by a recognized authority may be considered for open space tax deferral.

(9) Private Parks and/or Recreational Sites: Private parks and recreational sites are an important part of the Open Space Program and thus may qualify for open space tax deferral if they are so designated by the applicant. (Commercial campgrounds are not considered open space for tax deferral purposes.)

(10) Historical Places and Traces: Those historical places or traces that are so designated by the Park Historian of the Oregon State Highway Division and/or the Arts Advisory Committee of the Lane Council of Governments may qualify for open space tax deferral.

(11) Other Lands: There are other lands within Lane County that may also be classified as open space that do not fall within a specific category. These would include lands which by their character, location, geological formations or other physical features meet the general guidelines for open space tax deferrals.

(12) Land Adjacent to a Public Facility: As public facilities such as parks and recreational areas are developed, the preservation of open space around them can serve to enhance their attractiveness and value. Therefore, land surrounding such public facilities may be considered for open space deferral. *(Revised by Order No. 93-3-31-7, Effective 3.31.93)*

### **12.240 Guidelines For Reviewing Open Space Tax Deferrals.**

Applications for open space tax deferral must satisfy one or more of the following criteria. The open space classification must:

- (1) conserve or enhance natural or scenic resources.
- (2) help protect air, streams or water supplies.
- (3) help promote the conservation of soils, wetlands, beaches or tidal marshes.
- (4) conserve areas for outdoor recreational uses such as golf courses, parks and other recreational activities.
- (5) enhance the value to the public of forests, wildlife preserves, nature reservations, sanctuaries or other open spaces.
- (6) preserve historic sites.
- (7) preserve unique or unusual features not readily found elsewhere in the immediate vicinity or in the County.

Additionally, applications for open space tax deferral must satisfy both of the following criteria:

- (1) The deferral must result in primarily a public, rather than private, benefit.
- (2) The deferral must discourage the conversion of open space to more intensive uses by alleviating economic pressures caused by the property's tax income ratio. *(Revised by Order No. 73-11-13-2, Effective 11.28.73)*

#### **12.245 Specific Limitations.**

(1) The improvement value of land supporting structures used for residential, commercial, or industrial purposes cannot be designated as open space for tax deferral purposes.

(2) Land designated as open space cannot simultaneously be benefiting from other tax deferral programs such as the farm use and timber tax deferrals. *(Revised by Order No. 73-11-13-2, Effective 11.28.73)*

### **SEWER AND WATER POLICY**

#### **12.410 County Interim Sewer and Water System Policy.**

Lane County shall cooperate with cities, appropriate water and sewer districts and make recommendations based upon the criteria set forth below for the extension of water supplies and sewerage systems to areas in Lane County located outside the boundaries of incorporated cities and appropriate districts:

(1) Provide active County support as follows to identified unincorporated communities which have substantial water and sanitation problems.

(a) Staff assistance in:

- (i) Coordination of system planning and engineering studies, and
- (ii) Obtaining available State and Federal loans and grants for system planning and construction.

(b) Assistance in establishing proper and responsible governmental structures necessary (e.g., City, County Service District, Metro Service District) for the administration and funding of construction and/or operation and maintenance of systems.

(c) Selective correction of subsurface sewage disposal systems.

(2) Provide active leadership to resolve problems of developed, unincorporated fringe areas through annexation or extraterritorial extension of city systems by actively working with cities in the County.

(3) Only when the city is not willing to consider annexation or extra-territorial extension of services should the County look toward another governmental form for solution of the problem. In all such cases, the preferred governmental form is a County Service District (established under either the County Charter or State law) which would contract for service with existing providers of water and/or sewer services rather than provide direct services.

(4) The planning, construction and operational and maintenance costs for community-type water and/or sewer systems for proposed isolated private developments are the financial responsibility of the developer. When such a proposed development conforms to an adopted comprehensive land use plan or is otherwise approved by the County, the preferred governmental form, where city incorporation is not feasible, is a County Service District (established under either the County Charter or State law), which has the responsibility to operate and maintain the facilities entirely at the expense of the users.

(5) Financial assistance by the County for any particular city or community to supplement local financing, or where no other financing appears available to solve the problem, will be considered only:

(a) For existing problem areas which became problems under the jurisdiction of Lane County, or

(b) Where the public health problem or potential problem is so severe as to warrant financial assistance.

(6) Public hearings will be held on health hazard declarations in all identified health hazard study areas for public information and input.

(7) Lane County's interim position with regard to the construction and extension of water and sewer facilities by other agencies will be as stated below in LM 12.415.

(8) Provide active leadership in the development and implementation of land use regulations which will not contribute to but alleviate the problem of continuation of conditions which create water and sanitation problems, as well as other urban service problems. *(Revised by Order No. 75-7-16-7, Effective 10.8.75)*

#### **12.415 Water/Sewer Service Extensions and Establishments by Public and Private Agencies.**

It is the policy of Lane County that:

(1) The extension of public and private water and sewer services outside established district or city corporation lines not be permitted until the appropriate city or district, the County, and Lane Council of Governments have each adopted a comprehensive community plan that contains policies, maps, and supportive data which together allow a user to determine where the full range of urban-level services are to be provided over a period of time, along with policies adopted by the service provided relative to the timely extension of such services.

(2) If such a city, district, County or Boundary Commission determines that annexation of the territory to be served by the city or district is appropriate and feasible, no public water or sewer service extensions beyond such a city or district boundary should be allowed until such annexation has taken place or Boundary Commission approval of contractual annexation agreements or other alternative annexation agreements have been executed.

(3) The extension or construction of sewer lines and the extension of water lines outside existing urban service areas (i.e., where such services are not generally available nor imminent) be prohibited except when the following conditions exist:

(a) A public health hazard exists that can only be remedied by the provision of public water or sewer service;

(b) The extension or construction is for the purpose of supplying services to a planned urban area and no service is to be furnished between the supply or connection source and the area to be served except as otherwise conforming with the conditions contained herein; or

(c) The extension or construction is for the purpose of serving publicly owned property which use thereof conforms to the adopted plan for the area; or

(d) The extension or construction is only for water lines for the purpose of serving other property which use thereof conforms to the adopted plan for the area and all of the following conditions exist:

(i) The extension or construction is intended to serve land use activities not directly requiring, nor indirectly creating the need--now or in the foreseeable future--for the untimely or inappropriate provision of, other services required

for an urban level of land use activity, nor otherwise impact negatively upon a community; and

(ii) Adequate land use control policies and regulations are in full force and effect to preclude the need for the untimely or inappropriate provision of other services required for an urban level of land use activity or otherwise impact negatively upon a community; and

(iii) The extension or construction is economically feasible for the agency; or

(e) The construction is for sewer lines for the purpose of serving property which use thereof conforms to the adopted plan, and

(i) Appropriate land use control policies and regulations are in full force and effect to assure that resulting land use activities develop in accord with such plan, and

(ii) Selective correction of existing subsurface sewage disposal systems is not feasible.

(4) The provision of or responsibility to provide public services in urban areas containing incorporated cities (existing or new) should be the responsibility of cities.

(5) Facilities planning, including recommendations as to the appropriate governmental unit to provide services in all other affected units of government.

(6) Utility reviews performed by cities, the Boundary Commission, water boards, water districts, and the Lane Council of Governments should give full consideration to the above policies.

(7) Utility reviews requested of Lane County will reflect the above policies.  
(Revised by Order No. 75-7-16-7, Effective 10.8.75)

#### **12.420 Planning for Commercial Areas.**

The following policy statement is presently used as a guide in planning for commercial areas by the Planning Commission:

(a) Commercial areas should be concentrated clusters of stores in shopping center areas rather than ribbon developments along arterial streets and highways.

(b) Adequate facilities for off-street parking and loading should be provided in each commercial area.

(c) Provisions should be made for safe pedestrian movement along sidewalks within the through commercial areas with a minimum of interference from vehicular traffic.

(d) Neighborhood shopping centers should contain from four to 10 acres, and be a minimum distance of 1/2 mile apart, preferably 3/4 mile apart, in order that each center will have a minimum service radius of 1/2 mile. *(No history available)*

#### **12.425 Uniform Standards for Sewers.**

For the purpose of achieving maximum metropolitan area uniformity regarding standards for sewers, Lane County hereby adopts the "Regulations for the Installation of Building Sewers," dated January 4, 1971, enacted by the Department of Public Works. The described regulations are hereby incorporated herein by reference as if included fully herein. *(No history available)*

**PROCEDURE FOR THE ADMINISTRATION OF PERMITS SUBJECT TO THE  
INTERIM PROTECTIVE MEASURES OF LC 9.715(2) AND CHAPTER 13  
RELATIVE TO STATEWIDE GOAL #3 - AGRICULTURAL LANDS**

**12.505 Purpose.**

The purpose of this policy is to establish the procedure for the administration of LC 9.700, Un-zoned Area Development Permit, and LC Chapter 13, Land Divisions, relative to the specific provisions for compliance with Statewide Goal #3 - Agricultural Lands, as required by the State Land Conservation and Development Commission for the establishment of interim protective measures for Goal #3. *(Revised by Order No. 77-8-31-4, Effective 6.28.78)*

**12.510 Applicability.**

This procedure shall be applicable to land of predominantly Class 1-IV Soils, as follows.

- (1) Un-zoned area development permits subject to the requirements of LC 9.700.
- (2) Applications for partition (LC Chapter 13) of un-zoned land.
- (3) Applications for subdivisions (LC Chapter 13) of un-zoned land not otherwise subject to LM 12.510(1) above. *(Revised by Order No. 77-8-31-4, Effective 6.28.78)*

**12.515 Procedure to Determine Applicability.**

- (1) For un-zoned properties not subject to a comprehensive plan.
  - (a) All permits specified in LM 12.510(1),(2) and (3) above shall be compared with the Lane County Soil Survey as prepared by the US Department of Agriculture, Soil Conservation Service under the National Soil Survey program to determine if the subject property has soils in Classes I, II, III or IV of the Soil Capability Classification System of the Soil Conservation Service. A permit shall be considered applicable if more than 50% or 20 acres contain soils of I through IV classification.
  - (b) Applicable permits shall be subject to the criteria provided in LM 12.520 below.
- (2) For un-zoned properties subject to a comprehensive plan:
  - (a) Planning Division staff will determine the comprehensive plan designation of the subject property. A permit shall be considered applicable if any portion of the subject property is identified as "Agriculture" in the comprehensive plan.
  - (b) Applicable permits shall be subject to the criteria provided in LM 12.520 below. *(Revised by Order No. 77-8-31-4, Effective 6.28.78)*

**12.520 Criteria for Evaluating Permits.**

- (1) Preservation and maintenance of the land for farm use, with minimum lot sizes necessary to achieve this objective, or
- (2) The proposed Un-zoned Area Development Permit, partition or subdivision would not.
  - (a) Be incompatible with farm uses in the area,
  - (b) Interfere seriously with accepted farming practices in the area,
  - (c) Materially alter the stability of the overall land use pattern of the area, or
  - (d) Result in the conversion to non-farm use of land generally suitable for the production of farm crops and livestock, considering terrain, soil conditions, drainage and flooding, vegetation, location and size of tract. *(Revised by Order No. 77-8-31-4, Effective 6.28.78)*

**12.525 Appeal.**

Appeals to decisions based upon the above criteria shall be in the manner provided for the respective permits in Lane Code. *(Revised by Order No. 77-8-31-4, Effective 6.28.78)*