

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON DEC 01 1987

BY Stephan Karcher County Clerk
Deputy

ORDINANCE NO. PA 943

) IN THE MATTER OF AMENDING THE
) LANE COUNTY RURAL COMPREHENSIVE
) PLAN, POLICIES ELEMENT, GOAL 4/
) FOREST LANDS, TO ADD A POLICY #20
) WITH CRITERIA FOR SITING A FOREST
) WORK CAMP, AND ADOPTING A SAVINGS
) AND SEVERABILITY CLAUSE.

WHEREAS, the Board of County Commissioners of Lane County, by adoption of Ordinance 938 on August 13, 1987 did apply the provisions of Policy #7, "Public Facilities and Services", Policy Element to lands under the jurisdiction of the Lane County Rural Comprehensive Plan; and

WHEREAS, the Board deems it appropriate to consider for adoption this modification to the Lane County Rural Comprehensive Plan, Policies Element, in order to implement Policy #7, "Public Facilities & Services", Policy Element, Rural Comprehensive Plan; and

WHEREAS, the Lane County Planning Commission and West Lane Planning Commission in joint regular meeting and public hearing of October 7, 1987, did review and recommend approval of these modifications, and such actions have been reported to the Board; and

WHEREAS, evidence exists in the record indicating that the proposed amendment complies with applicable requirements of 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:

1. The Lane County Rural Comprehensive Plan, Policies Element, Goal 4/Forest Lands, is amended to add a policy #20 with criteria for siting a forest work camp as described in the attached Exhibit "A".

2. If any section, subsection, sentence, clause, phrase or portion of the 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 provisions and such holding shall not affect the validity of the remaining portions hereof.

3. While not part of this Ordinance, we adopt the attached Exhibit "B" as Findings in support of this decision.

Enacted this 25 day of November, 1987.

Bill Rogers
Chairperson, Lane County Board of Commissioners

Judy Haldeman
Recording Secretary for this meeting of the Board

APPROVED AS TO FORM

Date 10-27-87 lane county

Stephen J. Vanhook
OFFICE OF LEGAL COUNSEL

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Exhibit "A"

BRACKETS [] indicate material being deleted.
UNDERLINING _____ indicates material being added.

20. Allow a forest work camp to be located on land designated by the Rural Comprehensive Plan as forest land subject to Hearings Official approval and compliance with the following criteria to conserve forest lands for forest uses:
- 1.(a) evidence is provided supporting reasons why the proposed use should be sited in forest lands, or
(b) that the proposed site is on land generally unsuitable for forest uses;
 2. that the proposed use will not significantly impact forest uses on adjacent and nearby forest lands;
 3. that the proposed use will not significantly increase the costs of forest management on adjacent and nearby forest lands;
 4. that the site is limited in size to that area suitable and appropriate only for the needs of the proposed use;
 5. that, where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby forest lands; and
 6. that the proposed use is consistent with the forest policies contained in the Rural Comprehensive Plan."

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Exhibit "B"

FINDINGS

1. Lane County has identified a need for the development of a forest work camp facility in a rural area of the County. Such a facility would be to serve minimum and medium security inmates. The Lane County Sheriff will have custody of the inmates.
2. Because of the timber resource available in Lane County, a rural, forestry related facility provides an ideal work and training opportunity for a forest work camp program. Inmates will do physical labor, primarily for forest management, during daytime hours. This work will probably be on, but not limited to, U.S. Forest Service and/or U.S. Bureau of Land Management forest land. In the evenings, the inmates will return to "military style" dormitory facilities located on the forest work camp site.
3. Compliance with Statewide Planning Goal #4 is assured by policy 20, Goal 4/Forest Lands, Policies Element, of the Lane County Rural Comprehensive Plan, and by the implementing provisions of the F-1 and the F-2 zone districts which require that the forest work camp be in compliance with numerous standards and approval criteria.
 - a. There are a limited number of situations where a proposed use which falls short of being a forest use defined in Goal 4, or with complying with the strict Goal 2 exception criteria, can be allowed in forest zones and still be in compliance with Goal 4. Lane County's proposal to adopt a Goal 4 forest work camp policy and implementing provisions in the F-1 and F-2 zone districts is consistent with the Oregon Court of Appeals and LCDC positions for allowing nonforest uses in forest zones. In the Oregon Court of Appeals decision, Shadybrook Environmental Protection Association et al v. Washington County et al (61 Or App 474, 1983) the Court stated, "In other words, there are circumstances in which forest lands can be retained and protected for existing and potential uses despite the nonforest use conditionally allowed. However, a clear showing of compatibility with and the retention and protection of forest land must appear in the record. If such findings cannot be demonstrated, the use cannot be permitted, unless an exception is justified." LCDC has applied the Shadybrook case guidelines to acknowledge the Coos County and Lane County comprehensive plans as being in compliance with Goal 4. In its acknowledgment of the Coos County comprehensive plan (9/22/83 DLCD report to LCDC, page 10), LCDC stated, "To be consistent with Shadybrook, before certain nonforest uses may be located on forest land, such uses must be reviewed against standards which insure that forest land is conserved for forest uses.", and LCDC then articulated what the review standards should be

(9/22/83 DLCD report to LCDC, page 11):

1. (a) evidence is provided supporting the reasons why the proposed use should be sited in forest lands, or
(b) that the proposed site is on land generally unsuitable for forest uses;
2. that the proposed use will not significantly impact forest uses on adjacent and nearby forest lands;
3. that the proposed use will not significantly increase the costs of forest management on adjacent and nearby forest lands;
4. that the site is limited in size to that area suitable and appropriate only for the needs of the proposed use;
5. that, where necessary, measures are taken to minimize potential negative impacts on adjacent and nearby forest lands; and
6. that the proposed use is consistent with the forest policies contained in the comprehensive plan."

In its acknowledgment of the Lane County Rural Comprehensive Plan (6/29/84 DLCD report to LCDC, page 89) LCDC stated, in reference to nonforest uses in the forest zones, "The standards used by Lane County were contained in the Coos County Acknowledgment Review." LCDC acknowledged these standards in the Lane County forest zones as being in compliance with Goal 4. These standards, established by the Court of Appeals and used by LCDC for the acknowledgment of the Coos County and Lane County comprehensive plans, are the same ones to be applied by Lane County for the review and approval of a forest work camp, and as such, they comply with Goal 4.

- b. Compliance with Goal 4 is additionally assured because the amendment includes standards for forest fire prevention and safety (ie, LC 16.210(4)(iii) and 16.211(5)(iii)) similar to existing standards in the F-1 and F-2 zones acknowledged by LCDC, and these standards help conserve forest lands.
- c. Compliance with Goal 4 is additionally assured because the amendment would be integrated with, and subject to compliance with, existing provisions of the F-1 and F-2 zones (ie, LC 16.210(7) and LC 16.211(9)) which require protection and maintenance of riparian vegetation and the forest work camp would be subject to compliance with these existing riparian protection and maintenance regulations.

4. Because of the special purpose character of a forest work camp, location of it in a rural area requires compliance with the site selection criteria and compatibility criteria of POLICY #7, "PUBLIC FACILITIES AND SERVICES" (GOAL 11), POLICIES ELEMENT, RURAL COMPREHENSIVE PLAN. Compliance with this policy is assured by Lane Code Chapter 16.210(5)(g) and 16.211(6)(g).

5. This action complies with Lane Code 16.400(6)(h) in that:

- a. The adoption of the amendment is by ordinance.
- b. The amendment is a "major amendment", because it is not classified as a "minor amendment" which would be limited to a change in the plan diagram and either a built upon or committed exception. The amendment is to the Policies Element of the Rural Comprehensive Plan and is therefore a major amendment.
- c. The amendment meets applicable requirement of local and state law, including the Statewide Planning Goals.
- d. Because of an identified public need for increased correctional facilities in the County, as documented by recent court decisions limiting jail overcrowding and the passage of the Lane County levy to build an inmate work camp facility, the Board deems the amendment to be desirable, appropriate and proper.
- e. The amendment, being confined to policy language only, and requiring compliance with policy #7 of the Public Facilities and Services portion of the Policies Element of the Rural Comprehensive Plan, and requiring compliance with Goal 4/forest policies portion of the the Policies Element of the Rural Comprehensive Plan is compatible with the structure of the Plan and is consistent with the unamended portions or elements of the Plan.