

PASSED

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE No. PA 1198

) IN THE MATTER OF ADOPTING CRITERIA FOR
) DETERMINING SIGNIFICANT GOAL 5 RIPARIAN
) OR WILDLIFE HABITAT SITES WITHIN THE
) EUGENE URBAN GROWTH AREA; ADOPTING AN
) UPDATED GOAL 5 INVENTORY FOR THE EUGENE
) URBAN GROWTH AREA; AND ADOPTING A
) SEVERABILITY CLAUSE

WHEREAS, in December 1994 Lane County and the Cities of Eugene and Springfield, adopted the Eugene-Springfield Metropolitan Area General Plan Periodic Review Work Program; and

WHEREAS, on May 25, 1995 the Department of Land Conservation and Development approved the Eugene-Springfield Metropolitan Area General Plan Periodic Review Work Program, which was revised on July 1, 2002 by DLCD under Periodic Review Order No. 1416, and which includes as Task 7 bringing the Eugene-Springfield Metro Area into compliance with Statewide Planning Goal 5 and its administrative rule; and

WHEREAS, on July 28, 2003, the Eugene City Council adopted an ordinance establishing criteria for determining the Goal 5 inventory and adopting a Goal 5 inventory of significant riparian and upland wildlife habitat sites between the Eugene City Limits and the Eugene Urban Growth Boundary ("Eugene Urban Growth Area"), the effectiveness of which was conditioned, in part, upon adoption of this ordinance; and

WHEREAS, following a November 18, 2003 public hearing, the Lane County Planning Commission, on November 18, 2003, recommended adopting significance criteria and a Goal 5 inventory of significant riparian and upland wildlife habitat sites between the Eugene City Limits and the Eugene Urban Growth Boundary, to the Lane County Board of Commissioners; and

WHEREAS, the Board of Commissioners conducted a public hearing on this ordinance on March 31, 2004, and is now ready to take action based upon the above recommendations and evidence and testimony already in the record as well as the evidence and testimony presented at the public hearing; and

WHEREAS, substantial evidence exists within the record demonstrating that the proposal meets the requirements of the Metro Plan, of Lane Code Chapter 12, and of applicable state and local law as described in Exhibit C, attached, and which are adopted in support of this Ordinance.

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

Section 1: The criteria attached as Exhibit A are hereby adopted as the additional criteria for determining the significance of riparian corridor sites and upland wildlife habitat stream corridor sites for the area between the Eugene City Limits and the Eugene Urban Growth Boundary as provided in OAR 660-023-0030(4)(c). The criteria for determining the significance of upland wildlife habitat sites, excluding stream corridors, are the "safe harbor" criteria provided at OAR 660-023-0110(4).

Section 2: The list and map (which consists of four tiles) entitled "Goal 5 Riparian and Upland Wildlife Habitat Sites Within the Eugene Urban Growth Boundary" attached as Exhibit B are hereby adopted as a part of the inventory of significant Goal 5 resources for those areas listed/depicted thereon that, as of July 28, 2003, were located outside the city limits and within the urban growth boundary of the City of Eugene ("Eugene Urban Growth Area").

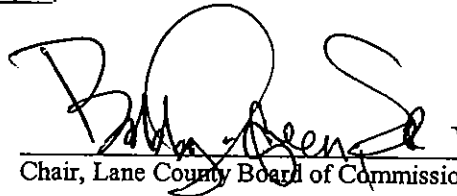
Section 3: In addition to the portions of the list and map referred to in Section 2, the inventory of significant Goal 5 resources for the Eugene Urban Growth Area shall include, and be limited to, the resource sites shown for that area on the following documents: the April 12, 1978 Sand and Gravel Working Paper; the April 12, 1978 Scenic Sites Working Paper; the April 12, 1978 Willamette River

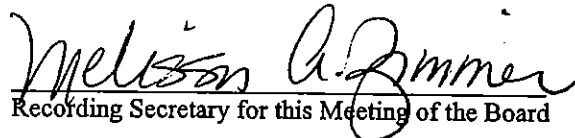
Greenway Working Paper; the April 12, 1978 Archeological Sites Working Paper; the December 1, 1976 list of historic landmarks; and the West Eugene Wetlands Plan.

Section 4: Although not part of this Ordinance, the Legislative Findings set forth in the attached Exhibit C are hereby adopted in support of this action.

Section 5: If any section, subsection, sentence, clause, phrase or portion of the Ordinance is for any reason held invalid or unconstitutional by a 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 thereof.

ENACTED this 14th day of April, 2004


Chair, Lane County Board of Commissioners


Recording Secretary for this Meeting of the Board

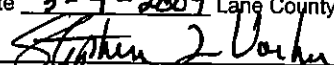
APPROVED AS TO FORM
Date 3-9-2004 Lane County

OFFICE OF LEGAL COUNSEL

Exhibit A
Goal 5 Significance Criteria for Riparian Corridor Sites and
Upland Wildlife Habitat Stream Corridors

A riparian corridor site or an upland wildlife habitat stream corridor site shall be included on the list of significant resource sites if (in addition to consideration of the criteria at OAR 660-023-0090(4) for riparian corridor sites and to those at OAR 660-023-0110(3) for upland wildlife habitat stream corridor sites) it is described in at least one of the following Tier One Criteria and if its listing is consistent with both of the following Tier Two Criteria:

Tier One Criteria:

1. Areas mapped as wetland on the State/National Wetland Inventory (S/NWI).
2. Streams and other water bodies identified by the ODF or ODFW as fish-bearing streams.
3. Undeveloped areas that contain natural vegetation (non-cultivated, including forests, natural prairies, and meadows) and are within sites larger than one acre.
4. Undeveloped natural areas that are contiguous with a water feature.
5. Areas that are undeveloped, and which in their natural state are un-vegetated (e.g., rock outcrops, gravel bars).
6. Locations of plants listed as threatened or endangered, or considered official candidates to be listed as threatened or endangered by state or federal government.
7. Documented habitat of animals listed as threatened or endangered, or considered official candidates to be listed as threatened or endangered by state or federal government.
8. Native plant communities within the Federal Emergency Management Agency (FEMA) floodway and 100-year floodplain.
9. Ecologically significant areas identified by local experts in the natural resource sciences, such as wildlife biology, botany, fisheries, hydrology, and landscape architecture.

Tier Two Criteria:

1. At the time of inventory adoption, areas that have been filled or substantially altered to the degree that they no longer meet any of the Tier 1 criteria shall be removed from the Goal 5 inventory.
2. Sites with a Wildlife Habitat Assessment (WHA) rating of 17 or greater shall be included on the Goal 5 inventory.

EXHIBIT B

**GOAL 5 RIPARIAN AND UPLAND WILDLIFE HABITAT SITES WITHIN THE EUGENE URBAN GROWTH BOUNDARY
July 2003**

#	Site No.	Site Name	Type*	Tier 1 Significance Criteria										Tier 2 Criteria		Acreage	
				NWI	Fish	Nat > 1 acre	Water Cont	Non-Veg	T&E	Pint	T&E	Annl	Nat Flood	Eco Signif	Meets Tier 2 #1	WHA Score	Sub-total Acres
1	E30/31	Amazon Channel Natural/Urban	R	yes	yes	yes	yes	no	yes	no	part	no	yes	50-60		55.7	
2	E35	West Eugene Upland Wildlife Habitat Stream Corridors	U	part	no	yes	yes	no	no	no	no	no	yes	59-61		34.9	
	E35 A	Stream Corridor A	U	no	no	yes	yes	no	no	no	no	no	yes	59-61	7.5		
	E35 B	Stream Corridor B	U	part	no	yes	yes	no	no	no	no	no	yes	59-61	11.3		
	E35 C	Stream Corridor C	U	no	no	yes	yes	no	no	no	no	no	yes	59-61	3.1		
	E35 D	Stream Corridor D	U	no	no	yes	yes	no	no	no	no	no	yes	59-61	2.4		
	E35 E	Stream Corridor E	U	no	no	yes	yes	no	no	no	no	no	yes	59-61	4.7		
	E35 F	Stream Corridor F	U	part	no	yes	yes	no	no	no	no	no	yes	59-61	4.2		
	E35 G	Stream Corridor G	U	no	no	yes	yes	no	no	no	no	no	yes	59-61	1.0		
	E35 H	Stream Corridor H	U	no	no	yes	yes	no	no	no	no	no	yes	59-61	0.4		
	E35 I	Stream Corridor I	U	yes	no	yes	yes	no	no	no	no	no	yes	59-61	0.3		
3	E37	Southwest Hills Upland Wildlife Habitat Stream Corridors	U	part	part	yes	yes	no	no	no	no	no	yes	66-68		113.7	
	E37 A	Stream Corridor A	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	3.2		
	E37 B	Stream Corridor B	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	2.4		
	E37 C	Stream Corridor C	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	3.0		
	E37 D	Stream Corridor D	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	3.0		
	E37 E	Stream Corridor E	U	part	part	yes	yes	no	no	no	no	no	yes	66-68	7.2		
	E37 F	Stream Corridor F	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	0.9		
	E37G	Stream Corridor G	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	1.9		
	E37 H	Stream Corridor H	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	10.5		
	E37 I	Stream Corridor I	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	2.3		
	E37 J	Stream Corridor J	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	16.2		
	E37 K	Stream Corridor K	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	17.6		
	E37 L	Stream Corridor L	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	15.2		
	E37 M	Stream Corridor M	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	7.7		
	E37 N	Stream Corridor N	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	0.7		
	E37 O	Stream Corridor O	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	1.8		
	E37 P	Stream Corridor P	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	3.7		
	E37 Q	Stream Corridor Q	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	9.3		
	E37 R	Stream Corridor R	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	1.3		
	E37 S	Stream Corridor S	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	5.3		
	E37 T	Stream Corridor T	U	no	part	yes	yes	no	no	no	no	no	yes	66-68	0.5		
4	E38	Laurel Hill Upland Wildlife Habitat Stream Corridors	U	no	no	yes	yes	no	no	no	no	no	yes	59-60		35.9	
	E38 A	Stream Corridor A	U	no	no	yes	yes	no	no	no	no	no	yes	59-60	4.3		
	E38 B	Stream Corridor B	U	no	no	yes	yes	no	no	no	no	no	yes	59-60	2.5		
	E38 C	Stream Corridor C	U	no	no	yes	yes	no	no	no	no	no	yes	59-60	11.7		
	E38 D	Stream Corridor D	U	no	no	yes	yes	no	no	no	no	no	yes	59-60	8.1		
	E38 E	Stream Corridor E	U	no	no	yes	yes	no	no	no	no	no	yes	59-60	5.0		
	E38 F	Stream Corridor F	U	no	no	yes	yes	no	no	no	no	no	yes	59-60	3.0		
	E38 G	Stream Corridor G	U	no	no	yes	yes	no	no	no	no	no	yes	59-60	0.8		
	E38 H	Stream Corridor H	U	no	no	yes	yes	no	no	no	no	no	yes	59-60	0.6		
5	E39	Glenwood Slough	R	yes	no	yes	yes	no	no	no	no	no	yes	46-47		0.7	
6	E40	Riverfront Park	R	part	yes	yes	yes	no	no	no	part	no	yes	42		17.9	
7	E42	Alton Baker (Riparian)	R	yes	yes	yes	yes	no	no	no	part	no	yes	60-61		101.9	
8	E45	Ascot Park	R	yes	no	yes	yes	no	no	no	no	no	yes	22-23		10.0	
9	E48a	Beltline Drainage Channel	R	no	yes	yes	yes	no	no	no	no	no	yes	38		4.5	
10	E48b	Ayres Pond/Dodson Slough	R	yes	yes	yes	yes	no	no	no	part	no	yes	38		39.4	
11	E50	Debrick Slough	R	yes	no	yes	yes	no	no	no	part	no	yes	38		17.2	
12	E56	River Loop No. 1	R	yes	no	yes	yes	no	no	no	yes	no	yes	38		3.4	
13	E57	East Santa Clara Waterway	R	yes	no	yes	yes	no	no	no	part	no	yes	38		27.3	
14	E58	Spring Creek	R	yes	no	yes	yes	no	no	no	part	no	yes	22-23		17.7	
15	E59a	Flat Creek	R	yes	no	yes	yes	no	no	no	part	no	yes	38		18.0	
16	E60	A-1 Channel	R	yes	no	yes	yes	no	no	no	part	no	yes	38		22.7	

17	E61	Middle Flat Creek	R	yes	no	yes	yes	no	no	no	part	no	yes	33		25.9
18	E62	NW Expressway Ponds	R	yes	no	yes	yes	no	no	no	part	no	yes	31-34		18.0
19	E64	Taney Waterway	R	yes	no	yes	yes	no	no	no	no	no	yes	17		2.0
20	E65	Empire Pond	R	yes	no	yes	yes	no	no	no	no	no	yes	32		3.1
21	E66	Golden Gardens (DeSoto Lake)	R	yes	no	yes	yes	no	no	no	no	no	yes	32		5.9
22	E68	Highway 99/McDougal	R	yes	no	yes	yes	no	no	no	no	no	yes	37-38		6.7
23	E69	Emerald Park/South Flat Creek	R	yes	no	yes	yes	no	no	no	no	no	yes	22-23		12.9
24	E70	Beltline/A-2 Channel	R	yes	no	yes	yes	no	no	no	part	no	yes	22-23		1.2
25	E72	Marshall Ditch	R	yes	no	yes	yes	no	no	no	yes	no	yes	22-23		14.8
26	E73	County Farm Road	R	yes	no	yes	yes	no	no	no	part	no	yes	22-23		5.5
27	E75	Goodpasture Island Slough	R	yes	yes	yes	yes	no	no	no	yes	no	yes	38		37.6
28	E76	North Gilham	R	no	no	yes	yes	no	no	no	yes	no	yes	62		18.9
29	E78	Augusta Creek/Laurel Valley Creek	R	yes	no	yes	yes	no	no	no	no	no	yes	42		11.6
30	E81	Lorane Highway Riparian	R	no	no	yes	yes	no	no	no	no	no	yes	37		5.9
31	E83	Elliott Hill/Tugman Upland Wildlife Habitat Stream Corridor	U	no	no	yes	no	no	no	no	no	no	yes	57		1.9
32	E86	Braeburn Riparian	R	no	no	yes	yes	no	no	no	no	no	yes	39		12.5
33	E87	Willow Creek Tributaries	R	yes	no	yes	yes	no	no	no	no	no	yes	51		3.3
34	E88	Balley Hill Riparian	R	no	no	yes	yes	no	no	no	no	no	yes	20		6.5
35	WA/WB	Willamette River	R	yes	yes	yes	yes	no	no	yes	yes	no	yes	64-74		452.0

*Key: "R" = riparian corridor
"U" = upland wildlife habitat stream corridor

Riparian corridor sites: 980.8
Upland wildlife habitat stream corridor sites: 186.5
Total acres: 1167.3

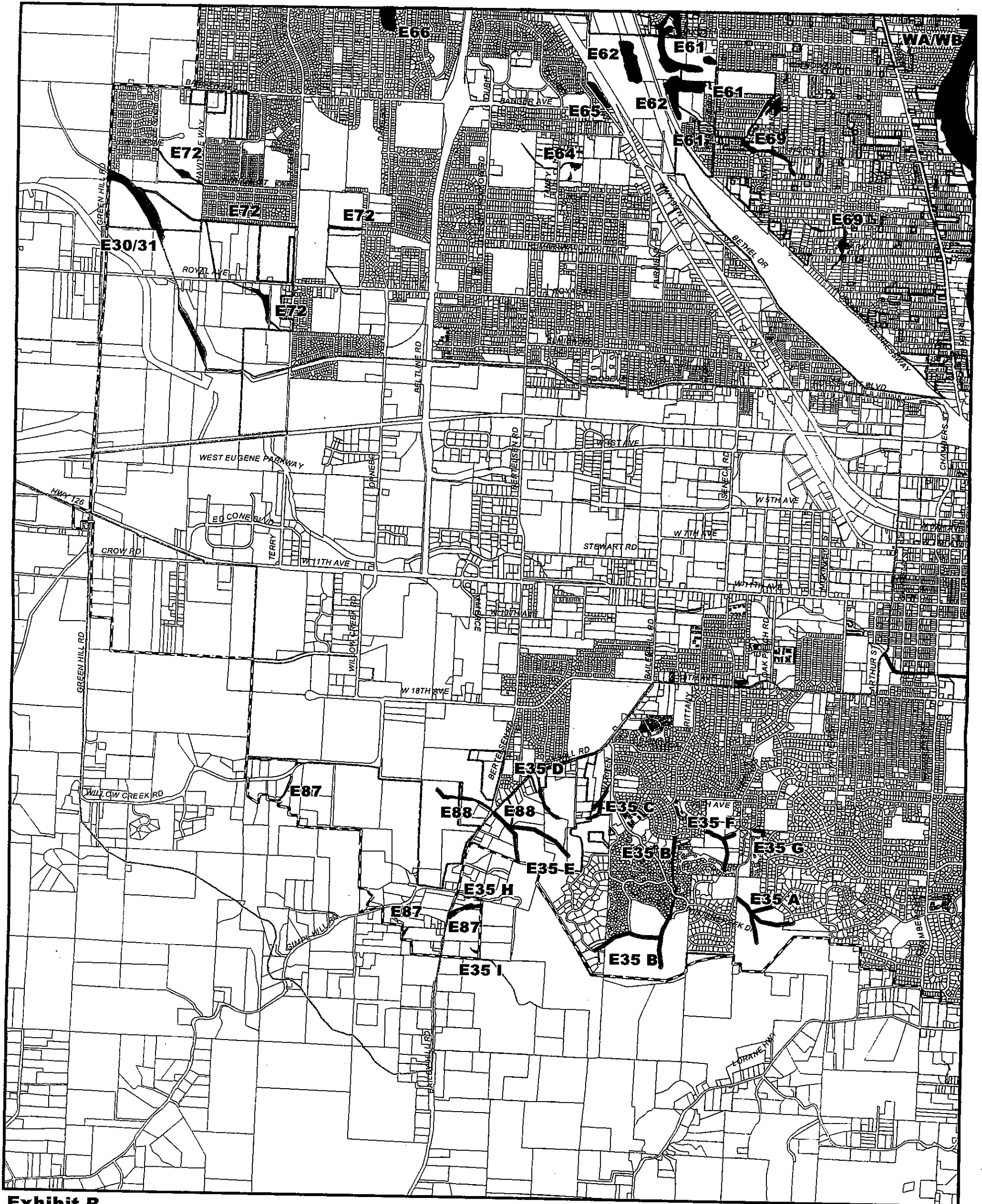
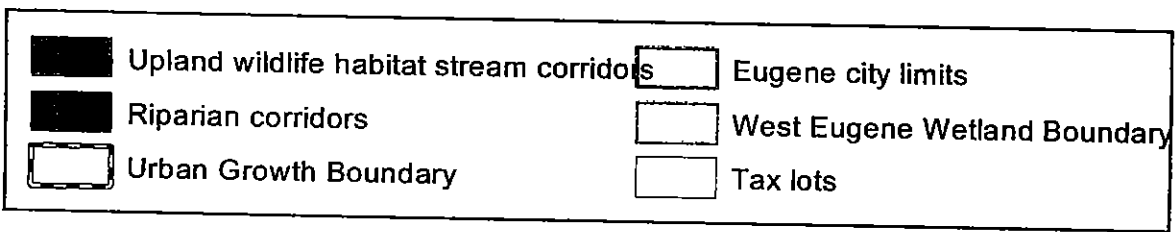
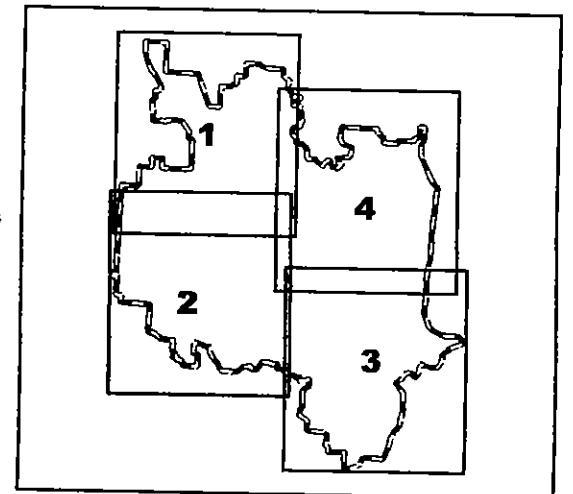
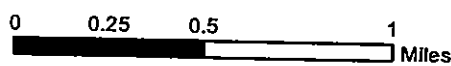


Exhibit B
Goal 5 Riparian And Upland Wildlife Habitat Sites
Within The Eugene Urban Growth Boundary --
Southwest Eugene

Riparian & Wildlife Habitat Sites - Tile 2
 July 15, 2003



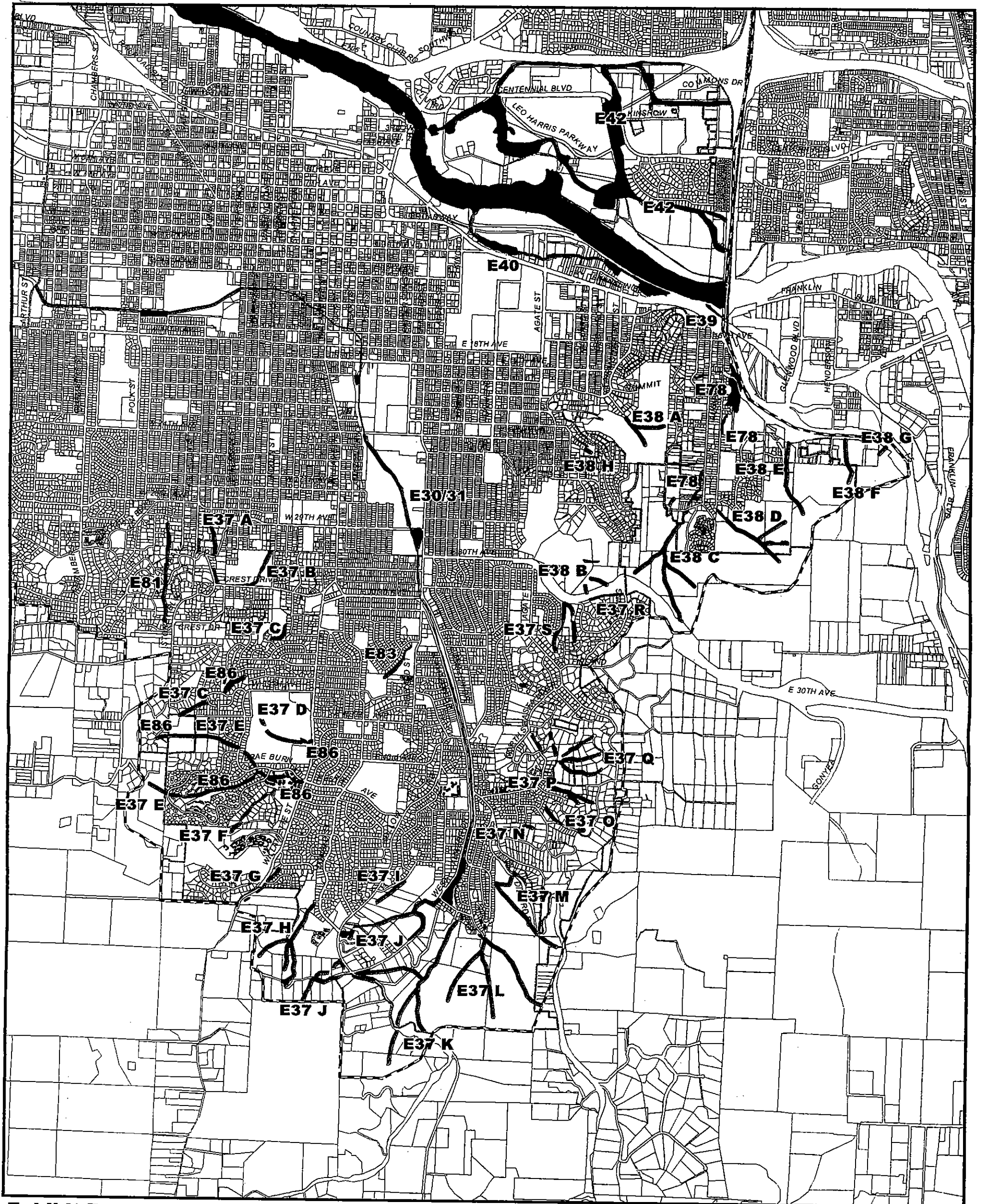
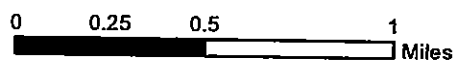






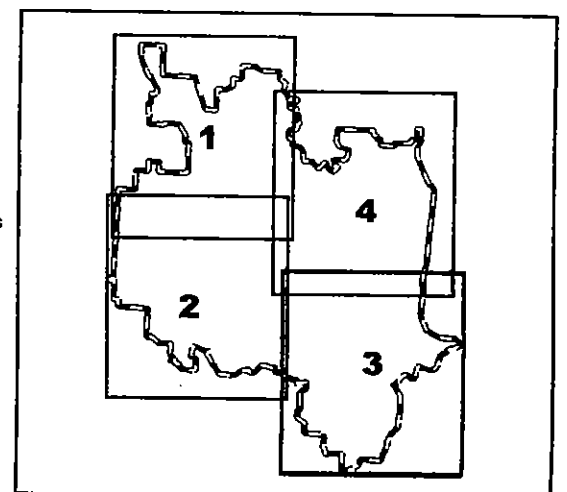


Exhibit B
Goal 5 Riparian And Upland Wildlife Habitat Sites
Within The Eugene Urban Growth Boundary --
Southeast Eugene

Riparian & Wildlife Habitat Sites - Tile 3
 July 15, 2003



	Upland wildlife habitat stream corridors		Eugene city limits
	Riparian corridors		West Eugene Wetland Boundary
	Urban Growth Boundary		Tax lots



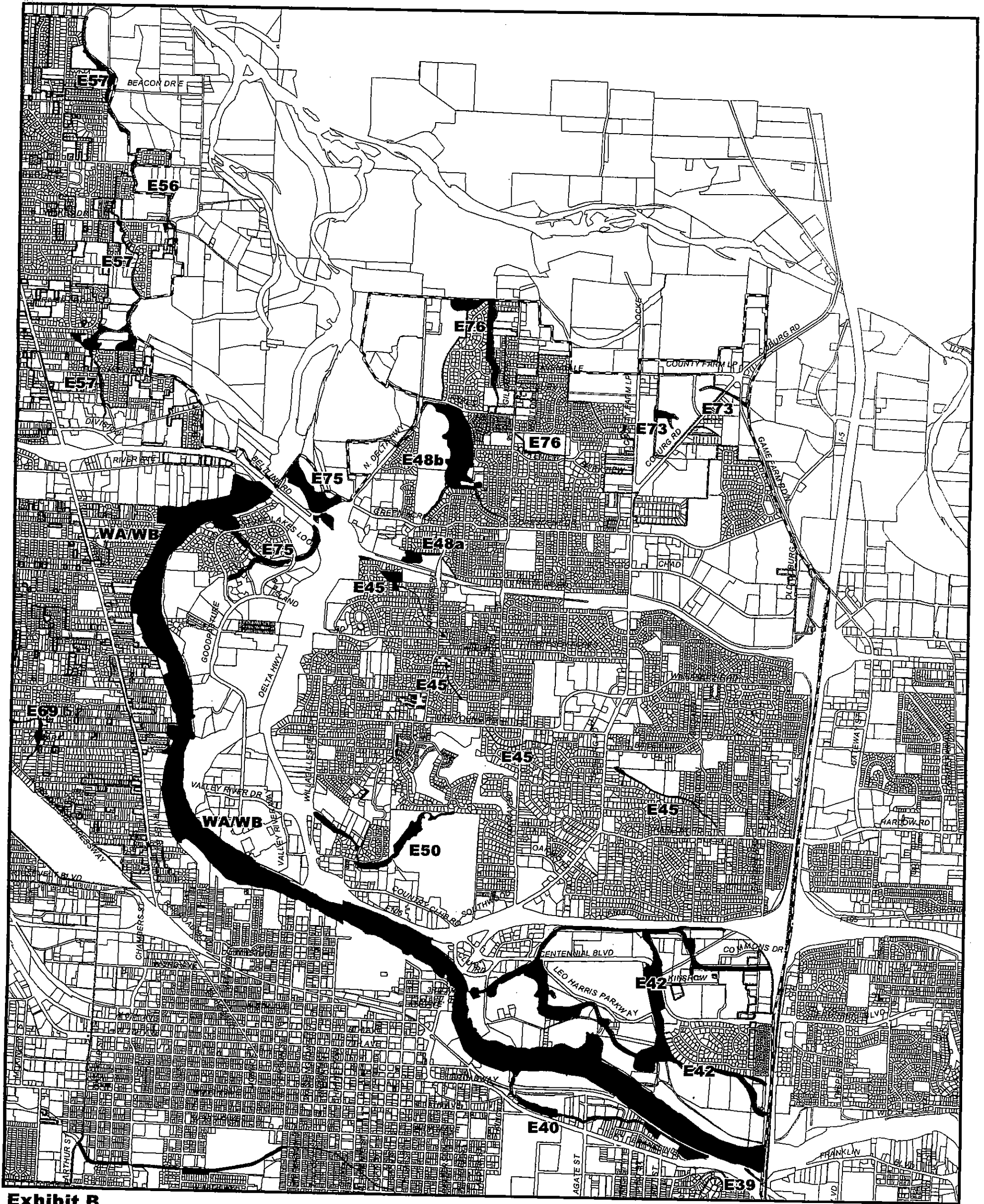
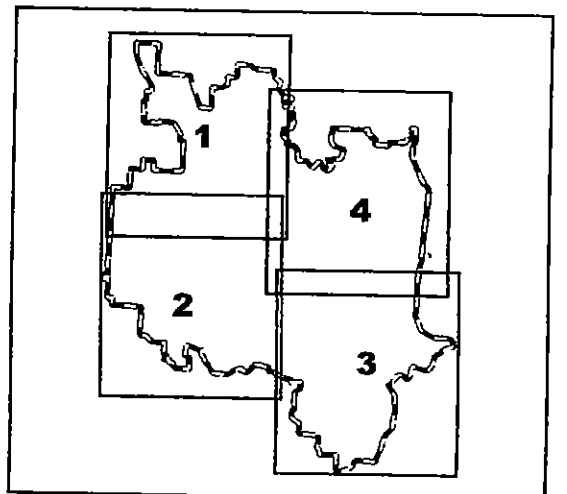
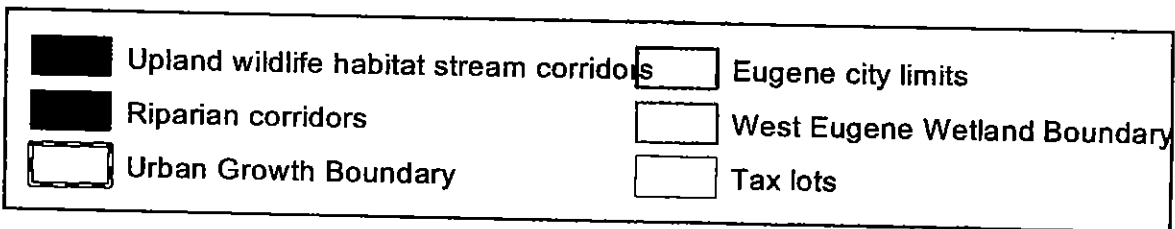
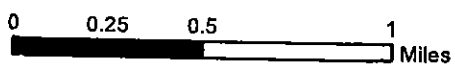


Exhibit B
Goal 5 Riparian And Upland Wildlife Habitat Sites
Within The Eugene Urban Growth Boundary --
Northeast Eugene

Riparian & Wildlife Habitat Sites - Tile 4
 July 15, 2003



Ordinance No PA 1198 - Exhibit C

Findings of Consistency With Criteria for Approval of Metro Plan Amendment

The criteria for approval of a Metro Plan amendment are found in Chapter 9 of the Eugene Code at 9.7730(3):

Criteria for Approval of Plan Amendment. The following criteria shall be applied by the city council in approving or denying a Metro Plan amendment application:

- (a) The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and
- (b) Adoption of the amendment must not make the Metro Plan internally inconsistent.

(a) The amendment must be consistent with the relevant Statewide Planning Goals.

Goal 1 - Citizen Involvement. To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

The process for adopting a Goal 5 Inventory for the area within the Eugene Urban Growth Boundary has provided numerous opportunities for citizen involvement. A public involvement plan for the Goal 5 process was reviewed and approved by the Joint Planning Commission Committee in May, 2000. In June 2000, two public workshops were held to provide an overview of the Goal 5 process for Springfield, Eugene and Lane County within the Metro Plan boundary. In April 2001, a public workshop has held to review the draft inventory and significance criteria for Springfield, Eugene and Lane County within the Metro Plan boundary. On December 17, 2002, a public hearing was held before the Eugene Planning Commission on the Goal 5 inventory of riparian and upland wildlife habitat sites within the urban growth boundary. All owners of affected and adjacent properties were notified, in addition to a large list of interested parties. The Eugene Planning Commission opened the public record for additional written comments from February 3, 2003 to February 7, 2003 and from March 17, 2003 to March 28, 2003. The Eugene Planning and Development Department staff held a public information meeting on May 21, 2003 on the status of the Goal 5 inventory. On June 9, 2003 a public hearing was held before the Eugene City Council. In addition to public meetings and mailed notices, printed materials related to these proceedings were made available at Planning and Development Department offices and via the City's Internet site prior to each meeting.

On November 18, 2003, a public hearing was held before the Lane County Planning Commission. Mailed notices of the hearing were sent to all affected property owners and to all interested parties. The Planning Commission voted unanimously to forward the inventory to the Lane County Board of Commissioners with a recommendation for approval. On March 31, 2004, the Lane County Board of Commissioners held a public hearing. Mailed notices were sent to all affected property owners and interested parties.

As described above, the opportunities that have been provided for citizen involvement are more than adequate to achieve consistency with Goal 1. Therefore, the amendments are consistent with Statewide Planning Goal 1.

Goal 2 - Land Use Planning. *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The Metropolitan Area General Plan (Metro Plan) is the acknowledged policy framework document that is used as the basis for land use decisions in Eugene. The Eugene Goal 5 inventory is being adopted as an amendment to the Metro Plan. The record shows that there is an adequate factual base to support these Metro Plan amendments, as Goal 2 requires. Further, the Goal 2 coordination requirement is met. Goal 2 requires that plans be coordinated with the plans of affected governmental units and that opportunities be provided for review and comment by affected governmental units. To comply with the Goal 2 coordination requirement, the City coordinated the review of the amendments with all affected governmental units. Specifically, notice was mailed to: USDI Bureau of Land Management, Oregon Department of Land Conservation and Development, Oregon Department of Fish and Wildlife, Oregon Division of State Lands, Oregon Department of Transportation, Oregon Department of Environmental Quality, Lane County, City of Springfield, and Eugene Water and Electric Board. There are no Goal 2 Exceptions required for these amendments. Therefore, the amendments are consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Lands. *To preserve and maintain agricultural lands.*

Goal 3 is not applicable to the proposed plan amendments as the subject sites and actions do not affect any agricultural plan designation or use. Goal 3 excludes lands inside an acknowledged urban growth boundary from the definition of agricultural lands. Since Eugene's Goal 5 Inventory is entirely within its acknowledged urban growth boundary, Goal 3 is not relevant and the amendments do not affect Metro Plan compliance with Statewide Planning Goal 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 proposed plan amendments as the subject sites and actions do not affect any forest plan designation or use. Goal 4 does not apply within urban growth boundaries and, therefore, does not apply to the adoption of a Goal 5 inventory within Eugene's UGB (OAR 660-006-0020). Therefore, Goal 4 is not relevant and the amendments do not affect Metro Plan compliance with Statewide Planning Goal 4.

Goal 5 - Natural Resources. *To protect natural resources and conserve scenic and historic areas and open spaces.*

The adoption of an inventory of riparian and upland wildlife habitat sites within Eugene's Urban Growth Boundary is a specific response to the requirements of Goal 5. The inventory was conducted in accordance with the administrative rules for Goal 5 inventories for riparian corridors and upland wildlife habitat areas, as provided for in OAR 660-023, as detailed below.

OAR 660-023-0090(4) sets out requirements for gathering information as part of developing a preliminary Goal 5 inventory for Riparian Corridors:

(4) When following the standard inventory process in OAR 660-023-0030, local governments shall collect information regarding all water areas, fish habitat, riparian areas, and wetlands within riparian corridors. Local governments may postpone determination of the precise location of the riparian area on lands designated for farm or forest use until receipt of applications for local permits for uses that would conflict with these resources. Local governments are encouraged, but not required, to conduct field investigations to verify the location, quality, and quantity of resources within the riparian corridor. At a minimum, local governments shall consult the following sources, where available, in order to inventory riparian corridors along rivers, lakes, and streams within the jurisdiction:

- (a) Oregon Department of Forestry stream classification maps;
- (b) United States Geological Service (USGS) 7.5 minute quadrangle maps;
- (c) National Wetlands Inventory maps;
- (d) Oregon Department of Fish and Wildlife (ODFW) maps indicating fish habitat;
- (e) Federal Emergency Management Agency (FEMA) flood maps; and
- (f) Aerial photographs.

The Goal 5 Inventory of Riparian and Upland Wildlife Habitat Sites within the Eugene Urban Growth Boundary incorporated multiple reviews of data sources listed in (4)a-f above, during the development of the inventory.

OAR 660-023-0110(3) sets out requirements for gathering information on wildlife habitat sites during the preparation of the inventory:

(3) When gathering information regarding wildlife habitat under the standard inventory process in OAR 660-023-0030(2), local governments shall obtain current habitat inventory information from the Oregon Department of Fish and Wildlife (ODFW), and other state and federal agencies. These inventories shall include at least the following:

- (a) Threatened, endangered, and sensitive wildlife species habitat information;
- (b) Sensitive bird site inventories; and
- (c) Wildlife species of concern and/or habitats of concern identified and mapped by ODFW (e.g., big game winter range and migration corridors, golden eagle and prairie falcon nest sites, and pigeon springs).

The Goal 5 Inventory of Riparian and Upland Wildlife Habitat Sites within the Eugene Urban Growth Boundary incorporated multiple reviews of the data sources listed in (3)a-c above, during the development of the inventory.

OAR 660-023-0030(3) requires that the local government determine that its inventory data is adequate:

“The information about a particular Goal 5 resource site shall be deemed adequate if it provides the location, quality and quantity of the resource as follows:

(a) Information about location shall include a description or map of the resource area for each site. The information must be sufficient to determine whether a resource exists on a particular site. However, a precise location of the resource for a particular site, such as would be required for building permits, is not necessary at this stage in the process.

(b) Information on quality shall indicate a resource site's value relative to other known examples of the same resource. While a regional comparison is recommended, a comparison with resource sites within the jurisdiction itself is sufficient unless there are no other local examples of the resource. Local governments shall consider any determinations about resource quality provided in available state or federal inventories.

(c) Information on quantity shall include an estimate of the relative abundance or scarcity of the resource.”

The Goal 5 Inventory of Riparian and Upland Wildlife Habitat Sites within the Eugene Urban Growth Boundary includes maps that show the location of each site with sufficient accuracy to determine whether the resource exists for each site.

Each site was evaluated using the Wildlife Habitat Assessment method, which provides a numerical, relative rating of habitat values for each site in the inventory against other sites within the Eugene-Springfield area. Although portions of some sites were deemed significant, the rule does not require that the comparative value analysis be applied to portions of sites.

Information gathered in conjunction with the inventory includes the number and acreage for all sites, including a total for each category, which provides an estimate of the relative abundance for each resource type within Eugene's jurisdiction.

OAR 660-023-0030(4) requires that the local jurisdiction determine the significance of resource sites based upon the quality, quantity and location information.

“The determination of significance shall be based on:

(a) The quality, quantity, and location information;

(b) Supplemental or superseding significance criteria set out in OAR 660-023-0090 through 660-023-0230; and

(c) Any additional criteria adopted by the local government, provided these criteria do not conflict with the requirements of OAR 660-023-0090 through 660-023-0230.”

The Goal 5 Inventory includes two sets of Goal 5 Significance Criteria: one set that was developed as part of the local Goal 5 process and is applied to riparian corridors and upland wildlife habitat stream corridors, and a second set that is applied to remaining upland wildlife habitat sites. Each of the Tier 1 and Tier 2 criteria applied to riparian corridors and upland wildlife habitat stream corridors addresses the quantity, quality or location of the resources. The criteria applied to remaining upland wildlife habitat sites are the safe harbor inventory criteria for wildlife habitat sites from OAR 660-023-0110. There are no sites that meet these criteria in the portion of the preliminary inventory to which they are applied.

The following clarification was included in an email from DLCD representative Mark Radabaugh, dated July 3, 2003: "A city may divide use of the standard and safe harbor approach for a single resource site when it is determined through the standard process that there are significantly different on-site characteristics that would allow a clear distinction among various portions of the site. For example, an upland habitat site that includes a significant wildlife habitat corridor(s) under the standard process, and is also identified in the safe harbor conditions called out in OAR 660-023-0110(4), could be managed under a partitioned Goal 5 approach if significant distinctions in the on-site characteristics allow defining a clear boundary between adjacent application of the standard process and safe harbor approaches. Under both approaches, the city is required to develop a resource protection program for its upland resources."

On three upland wildlife habitat sites standard Goal 5 inventory process was applied to a portion of the site and safe harbor inventory process was applied to the remainder of the site. The portions where standard process was applied were the stream corridors that flowed through the upland sites. These waterways were identified during the standard process, and their presence clearly defines their character as different from the remainder of the upland sites where stream corridors do not exist. Eugene's application of standard and safe harbor inventory processes is consistent with both the applicable OAR (660-023-0110) and with DLCD staff's clarification as given above.

The above review of administrative rules pertaining to Goal 5 indicates that this inventory was conducted consistent with applicable Oregon Administrative Rules. Therefore, the amendments are consistent with Statewide Planning Goal 5.

Goal 6 - Air, Water and Land Resources Quality. *To maintain and improve the quality of the air, water and land resources of the state.*

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. Adoption of a Goal 5 inventory will not directly influence such discharges or their impacts, since there is no effect on land use, land development or associated discharges solely from adoption of the inventory. Later steps in the Goal 5 process can lead to protective measures that may provide protection for air, water or land resource quality, but the adoption of the inventory will not. Therefore, the amendments do not affect Metro Plan compliance with Statewide Planning Goal 6.

Goal 7 - Areas Subject to Natural Disasters and Hazards. *To protect people and property from natural hazards.*

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as land slides. The Goal 5 inventory does not include information about natural disasters and hazards. These hazards are addressed by separate studies and protection measures. Therefore, the amendments do not affect Metro Plan compliance with Statewide Planning Goal 7.

Goal 8 - Recreational Needs. *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

The adoption of a Goal 5 inventory, while it may hold some potential for identifying and protecting open space that could contribute to satisfying some of the community's recreational needs, provides no actual change in the provision of recreational lands or services. Therefore, the amendments do not affect Metro Plan compliance with Statewide Planning Goal 8.

Goal 9 - Economic Development. *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Adoption of a Goal 5 natural resources inventory will not, in and of itself, have a direct impact on economic activities. Subsequent steps in the Goal 5 process will decide whether property on the inventory will be protected, partially protected, or developed, and since the range of outcomes includes the possibility that no protections will be applied, no actual economic impact can be assigned to the mere adoption of the inventory. Therefore, the amendments do not affect Metro Plan compliance with Statewide Planning Goal 9.

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

Adoption of a Goal 5 natural resources inventory will not, in and of itself, have a direct impact on provision of housing. Subsequent steps in the Goal 5 process will decide whether property on the inventory will be protected, partially protected, or developed, and since the range of outcomes includes the possibility that no protections will be applied, no actual impact to the supply of housing can be assigned to the mere adoption of the inventory. Therefore, the amendments do not affect Metro Plan compliance with Statewide Planning Goal 10.

Goal 11 - Public Facilities and Services. *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Goal 5 inventory sites do not currently require public services and infrastructure. Some of the Goal 5 sites are open waterways that are part of Eugene's stormwater conveyance system. Inclusion of these and other sites in the Goal 5 inventory will not, in and of itself, preclude providing stormwater or other services to other undeveloped properties, since adoption of the inventory does not place any restrictions on construction of public infrastructure. Therefore, the

amendments are consistent with Statewide Planning Goal 11.

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

Adoption of a Goal 5 natural resources inventory will not, in and of itself, have a direct impact on provision of transportation services and facilities. Since subsequent steps in the Goal 5 process will decide whether any protection measures will be applied, and since the range of outcomes includes the possibility that no protections will be applied, no actual impact to the transportation system can be assigned to the adoption of the inventory. Therefore, the amendments do not affect Metro Plan compliance with Statewide Planning Goal 12.

Goal 13 - Energy Conservation. *To conserve energy.*

Adoption of a Goal 5 inventory will not affect energy use. Therefore, the amendments do not affect Metro Plan compliance with Statewide Planning Goal 13.

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

Goal 14 deals with the establishment of urban growth boundaries and amendments to established urban growth boundaries, the purpose of which is to contain urban development inside the boundary. The Goal also states that the urban growth boundary shall be developed so that the "carrying capacity" of the area is not exceeded. "Carrying capacity" refers to the capacity of an area to contain development while natural environmental processes continue functioning. To exceed the carrying capacity would result in the breakdown of these processes. Adoption of a Goal 5 inventory will contribute to the ability to plan for development while ensuring that planned development does not exceed the carrying capacity of the environmental systems in the urban area. Therefore, these amendments are consistent with Goal 14.

Goal 15 - Willamette River Greenway. *To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

Adoption of a Goal 5 natural resources inventory will not, in and of itself, have a direct impact on the Willamette River Greenway. The adoption of a Goal 5 inventory, while it may hold some potential for identifying and protecting open space that could contribute to satisfying some elements of the Greenway Program, provides no actual change in the provision of access to the Willamette River or other requirements of Goal 15. Therefore, the amendments do not affect Metro Plan compliance with Statewide Planning Goal 15.

Goals 16-19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.

There are no estuarine resources, coastal shorelands, beaches, dunes or ocean resources within

Eugene's jurisdiction. Therefore, Statewide Planning Goals 16 through 19 do not apply to these amendments.

(b) Adoption of the amendment must not make the Metro Plan internally inconsistent.

Adoption of these Metro Plan amendments will not change any Metro Plan policies. The amendment will make changes only to background documents incorporated into the Metro Plan by reference. The Goal 5 natural resources inventory elements (riparian, upland) adopted will replace any previously adopted inventories of the same type, preventing any possible conflict between this and previous Goal 5 inventory maps. Given these findings and the fact that no modification to the Metro Plan text is necessary or proposed, the amendments will not make the Metro Plan internally inconsistent.