

W. A. A.



## Agenda Cover Memorandum

**DATE:** December 24, 2007 (Memo)  
January 2, 2008 (First Reading)  
January 16, 2008 (Second Reading/Public Hearing)

**TO:** LANE COUNTY BOARD OF COMMISSIONERS

**PRESENTED BY:** Deanna Harris, Planner/Land Management Division

LAND MANAGEMENT DIVISION  
[http://www.LaneCounty.org/PW\\_LMD/](http://www.LaneCounty.org/PW_LMD/)

**ADGENDA ITEM TITLE:** ORDINANCE NO. PA 1244: *IN THE MATTER OF ADOPTING AMENDMENTS TO THE LANE COUNTY RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "I/C"(INDUSTRIAL/COMMUNITY) TO "PR/C"(PARK AND RECREATION/ COMMUNITY); AND REZONING THAT LAND FROM "RI/C" (RURAL INDUSTRIAL/ COMMUNITY) TO "RPR/C" (RURAL PARK AND RECREATION/ COMMUNITY) of MAP 16-45-29 TAX LOT 1300, AND ADOPTING SAVING AND SEVERABILITY CLAUSES. (Applicant: McKenzie Community Track & Field. File No. PA 07-5588).*

### **I. MOTION**

1. January 2, 2008: Motion for approval of the first reading and setting the second reading and public hearing on Ordinance No. PA 1244 for January 16, 2008 at 1:30 p.m. in Harris Hall.
2. January 16, 2008: ALTERNATIVE MOTIONS AFTER THE PUBLIC HEARING:
  - A. MOTION TO APPROVE ORDINACE NO. PA 1244.
  - OR
  - B. MOTION TO TENTATIVELY DENY THE APPLICATION IN FILE PA 07-5588 AND DIRECT STAFF TO PREPARE AN ORDER WITH APPROPRIATE FINDINGS FOR FINAL ACTION.

### **II. ISSUE / PROPOSAL**

Should the Lane County Board of Commissioners amend the Official Plan Map for the subject property, tax lot 1300 of Assessor's Map 16-45-29 from "Industrial" to "Park and Recreation", and amend the Official Zoning Map from "Rural Industrial" (RI/C) to "Rural Park and Recreation" (RPR/C)?

### **III. DISCUSSION**

#### **A. Background**

The applicant requests the change in zoning designation and plan amendment to facilitate the development of a "track and field facility" on the land which is

allowable through a special use permit in the Rural Park and Recreation Zone (RPR) subject to approval by the Planning Director in a subsequent action if these amendments are adopted by the Board of Commissioners. The approval of such a facility is not part of this application or Ordinance. Under the current Rural Industrial zone, a track and field facility is not allowed.

The subject property is 12.87 acres in size and located in the western portion of the adopted and acknowledged unincorporated rural community boundary of Blue River. Lands to the west are zoned Rural Residential (RR1/C and RR5/C) and Rural Public Facility (RPF/C). The northern boundary is abutted by Blue River Drive which provides access to the subject property and lands further to the north across the county road are zoned Rural Residential (RR5/C). Property to the east and south are zoned Rural Industrial (RI/C).

## **B. Board Goals**

1) Citizen Participation. The Plan Amendment/Zone Change is a process within the Planning Department which allowed for notice and hearing before the public at the Lane County Planning Commission level and the Board of Commissioners level.

2) Public Safety. The review for development is not part of this application or Ordinance.

3) Appropriate Community Development. The applicant requests the change in zoning designation and plan amendment to facilitate the development of a "track and field facility" on the land which is allowable through a special use permit in the Rural Park and Recreation Zone. Under the current Rural Industrial zone, a track and field facility is not allowed.

4) Healthy Environment. The applicant requests the change in zoning designation and plan amendment to facilitate the development of a "track and field facility" on the land which is allowable through a special use permit in the Rural Park and Recreation Zone. Under the current Rural Industrial zone, a track and field facility is not allowed.

## **C. Financial and/or Resource Considerations**

There are no financial or resource considerations.

## **D. Analysis**

The application is being made pursuant to Lane Code 16.400, which governs amendments to the Rural Comprehensive Plan, and LC 16.252, which governs zone changes and are discussed below. The Staff reports and other documents produced for the Planning Commission's review of this proposal are

attached, – please refer to it for details on the proposal. Issues, which were raised during the Planning Commission hearings process, and in the findings, are summarized in the discussion below.

### **Rural Comprehensive Plan Minor Amendment**

LC 16.400(8)(a) defines a 'Minor Amendment' as, "An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to uses not allowed by the applicable goal." This plan amendment application is for a minor amendment. Whereas the subject property is zoned Rural Industrial, Lane County has already adopted an exception for the property and received acknowledgement of the exception (under Ordinance No. PA 1173). Because this amendment would be "limited to the Plan Diagram", it constitutes a 'minor amendment' as this term is defined by LC 16.400(8)(a).

Criteria for amending the Lane Code Rural Comprehensive Plan are summarized below. (Complete findings of compliance are found in Attachment 2.)

#### **Lane Code 16.400 (6)(h)(iii):**

***The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:***

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

The applicant's application (Planning Department file No. PA 07-5588) contains the findings of compliance with all applicable Statewide Planning Goals and Oregon Administrative Rules.

***(bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is***  
***(i-i) necessary to correct an identified error in the application of the Plan; OR***  
***(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR***  
***(iii-iii) necessary to comply with the mandate of local state or federal policy or law; OR***  
***(iv-iv) necessary to provide for the implementation of adopted Plan policy of elements; OR***  
***(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.***

The proposed Amendment meets (ii-ii), above. There is an identified public or community need considering that neither the local schools nor the Upper McKenzie community has a track and field or soccer facility.

The proposed project fulfills a public or community need by:

- providing a much-needed recreational facility for local students and members of the Upper McKenzie community who are involved in track and field, cross country, soccer, and adult fitness activities;
- creating an outdoor science laboratory by developing the wetlands into an accessible and educational site for students and community members; and,
- fostering economic development by attracting neighboring schools, families and individuals to the facility for track events, invitational meets, soccer games, training camps and fitness activities.

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

Ordinance No. PA 1173 also established McKenzie Watershed Land Use Policies as part of the Rural Comprehensive Plan. Policy 15.d. specifically addressed the site in the following: *"The former veneer mill site in Blue River (Assessor's Map 16-45-29, tax lot 202) is vacant land, was designated industrial and zoned Light Industrial, M-2. The industrial designation and M-2 zone allowed the veneer mill to operate as a permitted use and allowed the operation of other industries. The industrial designation and industrial zoning on this land shall be maintained but does not preclude a future change of plan designation and zoning for this land. Any division of this land for the creation of parcels or lots shall demonstrate that the soil of the lots or parcels does not contain any contaminants that pose a hazard to its use."*

The subject property, map 16-45-29, tax lot 1300, was a portion of the "former veneer mill site", (tax lot 202, in 2002). Tax Lot 1300 is considered a separate legal lot. The prior owner of the tract conducted Phase I and Phase II environmental site assessments in 2002 and 2003 for the western area of tax lot 202 including the mill pond and current metes and bounds of the subject parcel (tax lot 1300). On April 19, 2004, the Oregon Department of Environmental Quality (DEQ) notified the property owner, Seneca Sawmill Company that based on the two assessments no further action is required under DEQ's Environmental Cleanup Program for the western portion of the former mill site unless new information becomes available indicating an additional investigation is necessary. In a letter dated April 4, 2007, DEQ concluded stating the earthwork conducted on said property was not in violation and closed the case.

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

The proposed amendment is for a map amendment, which is compatible with the existing structure of the Plan, and does not affect any text provisions of the RCP and is consistent with the Plan structure.

### **Lane Code 16.252(1)**

This section of Lane Code requires that as the Rural Comprehensive Plan for Lane County is implemented, changes in zone and other requirements of this chapter will be by ordinances. Ordinance No. PA 1244 complies with this policy and requirement.

### **Goal 12/Transportation**

The Transportation Rule, Oregon Administrative Rules (OAR) 660-012-060, is to be addressed during the plan amendment process to determine if the proposal would significantly affect the existing County road system. The applicant stated the reason for the plan amendment is to utilize the land as a community sports track and field facility primarily utilized by Blue River school students and secondary, by the community in the upper McKenzie Valley.

In response, the applicant provided a minor traffic study (Attachment 3) completed by an Oregon Engineer. This study concluded that the potential traffic associated with the proposed development is less than the potential site generated traffic under the existing zoning. Transportation Planning noted concerns with the traffic study submitted by the applicant (Attachment 4). The major concern was that the study did not address the anticipated number or scale of local and regional events, meets, training camps, and fitness activities intended in the application.

The traffic study used data from the Institute of Transportation Engineers (ITE) to reference Trip Generation Rates (TGR) and compared the traffic rates at its current Rural Industrial zoned level, to the trip generation rates produced by a Soccer Complex. The soccer complex land use was illustrated because of its similarity with what is actually proposed at the site. At its current Industrial zone the p.m. peak hour TGR total trips is 94, while the p.m. peak hour TGR total trip for a soccer complex is 21. Additionally, the Industrial zone TGR for average weekday total trips is 667, while the soccer complex TGR for average weekday total trips is 71. Thus, based on this analysis, the potential site generated traffic associated with the proposed amendment is less than the potential site

generated traffic under the current Industrial zoning, as stated in the traffic study.

It is necessary for local government to put in place measures to ensure the proposed use is consistent with the County facility. It should be noted that prior to development of the proposed track and field facility, the applicant will need to submit an application for a Special Use Permit. The proposed use will need to demonstrate compliance with transportation criteria found in Lane Code 16.295(4) specifically (d-h). Again, the approval of such a facility is not part of this application or Ordinance.

In a letter dated December 14, 2007, (Attachment 8) the applicant's agent stated that the applicant intends to comply with applicable transportation issues and mentions, "that if at the time of a Special Use Permit application a Traffic Impact Analysis is required, that one will be prepared by the applicant."

#### **Comments in Favor**

As of the date of this memo, 86 letters of support were received for this amendment proposal (Attachment 5).

#### **Comments in Opposition**

As of the date of this memo, 4 letters of objection (with 3 DVD's) were received for this amendment proposal (Attachment 6).

The applicant's agent responded to the concerns in a letter dated December 11, 2007 (Attachment 7). The Board should review these materials in order to reach a conclusion on the issues raised.

#### **Lane County Planning Commission Action**

The issues were presented to LCPC for its evaluation in a public hearing on December 4, 2007, and on January 15, 2008, the LCPC will deliberate on the matter. Planning Staff will present the conclusion of the Planning Commission at the scheduled Board of Commissioner's hearing, and the meeting minutes will also be provided as soon as staff receives the items so that the Board may reach their own conclusion on the issues as they relate to criteria.

The applicant is expected to be on hand at the Board hearing to present the proposal and respond to questions. Should additional written materials or testimony be produced concerning this item, it will be delivered to the Board in a supplement or delivered at the hearing.

**E. Alternatives/Options**

1. Approve the Ordinance as presented.
2. Do not adopt the Ordinance and deny the application.

**V. TIMING**

The Ordinance does not contain an emergency clause and should take effect 30 days after enactment.

**VI. RECOMMENDATION**

Staff recommends Option 1.

The criteria for a Minor Amendment to the Rural Comprehensive Plan have been met by the applicant. Ample notice to the public has been provided about this matter, by a direct mailing to adjacent property owners, a legal ad published in the Register Guard, posting of a sign on the property announcing the hearing, and referral of the proposal to regulatory agencies.

**VII. IMPLEMENTATION/FOLLOW-UP**

Should the Board decide against the proposal (alternative 2), an Order with findings setting forth the Board's reasons for denying the Ordinance will need to be prepared and returned to the Board for adoption. Notice of Board action will be provided to DLCDC, and all parties. If the Board adopts the Ordinance as presented or modifies, notice will also be provided.

**VIII. ATTACHMENTS**

1. Ordinance PA 1244 with Exhibits "A" through "C", (includes Applicant materials as attachments A1 through A4). - 105 pp.
2. Staff Report packet for the LCPC December 4, 2007 Hearing (Applicant's materials not duplicated here). – 5pp.
3. Lane County Transportation Planning memo dated December 11, 2007. – 4 pp.
4. Letters in support of the application. – 86pp.
5. Letters in objection of the application. – 4pp.
6. Staff packet to LCPC dated December 12, 2007, (supplemental information received after LCPC December 4, 2007 Hearing). – 234 pp.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON**

**ORDINANCE NO. PA 1244**

***IN THE MATTER OF ADOPTING AMENDMENTS TO THE LANE COUNTY RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "I/C"(INDUSTRIAL/COMMUNITY) TO "PR/C"(PARK AND RECREATION/COMMUNITY); AND REZONING THAT LAND FROM "RI/C" (RURAL INDUSTRIAL/ COMMUNITY) TO "RPR/C" (RURAL PARK AND RECREATION/COMMUNITY), MAP 16-45-29 TAX LOT 1300, AND ADOPTING SAVING AND SEVERABILITY CLAUSES. (Applicant: McKenzie Community Track & Field. File No. PA 07-5588).***

**WHEREAS**, the Board of County Commissioners of Lane County, through enactment of Ordinance PA 884, has adopted Land Use Designations and Zoning for lands within the planning jurisdiction of the Lane County Rural Comprehensive Plan; and

**WHEREAS**, Lane Code 16.400 sets forth procedures for amendment of the Rural Comprehensive Plan, and Lane Code 16.252 sets forth procedures for rezoning lands within the jurisdiction of the Rural Comprehensive Plan; and

**WHEREAS**, in April 2007, application no. PA 07-5588 was made for a minor amendment to redesignate tax lot 1300 of map 16-45-29, from "Industrial" to "Park and Recreation" and concurrently rezone the property from "Rural Industrial/Community" to "Rural Park and Recreation/Community"; and

**WHEREAS**, the Lane County Planning Commission reviewed the proposal in a public hearing on December 4, 2007, and on January 15, 2008, recommended approval of the proposed amendment and rezoning; and

**WHEREAS**, evidence exists within the record indicating that the proposal meets the requirements of Lane Code Chapter 16, and the requirements of applicable state and local law; and

**WHEREAS**, the Board of County Commissioners has conducted public hearings and is now ready to take action;

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

**Section 1.** The Lane County Rural Comprehensive Plan is amended by the redesignation of tax lot 1300 of map 16-45-29, from "Industrial/Community" to "Park and Recreation/Community", such territory depicted on Plan Plot 619 and further identified as Exhibit "A" attached and incorporated herein.

**Section 2.** Tax lot 1300 of map 16-45-29, is rezoned from "Rural Industrial/Community" (Lane Code 16.292) to "Rural Park and Recreation/Community" (Lane Code 16.295), such territory depicted on Rural Zoning Plot 619 and further identified as Exhibit "B" attached and incorporated herein.

**ORDINANCE NO. PA 2144 -- IN THE MATTER OF ADOPTING AMENDMENTS TO THE LANE COUNTY RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "I/C"(INDUSTRIAL/COMMUNITY) TO "PR/C"(PARK AND RECREATION/ COMMUNITY); AND REZONING THAT LAND FROM "RI/C" (RURAL INDUSTRIAL/ COMMUNITY) TO "RPR/C" (RURAL PARK AND RECREATION/ COMMUNITY), , MAP 16-45-29 TAX LOT 1300 , AND ADOPTING SAVING AND SEVERABILITY CLAUSES. (Applicant: McKenzie Community Track & Field. File No. PA 07-5588).**



**FURTHER**, although not a part of this Ordinance, the Board of County Commissioners adopts Findings as set forth in Exhibit "C" attached, in support of this action.

The prior designation and zone repealed by this Ordinance shall remain in full force and effect to authorize prosecution of persons in violation thereof prior to the effective date of this Ordinance.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Chair, Lane County Board of County Commissioners

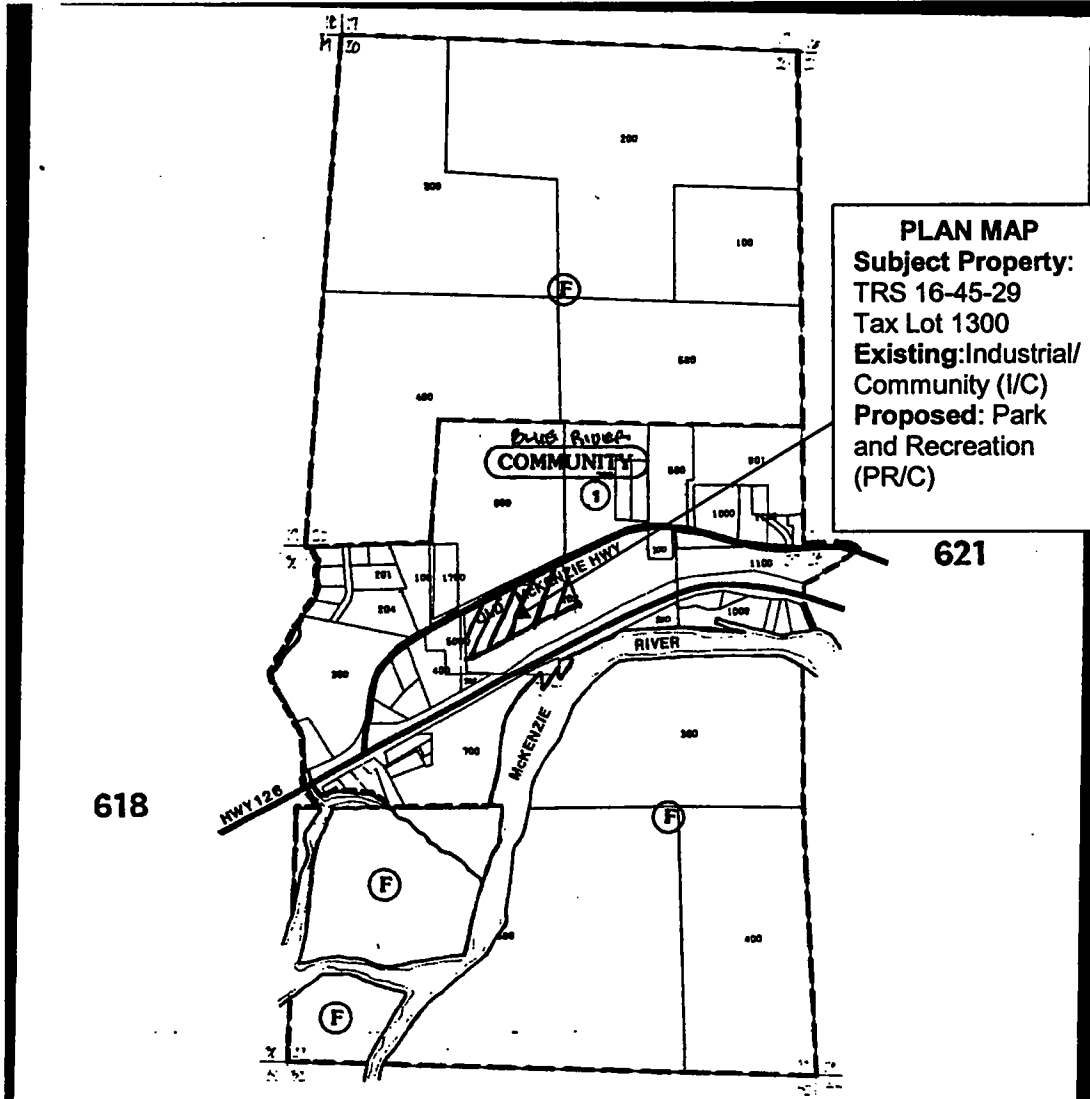
\_\_\_\_\_  
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 12-24-2007 Lane County

  
\_\_\_\_\_  
OFFICE OF LEGAL COUNSEL

ORDINANCE NO. PA 2144 -- *IN THE MATTER OF ADOPTING AMENDMENTS TO THE LANE COUNTY RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "I/C"(INDUSTRIAL/COMMUNITY) TO "PR/C"(PARK AND RECREATION/ COMMUNITY); AND REZONING THAT LAND FROM "RI/C" (RURAL INDUSTRIAL/ COMMUNITY) TO "RPR/C" (RURAL PARK AND RECREATION/ COMMUNITY), )*, MAP 16-45-29 TAX LOT 1300 , AND ADOPTING SAVING AND SEVERABILITY CLAUSES. (Applicant: McKenzie Community Track & Field. File No. PA 07-5588).



**PLAN MAP**  
**Subject Property:**  
 TRS 16-45-29  
 Tax Lot 1300  
**Existing:** Industrial/  
 Community (I/C)  
**Proposed:** Park  
 and Recreation  
 (PR/C)



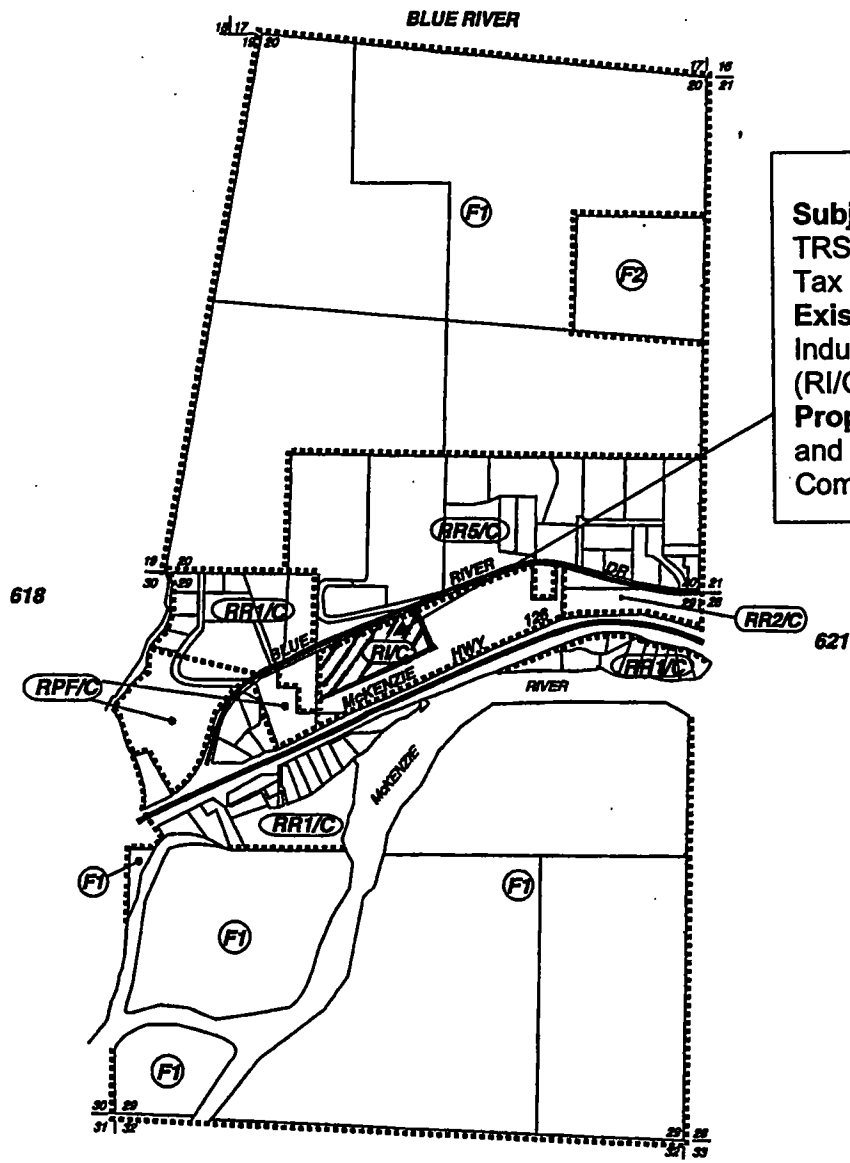
**OFFICIAL PLAN MAP**

**PLOT# 619**

Township Range Section  
 16 45 20 / 16 45 29 ( )

ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE # \_\_\_\_\_  
 REVISION # \_\_\_\_\_ ORD # \_\_\_\_\_ DATE \_\_\_\_\_ FILE # \_\_\_\_\_

EXHIBIT B



**Zone Map**  
**Subject Property:**  
 TRS 16-45-29  
 Tax Lot 1300  
**Existing:** Rural Industrial/Community (RI/C)  
**Proposed:** Rural Park and Recreation/Community (RPR/C)

The RR zones on this map are changed as follows:  
 FROM: RR LC 16.231 TO: RR LC 16.290  
 The RR zone parcel size remains the same.

	<b>OFFICIAL ZONING MAP</b>		<b>PLOT #619</b>
	Township Range Section 16 45 20 / 16 45 29		
ORIGINAL ORD. #	PA 884	DATE	2/29/1984
REVISION #	ORD#	DATE	FILE #

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**PLANNING FILE NO. PA 07-5588**

The following findings of fact support the decision by the Lane County Board of Commissioners to approve a minor amendment to the Rural Comprehensive Plan (RCP) and a concurrent zone change from Rural Industrial to Rural Park and Recreation for the subject property described below.

**GENERAL FINDINGS**

Finding 1: The subject property is a 12.87 acre parcel located in the western portion of the adopted and acknowledged unincorporated rural community of Blue River under Ordinance No. 884, in Lane County, Oregon and identified on the Tax Assessor's Map T16-R45-S29 as tax lot 1300.

Finding 2: The Applicant, McKenzie Community Track and Field, is the legal owner of this property.

Finding 3: Lands to the west are zoned Rural Residential (RR1/C and RR5/C) and Rural Public Facility (RPF/C). The northern boundary is abutted by Blue River Drive which provides access to the subject property and lands further to the north across the county road are zoned Rural Residential (RR5/C). Property to the east and south are zoned Rural Industrial (RI/C).

Finding 4: The current plan designation for this property is "Industrial/Community" (I/C). The current zoning for this property is identified as "Rural Industrial/Community" (RI/C).

Finding 5: The subject property identified as Tax Lot 1300 is considered a legally created lot, originally created on July 8, 1952, and approved in Planning File, PA 04-5322 Legal Lot Verification, and described in lot line adjustment Deed Instrument No. 2004-078071.

Finding 6: The Planning Commission held a public hearing to consider this application on December 4, 2007, and on January 15, 2008 recommended approval.

Finding 7: According to LC 16.400(8)(a)(i), this application is for a minor plan amendment because it involves only a change to the plan diagram and does not require any exceptions to Statewide Planning Goals. The land is zoned RI and therefore is already within a developed and committed exception area.

Finding 8: The applicant requests the change in zoning designation and plan amendment

## Exhibit C

to facilitate the development of a "track and field facility" on the land which is allowable through a special use permit in the Rural Park and Recreation Zone (RPR) subject to approval by the Planning Director in a subsequent action if these amendments are adopted by the Board of Commissioners. The approval of such a facility is not part of this application or Ordinance. Under the current Rural Industrial zone, a track and field facility is not allowed.

### FINDINGS RELATED TO APPROVAL CRITERIA

The criteria for RCP amendments are identified in LC 16.400(6)(h)(iii).

According to LC 16.400(6)(h)(iii), the proposed amendment must be at least one of the five following tests:

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

**Finding 9:** The proposed amendment meets *(ii-ii)* above for the following reasons:

- providing a much-needed recreational facility for local students and members of the Upper McKenzie community who are involved in track and field, cross country, soccer, and adult fitness activities;
- creating an outdoor science laboratory by developing the wetlands into an accessible and educational site for students and community members; and,
- fostering economic development by attracting neighboring schools, families and individuals to the facility for track events, invitational meets, soccer games, training camps and fitness activities.

**Finding 10:** The proposal also meets *(v-v)* above, as the Board of Commissioners finds that it is *desirable, appropriate, and proper* considering that:

- subject property was used for an industrial millpond until Seneca Sawmill's operations in Blue River were shut down in the 1970s;
- the property has not been in use since the sawmill operations were shut down; and,
- this plan amendment would provide an opportunity to use this vacant land in a

## Exhibit C

manner that serves the public interest (as described under Item ii-ii) and protects and restores Blue River's natural resources.

Conformity with RCP Goals and Policies, including Statewide Planning Goals (SWPG), and Oregon Administrative Rules, are required according to LC 16.400(6)(h)(iii)(aa).

Applicable SWPG Goals include: Goal No. 1 (Citizen Involvement), Goal No. 2 (Land Use Planning), Goal No. 3 (Agricultural Lands), Goal No. 4 (Forest Lands), Goal No. 5 (Open Space, Scenic and Historic Areas, and Natural Resources), Goal No. 6 (Air, Water and Land Resources), Goal No. 8 (Recreational Needs), and Goal No. 12 (Transportation). Discussion about compliance with each of these goals, and their applicable policies, as follows:

Finding 11: Goal No. 1, Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. This application complies with Goal 1 because it is subject to Lane process provides the opportunity for citizen involvement in proceedings related to this application.

Finding 12: Goal No. 2, Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The application is being made pursuant to Lane Code 16.400, which governs amendments to the Rural Comprehensive Plan, and LC 16.252, which governs zone changes.

Finding 13: Goal No. 3 Agricultural Lands and Goal No. 4: To preserve and maintain agricultural lands and to conserve forest lands. Goal No. 3 and Goal No. 4 are not applicable to the subject property because the property already is an excepted area under Ordinance No. 884, that is developed and committed to non-resource uses.

Finding 14: Goal No. 5, Open Space, Scenic and Historic Areas, and Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces. The subject property is not listed on any county inventory of sites to be protected for energy production, water use, mineral and aggregate sites, or other historic resources. Therefore, the application request in not in conflict with Goal No. 5.

Finding 15: Goal No. 6, Air, Water and Land Resources: The proposed project will not increase erosion or sedimentation on the subject property because part of the project includes enhancing the site by planting native tree and shrubs. Several areas that are presently bare, as well as all areas that are made bare during construction, will be reseeded with a native upland grass mix.

## Exhibit C

Finding 16: Goal No. 8, Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts. The primary purpose of the proposed project is to provide a track and field facility for the McKenzie Schools and local community that will also occasionally be used for local, state and regional track meets and provide opportunities for the community use and recreation.

Finding 17: Goal No. 12, Transportation: To provide and encourage a safe, convenient and economic transportation system. The Transportation Rule, Oregon Administrative Rules (OAR) 660-012-060, is to be addressed during the plan amendment process to determine if the proposal would significantly affect the existing County road system. The applicant submitted a minor traffic study conducted by an Oregon Engineer which concluded no significant impact to the nearby County road facility. It should be noted that prior to development of the proposed track and field facility, the applicant will need to submit an application for a Special Use Permit. The proposed use will need to demonstrate compliance with transportation criteria found in Lane Code 16.295(4) specifically (d-h). The approval of such a facility is not part of this application or Ordinance. The applicant intends to comply with applicable transportation issues and mentions, "that if at the time of a Special Use Permit application a Traffic Impact Analysis is required, that one will be prepared by the applicant."

Finding 18: Lane Code 16.252(2) states that "*...rezonings shall be consistent with the specific purposes of the zone classification proposed, ...*" The zone classification sought through this application is consistent with the *purpose* and *permitted uses* as defined in LC 16.295 for the "Rural Park and Recreation zone". Ordinance No. PA 1244 complies with this policy and requirement.

Finding 19: Rural Comprehensive Plan – General Plan Policies: Goal Two, Policy 15. d. Ordinance No. PA 1173 also established *McKenzie Watershed Land Use Policies* as part of the Rural Comprehensive Plan. Policy 15.d. specifically addressed "The former veneer mill site in Blue River (Assessor's Map 16-45-29, tax lot 202) is vacant land, was designated industrial and zoned Light Industrial, M-2. The industrial designation and M-2 zone allowed the veneer mill to operate as a permitted use and allowed the operation of other industries. The industrial designation and industrial zoning on this land shall be maintained but does not preclude a future change of plan designation and zoning for this land. Any division of this land for the creation of parcels or lots shall demonstrate that the soil of the lots or parcels does not contain any contaminants that pose a hazard to its use."

The subject property, map 16-45-29, tax lot 1300, was a portion of the "former veneer mill site", tax lot 202, in 2002. The prior owner of the tract conducted Phase I and

## Exhibit C

Phase II environmental site assessments in 2002 and 2003 for the western area of tax lot 202 including the mill pond and current metes and bounds of the subject parcel, tax lot 1300. On April 19, 2004, the Oregon Department of Environmental Quality (DEQ) notified the property owner, Seneca Sawmill Company that based on the two assessments no further action (NFA) is required under DEQ's Environmental Cleanup Program for the western portion of the former mill site unless new information becomes available indicating an additional investigation is necessary. On April 4, 2007, DEQ concluded stating the earthwork conducted on said property was not in violation and closed the case.

### **COMPLIANCE WITH CRITERIA FOR UNINCORPORATED COMMUNITIES**

This application for a plan amendment and zone change is subject to **OAR 660-022-0030**, Planning and Zoning for Unincorporated Communities, which provides in relevant part:

**(1) Changes in plan or zone designation shall follow the requirements to the applicable post-acknowledgment provisions of ORS 197.610 through 197.625.**

Finding 20: ORS 197.610 sets forth the process by which a local government provides notice of a proposed comprehensive plan amendment to the Director of the Department of Land Conservation and Development (DLCD) and by which DLCD may participate in the local government proceeding. Once a comprehensive plan amendment has been amended, ORS 197.615 describes the process by which a local government provides notice to the Director of DLCD. ORS 197.620 identifies who has standing to appeal, and ORS 197.625 provides when a comprehensive plan amendment is considered acknowledged. Staff has mailed notice to DLCD as a statutory requirement.

**(6) County plans and land use regulations shall ensure that new or expanded uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.**

Finding 21: The new use of the subject property as a track and field facility will not adversely affect agricultural or forestry uses considering that the property has not been used for either purpose since the industrial millpond was closed in the 1970's. In addition, the parcels immediately adjacent to the subject property are zoned either Rural Residential or Rural Public Facility, and therefore do not constitute resource land (i.e. agricultural or forest land). Further north and south of Blue River nearby parcels are zoned F1 and F2, which indicate Forest Land Districts. However, this proposal does not contemplate development that would adversely affect the resource uses of these forest lands. The forest lands located north of the subject property are at a higher elevation, which creates a natural physical barrier between the different types of uses.



## Exhibit C

Immediately adjacent to the north of the subject property, Blue River Drive provides an additional barrier between the proposed facility and upland resource land. The forest lands located south of the property are on the opposite side of Highway 126 (and mostly on the opposite side of the McKenzie River), which also creates a physical barrier. Considering that the subject property is immediately surrounded by nonresource land and that the proposal requires minimal development of the subject property, the proposed uses of the track and field facility will not adversely affect agricultural or forestry uses. Rather, the proposal will provide a safe and convenient place at which local community members can recreate and appreciate the natural environment without increasing pressure on local forest lands.

**(7) County plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c).**

Finding 22: This criterion requires the applicant to determine whether a comprehensive plan amendment would significantly affect an existing or planned transportation facility. A transportation facility is defined as a “physical system, including any portion thereof, that moves or assists in the transport of people, animals, or goods, including roads, bicycle, pedestrian, and equestrian paths, rail lines, airport facilities, port facilities, and pipelines, and excluding electricity, water and sewerage systems.” The existing transportation facilities in Blue River include the McKenzie Highway and Blue River Road. According to the Lane County Transportation System Plan (“Lane County TSP”), there are no rail lines, airport facilities, port facilities, or pipelines serving the community of Blue River. There are no planned transportation facilities in Blue River. The first consideration is whether the proposed certified track and field facility will change the functional classification of an existing or planned transportation facility. See OAR 660-012-0060(1)(a). As stated in the Lane Code, the functional class definitions only apply to County Roads as defined in LC 15.010(35). Blue River Drive is a County Road, and therefore is addressed below. The McKenzie Highway, however, is a State Road; therefore, it is not subject to Lane County’s functional classification system, and is not considered in this analysis. Blue River Drive is classified as a Rural Minor Collector road. As discussed with respect to Statewide Planning Goal 12, the proposed track and field facility will be used primarily by McKenzie school students and members of the Blue River community. In response the applicant obtained the services of an Oregon Engineer to conduct a minor traffic study to examine OAR 660-012-0060. The report concluded that no significant impact to the nearby County road facility would result. It should be noted that prior to development of the proposed track and field facility, the applicant will need to submit an application for a Special Use Permit. The proposed use will need to demonstrate compliance with transportation criteria found in Lane Code 16.295(4) specifically (d-h). The approval of such a facility is not part of this application

## Exhibit C

or Ordinance. The applicant intends to comply with applicable transportation issues and mentions, "that if at the time of a Special Use Permit application a Traffic Impact Analysis is required, that one will be prepared by the applicant."

**(8) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:**

**(A) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and**

Finding 23: The zoning of the subject property as Rural Park and Recreation will not result in public health hazards or adverse environmental impacts. The purpose of the proposed development is to provide a much-needed recreational facility for the community of Blue River. It will provide a direct benefit to the public school system and its students, who will have a safe place to train for and compete in their meets and competitions. It will also provide a direct benefit to local community members, who will use the facility for the recreational and educational uses associated with a track, soccer fields, hiking trail, and outdoor wetlands laboratory. This facility will not create public health hazards, but will rather reduce the risk of accidents that may occur when the local cross country team runs on the McKenzie Highway. With respect to adverse environmental impacts, the prior owner, Seneca Jones, provided for two environmental assessments in 2002 and 2003 for the western area of Tax Lot 202, including the mill pond and current metes and bounds of the subject parcel, Tax Lot 1300. On April 19, 2004, the Oregon Department of Environmental Quality (DEQ) issued a letter to Seneca Jones, stating that based on the two environmental assessments no further action is required under DEQ's Environmental Cleanup Program. Since then, the DEQ, the Oregon Department of State Lands (DSL), the Environmental Protection Agency (EPA), and the Army Corps of Engineers have responded to complaints regarding potential contamination issues; however, each agency has determined that the property is not in violation of the applicable state or federal laws, and therefore no enforcement actions have been taken. In addition, the applicant contracted with Environmental Solutions LLC to conduct a Wetland Delineation Report. As described in the Wetland Delineation Report and discussed above with respect to Statewide Planning Goal 5, the proposed project has been designed to minimize impacts to the onsite and adjacent wetlands; in fact, the only wetland impact associated with the project design is a trail crossing over the narrowest section of wetland between the log pond dike and the track and field facility. The total area of wetland impact is estimated to be 0.005 acres.

**(B) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.**

## Exhibit C

Finding 24: This proposal will not exceed the carrying capacity of the soil because the applicant will take appropriate measures to prevent erosion and sedimentation as discussed above. In addition, the proposed track and field facility will not exceed the carrying capacity of existing water supply resources and sewer services because it will rely mostly on independent providers rather than on municipal services. The facility will utilize a septic tank rather than services extended to the site from a centralized off-site facility. Solid waste will be collected and processed by a private collection and disposal service, and water will be provided by the Blue River Water District.

**(9) County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts.**

Finding 25: The proposed comprehensive plan amendment and zone change are consistent with the Lane Code, Rural Comprehensive Plan, and Transportation System Plan for the reasons discussed throughout this application.

Finding 26: The proposed comprehensive plan amendment and zone change application relied upon supporting documentation for approval to establish compliance and are adopted and incorporated by reference as supporting documentation as follows:

Attachment A-1: Applicant's revised application

Attachment A-2: Engineering Traffic Study, dated December 4, 2007

Attachment A-3: Applicant's supplemental memo, dated December 11, 2007

Attachment A-4: Applicant's supplemental memo, dated December 14, 2007

LAND MANAGEMENT DIVISION



GENERAL LAND USE APPLICATION

PUBLIC WORKS DEPARTMENT 125 E 8<sup>th</sup> AVENUE, EUGENE OR 97401 PLANNING: 682-3807

For Office Use Only: FILE # 075588 CODE: PAZC FEE: \$7,580.50  
R/S

Applicant (print name): McKenzie Community Track and Field

Mailing address: 51480 Blue River Dr., Blue River, OR 97413

Phone: 541 822 3744 Email: Geoletch@aol.com

Applicant Signature: *George A. Letchworth*

Agent (print name): Joseph J. Leahy, Attorney; Alyssa Johl, Law Clerk

Mailing address: 223 A Street, Suite D, Springfield, OR 97477

Phone: 541-746-9621 Email: jil@haroldleahy.com

Agent Signature: *Joseph J Leahy* Fax 746 4109

Land Owner (print name): McKenzie Community Track and Field

Mailing address: 51480 Blue River Dr., Blue River, OR 97413

Phone: 541 822 3744 Email: McKenzieCTF@aol.com

Land Owner Signature: *George A. Letchworth Esq.*  
 George Letchworth

LOCATION

<u>16</u>	<u>45</u>	<u>29</u>	<u>1300</u>
Township	Range	Section	Taxlot

On the south side of and abutting Blue River Drive, approximately one-quarter mile east of the McKenzie Site address schools and one mile west of the town of Blue River.

PROPOSAL. In one sentence, identify what you are proposing.

This application seeks a Comprehensive Plan Amendment and Zone Change from Rural Industrial to Rural Park and Recreation for a 12.87-acre site. The subject property is designated as a developed and committed exception area. See Lane County

Ordinance No. PA 884 (Feb. 29, 1984).

**ADJOINING OWNERSHIP** Is any adjacent property under the same ownership as the subject property? List the map and tax lot(s).

No

**SITE PLAN** A site plan must be included. Refer to the handout entitled "How to prepare your plot plan". Identify nearby driveways. Driveways spacing standards are contained in Lane Code 15.138.

**ACREAGE:** 12.87 See Exhibit A

**DESCRIBE THE ACCESS TO THE PROPERTY (circle the answer):**

State Hwy

County Rd

Public Rd

Private Easement

126 to Blue River Drive

**GENERAL ACCESS REQUIREMENTS**

Access to the site must comply with Lane Code Chapter 15. All lots, parcels, or building sites shall have reasonably safe and usable vehicular access either directly to a Public Road, County Road, State Road or an approved Private Access Easement. The access to the site must pass a two part test. First, the site must have legal access. Second, that access must be reasonably safe and useable.

**First:** A lot or parcel shall be considered as having legal access for the purposes of development when the lot or parcel: (check the one that applies)

- (A) Was created in an approved and recorded land division; or
- (B) Is part of an unrecorded subdivision filed with the County as a survey recorded prior to January 1, 1955, and the roads in the unrecorded subdivision were dedicated to the County but may not have been accepted as Public Roads as defined in LC 15.010(35); or
- (C) Is adjacent to a Public Road or County Road, and meets the frontage requirements of LC 15.120; or
- (D) Is served by a Private Access Easement meeting the requirements of LC 15.055; or
- (E) Is adjacent to a state road and meets any applicable state access and permit requirements.

**Second:** A lot or parcel shall be considered as having reasonably safe and usable vehicular access for purposes of development if the road providing access to the lot or parcel is: (check the one that applies)

- (A) a County-maintained road or State-maintained road; or
- (B) a Public Road, Local Access Road, or Private Access Easement physically constructed and maintained to the requirements specified in this chapter; and any applicable dedication and improvement requirements of this chapter are met.

**EXISTING IMPROVEMENTS** Does the property contain any roads, structures, etc.?

See "Subject Property Description" and Citizen Involvement attached application  
gravel parking, culvert, wood chip path, cargo carrier, dike, kiosk.

**PHYSICAL FEATURES:** Describe the site. Identify any steep slopes, water bodies (creeks, ponds, etc.) or other significant features. Include additional pages if necessary.

See Subject Property Description in attached Application.

**APPROVAL CRITERIA**

What criteria are applicable to this application? List the Chapter, Sections(s) and Subsection(s) from the Lane Code. For example: F2 (Impacted Forest) LC 16.211.

Comprehensive Plan Amendment and Zone Change  
Base Zone: Rural Industrial to Rural Park and Recreation, subject property is a developed and committed exception area.

Approval Criteria: ORS 197.175(2)(a), LC 16.400, Plan Amendment, LC 16.252, Zone Change, OAR 660-004-0018

Combining Zone(s): See discussion in attached Application.

**WRITTEN STATEMENT**

Explain your proposal. Attach additional pages if necessary. See attached McKenzie Community Track and Field Comprehensive Plan Amendment and Zone Change Application.

**McKenzie Community Track and Field  
Comprehensive Plan Amendment and Zone Change Application**

**I. INTRODUCTION**

This application seeks a Comprehensive Plan Amendment and Zone Change from Rural Industrial to Rural Park and Recreation for a 12.87-acre site (Tax Lot #1300) on the south side of and abutting Blue River Drive, approximately one-quarter mile east of the McKenzie schools and one mile west of the town of Blue River. See Exhibit A, Lane County Official Zoning Map, Plot #619. The subject property is designated as a developed and committed exception area. See Lane County Ordinance No. PA 884 (Feb. 29, 1984).

**Subject Property Description**

The site is located on a bench approximately 2,000 feet north of the McKenzie River and 50 feet in elevation above the River. The majority of the subject property is relatively level at 990-91 feet as it is located predominantly on fill placed in a historic logging pond. The fill is approximately 6-8 feet deep on the log pond. Portions of the 6-8-foot tall dike that enclosed the old log pond are still present on the site. A roadside ditch along the south side of Blue River Drive is located between the dike and the road in the northwest portion of the former log pond. This ditch is 6 feet lower than both the dike and the road. The wetland drainage direction is to the southwest. See Exhibit B, Joint Permit Application Form submitted to Army Corps of Engineers.

Present use of the land adjacent to the subject property to the west is single family residential. Blue River Drive is located north of the property, and vacant land owned by Seneca Jones Timber Company is located to the south and east. The McKenzie Highway and McKenzie River are south of the subject property by approximately 1500-2000 feet. See Exhibit B, Joint Permit Application Form.

**Historical Background**

The site and surrounding area were converted from pasture use to a log pond and mill site in 1950, see Exhibit C, Aerial Photos from 1936 and 1945, when Everett Armstrong and Hal Andrus built the AA lumber mill on the outskirts of Blue River, see Exhibit C, Aerial Photos from 1952 and 1959. Material from the log pond excavation was used to complete a perimeter dike to contain water in the log pond, which was filled by pumping water from the McKenzie River. In 1952, Everett bought out Hal Andrus and operated the mill until the 1960s when it was sold to Forrest Solomon. See Exhibit C, Aerial Photos from 1967 and 1972, see also Exhibit B, Joint Permit Application Form.

The subject property was used as a mill pond until the 1970s, when the mill was closed. Shortly after, the mill pond was filled by Seneca Sawmill (now Seneca Jones Timber Company) in collaboration with the Forest Service. See Exhibit C, Aerial Photos from 1980, 1981, 1991, 1994

and 2002. The land has not been used for industrial purposes or otherwise since the mill pond was shut down. See Exhibit B, Joint Permit Application Form.

## **Proposal**

The primary objective of this application is to rezone the property in question so that it can be used for recreational uses, specifically as a track and field facility. This facility will provide benefit to McKenzie School District #68 students, the local community, and visitors to the Upper McKenzie Valley. In addition to two soccer fields and a track for track meets and community use and recreation, this application proposes construction of other park amenities and facilities, including a hiking trail, driveway, parking lot, event concession stand, restrooms and storage building. Further, the proposed project will promote and enhance wetlands protection by establishing an outdoor wetlands laboratory as well as an accessible educational site. See Exhibit D, McKenzie Community Track and Field, Executive Summary and Vision Statement.

The proposed project will increase the recreational as well as economic opportunities in the Blue River community by providing a state-of-the-art track and field facility that attracts schools and individuals to the area for local and regional events, meets, training camps, and fitness activities. See Exhibit D, McKenzie Community Track and Field, Executive Summary and Vision Statement.

Seneca Jones Timber Company conducted two environmental assessments, Phase 1 and Phase 2 Environmental Site Assessments, which have been approved by the Oregon Department of Environmental Quality. See Exhibit E, Letter from Paul S. Rosenberg, DEQ Western Region Site Assessment Section (Apr. 19, 2004). In addition, the applicant contracted with Environmental Solutions LLC to conduct a Wetland Delineation Report. See Exhibit F, Wetland Delineation Report for the McKenzie Community Track and Field Project Area (Oct. 2006). Two letters from the Oregon Department of State Lands indicate that the "wetlands identified within the study area are the remaining areas of the log pond and are non-jurisdictional" pursuant to OAR 141-085-0015(5g). See Exhibit G, Letters from Oregon Department of State Lands (Nov. 6 and 7, 2006).

This application addresses the ways in which the proposed project complies with the Statewide Planning Goals, the applicable Rural Comprehensive Plan policies, and the applicable Lane Code criteria as discussed below.

## **II. COMPLIANCE WITH STATEWIDE PLANNING GOALS**

Pursuant to ORS 197.175(2)(A), amendments to local comprehensive plans and code must comply with the Statewide Planning Goals approved by the state's Land Conservation and Development Commission (LCDC). For individual applications such as this, compliance with relevant goals must be addressed by the County. This section explains why the proposal complies with each Statewide Planning Goal.



## **Goal 1: Citizen Involvement**

**To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.**

This application complies with Goal 1 because it is subject to Lane County's public process for individual plan amendments and zone changes. This process provides the opportunity for citizen involvement in proceedings related to this application.

In addition, the applicant, McKenzie Community Track and Field, has involved the members of the Blue River community in the planning process by holding monthly and sometimes bi-weekly and weekly meetings to solicit feedback and support for the project. Local business owners, the McKenzie Schools, and community members have actively participated in the development of the proposed track and field facility. McKenzie Community Track and Field has received over \$375,000 in contributions from over 150 individual donors.

In addition, over 100 individuals have donated their time and equipment during volunteer workdays. On April 22, 2006, 40 volunteers participated in a workday from approximately 9 to 4 pm. Their activities included: cleaning up large rocks, wood, metal and trash; removing Scot's broom and blackberry vines; clearing the top of the dike surrounding the wetlands to make it more accessible for McKenzie School students; building a walkway from the track site to the top of the dike to make the dike safe and accessible; installing a culvert in the walkway to facilitate drainage; laying road fabric around the kiosk and along the east edge of the wetlands to walkway; putting wood chips on the road fabric to create a north-south pathway along the east end of the wetlands from the kiosk to the walkway; leveling the rough rock base in the wetlands parking lot and placed 3/4 minus gravel on the walkway to the dike; and pouring concrete for the foundation of the storage building.

On December 9, 2006, 12 volunteers participated in another workday from approximately 9 to 4 pm. Their activities included: clearing woody material and stacked into a burn pile; burning the pile, clearing Scot's broom and blackberry vines; leveling and clearing with the use of two backhoes and operators; placing road fabric on the dike and covered with wood chips to create an east-west path on the dike that is on the north edge of the wetlands; and linking the north-south pathway and the east-west pathway to create a wood chip path on two sides of the wetlands.

## **Goal 2: Land Use Planning**

### **PART I – PLANNING**

**To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

Part I of Goal 2 requires local governments to establish processes and policies for land use decisions. Lane County's planning process is outlined in the Rural Comprehensive Plan (RCP) and Lane Code's Chapter 16. Lane County's plan amendment process is set forth in LC 16.400. Lane County's zone change process is set forth in LC 16.252. This application is being

submitted under the requirements set forth in the RCP and Lane Code's Chapter 16, and will be reviewed under the appropriate criteria.

## **PART II – EXCEPTIONS**

Under certain circumstances, Part II of Goal 2 authorizes exceptions to the goals for land use decisions that are not in compliance with the goals. In addition, specific statutes provide other circumstances under which exceptions to the goals are authorized. See ORS 197.732.

This application complies with Goal 2 because it is being processed pursuant to Lane County's planning process and applicable Lane Code criteria. Further, this application is subject to the Goal 2 exceptions criteria for changes in use on "physically developed" or "irrevocably committed" land. See OAR 660-04-0018(2). These criteria are addressed fully in Part IV below.

### **Goal 3: Agricultural Lands**

**To preserve and maintain agricultural lands.**

Goal 3 is not applicable to the subject property. The property is an exception area that is developed and committed to nonresource uses. By definition, "Nonresource land" is not subject to Goal 3. See OAR 660-04-0005(3).

### **Goal 4: Forest Lands**

**To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.**

Goal 4 is not applicable to the subject property. The property is an exception area that is developed and committed to nonresource uses. By definition, "Nonresource land" is not subject to Goal 4. See OAR 660-04-0005(3).

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

**To protect natural resources and conserve scenic and historic areas and open spaces.**

Goal 5 requires the county to inventory the locations, quality and quantity of certain natural resources. Where no conflicting uses are identified, the inventoried resources shall be preserved. Where conflicting uses are identified, the impacts of the conflicting uses shall be determined and programs developed to achieve the goal.

A county must address Goal 5 if any of the area proposed for change encompasses lands included on the county's inventory of Goal 5 resources.<sup>1</sup> The county is not required to go through the conflict resolution process for alleged Goal 5 resources that are not on the acknowledged Goal 5 inventory.<sup>2</sup>

The initial question is whether the subject property includes any Goal 5 resources listed on Lane County's acknowledged inventory. The following paragraphs describe the acknowledged Goal 5 resource inventories:

Historic Resources: Historic resources are listed in "Historic Sites or Site." The subject property is not on the list.

Mineral and Aggregate Resources: Mineral and aggregate sites are listed in several appendices in the *Mineral and Aggregate Working Paper*. The subject property is not listed in any of the appendices.

Energy: The subject property is not listed on any county inventory of sites to be protected for energy production.

Water: Water resources, including wetlands, are described in the *Water Resources Working Paper*. The proposed project has been designed to minimize impacts to the onsite and adjacent wetlands; in fact, the only wetland impact associated with the project design is a trail crossing over the narrowest section of wetland between the log pond dike and the track and field facility. The total area of wetland impact is estimated to be 0.005 acres. See Exhibit B, Joint Permit Application Form.

The wetlands on the subject property are connected via ditch and culvert to Elk Creek, a tributary of the McKenzie River, approximately one-half mile southwest of the site. Water quality information from the Oregon Department of Environmental Quality 303(d) list shows that the McKenzie River in the vicinity of the project site (River Mile 56) is water quality limited for temperature in summer. The proposed project is not anticipated to alter water quality conditions in the adjacent wetlands because the gravel parking lot is impervious, the track is designed to be an enclosed basin with a grassy infield so no surface runoff will enter the onsite wetlands, and the paved entrance will have grassy banks to provide infiltration prior to surface runoff entering the onsite wetlands. Onsite hydrology is not anticipated to be negatively affected by the proposed project because the trail crossing is culverted, and the upgraded access road footprint is directly on top of an existing road, which is also culverted. The source of hydrology for the onsite wetlands is primarily precipitation, which will remain unchanged with the proposed project. See Exhibit B, Joint Permit Application Form.

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<sup>1</sup> See *Urquhart v. Lane Council of Governments*, 80 Or App 176, 721 P2d 870 (1986); *Plotkin v. Wash. County*, 165 Or App 246, 997 P2d 226 (2000); *Waugh v. Coos County*, 26 Or LUBA 300, 310-12 (1993); *1000 Friends of Or. v. Yamhill County*, 27 Or LUBA 508, 522 (1994).

<sup>2</sup> *Davenport v. City of Tigard*, 23 Or LUBA 565 (1992).

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

**To maintain and improve the quality of the air, water and land resources of the state.**

The proposed project will not increase erosion or sedimentation on the subject property because part of the project includes enhancing the site by planting native tree and shrubs. Several areas that are presently bare as well as all areas that are made bare during construction will be reseeded with a native upland grass mix. See Exhibit B, Joint Permit Application Form. Over 1,000 Western Red Cedar and Douglas-fir trees have been planted thus far.

## **Goal 7: Areas Subject to Natural Disasters and Hazards**

**To protect people and property from natural hazards.**

Pursuant to OA 660-15-000, areas of natural disasters and hazards are defined as “areas that are subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, ground water, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.” There are no such areas known on the subject property.

## **Goal 8: Recreational Needs**

**To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

The primary purpose of the proposed project is to provide a track and field facility for the McKenzie Schools and local community that will also be used for local, state and regional track meets and provide opportunities for community use and recreation. The McKenzie Schools have an active track program; however, they have been using other locations on school property for their track and field activities. The Schools have never had a regulation-sized track or designated field areas in which they could train and hold meets. Presently, the cross country team runs along busy roads including the highway, which is unsafe considering the volume, speed, and type of traffic the highway experiences (log trucks and other semis-type trucks). The proposed track will provide a safer training area as well as new facilities such as a long jump, discus, and shot put area. Further, the track will be used by adult community members for wellness activities.

The two soccer fields in the center of the track will also provide a safe setting in which local students and community members can practice and compete in soccer.

The accessible wetlands provide an educational opportunity for local students and community members, who will experience and learn about the wetlands ecosystem.

This application to rezone unused Rural Industrial land to Rural Recreation directly addresses the needs of the Schools and local community, and therefore will satisfy the recreational needs of the McKenzie River Valley.

**Goal 9: Economic Development**

**To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

Goal 9 is explicitly limited to commercial and industrial development within urban growth boundaries. By definition, this goal is not applicable to rural recreational uses in a nonresource designation.

**Goal 10: Housing**

**To provide for the housing needs of citizens of the state.**

Goal 10 is not applicable to this application. The existing Rural Industrial Zone does not allow residential development and the proposed Rural Park and Recreation Zone will not allow residential development.

**Goal 11: Public Facilities and Services**

**To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

Goal 11 addresses facilities and services in both urban and rural areas. The subject property is designated rural and will remain rural after this approval as discussed below in Goal 14. "Public facilities and services" is defined in the Statewide Planning Goals to include "[p]rojects, activities and facilities which the planning agency determines to be necessary for the public health, safety and welfare." More specifically, a public facility includes "water, sewer, and transportation facilities, but does not include buildings, structures or equipment incidental to the direct operation of those facilities." OAR 660-11-005(5).

The RCP describes the minimum level of services for Park and Recreation areas in committed areas of rural Lane County. The service level must be consistent with that level required for the Community, which requires schools, on-site or community sewage disposal, individual or community water supply, electrical service, telephone service, rural level of fire and police protection, and reasonable access to solid waste disposal. See Goal 11, Policy 6.f. and 6.i.

This service level can be met.

The services currently available, or proposed to be developed, include:

Table 1 Rural Public Facilities, Existing or Proposed	
Service	Provider
Fire	Blue River Water/Fire District
Police	Oregon State Police and Lane County Sheriff Department
Schools	McKenzie School District #68
Access	Paved driveway off of Blue River Drive
Electric	Lane Electric Cooperative
Sewer	Septic
Solid Waste	Private collection/disposal service
Telephone	Qwest
Water	Blue River Water District

**Goal 12: Transportation**

**To provide and encourage a safe, convenient and economic transportation system.**

Blue River Drive, which intersects McKenzie Highway (also known as U.S. Highway 126) at both ends of the road, provides direct access onto the subject property. According to ODOT's *Interim Corridor Strategy*, traffic volumes are seasonal and averaged about 3,800 ADT in 1997 in the Blue River area.<sup>3</sup> The traffic volumes are projected to grow minimally over the next 20 years.<sup>4</sup> Further, the average crash rate for 1998-2000 is 0.86 per million vehicle miles traveled, which is a lower rate than other rural highways.<sup>5</sup> Considering that the proposed track and field facility will be primarily used by McKenzie school students and members of the Blue River community, there will not be a significant impact on a transportation facility as defined by OAR 660-12-060(2).

**Goal 13: Energy Conservation**

**To conserve energy.**

Goal 13 is not applicable to this application considering that it specifically addresses the adoption and amendment of land use regulations rather than individual land use proposals.<sup>6</sup>

<sup>3</sup> See ODOT, *Bypass #4 - Blue River Bypass*, available at <http://www.oregon.gov/ODOT/TD/TP/docs/orhwyplan/analysis/4analysis.pdf>.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> See *Brandt v. Marion County*, 22 Or LUBA 473, 484 (1991), *aff'd in part, rev'd in part*, 112 Or App 30 (1992).

**Goal 14: Urbanization**

**To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.**

This goal prohibits urban uses on rural lands and regulates the extension of urban services and facilities into rural areas. While the recreation zone may allow for both urban and rural uses, the proposed project is intended to serve rural recreational needs considering the level of use, density, and public facilities and services that will be provided. Urban levels of use are not allowed under the existing Rural Industrial plan and zone designation and likewise will not be allowed under the proposed Rural Recreation plan and zone designation. The proposed project will limit onsite public services and facilities to those that will maintain the rural status.

**Goal 15: Willamette River Greenway**

**Goal 16: Estuarine Resources**

**Goal 17: Coastal Shorelands**

**Goal 18: Beaches and Dunes**

**Goal 19: Ocean Resources**

Goals 15 through 19 are not applicable considering that they deal with resources that are not present on the subject property.

**III. COMPLIANCE WITH RURAL COMPREHENSIVE PLAN POLICIES**

Any plan amendment and zone change must comply with the RCP, pursuant to ORS 197.175(2), the RCP (see e.g. RCP at 6), and the Lane Code (see e.g. LC 16.400(6)(h)).

**Goal 2: Land Use Planning**

**Policy 11: Land use designations and densities appropriate for developed and committed areas shall be determined through compliance with other plan policies and the following criteria:**

- d. A Park and Recreation designation shall be applied to uses devoted to park and recreational activities (i.e., campgrounds, developed parks, etc.)**

As discussed above, the subject property is a developed and committed exception area. The proposed use is specifically devoted to park and recreational activities, more specifically a track and field facility, and therefore should be designated as Rural Park and Recreation. In addition to a track and two soccer fields, this proposal includes construction of general park amenities and

facilities, including a hiking trail, driveway, parking lot, event concession stand, restrooms and storage building.

**Policy 15: McKenzie Watershed**

Goal 15 identifies recreation and tourism as “important to the economy of the communities in the McKenzie valley.” Therefore, the proposed project involving the development of a track and field facility is consistent with the purpose of this goal.

The proposed project also complies with Goal 15’s requirement that new rural public facilities should be located within incorporated rural communities or outside of unincorporated rural communities in developed and committed exception areas.

**Policy 18: Where lands are not farm and forest lands, they may be designated on the plan diagram as rural residential or as parks and recreation, provided:**

- a. Detailed and factual documentation has been presented indicating that the subject lands are not farm and forest lands as defined by Statewide Planning Goals #3 and #4.**

The subject property does not qualify as either farm or forest land as discussed above under the relevant Statewide Planning Goals. The subject property is currently designated as Rural Industrial.

- b. An exception to any of the Statewide Planning Goals is not required.**

This application does not require any goal exceptions.

- c. Small isolated non-resource tracts surrounded by farm and forest lands shall be discouraged if such non-resource designation would create compatibility problems.**

This property is not a small, isolated tract surrounded by farm and forest land. As stated above, the property is zoned as Rural Industrial, which is a nonresource designation. It is located on the south side of and abutting Blue River Drive, approximately one-quarter mile east of the McKenzie schools and one mile west of the town of Blue River. Further, the property is surrounded by single family residential to the west, Blue River Drive to the north, and vacant land owned by Seneca Jones Timber Company to the south and east. The proposed plan amendment and zone change will not affect the property’s designation, and therefore this section is not applicable.

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

See discussion of wetland resources and mitigation efforts to protect such resources under Statewide Planning Goal 5.



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

The proposed project complies with Goal 6 as discussed above under Statewide Planning Goal 6.

**Goal 7: Areas Subject to Natural Disasters and Hazards**

The subject property is not inventoried in the *Natural Hazards Working Paper* as a site containing natural hazards.

**Goal 8: Recreational Needs**

As discussed under Statewide Planning Goal 8, the proposed project specifically addresses the recreational needs of the Upper McKenzie Valley and therefore satisfies this goal.

**Goal 11: Public Facilities and Services**

As discussed under Statewide Planning Goal 11, this project is consistent with Lane County's intent to "provide the facilities and services needed to make quality health, social and cultural services accessible to all Lane County residents."

**IV. COMPLIANCE WITH CRITERIA FOR EXCEPTION AREAS**

This application for a plan amendment and zone change is subject to OAR 660-004-0018, Planning and Zoning for Exception Areas, which provides:

- (2) For "physically developed" and "irrevocably committed" exception to goals, plan and zone designations shall authorize a single numeric minimum lot size and shall limit uses, density and public facilities and services to those:**
  - (a) That are the same as the existing land uses on the exception site;**
  - (b) That meet the following requirements:**
    - (A) The rural uses, density, and public facilities and services will maintain the land as "Rural Land" as defined by the goals and are consistent with all other applicable Goal requirements; and**
    - (B) The rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource use as defined in OAR 660-004-0028; and**
    - (C) The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses.**

This application does not qualify under OAR 660-004-018(2)(a). However, the application is consistent with the requirements under OAR 660-004-018(2)(b).

**Rural Uses, Density, and Public Facilities and Services**

This application complies with the OAR 660-004-018(2)(b)(A) requirement that the "rural uses, density, and public facilities and services will maintain the 'Rural Land' as defined by the goals

and are consistent with all other applicable goal requirements.” The Statewide Planning Goals define “Rural Lands” as land outside the urban growth boundaries that is:

- (a) Non-urban agricultural, forest or open space,
- (b) Suitable for sparse settlement, small farms or acreage homesites with no or minimal public services, and not suitable, necessary or intended for urban use, or
- (c) In an unincorporated community.

The leading case analyzing the distinction between “rural” and “urban” uses of land is *1000 Friends of Oregon v. LCD (Curry County)*<sup>7</sup> in which the court provides several factors that should be used in determining whether a particular use is rural or not. More specifically, the factors used in making such a determination include: size of parcels (for residential uses), types and levels of services provided to the site; size and developed use of the property; and proximity of an acknowledged urban growth boundary.

The first factor, the size of parcels, primarily applies to rural residential uses, and therefore does not weigh heavily in this analysis. The general rule in the rural residential context is that uses on lot sizes less than one-half acre are categorically “urban” whereas uses on lot sizes greater than 10 acres are categorically “rural”. For lot sizes between one-half and 10 acres, a decisionmaker must make a case-by-case determination based on the *Curry County* factors. However, since this application does not propose rural residential use of the subject property, these parameters are not dispositive as to whether the size of the subject property is rural or urban. Regardless, the subject property consists of one 12.87-acre parcel, and the proposed uses include recreational and educational activities that directly benefit Blue River and neighboring rural communities. In addition, the proposed uses will non-intensive; the facility will mostly sit vacant during the day, and will be used primarily by local students and local community members for a short duration in the afternoon. Considering the large size of the parcel, this factor weighs in favor of the uses being deemed rural in nature.

The second factor concerns the type and level of sewer services provided to the subject property. The proposed track and field facility will utilize a septic tank rather than services extended to the site from a centralized off-site facility. In addition, solid waste will be collected and processed by a private collection and disposal service, and water will be provided by the Blue River Water District. A fundamental difference between rural and urban uses of land is that rural use is predominantly self-reliant and self-contained. Considering that the proposed facility will rely mostly on independent providers rather than on municipal services, this second factor weighs in favor of the use being characterized as rural.

The third factor considers the types and levels of services, other than sewer, provided to the subject property. Electricity and telephone services will be handled by local providers; however, this is typical for both rural and urban sites, and therefore does not provide any indication as to whether the use is rural or not. Police services will be provided by the Oregon State Police and Lane County Sheriff Department rather than a local department, which is a clear indication that this is a rural community. Volunteer fire services will be provided by the local Blue River Water/Fire District, which serves the unincorporated rural community of Blue River. However, these

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<sup>7</sup> 301 Or 447, 724 P2d 268 (1986).

are existing services that will not be affected by this proposal and therefore should not be taken into consideration. Further, this proposal will not place an undue burden on the public school system but will rather benefit the schools and their students who will have a safe place to train for and compete in their meets and competitions. It will also benefit local community members who will use the outdoor recreational and educational facility. As a result, this factor weighs in favor of the proposed uses being deemed rural.

The fourth factor addresses the size and developed use of the property (ie density). As mentioned above, the property is 12.87 acres. The proposal anticipates the development of a track and two soccer fields as well as the construction of other park amenities and facilities, including a hiking trail, driveway, parking lot, event concession stand, restrooms and storage building. Thus, this proposal does not require significant development but instead takes advantage of the natural setting to create a much-needed recreational and educational facility. Although the track and field facility will be used on occasion for local and regional competitions, the primary beneficiaries will be the local students and community members of Blue River, and therefore will not rise to the level of urban use. As a result, this factor weighs in favor of these activities being considered a rural use.

The fifth factor considers the proximity of an acknowledged urban growth boundary (UGB). The proposed facility is approximately 33 miles east of the Eugene-Springfield UGB, and is unlikely to draw urban users away from the Eugene-Springfield area to Blue River. Therefore, this factor would weigh significantly in favor of a rural use characterization.

For the reasons discussed above, each of the *Curry County* factors weighs towards characterizing the proposed uses of the track and field facility as rural. The proposal therefore satisfies the requirement of maintaining the land as “rural use” as defined by the Statewide Planning Goals and as interpreted by the Oregon Supreme Court.

#### **Commitment of Adjacent or Nearby Resource Land**

Further, this application satisfies the OAR 660-004-018(2)(b)(B) requirement that “rural uses, density, and public facilities and services will not commit adjacent or nearby resource land to nonresource use” as defined by law. The parcels immediately adjacent to the subject property are zoned either Rural Residential or Rural Public Facility, and therefore do not constitute resource land. Further north and south of Blue River, nearby parcels are zoned F1 and F2, which indicate Forest Land Districts. However, this proposal does not contemplate development that would adversely affect the resource uses of these forest lands. The forest lands located north of the subject property are at a higher elevation, which creates a natural physical barrier between the different types of uses. Immediately adjacent to the north of the subject property, Blue River Drive provides an additional barrier between the proposed facility and upland resource land. The forest lands located south of the property are on the opposite side of Highway 126 (and mostly on the opposite side of the McKenzie River), which also creates a physical barrier. Considering that the subject property is immediately surrounded by nonresource land and that the proposal requires minimal development of the subject property, the proposed uses of the track and field facility will not commit adjacent or nearby resource land to nonresource uses.

## **Compatibility with Adjacent or Nearby Resource Uses**

This application also satisfies the OAR 660-004-018(2)(b)(C) requirement that “rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses.” As mentioned above, the parcels immediately adjacent to the subject property are not resource land and therefore that is not a consideration under this criterion. As to the nearby forest lands, the proposed track and field facility will not generate conflicts but will rather benefit these resource uses. This proposal provides a much-needed recreational and educational facility for the community of Blue River that will likely reduce pressure on local forest lands by providing recreational and educational opportunities to appreciate the natural environment.

## **V. COMPLIANCE WITH LANE CODE CRITERIA FOR PLAN AMENDMENTS**

LC 16.400(6)(h) establishes the criteria for plan amendments, each of which is addressed in the following section.

### **LC 16.400(6)(h): Method of Plan Adoption and Amendment**

- (iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:**
  - (aa) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan component or amendment meets all applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rule**

This subsection makes general reference to other sources of standards that apply to plan amendments, which are addressed elsewhere in this application.

- (bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:**
  - (i-i) necessary to correct an identified error in the application of the Plan;**  
**or**
  - (ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or**
  - (iii-iii) necessary to comply with the mandate of local, state or federal policy or law;**  
**or**
  - (iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; or**
  - (v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.**

This subsection offers a variety of policy choices from which Lane County may select as a justification to initiate the plan amendment. At least two of the choices identified above are relevant to this application.

Item ii-ii allows a plan amendment if it is necessary to serve an identified public or community need. Considering that neither the local schools nor the Upper McKenzie community has a track and field or soccer facility, the proposed project fulfills a public or community need by:

- ♦ providing a much-needed recreational facility for local students and members of the Upper McKenzie community, who are involved in track and field, cross country, soccer, and adult fitness activities;
- ♦ creating an outdoor science laboratory by developing the wetlands into an accessible and educational site for students and community members; and
- ♦ fostering economic development by attracting neighboring schools, families and individuals to the facility for track events, invitational meets, soccer games, training camps and fitness activities.

Item v-v allows Lane County to make plan amendments that are desirable, appropriate or proper. The proposed plan amendment is desirable, appropriate and proper considering that:

- ♦ subject property was used for an industrial millpond until Seneca Sawmill's operations in Blue River were shut down in the 1970s;
- ♦ property has not been in use since the sawmill operations were shut down; and
- ♦ this plan amendment would provide an opportunity to use this vacant land in a manner that serves the public interest (as described under Item ii-ii) and protects and restores Blue River's natural resources.

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

Compliance with the individual policies in the RCP is discussed in the section above.

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

The existing structure of the plan anticipates nonresource plan designations. In addition, considering that the subject property is a developed and committed exception area and therefore is not available for resource uses, this designation is consistent with the relevant policies in the RCP.

#### **LC 16.400(8): Additional Amendment Provisions**

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

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

This application, which requests a change to the Plan Diagram for the subject property, proposes a minor amendment to the plan. As described above, the subject property is a developed and committed exception area, and therefore the exceptions to the Statewide Planning Goals described above. Further, the proposed project will remain "rural" within the meaning of Goal 14.

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

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

The description of the proposal and its relationship to the plan has been provided throughout this application.

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

The analysis responding to each of the required findings is provided above. For additional information, please see findings made in response to LC 16.400(6)(h)(iii)(bb)(ii-ii) and (v-v) above.

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

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

This subsection is addressed in Part I above. To summarize, the subject property is in an area that is characterized by low density rural residential uses and other nonresource uses. Considering the fact that the subject property is presently zoned for industrial use, the impacts of the proposed plan amendment will be beneficial rather than detrimental to the land use and ownership patterns of the area.

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

The public facilities and services that are currently available or will be provided to the site are discussed in detail above. For a discussion of each facility and service, see the description provided under Goal 11 above. For a discussion of transportation facilities, see the description provided under Goal 12 above. To summarize, the subject property will be served by septic systems and a water system that is connected to Blue River Water Corp. All other facilities and services are available.

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

The proximate natural resources under consideration are those that are identified as Goal 5 resources in the RCP. The impact on these resources is discussed in the description provided under Goal 5 above. In addition, the proposed project will fully protect the wetlands that are inventoried on the National Wetland Inventory maps, although those wetlands are not formally listed on Lane County’s Goal 5 inventory.

This proposal would have no adverse impacts on proximate resource lands. The rural recreational uses proposed are compatible with the adjacent rural residential uses.

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

As discussed under Goal 7, the subject property neither contains nor is threatened by any natural hazards.

- (ee) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;**
- (ff) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan, within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;**
- (gg) For a proposed amendment to a Nonresource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, “Working Paper: Marginal Lands” (Lane County, 1983).**

None of these standards are relevant to this proposed plan amendment considering that the subject property is presently designated as nonresource.

## **VI. COMPLIANCE WITH LANE CODE CRITERIA FOR ZONE CHANGES**

This application requests a zone change from a Rural Industrial Zone (RI, RCP) to a Rural Park and Recreation Zone (RPR, RCP), both of which are nonresource plan designations. The facts relevant to the zone change requirements are largely duplicative of the facts relevant to the Statewide Planning Goals and RCP policies. The LC 16.252 criteria are addressed below with appropriate references to other parts of this application.

**LC 16.252(2): Procedures for Zoning, Rezoning and Amendments to Requirements; Criteria**

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

**General Purpose of Chapter 16:**

LC 16.003 provides 14 general purpose statement, including a provision to insure that development is commensurate with the character and physical limitations of the land. This application, which proposes rezoning the subject property from RI, RCP to RPR, RC, maintains the nonresource plan designation. In addition, the public interest is well-served by converting vacant rural industrial land to a rural recreational track and field facility.

**Specific Purpose of the Rural Park and Recreation Zone:**

The Rural Park and Recreation Zone is intended to provide opportunities for people to conduct recreational activities without interference from other nonrecreational uses. As mentioned above, the primary objective of this application is to rezone the subject property so that it can be used for recreational uses, specifically as a track and field facility. Considering its use for local, state and regional track meets as well as community use and recreation, the facility will directly benefit the local schools, community members, and visitors to the Upper McKenzie Valley.

**Rural Comprehensive Plan Criteria:**

The RCP provides the policy basis for comprehensive plan and implementing regulations, provides direction for land use decisions, and fulfills LCDC planning requirements. As described in Part III, the proposed zone change is consistent with the RCP.

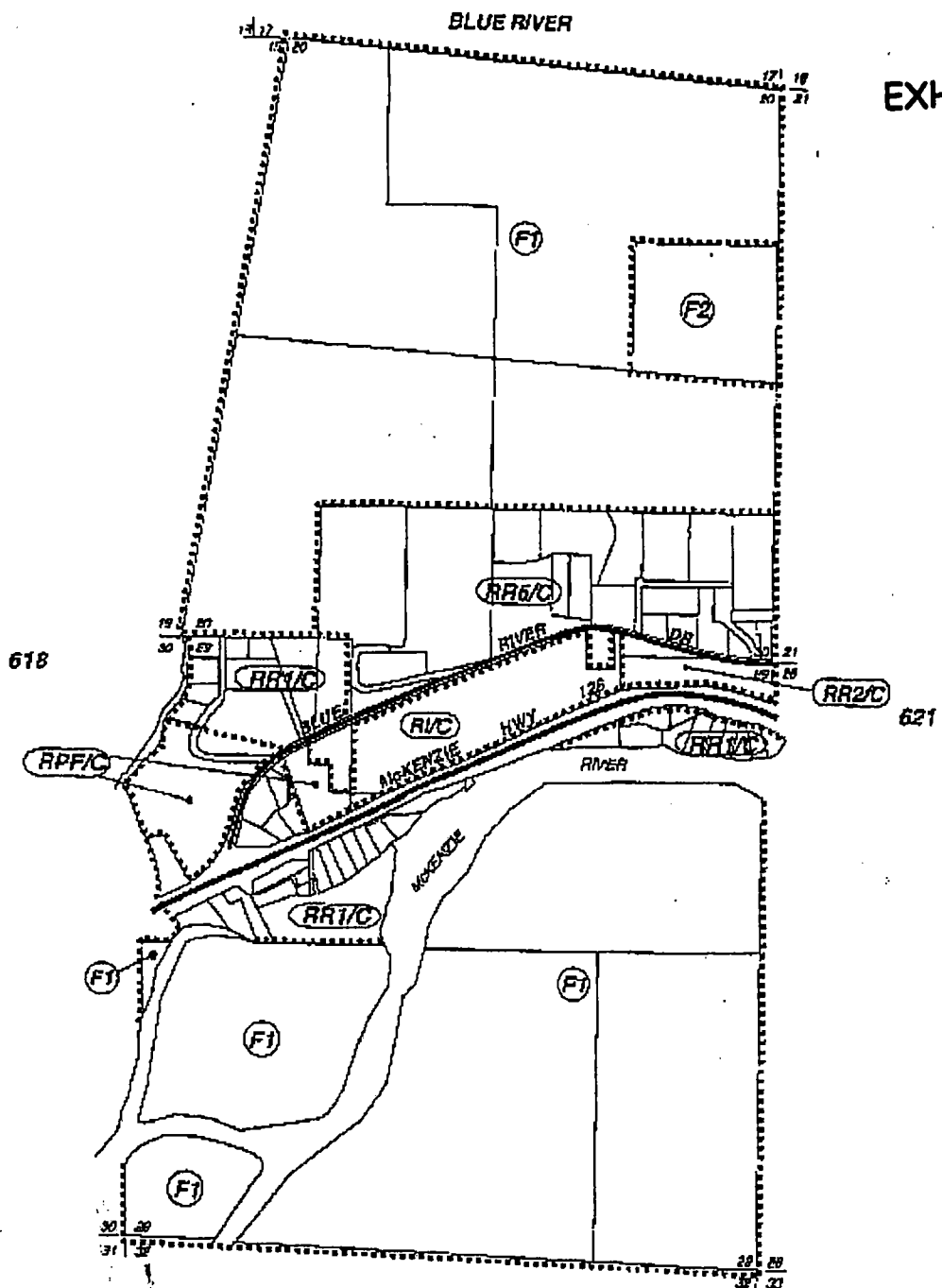
**Lane Code Criteria:**

As described in Parts IV and V, the proposed zone change is consistent with the Lane Code criteria.



EXHIBIT A

EXHIBIT A



The RR zones on this map are changed as follows:  
 FROM: RR LC 16.231 TO: RR LC 16.290  
 The RR zone parcel size remains the same.

	lane county		<b>OFFICIAL ZONING MAP</b>		<b>PLOT #619</b>	
			Township Range Section		16 45 20 / 16 45 29	
ORIGINAL ORD. #	FA 884	DATE	2/29/1984	FILE #		
REVISION #	ORD#	DATE		FILE #		

EXHIBIT B



**US Army Corps  
Of Engineers (Portland District)**

# Joint Permit Application Form

**EXHIBIT B**



DATE STAMP

AGENCIES WILL ASSIGN NUMBERS

Corps Action ID Number \_\_\_\_\_

Oregon Department of State Lands No \_\_\_\_\_

**SEND ONE SIGNED COPY OF YOUR APPLICATION TO EACH AGENCY**

District Engineer  
ATTN: CENWP-OD-GP  
PO Box 2946  
Portland, OR 97208-2946  
503-808-4373

**AND**

*West of the Cascades:*  
State of Oregon  
Department of State Lands  
775 Summer Street NE Suite 100  
Salem, OR 97301-1279  
503-378-3805

**OR**

*East of the Cascades:*  
State of Oregon  
Department of State Lands  
1645 NE Forbes Road, Suite 112  
Bend, Oregon 97701  
541-388-6112

(1) Applicant Name and Address	McKenzie Community Track and Field Committee: ATTN Jeff Sherman 54800 East King Road Blue River, OR 97413	Business Phone # 541-822-3451 Home Phone# FAX # E-mail:
Authorized Agent Name and Address (Signature required in Block 9) <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Contractor	Environmental Solutions LLC ATTN Nancy Holzhauser 55646 Drury Drive Blue River, OR 97413	Business Phone # 541-822-1090 Home Phone# FAX # 541-822-1053 E-mail: nholz@envsol.net
Property Owner Name and Address (If different than applicant) <sup>1</sup>		Business Phone # Home Phone# FAX # E-mail:

**(2) PROJECT LOCATION**

Street, Road or other descriptive location		Legal Description (attach tax lot map*)			
S. of Blue River Dr., 1/4 mile east of McKenzie Schools Hwy 126 east to Blue River Dr west junction with Highway, turn L on Blue River Dr., travel approx 0.25 mile past McKenzie Schools and Mormon Church, to paved and gated entrance on south side of road.		Quarter/Quarter	Section	Township	Range
In or Near (City or Town) Blue River		County Lane	Tax Map # 16-45-29	Tax Lot # <sup>2</sup> 1300	
Wetland/Waterway Name (pick one) wetland	River Mile (if known) NA	Latitude 44.1545 deg N		Longitude 122.3546 deg W	
Do you consent to allow Corps or Dept. of State Lands staff to enter into the above-described property?*					<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**(3) PROPOSED PROJECT INFORMATION**

Type:  Fill  Excavation (removal)  In-Water Structure  Maintain/Repair an Existing Structure

Brief Description: Construction of a track and field facility

**Fill**

Riprap  Rock  Gravel  Sand  Silt  Clay  Organics  Other: culvert, asphalt, latex

Wetlands	Total Fill (cy)	37	Permanent (cy)	7.8	Temporary (cy)				
	Impact Area in Acres	0.005	Dimensions (feet)		L'	10'	W'	20'	H'
Waters below OHW	Total Fill (cy)		Permanent (cy)		Temporary (cy)				
	Impact Area in Acres		Dimensions (feet)		L'		W'		H'

**Removal**

Riprap  Rock  Gravel  Sand  Silt  Clay  Organics  Other:

Wetlands	Tot. Rem.(cy)		Permanent (cy)		Temporary (cy)				
	Impact Area in Acres		Dimensions (feet)		L'		W'		H'
Waters	Tot. Rem.(cy)		Permanent (cy)		Temporary (cy)				

<sup>1</sup> If applicant is not the property owner, permission to conduct the work must be attached.  
<sup>2</sup> Attach a copy of all tax maps with the project area highlighted.  
\* Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.

below OHW	Impact Area in Acres		Dimensions (feet)		W'	H'		
Is the disposal area upland?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Impervious surface created?			<input checked="" type="checkbox"/> <1 acre?	<input type="checkbox"/> >1 acre?
Are you aware of any state or federal Endangered Species on project site?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, please explain in the				
Are you aware of any Cultural/Historic Resources on the project site?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	project description (in block				
Is the project site within a national Wild & Scenic River?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	4)				
Is the project site within a state Scenic Waterway?*		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No					

**(4) PROPOSED PROJECT PURPOSE & DESCRIPTION**

**Project Purpose and Need:**

*Provide a description of the public, social or economic benefits of the project along with any supporting formal actions of a public body (e.g. city council, special district board), as appropriate.\**

The purpose of the proposed project is to provide a track and field facility for the McKenzie school and community that could also be used for track meets with other schools. The McKenzie Schools have an active track program including cross country, however they have been conducting a limited amount of track and field activities at various locations within the actual school property including on the football field, and have never had a regulation sized track or designed field areas to practice in or to hold meets. In addition, the cross country team runs along busy roads including the highway, making it unsafe because of the volume, speed, and type of traffic the highway experiences (log trucks and other semis-type trucks) and the proposed project would provide a safer training area in addition to providing additional facilities such as a long jump, discus, and shot put area. Seneca Timber Company donated the 12-acre site to the McKenzie Committee Track and Field Committee in 2004, with the expressed purpose of having it developed into a track and field facility.

**Project Description: Include the following information:**

- Volumes and acreages of all fill and removal activities in waterway or wetland separately
- Permanent and temporary impacts
- Types of materials (e.g., gravel, silt, clay, etc.)
- How the project will be accomplished (i.e., describe construction methods)
- For work in waterways where fish are likely to be present, complete and attach a plan to isolate the work area from the flowing water. (See the Section A of the Resource Plan Guidance Document.)
- If native migratory fish are present (or were historically present) and you are installing, replacing or abandoning a culvert or other potential obstruction to fish passage, complete and attach a statement of how the Fish Passage Requirements, set by the Oregon Department of Fish and Wildlife will be met. (See Section B of the Resource Plan Guidance Document.)
- For fish habitat or wetland restoration or enhancement activities, complete the supplemental Fish Habitat or Wetland Restoration and Enhancement form

**Fill and removal volume and material:** A total of 3100 cubic yards of fill will be used for the project, of which all but approximately 37 cubic yards will be in uplands. The 37 cubic yards of fill in wetlands will consist of dirt and gravel for the section of jogging trail that connects the old log pond dike, used as a jogging path, to the facility area in the northwest portion of the site. Fill material for the project includes crushed rock, sand, asphalt, gravel, and wood chips. No temporary fill is associated with the proposed project.

Approximately 100 cubic yards of upland soils will be removed and then replaced for the 490-foot long buried utility line trench that extends from Blue River Road along the east site boundary to the south end of the facility. Approximately 35 cubic yards of upland soils will be removed and partially replaced for construction of the septic and drainfield areas. Total removal volume for the project is 135 cubic yards, all of which is in uplands including the trench for buried utilities and the septic drainfield.

**Fill impact area:** A total of 2 acres of fill in uplands and 0.005 acres in wetlands will be associated with the proposed project.

**Removal impact area:** A total of 0.033 acres of removal in uplands is associated with the proposed project.

**Impervious surface:** Approximately 1.978 acres of impervious surface associated with the 1.9 acres for track and 0.078 acres for entrance driveway will result from the proposed project.

**Construction related ground disturbance:** A total of 7 acres of construction-related ground disturbance is planned with the proposed project, including clearing of brush for the facility, stockpiling the brush for a burn pile, stockpiling of gravel for the

\* *Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.*

parking area, access road, and track, grading of the site excavation of the septic and drainfield. The proposed project involves construction of a track and field facility on approximately 7 acres of the 12-acre parcel. The facility will be located almost entirely on upland fill in the central and east portion of the parcel. Construction elements associated with the proposed facility include:

- a regulation sized oval track (approximately 0.25 miles long) with a crushed rock, gravel, and asphalt base and a latex running surface
- a grassy infield inside the oval with a sand under loam substrate
- approximately 0.25 acre gravel parking area and 260-foot long gravel access road that is 24 feet wide to connect the gravel parking area to the paved entrance driveway
- approximately 99 feet of paved entrance from Blue River Drive to the facility
- bleachers, material storage area, restrooms, and concession stand at the south end of the site, south of the track and field facilities
- sanitary drainfield at the south end of the site
- underground utilities including a buried water line extending to the south and west from the Blue River city municipal water supply and underground power extending south and west along the site's east boundary from an existing power source at Blue River Drive
- 10' x 10' covered viewing deck at the west end of the site, to view the wetland area to the west
- long-jump, high jump, shot put, discus, javelin areas that will be inside the track oval or outside the track oval in the northeast corner of the facility, on a grass surface
- upgrade the driveway to install a 24-inch culvert in the old roadway, add a lift of 3-6" of gravel with an asphalt surface over 99 feet, and a gate for access to the facility from Blue River Road
- a 19-foot section of gravel surface trail to connect the old dike to the facility at the northwest corner of the facility
- plant native trees and shrubs around the facility
- maintain the old dike around the wetland in the west portion of the property to be free from blackberry so that it can be safely used as a jogging and walking path

The vast majority of the project will impact uplands associated with fill placed in the old log pond by Seneca between 1980 and 1994 (refer to wetland delineation report). The site will be cleared of vegetation, consisting of predominantly nonnative upland species such as Armenian blackberry (*Rubus armeniacus*) and Scot's broom (*Cytisus scoparius*) as well as scattered young native Douglas-fir (*Pseudotsuga menziesii*) saplings. It will be graded to a level surface, with track gradient slightly towards the inside of the circle.

A 24-inch culvert will be placed in the existing 30 inch x 30 inch ditch that crosses the old 34-foot wide dirt access road, followed by a 6" lift of gravel and an asphalt surface. A 19-foot long and 20-foot wide jogging trail will connect the dike that circles the site (from the old log pond) to the track facility by crossing a wetland area; impacts associated with this activity include 5' feet deep of dirt, a 24-inch culvert, with 3" layer of gravel on top. Installation of the trail will involve 37 cu yards of fill on 0.005 acres of wetland, with 50 cubic yards of fill below the top of the bank between the old fill and the dike. This section of trail will connect the old dike that surrounds the west portion of the property to the track and field facility. The footprint of the trail crossing will impact primarily nonnative vegetation including reed canary grass (*Phalaris arundinacea*) in the 10-foot wide wetland area and Armenian blackberry in the upland banks. The wetland impacted with the proposed trail crossing is in the palustrine emergent (PEM) Cowardin class and the Depressional HGM class; it is a portion of a historic log pond that was abandoned in the late 1970s, drained and partially filled by Seneca Timber Company during the late 1970s and 1980s. The track and infield areas will be constructed with a 1.5 foot layer of sand under a 2 inch layer of loam for the infield, and a 1.5 foot layer of crushed rock and gravel under 2 inches of asphalt with a ½ inch surface layer of latex for the track. In order to prevent puddling on the grass playing field inside the track, a 2' deep French drain will be constructed with perforated pipe on the bottom and filled with crushed rock as a 2-foot wide trench around the inside of the track adjacent to the grassy playing field.

Buried utilities will be in a trench dug from Blue River Drive east of the site south through uplands to the south east and south portion of the facility. The trench will be 3 feet deep and 2 feet wide, with the soil from excavation of the trench used as backfill. Upland vegetation to be impacted for the length of this activity includes primarily nonnative Queen Anne's lace (*Daucus carota*), Armenian blackberry, and Scot's broom.

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Heavy equipment including bulldozers, dump trucks, and backhoes will be used for construction project. The construction project will be conducted in summer through fall, when soils are drier in order to minimize compaction. Construction access will be from Blue River Drive across the reconstructed driveway, and the staging area will be on uplands in the east portion of the site.

The proposed project is not anticipated to impact onsite hydrology or the adjacent wetland areas because the wetland impact is limited to a small section of jogging path that crosses the narrowest area where the old log pond wraps around the north end of the site, with a 2-foot culvert to be installed on the bottom of the wetland area that will allow water to flow between the east portion and the much larger west portion. It is not anticipated that the proposed project will increase erosion onto the adjacent wetlands because part of the project includes enhancing the site by planting native trees and shrubs, including in the old fill slopes, some of which have been partially bare for quite some time. In addition, all areas made bare with the proposed construction project will be reseeded with a native upland grass mix (refer to Restoration Plan) including excavated trenches. The track has a 1% grade towards the center of the oval, which will be a predominantly a grassy surface. Therefore, the track design is such that it is an enclosed basin such that runoff will not enter adjacent wetlands. The grassy slopes of the entrance road will serve to infiltrate runoff from the impervious 99-foot section of paved entrance road prior to discharge into the nearby wetlands. The gravel parking area and access road are pervious surfaces and therefore not anticipated to alter onsite hydrology. The source of hydrology for the onsite wetlands is primarily precipitation, which will remain unchanged with the proposed project. The project was intended to be sited on the upland fill portion of the tax lot, with the unfilled portion of the abandoned log pond to be retained as a wetland feature that not only provides an aesthetic value to the site, but also a wildlife value as well as an area that the school's science classes can conduct outdoor studies.

Proposed site enhancement activities include planting with native trees and shrubs including bigleaf maple (*Acer macrophyllum*), red cedar (*Calocedrens decurrens*), and snowberry (*Symphoricarpus albus*), and removal of nonnative invasives such as blackberry (*Rubus armeniacus* and *Rubus laciniatus*) and Scot's broom (*Cytisus scoparius*), all of which should increase the wildlife and native plant functions of the site.

#### **Project Drawings:**

State the number of project drawing sheets included with this application: 5

A complete application must include a location map, site plan, cross-section drawings and recent aerial photo as follows and as applicable to the project:

- Location map** (must be legible with street names)
  - Site plan** including
    - Entire project site and activity areas
    - Existing and proposed contours
    - Location of ordinary high water, wetland boundaries or other jurisdictional boundaries
    - Identification of temporary and permanent impact areas within waterways or wetlands
    - Location of staging areas
    - Location of construction access
    - Location of cross section(s), as applicable
  - Location of mitigation area, if applicable
  - Cross section drawing(s)** including
    - Existing and proposed elevations
    - Ordinary high water and/or wetland boundary or other jurisdictional boundaries
  - Recent Aerial photo (1:200, or if not available for your site, the highest resolution available)**
  - Will any construction debris, runoff, etc., enter a wetland or waterway?**  Yes  No
- If yes, describe the type of discharge and show the discharge location on the site plan.

Estimated Project Start Date: 6/03 (vegetation clearing)

Estimated Project Completion Date: 11/08

(5)

## PROJECT IMPACTS AND ALTERNATIVES

Describe alternative sites and project designs that were considered to avoid impacts to the waterway or wetland. (*Include alternative design(s) with less impact and reasons why the alternative(s) were not chosen.* \*) Describe what measures you will use (before and after construction) to minimize impacts to the waterway or wetland.

**Alternative design discussion:** The proposed project has been designed to minimize impacts to wetlands to the maximum possible in that the only wetland impact associated with the design is a trail crossing over the narrowest section of wetland between the log pond dike and the facility, for a total of 0.005 acres of wetland impact. The only alternative possible that would avoid wetland impacts entirely would be to bridge the trail crossing, however that alternative was considered unrealistic from a financial standpoint, as the proposed project is being financed entirely by donations and therefore cost prioritization resulted in the decision to construct the least costly wetland crossing possible.

**Measures to minimize impacts to the wetland:** Potential impacts during construction to adjacent wetlands stem primarily from sedimentation, erosion, and introduction of contaminants such as petroleum products during operation of heavy equipment if accidental leaks or spills occur. As such, best management practices including the use of sediment fence and/or biofilter bags between the construction area and the adjacent wetland areas to minimize potential impacts from sedimentation and erosion. In addition, construction will occur in summer and fall, when the onsite and adjacent wetlands are typically dry. To minimize impacts to adjacent wetlands from accidental equipment leaks or spills, equipment will be staged in an upland area during construction, it will be inspected for leaks prior to each day's use with repair of leaks taking place before its use, and any contaminated soil will be removed and disposed of properly. Once the construction project has been completed, all areas made bare during construction will be seeded with a native erosion control mix in order to further minimize potential erosion (see Restoration Plan, attached).

Impact area is:  Ocean  Estuary  River  Lake  Stream  Freshwater Wetland

Describe the existing physical and biological characteristics of the wetland/waterway site by area and type of resource (Use separate sheets and photos, if necessary).

For wetlands, include

- Cowardin and Hydrogeomorphic (HGM) wetland class(s)*\*
- Dominant plant species by layer (herb, shrub, tree)*\*
- Whether the wetland is freshwater or tidal
- Assessment of the functional attributes of the wetland*\*
- Identify any vernal pools, bogs, fens, mature forested wetland, seasonal mudflats, or native wet prairies in or near the project area. Do any of these wetlands qualify as Special Areas of Concern (SAC)? (Refer to ORNHIC protocol dated May 4, 2005, [http://www.oregon.gov/DCBS/RSL/docs/streamlining\\_water/SPGP\\_docs/ORNHIC\\_protocol\\_5\\_05.pdf](http://www.oregon.gov/DCBS/RSL/docs/streamlining_water/SPGP_docs/ORNHIC_protocol_5_05.pdf))

For waterways, include a description of, as appropriate:

- Condition of bank slopes (eroded, slope, etc.)*\*
- Type and condition of riparian vegetation*\*
- Channel morphology (i.e., structure and shape)*\*
- Stream substrate*\*
- History of prior disturbance*\*
- Cause of erosion*\*
- Fish and wildlife (type, abundance, period of use, significance of site)
- General hydrological conditions (e.g. stream flow, seasonal fluctuations)*\*

The study area is approximately 7.7 acres located in the central and east portions of the 12.15-acre Tax Lot 1300. It is located on a bench approximately 2000 feet north of the McKenzie River and 50 feet in elevation above the river. This bench within which the study area is located is bounded to the north by Blue River Drive and to the south by the McKenzie Highway. It is within the upper McKenzie River valley, at the base of the Old Cascades.

The majority of the study area is relatively level at 990-991 feet, as it is located predominantly on fill placed in a historic log pond by Seneca Timber Company from the late 1970s into the early 1990s. The fill is approximately 6-8 feet deep on the log pond. A small isolated section of unfilled log pond is present in the northeast corner of the study area, and a larger

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unfilled portion of the log pond is in the west and northwest portions of the study area. Portions of the 6-8-foot tall dike that enclosed the old log pond are still present on the site, and extend onto the north portion of the study area. A roadside ditch along the south side of Blue River Drive is located between the dike and the road in the northwest portion of the study area. This ditch is 6 feet lower than both the dike and the road. The wetland drainage direction is to the southwest.

Based on review of available historic aerial photos, the site and surrounding were converted from pasture use to a log pond and mill site which was in that use between 1945 and 1980. Material from the log pond excavation was used to complete a perimeter dike to contain water in the the log pond, which was filled by pumping water from the McKenzie River, based on information from local residents that had worked at the mill. Portions of the dike used to contain the log pond are still present in the north portion of the study area. The west portion of the property, including the far west portion of the study area, is within the diked log pond area and was not filled. Seneca had breached the dike in the very southwest corner of the log pond in order to drain it during decommissioning. A beaver dam has since been constructed across the breach, such that the remaining portions of the unfilled log pond are inundated much of the year. Dominant vegetation within the unfilled portion of the log pond is nonnative reed canary grass (*Phalaris arundinacea*). Old fill placed in the log pond was not extended all the way to the northern dike in the northern portion of the study area, such that the dike is still present, to the south of which remains an isolated section of the old log pond and a finger of the old log pond (see Figure 3, attached). The dike itself is 6-8 feet above the bottom of the log pond, and the predominant vegetation growing on its banks and over the top is nonnative Armenian blackberry (*Rubus armeniacus*). Water outfalls the log pond at the beaver dam, into a small intermittent stream which runs south to southwest towards the McKenzie Highway approximately 1500 feet from the study area.

A dirt access road had been constructed from Blue River Drive south over the dike and onto the property in order to access portions of the site, including the study area, when it was being filled by Seneca. Once the fill had been placed on the property, Seneca excavated a shallow and narrow ditch, approximately 30 inches wide and 30 inches deep, across the dirt access road to prevent people from driving onto the property. Since the MCTFC acquired the property in 2004, they have installed a culvert in that ditch, added a small (approximately 6 inches) lift of gravel and a topcoat of asphalt on the access road. The MCTFC has hauled rock onto the site to spread for a regulation-sized oval track across the majority of the fill on the study area, and a 10,000- square foot gravel parking area in the west portion of the study area, all sited on top of the old fill. They have also constructed a 19-foot length of trail that connects the dike to the old fill in the northwest portion of the study area. Based on information from the wetland study, it appears that this section of trail was constructed in wetlands while the road upgrade, including the culvert, was constructed in uplands (see wetland delineation report for details).

Present use on the land adjacent to the study area to the west is single family residential. Blue River Drive is north adjacent to the study area, and vacant land owned by Seneca Timber Company is to the south and east. The McKenzie Highway and McKenzie River are south of the study area by approximately 1500-2000 feet.

### Vegetation

The majority of unfilled portions of the log pond are vegetated with reed canary grass (*Phalaris arundinacea*: FACW). An isolated section of the old log pond between the fill and the dike in the northeast corner of the site is vegetated with native obtuse spikerush (*Eleocharis obtusa*: OBL), cattail (*Typha latifolia*: OBL), simple-stem burreed (*Sparganium emersum*: OBL), false loosestrife (*Ludwigia palustris*: OBL), and leafy beggarstick (*Bidens frondosa*: FACW). A fringe of Hooker's willow (*Salix hookeriana*: FACW+) and cottonwood (*Populus balsamifera*: FAC) and Oregon ash (*Fraxinus latifolia*: FACW) saplings are growing around the east edge of the log pond at the fill boundary near the west boundary of the study area.

The dike within the study area is vegetated with reed canary grass along the bottom 1-2 feet of its bank adjacent to the log pond, with Armenian blackberry (*Rubus armeniacus*: FACU) the predominant vegetation across the remainder of the dike banks and across the top of the dike. Rows of Douglas-fir (*Pseudotsuga menziesii*: FACU) are growing along the dike in the northwest portion of the study area. The old fill within the study area is vegetated with Scot's broom (*Cytisus scoparius*: UPL), Armenian blackberry, and cottonwood seedlings. The bottom of the east section of roadside ditch south of Blue River Road is vegetated with hairy willowherb (*Epilobium ciliatum*: FACW); however the majority of the ditch is vegetated with Armenian blackberry.

### Soils

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The site is mapped on sheet #51 of the Lane County Soil Survey with a single soil type: #37C Cupola cobbly loam, which is not listed as a hydric soil in the Lane County Hydric Soil List. Soils observed in the abandoned and unfilled portion of the log pond were a silt or silty clay loam with hydric soil indicators including a chroma of 2 with mottling in the top 10 inches of the profile. Upland soils observed in the perimeter dike and old fill for the east half of the log pond were a gravelly silty clay loam or clay. Hydric soil indicators observed in the bottom 1-foot elevation of the dike within the study area included mottling in the top 10 inches. The remainder of these areas did not exhibit hydric soil characteristics. Soils in the roadside ditch to the north of the northern dike in the northwest portion of the site were a silty clay loam with mottling at 8-12 inches, and therefore met the hydric soil criteria.

### Hydrology

The only direct indicators of wetland hydrology observed during the field visits included inundation in a small deeper section of the unfilled portion of the log pond in the very northeast corner of the site. Indirect indicators of wetland hydrology observed in the study area included oxidized rhizospheres in the top 12 inches of the surface.

Two seasonal wetlands are present in the northwest corner of the site and in the west portion of the site. Both wetland areas are unfilled portions of the log pond, and are described in detail following. W3 is the seasonal roadside ditch along Blue River Drive.

**W1:** Approximately 0.14 of wetlands in the northeast corner of the study area. Dominant vegetation is reed canary grass, simple-stem burreed (*Sparganium emersum*: OBL), cattail (*Typha latifolia*: OBL), false loosestrife (*Ludwigia palustris*: OBL), and obtuse spikerush (*Eleocharis obtusa*: OBL). Soils are a silty clay loam over clay with mottling in the top 10 inches. This wetland is in the palustrine emergent (PEM) Cowardin class. It is in the Depressional Hydrogeomorphic (HGM) class with its primary sources of hydrology from precipitation and surface runoff. This wetland is located entirely within the study area, and is bounded to the east by rock and other fill from an old road crossing, to the north by the old dike, to the south by old fill, and to the west by the old road crossing. This wetland is sloped to the east, with the deeper area near the east study area boundary.

**W2:** Approximately 0.64 acres in the west and northwest portion of the study area associated with the unfilled portion of the abandoned log pond. Dominant vegetation is reed canary grass, with a narrow fringe of Hooker's willow (*Salix hookeriana*: FACW), and Oregon ash (*Fraxinus latifolia*: FACW) and cottonwood (*Populus balsamifera*: FAC) saplings along the east edge of the log pond where it abuts the old fill. Soils in this wetland area were observed to be a silt or silt loam to at least 18 inches, with a chroma of two and mottling in the top 10 inches. This wetland is in the PEM Cowardin class and the Depressional HGM class with its primary sources of hydrology from precipitation and surface runoff. This wetland continues off the study area and is enclosed by the old dike for the log pond, except where it was breached and a beaver dam constructed across the breach in the southwest corner of the Tax Lot (outside of the study area).

**W3:** Approximately 0.04 acres of shallow roadside ditch in the study area, north of the log pond dike and south of Blue River Drive. The ditch is 6-8 feet wide across the channel bottom, with a 20-25 foot top-of-bank width. Dominant vegetation in the ditch is hairy willowherb (*Epilobium ciliatum*: FACW) and Armenian blackberry. Soils were observed to be a silty clay loam with mottling at 8-12 inches. Based on the observations, the ditch appears to carry water infrequently, as most of it is covered with Armenian blackberry, both along the banks and across the bottom. The ditch continues offsite to the west. This ditch is in PEM Cowardin class and the Riverine Flow-through HGM class with its primary hydrology source from surface runoff.

Based on available information, no vernal pools, bogs, fens, mature forested wetlands, seasonal mudflats are in or near the project area. No native wet prairies are in the project area.

*Describe the existing navigation, fishing and recreational use of the waterway or wetland.\**

None of the wetlands within the project area provide navigation, fishing, or recreation use. The dike around the log pond is occasionally used by the track team for jogging.

### **Resource Plan Requirements**

- Describe the water quality conditions of the site and the expected effect of the project on these conditions.
- Describe the reasonably expected adverse effects of the development of this project and how the effects will be mitigated.\*
- For temporary disturbance of soils and/or vegetation in waterways, wetlands or riparian areas, complete and attach a Site Restoration Plan to restore the site after construction. See section E of the Resource Plan Guidance Document for

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*plan requirements.\**

- For permanent impact to wetlands, complete and attach a Compensatory Wetland Mitigation (CWM) Plan. (See Section F in the Resource Plan Guidance Document for CWM plan requirements)\**
- For permanent impact to waterways or riparian areas, complete and attach a Compensatory Mitigation (CM) plan. (See Section G in the Resource Plan Guidance Document for CM plan requirements)\**
- For permanent impact to estuarine wetlands, you must submit an Estuarine Resource Replacement Plan. (See OAR 141-085-240 to OAR 141-085-257 for plan requirements)\**

In addition to any construction measures, complete and attach:

- A Sediment and Erosion Control Plan (See DEQ's Oregon Sediment and Erosion Control Manual at <http://www.deq.state.or.us/wq/wqpermit/ESCMannual.htm> (Section C of the Resource Plan Guidance Document) \**
- For a project with impervious surface (new or associated), complete and attach a post-construction stormwater management plan. (See Section D of the Resource Plan Guidance Document)*

The onsite wetlands are connected eventually via ditch and culvert to Elk Creek, a tributary of the McKenzie River approximately 1/2 mile southwest of the site. Water quality information from the Department of Environmental Quality (DEQ) 303(d) list shows that the McKenzie River in the vicinity of the project site (River Mile 56) is water quality limited for temperature in summer. The proposed project is not anticipated to alter water quality conditions in the adjacent wetlands because the gravel parking area is pervious, the track is designed to be an enclosed basin with a grassy infield so no surface runoff will enter the onsite wetlands, and the paved entrance will have grassy banks to provide infiltration prior to surface runoff entering the onsite wetlands. Onsite hydrology is not anticipated to be negatively affected by the proposed project because the trail crossing will be culverted with a properly-sized culvert, and the upgraded access road footprint is directly on top of an existing road, which will also be culverted with a properly sized culvert. In addition, the primary hydrologic source will remain precipitation. No compensatory mitigation is anticipated to be required for the proposed project, as the wetland impact is 37 cubic yards and therefore less than the 50 cubic yard requirement for a permit from the Oregon Department of State Lands.

**(6) ADDITIONAL INFORMATION**

Adjoining Property Owners and Their Address and Phone Numbers (*if more than 5, attach printed labels\**)

Seneca Timber Company- PO Box 10265 Eugene, OR 97440  
Sherea and Richard Holland, 51234 Blue River Drive, Blue River, OR 97413  
G. Thorne PO Box 350, Blue River, OR 97413  
Lane County, 3040 North Delta Hwy., Eugene, OR 97408  
L. Wilcox, PO Box 375, Blue River, OR 97413  
H. Bonini, PO Box 427, Blue River, OR 97413

Has the proposed activity or any related activity received the attention of the Corps of Engineers or the Department of State Lands in the past, e.g., wetland delineation, violation, permit, lease request, etc.?  Yes  No

DSL Violation notice

If yes, what identification number(s) were assigned by the respective agencies:

Corps # \_\_\_\_\_ State of Oregon # Enforcement File #6353

*Has a wetland delineation been completed for this site?*  Yes  No

*If yes, by whom\*:* Environmental Solutions LLC

*Has the wetland delineation been approved by DSL or the COE?*  Yes  No

*(If yes, attach concurrence letter.)\**

\* *Italicized areas are not required by the Corps for a complete application, but may be necessary prior to final permit decision by the Corps.*