

## **GOAL ONE COALITION**

### **II. Applicable criteria**

Goal Four, Policy 15 establishes standards and criteria applicable to the zoning of forest lands, and provides:

“Lands designated within the Rural Comprehensive Plan as forest land shall be zoned Non-Impacted Forest Lands (F-1, RCP) or Impacted Forest Lands (F-2, RCP). A decision to apply one of the above zones or both of the above zones in a split zone fashion shall be based upon:

“a. A conclusion that characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. The zoning characteristics referred to are specified below in subsections b and c. This conclusion shall be supported by a statement of reasons explaining why the facts support the conclusion.

“b. Non-impacted Forest Land Zone (F-1, RCP) Characteristics:

“(1) Predominantly ownerships not developed by residences or nonforest uses.

“(2) Predominantly contiguous ownerships of 80 acres or larger in size.

“(3) Predominantly ownerships contiguous, to other lands utilized for commercial forest or commercial farm uses.

“(4) Accessed by arterial roads or roads intended primarily for forest management. Primarily under commercial forest management.

“c. Impacted Forest Land Zone (F-2, RCP) Characteristics

“(1) Predominantly ownerships developed by residences or nonforest uses.

“(2) Predominantly ownerships 80 acres or less in size.

“(3) Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.

“(4) Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.”

### **III. Analysis**

In reaching its decision in this matter the Planning Commission must evaluate the characteristics of the subject property, compare the site's characteristics with the factors listed in Goal 4 Policy 15(b) and (c), and weigh those factors to determine whether the site's characteristics most closely resemble those of F1 or F2 lands.

## GOAL ONE COALITION

### A. Factor one:

**“Predominantly ownerships not developed by residences or nonforest uses” (F1)**

or

**“Predominantly ownerships developed by residences or nonforest uses” (F2)**

The area proposed to be rezoned is forested and does not contain any dwellings, and is thus not developed by residences or nonforest uses. However, as the relevant unit of inquiry is the ownership, that ownership is developed with residences and is developed with farm uses. Even though farm uses are allowed outright in forest zones, farm uses are not forest uses. Therefore Factor 1 would weigh toward F2 zoning.

### B. Factor 2:

**“Predominantly contiguous ownerships of 80 acres or larger in size” (F1)**

or

**“Predominantly ownerships 80 acres or less in size” (F2)**

The area proposed for rezoning is part of a contiguous ownership of 343.7 acres. Factor 2 would weigh heavily toward F1 zoning.

### C. Factor 3:

**“Predominantly ownerships contiguous, to other lands utilized for commercial forest or commercial farm uses” (F1)**

or

**“Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan” (F2)**

LC 16.090 defines contiguous as follows:

“Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street (local access, public, County, State or Federal street) shall not be considered contiguous.”

Thus lands on the opposite side of Camas Swale Road, and other lands not sharing at least 8 feet of common boundary, are not “contiguous” to the subject property and are not to be considered when examining this factor.

Goal 4 Policy 15(b)(3) does not include an acreage standard; if the land constituting the ownership is used for commercial forest or farm uses, the land meets the F1 characteristic. However, Goal 4 Policy 15(c)(3) does include an 80-acre standard; the ownership being considered must be “generally contiguous” to tracts of less than 80 acres which also contain residences, and/or to exception areas.

The applicant has not yet supplied any information addressing the size or use of contiguous properties. The Walsh Ranch ownership is found on Map 19-04-14, 19-04-15, and 19-04-16.

**GOAL ONE COALITION**

The lands contiguous to the Walsh Ranch are described as follows:

| Map      | TL   | Size   | zoning | Dwelling | Use                      |
|----------|------|--------|--------|----------|--------------------------|
| 19-04-14 | 100  | 70.36  | Farm   | Y        | Farm & forest assessment |
|          | 400  | 0.81   | ?      | N        |                          |
|          | 2000 | 1.29   | Farm   | N        | Same ownership as TL 100 |
| 19-04-15 | 100  | 112.37 | Forest | N        | Forest assessment        |
|          | 600  | 120.00 | Forest | N        | Forest                   |
|          | 500  | 5.00   | ?      | Y        | Rural residential        |
|          | 700  | 4.28   | ?      | Y        | Rural residential        |
|          | 801  | 4.52   | ?      | Y        | Rural residential        |
|          | 900  | 0.84   | ?      | Y        | Rural residential        |
| 19-04-00 | 500  | 600.00 | Forest | N        | Forest assessment        |

It appears that the subject Walsh Ranch ownership is contiguous on three sides – west, south, and east – with lands in large tracts utilized for commercial forest and farm uses. Only along the southern boundary is the Walsh Ranch ownership contiguous to smaller tracts containing dwellings and utilized for other than farm or forest uses. The ownership is thus predominantly contiguous to other lands utilized for commercial forest or commercial farm uses, and is not generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to exception areas. Factor 3 would weigh heavily toward F1 zoning.

**D. Factor 4:**

**“Accessed by arterial roads or roads intended primarily for forest management. Primarily under commercial forest management” (F1)**

or

**“Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences” (F2)**

It would be difficult to state with certainty that Camas Swale Road, which provides access to the subject area, could be considered to be “intended primarily for forest management.” However, it is equally difficult to state with certainty that Camas Swale Road is intended primarily for direct service to rural residences. The area immediately to the west of the subject area appears to be predominantly under commercial forest management. Camas Swale Road provides access to that area. However, it obviously also provides access to the rural residences to the south of the subject area. The nature of the road access seems evenly weighted.

Public facilities and services appear to be available to the nearby rural residences, and thus to the subject area as well. This characteristic would weigh toward F2 zoning.

However, it does appear that the subject area is primarily under commercial forest management. The applicant argues that the subject area has historically been used for forestry

## **GOAL ONE COALITION**

and is currently under commercial forest management. Thinning and replanting is ongoing. This characteristic would weigh toward F1 zoning.

On balance, Factor 4 seems to point to F1 or F2 zoning equally.

### **IV. Summary**

Factor 1 weighs toward F2 zoning.

Factors 2 and 3 weigh heavily toward F1 zoning.

Factor 4 would support either F1 or F2 zoning, equally.

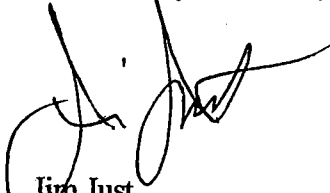
Taken together, the characteristics of the land proposed for rezoning correspond more closely to the characteristics of the F1 zone than the characteristics of the F2 zone.

### **V. Conclusion**

Should the Planning Commission determine that redesignating the area from Agriculture to Forest is warranted, the Planning Commission should recommend F1 zoning for the subject area.

Goal One and Mr. Just request notice and a copy of any decision and findings regarding this matter.

Respectfully submitted,



Jim Just  
Executive Director

FOR ASSESSMENT  
AND TAXATION  
ONLY

1:1250 N.T.W. W.M.  
LANE COUNTY  
SCALE 1" = 2000'

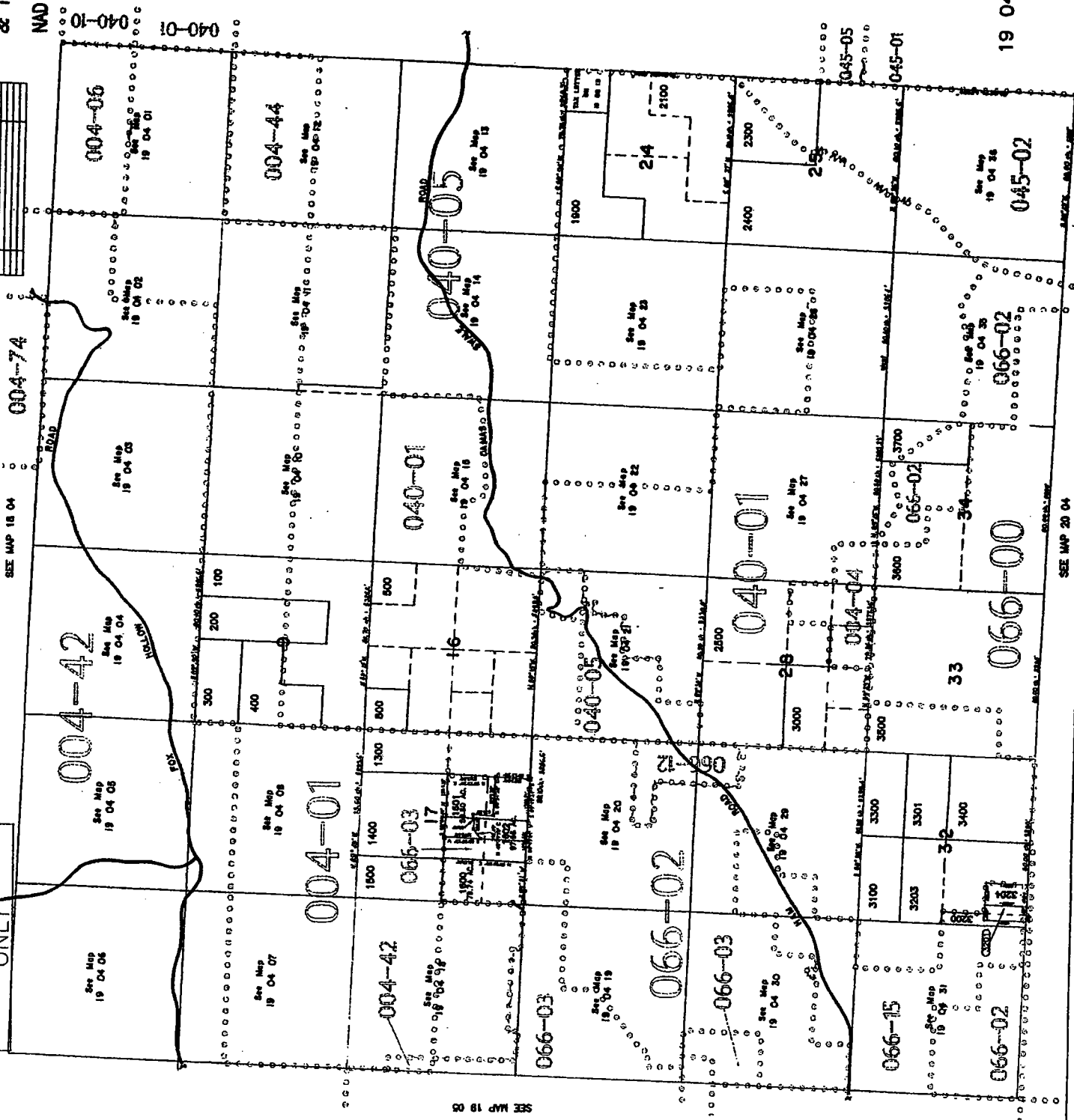
| NO. | DATE     | DESCRIPTION      |
|-----|----------|------------------|
| 1   | 19 04 06 | See Map 19 04 06 |
| 2   | 19 04 07 | See Map 19 04 07 |
| 3   | 19 04 08 | See Map 19 04 08 |
| 4   | 19 04 09 | See Map 19 04 09 |
| 5   | 19 04 10 | See Map 19 04 10 |
| 6   | 19 04 11 | See Map 19 04 11 |
| 7   | 19 04 12 | See Map 19 04 12 |
| 8   | 19 04 13 | See Map 19 04 13 |
| 9   | 19 04 14 | See Map 19 04 14 |
| 10  | 19 04 15 | See Map 19 04 15 |
| 11  | 19 04 16 | See Map 19 04 16 |
| 12  | 19 04 17 | See Map 19 04 17 |
| 13  | 19 04 18 | See Map 19 04 18 |
| 14  | 19 04 19 | See Map 19 04 19 |
| 15  | 19 04 20 | See Map 19 04 20 |
| 16  | 19 04 21 | See Map 19 04 21 |
| 17  | 19 04 22 | See Map 19 04 22 |
| 18  | 19 04 23 | See Map 19 04 23 |
| 19  | 19 04 24 | See Map 19 04 24 |
| 20  | 19 04 25 | See Map 19 04 25 |
| 21  | 19 04 26 | See Map 19 04 26 |
| 22  | 19 04 27 | See Map 19 04 27 |
| 23  | 19 04 28 | See Map 19 04 28 |
| 24  | 19 04 29 | See Map 19 04 29 |
| 25  | 19 04 30 | See Map 19 04 30 |
| 26  | 19 04 31 | See Map 19 04 31 |
| 27  | 19 04 32 | See Map 19 04 32 |
| 28  | 19 04 33 | See Map 19 04 33 |
| 29  | 19 04 34 | See Map 19 04 34 |
| 30  | 19 04 35 | See Map 19 04 35 |
| 31  | 19 04 36 | See Map 19 04 36 |
| 32  | 19 04 37 | See Map 19 04 37 |
| 33  | 19 04 38 | See Map 19 04 38 |
| 34  | 19 04 39 | See Map 19 04 39 |
| 35  | 19 04 40 | See Map 19 04 40 |
| 36  | 19 04 41 | See Map 19 04 41 |
| 37  | 19 04 42 | See Map 19 04 42 |
| 38  | 19 04 43 | See Map 19 04 43 |
| 39  | 19 04 44 | See Map 19 04 44 |
| 40  | 19 04 45 | See Map 19 04 45 |
| 41  | 19 04 46 | See Map 19 04 46 |
| 42  | 19 04 47 | See Map 19 04 47 |
| 43  | 19 04 48 | See Map 19 04 48 |
| 44  | 19 04 49 | See Map 19 04 49 |
| 45  | 19 04 50 | See Map 19 04 50 |
| 46  | 19 04 51 | See Map 19 04 51 |
| 47  | 19 04 52 | See Map 19 04 52 |
| 48  | 19 04 53 | See Map 19 04 53 |
| 49  | 19 04 54 | See Map 19 04 54 |
| 50  | 19 04 55 | See Map 19 04 55 |
| 51  | 19 04 56 | See Map 19 04 56 |
| 52  | 19 04 57 | See Map 19 04 57 |
| 53  | 19 04 58 | See Map 19 04 58 |
| 54  | 19 04 59 | See Map 19 04 59 |
| 55  | 19 04 60 | See Map 19 04 60 |

19 04  
& INDEX  
NAD 83/91

CANCELLED

SEE MAP 19 03

19 04



SEE MAP 19 08

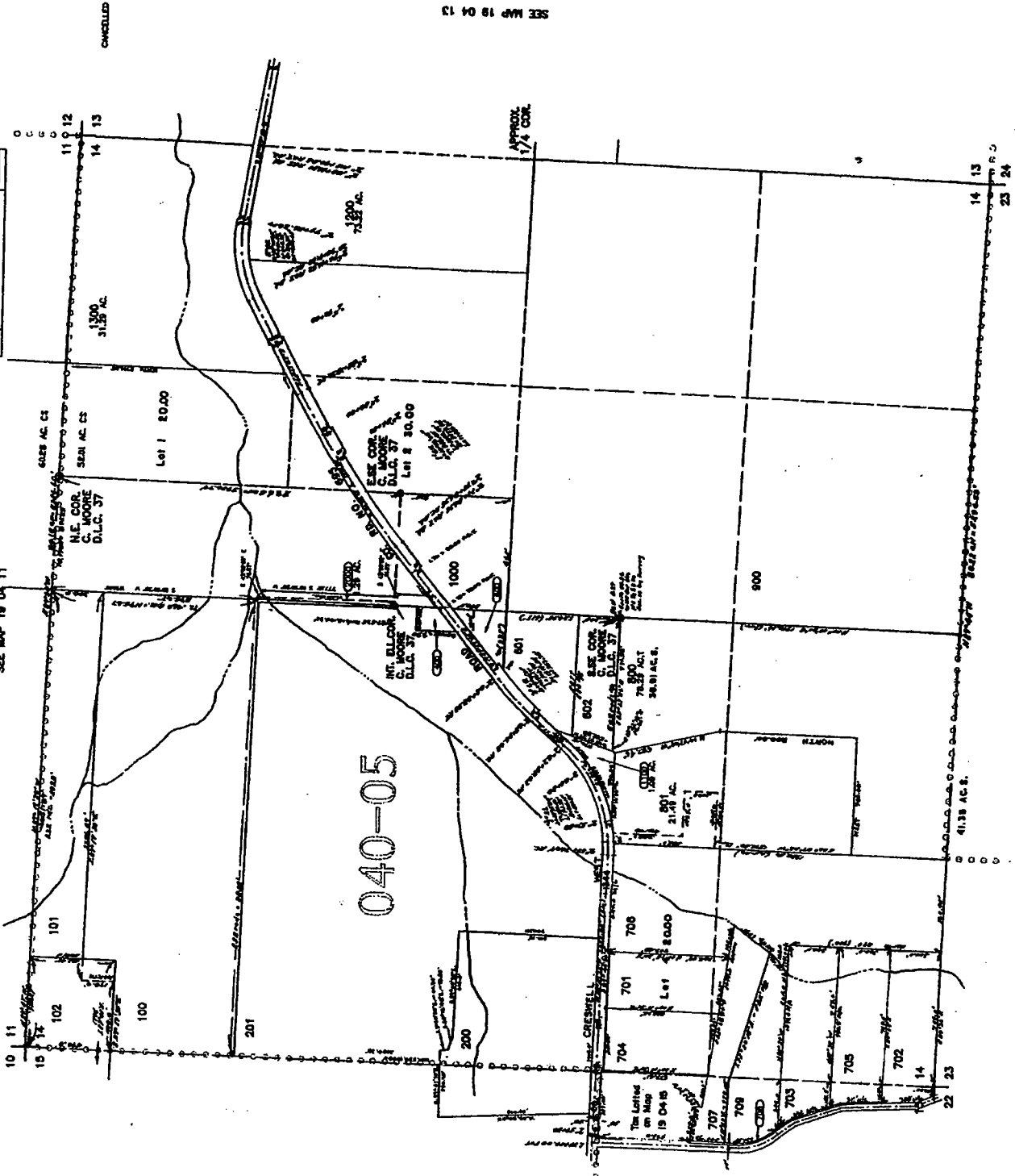
SEE MAP 20 04

ONLY

SECTION 14 T.19S. R.4W. W.M.  
LANE COUNTY

SCALE 1" = 400'

NAD 83/91



SEE MAP 19 04 13

SEE MAP 19 04 11

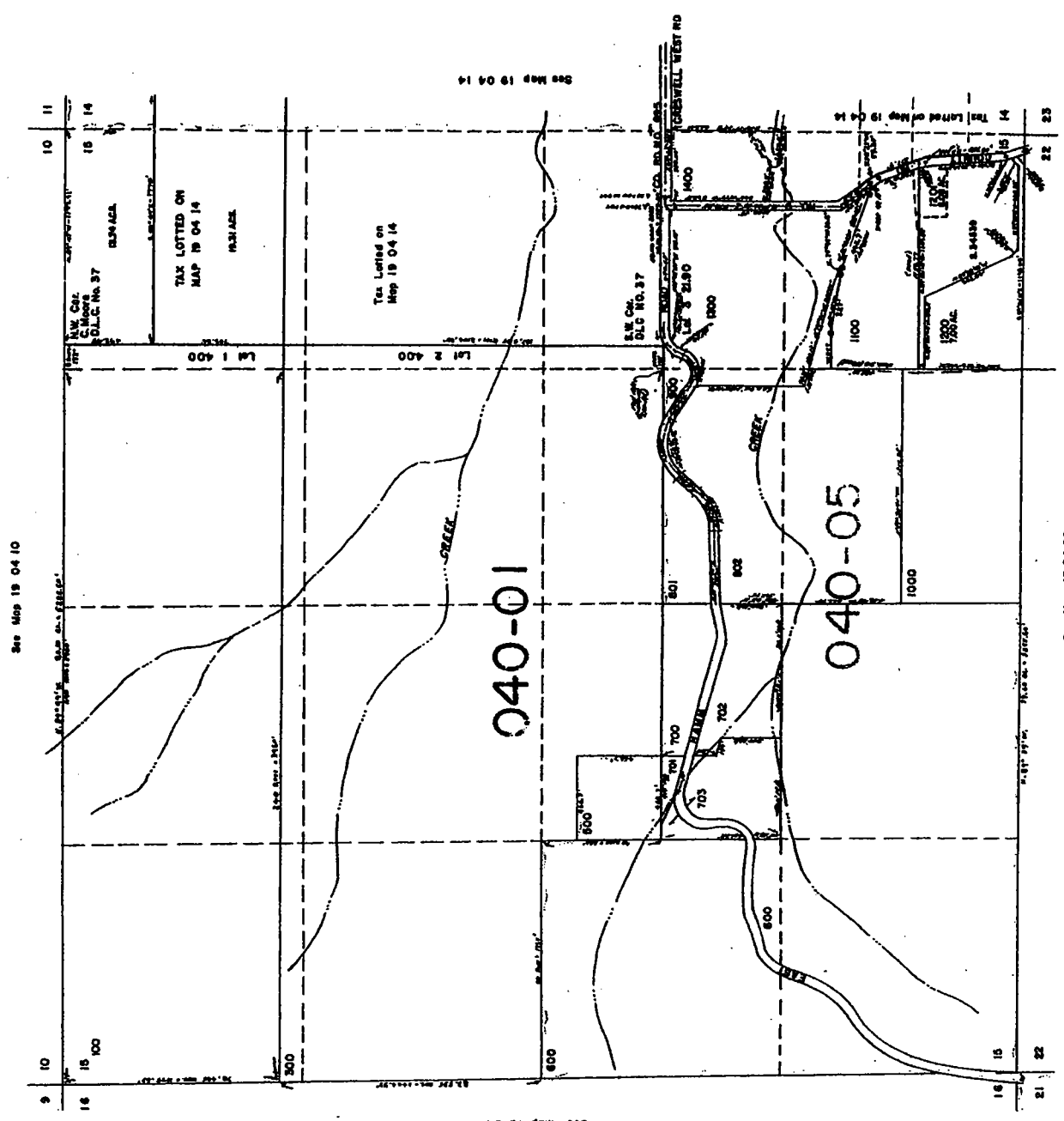
SEE MAP 19 04 15

SEE MAP 19 04 23

19 04 14

CANCELLED

Section 15 T19 S. R4 W.W.M.  
LANE COUNTY  
T-400'



See Map 19 04 10

See Map 19 04

See Map 19 04 22

**Attachment B – 1,000 Friends of Oregon, dated 9-20-05; received 10-06-05.**



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Willamette Valley Office • 189 Liberty Street NE, Suite 307A • Salem, OR 97301 • (503) 371-7261 • fax (503) 371-7596  
Lane County Office • 1192 Lawrence • Eugene, OR 97401 • (541) 431-7059 • fax (541) 431-7078  
Central Oregon Office • P.O. Box 1380 • Bend, OR 97709 • (541) 382-7557 • fax (541) 317-9129

ORDINANCE No. PA 12A

FILE # PA 05-5060  
EXHIBIT # 24

RECEIVED 10-6-05

September 20, 2005

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EXECUTIVE DIRECTOR

Lane County Planning Commission  
Land Management Division  
125 East 8<sup>th</sup> Avenue  
Eugene, OR 97401

RE: Walsh Conformity Determination, PA 05-5060

Commissioners:

The following comments are being submitted on behalf of 1000 Friends of Oregon, and are focused on four policy issues:

The Goal 2 Policy 27 determination requested by this application is untimely because this application is not part of a county-initiated annual review undertaken to correct identified plan or zoning designations.

The requested split zoning cannot be approved because the entire parcel, rather than a portion, is the required unit of inquiry.

Insufficient evidence of management has been presented upon which to base a determination that forestry use was and remains the primary use of the subject property.

The required information and analysis pertaining to Goal 4 Policy 15 has not been provided. No conclusions as to whether the F1 or F2 zone is appropriate can be made.

**I. Applicable criteria**

The applicant is requesting the plan and zoning map amendments under Lane County Goal 2 Policy 27, Conformity Determinations, which provides, in relevant part:

"Lane County will annually initiate and process applications to correct identified plan or zoning designations in the RCP Official Plan and Zoning Plots resulting from the Official Plan or Zoning Plots not recognizing lawfully existing (in terms of the zoning) uses or from inconsistencies between the Official Plan and Zoning Plots. Changes to correct nonconformities shall comply with the procedures and requirements of Lane Code Chapter 12 (Comprehensive Plan, Chapter 14 (Application Review and Appeal Procedures), and Chapter 16 (Land Use & Development Code), except as provided for in 27 c. and d. below.

"a. Circumstances qualifying for consideration by the Board of Commissioners under the Conformity Determinations Policy may include one or more of the following:



\*\*\*

"iii. A property was actively managed primarily as either an agricultural or forestry operation in 1984 and since, and a resource designation other than the primary use was adopted on an Official Plan or Zoning Plot in 1984."

Also, if the Commission should determine that redesignating the area from Agriculture to Forest is warranted, you would then need to determine whether F1 or F2 zoning is appropriate. Goal Four, Policy 15 establishes standards and criteria applicable to the zoning of forest lands, and provides:

"Lands designated within the Rural Comprehensive Plan as forest land shall be zoned Non-Impacted Forest Lands (F-1, RCP) or Impacted Forest Lands (F-2, RCP). A decision to apply one of the above zones or both of the above zones in a split zone fashion shall be based upon:

"a. A conclusion that characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. The zoning characteristics referred to are specified below in subsections b and c. This conclusion shall be supported by a statement of reasons explaining why the facts support the conclusion.

"b. Non-impacted Forest Land Zone (F-1, RCP) Characteristics:

"(1) Predominantly ownerships not developed by residences or nonforest uses.

"(2) Predominantly contiguous ownerships of 80 acres or larger in size.

"(3) Predominantly ownerships contiguous, to other lands utilized for commercial forest or commercial farm uses.

"(4) Accessed by arterial roads or roads intended primarily for forest management.

Primarily under commercial forest management.

"c. Impacted Forest Land Zone (F-2, RCP) Characteristics

"(1) Predominantly ownerships developed by residences or nonforest uses.

"(2) Predominantly ownerships 80 acres or less in size.

"(3) Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.

"(4) Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences."

## II. Procedural requirements

Goal 2 Policy 27 states that "Lane County will annually initiate and process applications to correct identified plan or zoning designations \*\*\* resulting from the Official Plan or Zoning Plots not recognizing lawfully existing (in terms of the zoning) uses or from inconsistencies between the Official Plan and Zoning Plots."

This application is not part of and does not result from an annual Lane County initiated review process. Therefore it is not appropriate to use the standards and procedures of Goal 2 Policy 27 to review this application.

Goal 2 Policy 27(c) requires:

"By September 30<sup>th</sup> of each year, property owners who believe that they have a nonconformity in the official plan or zoning of their property and who want those designations corrected shall submit to the Planning Director a completed Conformity Determination Amendment application. Within 45 days of receipt of the application, the Director shall review the application for completeness and provide the applicant with a written notice that explains why the application was accepted or not accepted. The Director shall not accept incomplete applications or applications for changes that do not qualify pursuant to one or more of the criteria of Policy 27. a. i-viii above[.]"

Goal 2 Policy 27(d) provides:

"By March 31<sup>st</sup> of each year, Lane County shall conduct the first public hearings with the Lane County Planning Commission for all pending Conformity Determination Amendment applications accepted within the deadline specified in Policy 27 c., above."

The record shows that the application was signed on January 18, 2005. This application should therefore be processed together with any other conformity determination applications submitted by the September 30, 2005 deadline and, if determined to be complete, processed with those applications in public hearings to be held no later than March 31, 2006.

The application is incomplete. This is because the requirements of Goal 4 Policy 15 have not been identified or addressed. As such, the application should be rejected.

### III. Substantive standards and criteria

The only basis for invoking Goal 2 Policy 27 is that the 1984 zoning did not recognize a lawfully existing use. However, LC 16.212(3)(b) allows "[p]ropagation or harvesting of a forest product" as a use permitted outright in the EFU zone. Even if the area proposed for rezoning to F2 was in forest use in 1984, the forest use was a "lawfully existing use" that was recognized and allowed by EFU zoning.

The unit of inquiry for this application should be the subject parcel. In fact, Goal 2 Policy 27 asks if "[a] property was actively managed primarily as either an agricultural or forestry operation in 1984 and since[.]" This establishes that the parcel is the unit of inquiry. State law also requires a full-parcel rather than a sub-parcel analysis. OAR 660-033-0030 provides:

"(1) All land defined as 'agricultural land' in OAR 660-033-0020(1) shall be inventoried as agricultural land.

"(2) When a jurisdiction determines the predominant soil capability classification of a lot or parcel it need only look to the land within the lot or parcel being inventoried. However, whether land is 'suitable for farm use' requires an inquiry into factors beyond the mere identification of scientific soil classifications. The factors are listed in the definition of agricultural land set forth at OAR 660-033-0020(1)(a)(B). This inquiry requires the consideration of conditions existing outside the lot or parcel being inventoried. Even if a lot or parcel is not predominantly Class I-IV soils or suitable for farm use, Goal 3 nonetheless defines as agricultural 'lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands.' A determination that a lot or parcel is not agricultural land requires

findings supported by substantial evidence that addresses each of the factors set forth in OAR 660-033-0020(1)."

OAR 660-033-0030(2) does not allow portions of existing parcels that are predominantly class I-IV soils to be analyzed on a sub-parcel basis. Although it is not possible to tell from the available information whether TL 201 is predominantly agricultural soils or forest soils, it is clear that it is the entirety of the taxlot that is the proper subject of the required inquiry.

Goal 2 Policy 27 also states that the primary management of the property is the focus of inquiry, rather than the vegetation or the soil characteristics. But there is language providing how "primary management" is to be measured; however it would seem that some analysis of income generated from the management activities would be required. The Walsh Ranch has admittedly been managed for both farm and forest use, from prior to 1984 through the present. However, insufficient evidence or analysis regarding the management of the property has been presented to make possible a determination of whether agricultural or forest uses can be considered "primary" on the subject property. The policy is silent as to what happens if neither use is primary. If not, either a agricultural or a forest designation may have been properly applied, and there would therefore be nothing to "correct" under Goal 2 Policy 27.

#### B. Goal 4 Policy 15

No information or analysis whatsoever has been submitted addressing the requirements of Goal 4 Policy 15. Therefore the Planning Commission has no basis upon which to make a determination whether F1 or F2 zoning is appropriate.

#### IV. Conclusion

For the reasons stated, this application should be denied.

Pursuant to ORS 197.763(6), I request that the hearing be continued or that the record be left open for a minimum of seven days to offer the opportunity to present additional comments regarding the Walsh application. I also request notice and a copy of any decision and findings regarding this matter.

Respectfully,

Lauri Segel

Lane County Planning Advocate

1000 Friends of Oregon

CIV. No. PA 1225  
FILE # PA 05-5060  
EXHIBIT # 28 (3 PP)  
+ EXH.

**James A. Mann LLC**

*Land Use Planning & Development Permit Services*  
P.O. Box 51081  
Eugene, Oregon 97405-0902  
Telephone: (541) 514-3051 FAX: (541) 484-2761  
Email: jamannllc@comcast.net

October 11, 2005

Lane County Planning Commission  
C/O Bill Sage  
125 East 8<sup>th</sup> Ave.  
Eugene, OR 97401

Subject: PA 05-5060 Walsh Ranch  
Map 19-04-14 Tax Lots 200 & 201  
Map 19-04-15 Tax lot 300

Dear Planning Commissioners,

This information from the applicant is provided in response to testimony received from Jim Just of GOAL ONE COLITION, dated September 30, 2005, during the 14 day comment period from September 20, 2005 to October 4, 2005. Based on this information, the proposed change of the zoning from E40 to F2 complies with the applicable requirements for the F2 zoning. Furthermore, this information supports the existing F2 zoning on the subject property and refutes the inferences and statements that F1 zoning, rather than F2 zoning, may have been more appropriate.

1. On page 1, the bottom paragraph under “**I. Nature of the request and site description**”, Mr. Just incorrectly describes the subject property and refers to the parcel for which the change is being requested as “an approximately 151.5 acre parcel” and “The subject parcel is identified as 19-04-14 TL 201.” The term “parcel” is defined in LC 16.090. A copy of this definition from LC 16.090 is attached to this response. Nowhere in this definition is a tax lot defined as a parcel. The evidence submitted by the applicant in application Attachment C includes a copy of approved partition map 638-79 showing that Parcel 2 contains 323.7 acres. This parcel includes the combined area of Tax Lot 300 of Map 19-04-15 and Tax Lot 201 of Map 19-04-14. In other words, the correct description of the parcel for which the change is being requested is Parcel 2 of approved partition map M638-79 or combined Tax Lot 300 of Map 19-04-15 and Tax Lot 201 of Map 19-04-14.
2. On page 1, Mr. Just’s description of the nature of the request is OK for information purposes but does not accurately describe the request, “If the request were to be approved, the subject TL 201 will be split zoned.” Mr. Just earlier described Tax Lot 201 as the “parcel” An accurate description of the request would be to say that the subject parcel as correctly defined in “1.” above, is already split zoned along tax lot boundaries and that this request will adjust the boundaries of the zoning along the line

between the forest and farm use of the parcel. The existing zoning of the property along tax lot boundaries does not accurately reflect the location of the existing forest and farm use.

3. There is no question that the 26 acre portion of the subject property where the proposed zoning is being requested is forest land. The analysis provided by Mr. Just looks at the Goal 4, Policy 15 standards and criteria for zoning of forest lands leads and concludes that the ownership corresponds more closely to the F1 characteristics than the F2 characteristics and that the proposed zoning of the 26 acre portion should therefore be F1. The implication of this analysis is that the F2 zoning of part the ownership is not the correct zoning. The applicant disagrees with the analysis of Mr. Just and has provided the analysis below that clearly demonstrates the subject property meets the requirements for F2 zoning. A closer examination of how will this application complies with Goal 4 Policy 15 provides a basis for F2 zoning. Here is how the proposed rezoning from E40 to F2 complies with the Goal 4 Policy 15 standards and criteria for F2 zoning:

“(1) Predominantly ownerships developed by residences or nonforest uses.” The subject ownership has three dwellings on it and meets these requirements.

“(2) Predominantly ownerships 80 acres or less in size.” The subject ownership is 343.7 acres in size and does not meet this requirement.

“(3) Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.” The subject ownership meets this requirement based on the information, below, that is the list from page 4 of Jim Just’s submittal of the lands that are contiguous to the Walsh Ranch. Where Jim Just had a general statement or “?” mark concerning the zoning of these lands, the actual zoning has been provided.

| Map      | TL   | Size   | Zoning | Dwelling | Use                      |
|----------|------|--------|--------|----------|--------------------------|
| 19-04-14 | 100  | 70.36  | E40    | Y        | farm & forest assessment |
|          | 400  | .81    | E40    | N        |                          |
|          | 2000 | 1.29   | E40    | N        | same ownership as TL 100 |
| 19-04-15 | 100  | 112.37 | F1     | N        | forest assessment        |
|          | 600  | 120    | F1     | N        | forest                   |
|          | 500  | 5.00   | F2     | Y        | Rural Residential        |
|          | 700  | 4.28   | F2     | Y        | Rural residential        |
|          | 801  | 4.52   | F2     | Y        | Rural residential        |
|          | 900  | 0.84   | F2     | Y        | Rural residential        |
| 19-04-03 | 500  | 600    | F1     | N        | Forest assessment        |

Based on the attached Lane County Assessment and Taxation list of ownerships for maps 19-04-14 and 19-04-15, the tax lots mentioned above are in the following ownerships:

19-04-14 Tax Lot 100: HA Hollyer Trust (contiguous to TL 2000)  
Tax Lot 400: SW Riddle (does not own any contiguous property)  
Tax Lot 2000: HA Hollyer Trust (contiguous to TL 100)

19-04-15 Tax Lot 100: Seneca  
Tax Lot 600: BLM  
Tax Lot 500: D.D. Martin (does not own any contiguous property)  
Tax Lot 700: RT & JL Ocker (does not own any contiguous property)  
Tax Lot 801: RJ & LH Spon (does not own any contiguous property)  
Tax Lot 900: RD & LL McIntyre (does not own any contiguous property)

19-04-03 Tax Lot 500: ownership?

Based on the information above, provided by Jim Just and confirmed and expanded on in this rebuttal, the subject ownership is generally contiguous to tracts (ownerships) that contain less than 80 acres. 6 of the 10 contiguous tracts contain 5 or less acres. Five of the ten ownerships have dwellings on them.

“(4) Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.” The subject ownership fronts on Camas Swale Road that is classified by the Lane County Road Maintenance Atlas as a “Rural Major Collector” road and that is approximately 7 miles long from its beginning at Creswell to its terminus with Hamm Road. Camas Swale Road is the primary or secondary means of access for rural residences along this route. It is not an arterial road that would weigh in favor of F1 zoning. The subject property is partially within the South Lane County Fire Rescue District for residential fire protection and is within the Creswell School District. This constitutes a level of public facilities and services intended primarily for rural residences.

The first applications to be considered under Lane County’s Goal 2 Policy 27 for a conformity determination may be more difficult than the ones to come as Lane County sorts-out how to interpret and apply this policy. The owner understands this and appreciates your task and the concerns and comments of interested citizens who participate in this process. The owner believes that a factual case has been made in support of the approval of this application and requests your recommendation in support of the approval of this application.

Sincerely,



James A. Mann LLC

**Nursing Home.** Any home, place or institution which operates and maintains facilities providing convalescent or chronic care, or both, which exceeds that as defined by "Residential Home".

**100 Year Flood.** See "Base Flood".

**Ordinary High Water.** The high water level is defined as that high level of a river which is attained during mean annual flood. It does not include levels attained during exceptional or catastrophic floods. It is often identifiable by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in character in the soil, destruction or absence of vegetation not adapted for life in saturated soils or the presence of flotsam and debris. In the absence of identifying physical characteristics, ordinary high water may be determined by Step backwater analysis upon a two-year frequency flood as determined by the US Army Corps of Engineers.

**Ordinary Low Water.** The low watermark of a river is that point to which the waters normally recede when the volume of water is at its low level, not determined by the extraordinary year, and further means the line to which the Willamette River ordinarily recedes annually in season even though the elevation of that line may be higher as a result of the Corps of Engineers' flood control structures than would otherwise be the case without such structures. Submersible lands are also considered that land or bank area between the ordinary low and high waterline.

**Outdoor Advertising and Structure.** Any card, cloth, paper, metal, wood, plastic or painted sign of any kind or character whatsoever, placed for outdoor advertising purpose on the ground, on any tree, wall, rock, post, fence, building or structure. The term "placed" as used in this definition of "Outdoor Advertising Sign" and "Outdoor Advertising Structure" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner whatsoever.

**Panhandle.** A narrow extension of a tract, 60 feet or less in width, which is used as access to the main portion of the tract.

**Parcel.**

- (1) Includes a unit of land created:
  - (a) by partitioning land as defined in LC 16.090,
  - (b) in compliance with all applicable planning, zoning, and partitioning ordinances and regulations; or
  - (c) by deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.
- (2) It does not include a unit of land created solely to establish a separate tax account.

**Parking Area, Automobile.** Space within a public parking area or a building, exclusive of driveways, ramps, columns, office and work areas, for the temporary parking or storage of one automobile.

**Parking Area, Private.** Privately or publicly-owned property, other than streets and alleys, on which parking spaces are defined, designated or otherwise identified for use by the tenants, employees or owners of the property for which the parking area is required by this chapter and which is not open for use by the general public.

**Parking Area, Public.** Privately or publicly-owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots for retail customers, patrons and/or clients as required by this chapter.

**Parking Space.** A permanently maintained space with proper access for one standard sized automobile.

**Partition.** Either an act of partitioning land or an area or tract of land partitioned. Partitions shall be divided into the following two types:





















- (1) Major Partition. A partition which includes the creation of a road.

**Assessment Map and Tax Lot Number Search Results**

Map and Tax Lot   

34 record(s) selected. Record numbers 1 - 10 are displayed below.

Please click the  to the right of a record to view a detailed property report.

| Owner Name                                   | Site Address  | Mail Inc City | City | UGB | Zip   | Account | Map and Tax Lot          | SIC   |
|--|---------------|---------------|------|-----|-------|---------|--------------------------|---|
| SENECA JONES<br>TIMBER COMPANY<br>LTD PTRSHP |               |               |      |     |       | 0846699 | <u>19-04-15-00-00100</u> |       |
| KAIKILANI K WALSH<br>REVOC TR                |               |               |      |     |       | 0846707 | <u>19-04-15-00-00300</u> |       |
| WALSH KAIKILANI K<br>TE                      |               |               |      |     |       | 0846707 | <u>19-04-15-00-00300</u> |       |
| WALSH GEOFFREY L<br>TE                       |               |               |      |     |       | 0846707 | <u>19-04-15-00-00300</u> |       |
| MARTIN DEVEN D                               | 29907 HAMM RD | CRE           |      |     | 97426 | 0846731 | <u>19-04-15-00-00500</u> |       |
| MARTIN DEVEN D                               |               |               |      |     |       | 4070437 | <u>19-04-15-00-00500</u> |       |
| DEPT OF INTERIOR<br>BLM O&C                  |               |               |      |     |       | 0846749 | <u>19-04-15-00-00600</u> |       |
| US GOVERNMENT<br>DEPT OF INTERIOR<br>BLM O&C |               |               |      |     |       | 0846749 | <u>19-04-15-00-00600</u> |       |
| OCKER ROBERT T &<br>JENNIFER L               | 29983 HAMM RD | CRE           |      |     | 97426 | 0846764 | <u>19-04-15-00-00700</u> |   |
| MARTIN DEVEN D                               |               |               |      |     |       | 1052032 | <u>19-04-15-00-00701</u> |   |












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**Assessment Map and Tax Lot Number Search Results**

Map and Tax Lot   

34 record(s) selected. Record numbers 11 - 20 are displayed below.

Please click the  to the right of a record to view a detailed property report.

| Owner Name                   | Site Address  | Mail Inc City | City | UGB | Zip   | Account | Map and Tax Lot          | SIC   |
|------------------------------|---------------|---------------|------|-----|-------|---------|--------------------------|---|
| GAECHTER MARK V              |               |               |      |     |       | 1083227 | <u>19-04-15-00-00702</u> |       |
| GAECHTER MARK V              | 29926 HAMM RD | CRE           |      |     | 97426 | 1086493 | <u>19-04-15-00-00702</u> |       |
| GAECHTER MARK VINCENT        |               |               |      |     |       | 4045561 | <u>19-04-15-00-00702</u> |       |
| FOWLER ALLEN A               |               |               |      |     |       | 1083235 | <u>19-04-15-00-00703</u> |       |
| FOWLER ALLEN A               |               |               |      |     |       | 1608437 | <u>19-04-15-00-00703</u> |       |
| FOWLER ALLEN A               |               |               |      |     |       | 4043897 | <u>19-04-15-00-00703</u> |       |
| SPON RAYMOND J & LESLIE H    | 30047 HAMM RD | CRE           |      |     | 97426 | 1193257 | <u>19-04-15-00-00801</u> |       |
| ROBERTS CHARLES A & MARTHA L |               |               |      |     |       | 0846772 | <u>19-04-15-00-00802</u> |       |
| ROBERTS CHARLES A & MARTHA L | 30112 HAMM RD | CRE           |      |     | 97426 | 1298726 | <u>19-04-15-00-00802</u> |     |
| MCINTYRE RONALD D & LORRI L  | 30133 HAMM RD | CRE           |      |     | 97426 | 0846798 | <u>19-04-15-00-00900</u> |   |

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**Assessment Map and Tax Lot Number Search Results**

Map and Tax Lot   

34 record(s) selected. Record numbers 21 - 30 are displayed below.

Please click the  to the right of a record to view a detailed property report.

| Owner Name                  | Site Address   | Mail Inc City | City | UGB | Zip           | Account | Map and Tax Lot          | SIC   |
|-----------------------------|----------------|---------------|------|-----|---------------|---------|--------------------------|---|
| GIUSTINA LAND & TIMBER CO   |                |               |      |     |               | 0846806 | <u>19-04-15-00-01000</u> |     |
| GARDNER LAWRENCE V & S L    |                |               |      |     |               | 0846814 | <u>19-04-15-00-01100</u> |     |
| GARDNER LAWRENCE V & S L    | 82820 WEISS RD | CRE           |      |     | 97426 1374733 |         | <u>19-04-15-00-01100</u> |     |
| GARDNER LAWRENCE V & S L    |                |               |      |     |               | 4194765 | <u>19-04-15-00-01100</u> |     |
| HAREM RANDY A               | 82864 WEISS RD | CRE           |      |     | 97426 0846822 |         | <u>19-04-15-00-01200</u> |     |
| HAREM RANDY                 |                |               |      |     |               | 4101992 | <u>19-04-15-00-01200</u> |     |
| LEIN TIMOTHY A & MICHELLE L | 82906 WEISS RD | CRE           |      |     | 97426 1059748 |         | <u>19-04-15-00-01201</u> |     |
| LEIN TIMOTHY A & MICHELLE L |                |               |      |     |               | 1602158 | <u>19-04-15-00-01201</u> |     |
| CROSBY LYNN                 |                |               |      |     |               | 0846657 | <u>19-04-15-00-01300</u> |     |
| KARLIK JOHN N               |                |               |      |     |               | 0846657 | <u>19-04-15-00-01300</u> |   |

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### Assessment Map and Tax Lot Number Search Results

Map and Tax Lot  ↑ ↓

34 record(s) selected. Record numbers 31 - 34 are displayed below.

Please click the **i** to the right of a record to view a detailed property report.

| Owner Name                | Site Address   | Mail Inc City City | UGB Zip | Account | Map and Tax Lot          | SIC      |
|---------------------------|----------------|--------------------|---------|---------|--------------------------|----------|
| CROSBY LYNN               | 83036 WEISS RD | CRE                | 97426   | 0846665 | <u>19-04-15-00-01300</u> | <b>i</b> |
| KARLIK JOHN N             | 83036 WEISS RD | CRE                | 97426   | 0846665 | <u>19-04-15-00-01300</u> | <b>i</b> |
| FOX MICHAEL J & BARBARA L | 83021 WEISS RD | CRE                | 97426   | 1005279 | <u>19-04-15-00-01400</u> | <b>i</b> |
| FOX MICHAEL J & BARBARA L |                |                    |         | 1583788 | <u>19-04-15-00-01400</u> | <b>i</b> |

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**Assessment Map and Tax Lot Number Search Results**

Map and Tax Lot   

87 record(s) selected. Record numbers 1 - 10 are displayed below.

Please click the  to the right of a record to view a detailed property report.

| Owner Name              | Site Address         | Mail Inc City | City | UGB | Zip   | Account | Map and Tax Lot          | SIC   |
|-------------------------|----------------------|---------------|------|-----|-------|---------|--------------------------|---|
| HELEN ANN HOLLYER TRUST | 30547 CAMAS SWALE RD | CRE           |      |     | 97426 | 0846574 | <u>19-04-14-00-00100</u> |     |
| HOLLYER HELEN ANN F TE  | 30547 CAMAS SWALE RD | CRE           |      |     | 97426 | 0846574 | <u>19-04-14-00-00100</u> |     |
| HOLLYER HELEN ANN F TE  |                      |               |      |     |       | 0846582 | <u>19-04-14-00-00100</u> |     |
| HELEN ANN HOLLYER TRUST |                      |               |      |     |       | 0846582 | <u>19-04-14-00-00100</u> |     |
| HOLLYER HELEN ANN F TE  |                      |               |      |     |       | 1052883 | <u>19-04-14-00-00101</u> |     |
| HELEN ANN HOLLYER TRUST |                      |               |      |     |       | 1052883 | <u>19-04-14-00-00101</u> |     |
| SCHWARTZ GAIL L         | 30549 CAMAS SWALE RD | CRE           |      |     | 97426 | 1253424 | <u>19-04-14-00-00102</u> |     |
| SCHWARTZ GAIL L         |                      |               |      |     |       | 1253432 | <u>19-04-14-00-00102</u> |     |
| WALSH GEOFFREY L TE     |                      |               |      |     |       | 0846590 | <u>19-04-14-00-00200</u> |     |
| WALSH KAIKILANI K TE    |                      |               |      |     |       | 0846590 | <u>19-04-14-00-00200</u> |   |

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**Assessment Map and Tax Lot Number Search Results**

Map and Tax Lot ↑ ↓

87 record(s) selected. Record numbers 11 - 20 are displayed below.

**Please click the  to the right of a record to view a detailed property report.**

| Owner Name                    | Site Address            | Mail Inc City | City | UGB | Zip   | Account | Map and Tax Lot          | SIC   |
|-------------------------------|-------------------------|---------------|------|-----|-------|---------|--------------------------|---|
| KAIKILANI K WALSH<br>REVOC TR |                         |               |      |     |       | 0846590 | <u>19-04-14-00-00200</u> |       |
| KAIKILANI K WALSH<br>REVOC TR | 30311 CAMAS SWALE<br>RD | CRE           |      |     | 97426 | 0846608 | <u>19-04-14-00-00200</u> |       |
| WALSH KAIKILANI K<br>TE       | 30311 CAMAS SWALE<br>RD | CRE           |      |     | 97426 | 0846608 | <u>19-04-14-00-00200</u> |       |
| WALSH GEOFFREY L<br>TE        | 30311 CAMAS SWALE<br>RD | CRE           |      |     | 97426 | 0846608 | <u>19-04-14-00-00200</u> |       |
| WALSH KAIKILANI K<br>TE       | 30257 CAMAS SWALE<br>RD | CRE           |      |     | 97426 | 1298924 | <u>19-04-14-00-00201</u> |       |
| WALSH KAIKILANI K<br>TE       | 30255 CAMAS SWALE<br>RD | CRE           |      |     | 97426 | 1298924 | <u>19-04-14-00-00201</u> |       |
| WALSH GEOFFREY L<br>TE        | 30257 CAMAS SWALE<br>RD | CRE           |      |     | 97426 | 1298924 | <u>19-04-14-00-00201</u> |       |
| WALSH GEOFFREY L<br>TE        | 30255 CAMAS SWALE<br>RD | CRE           |      |     | 97426 | 1298924 | <u>19-04-14-00-00201</u> |       |
| KAIKILANI K WALSH<br>REVOC TR | 30257 CAMAS SWALE<br>RD | CRE           |      |     | 97426 | 1298924 | <u>19-04-14-00-00201</u> |     |
| KAIKILANI K WALSH<br>REVOC TR | 30255 CAMAS SWALE<br>RD | CRE           |      |     | 97426 | 1298924 | <u>19-04-14-00-00201</u> |   |

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Assessment Map and Tax Lot Number Search Results

Map and Tax Lot ↑ ↓

87 record(s) selected. Record numbers 21 - 30 are displayed below.

Please click the to the right of a record to view a detailed property report.

| Owner Name                                  | Site Address            | Mail Inc City City | UGB Zip | Account       | Map and Tax Lot          | SIC |
|---|-------------------------|--------------------|---------|---------------|--------------------------|-----|
| WALSH KAIKILANI K<br>TE                     |                         |                    |         | 1298932       | <u>19-04-14-00-00201</u> |     |
| KAIKILANI K WALSH<br>REVOC TR               |                         |                    |         | 1298932       | <u>19-04-14-00-00201</u> |     |
| WALSH GEOFFREY L<br>TE                      |                         |                    |         | 1298932       | <u>19-04-14-00-00201</u> |     |
| FRANKLIN GALEN W &<br>ROBIN G               |                         |                    |         | 4255368       | <u>19-04-14-00-00201</u> |     |
| RIDDLE SAMUEL W                             | 30545 CAMAS SWALE<br>RD | CRE                |         | 97426 0846624 | <u>19-04-14-00-00400</u> |     |
| HOWARD SAMANTHA<br>LOUISE                   |                         |                    |         | 4005458       | <u>19-04-14-00-00400</u> |     |
| MATTOCKS<br>GREGORY A &<br>SANDRA L         |                         |                    |         | 4183677       | <u>19-04-14-00-00400</u> |     |
| SHEWELL FRED R &<br>CYNTHIA E               | 30534 CAMAS SWALE<br>RD | CRE                |         | 97426 0846632 | <u>19-04-14-00-00600</u> |     |
| NUGENT DONNA A                              |                         |                    |         | 4256457       | <u>19-04-14-00-00600</u> |     |
| MARK N B PRUEN<br>REVOCABLE LIVING<br>TRUST |                         |                    |         | 0846640       | <u>19-04-14-00-00601</u> |     |

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**Assessment Map and Tax Lot Number Search Results**

Map and Tax Lot  ↑ ↓

87 record(s) selected. Record numbers 31 - 40 are displayed below.

Please click the **i** to the right of a record to view a detailed property report.

| Owner Name                                  | Site Address            | Mail Inc<br>City City | UGBZip | Account | Map and<br>Tax Lot            | SIC      |
|---|-------------------------|-----------------------|--------|---------|-------------------------------|----------|
| MARK N B PRUEN<br>REVOCABLE LIVING<br>TRUST | 30498 CAMAS SWALE<br>RD | CRE                   | 97426  | 1381019 | <u>19-04-14-00-<br/>00601</u> | <b>i</b> |
| BUUNJE CAROL ANN<br>TE                      | 30494 CAMAS SWALE<br>RD | CRE                   | 97426  | 1110707 | <u>19-04-14-00-<br/>00602</u> | <b>i</b> |
| BUUNJE CAROL ANN<br>TE                      | 30495 CAMAS SWALE<br>RD | CRE                   | 97426  | 1110707 | <u>19-04-14-00-<br/>00602</u> | <b>i</b> |
| BRUNJE JOHN K TE                            | 30494 CAMAS SWALE<br>RD | CRE                   | 97426  | 1110707 | <u>19-04-14-00-<br/>00602</u> | <b>i</b> |
| BRUNJE JOHN K TE                            | 30495 CAMAS SWALE<br>RD | CRE                   | 97426  | 1110707 | <u>19-04-14-00-<br/>00602</u> | <b>i</b> |
| BRUNJE FAMILY<br>TRUST                      | 30494 CAMAS SWALE<br>RD | CRE                   | 97426  | 1110707 | <u>19-04-14-00-<br/>00602</u> | <b>i</b> |
| BRUNJE FAMILY<br>TRUST                      | 30495 CAMAS SWALE<br>RD | CRE                   | 97426  | 1110707 | <u>19-04-14-00-<br/>00602</u> | <b>i</b> |
| LESLIE JESSE GLENN<br>& KAREN MARIE         | 30356 CAMAS SWALE<br>RD | CRE                   | 97426  | 0989762 | <u>19-04-14-00-<br/>00701</u> | <b>i</b> |
| LESLIE JESSE GLENN<br>& KAREN MARIE         |                         |                       |        | 1566932 | <u>19-04-14-00-<br/>00701</u> | <b>i</b> |
| STURGESS JUDY<br>ELLEN                      |                         |                       |        | 1005204 | <u>19-04-14-00-<br/>00702</u> | <b>i</b> |

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**Assessment Map and Tax Lot Number Search Results**

Map and Tax Lot   

87 record(s) selected. Record numbers 41 - 50 are displayed below.

Please click the  to the right of a record to view a detailed property report.

| Owner Name              | Site Address         | Mail Inc City City | UGB Zip | Account | Map and Tax Lot          | SIC   |
|-------------------------|----------------------|--------------------|---------|---------|--------------------------|---|
| STURGESS JUDY ELLEN     | 82883 WEISS RD       | CRE                | 97426   | 1366390 | <u>19-04-14-00-00702</u> |       |
| STURGESS JUDY ELLEN     |                      |                    |         | 4058218 | <u>19-04-14-00-00702</u> |       |
| STURGESS JUDY E         |                      |                    |         | 4095517 | <u>19-04-14-00-00702</u> |       |
| BAKER WILLIAM E         | 82935 WEISS RD       | CRE                | 97426   | 1005212 | <u>19-04-14-00-00703</u> |       |
| BAKER SHIRLEY R         | 82935 WEISS RD       | CRE                | 97426   | 1005212 | <u>19-04-14-00-00703</u> |       |
| BAKER SHIRLEY R         |                      |                    |         | 1566940 | <u>19-04-14-00-00703</u> |       |
| BAKER WILLIAM E         |                      |                    |         | 1566940 | <u>19-04-14-00-00703</u> |       |
| BAKER WILLIAM E         |                      |                    |         | 4150254 | <u>19-04-14-00-00703</u> |       |
| BAKER SHIRLEY R         |                      |                    |         | 4150254 | <u>19-04-14-00-00703</u> |       |
| BOURNHONESQUE PAUL JOHN | 30306 CAMAS SWALE RD | CRE                | 97426   | 1005220 | <u>19-04-14-00-00704</u> |   |

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**Assessment Map and Tax Lot Number Search Results**

Map and Tax Lot  ↑ ↓

87 record(s) selected. Record numbers 51 - 60 are displayed below.

Please click the **i** to the right of a record to view a detailed property report.

| Owner Name                    | Site Address         | Mail Inc City | City | UGB | Zip   | Account | Map and Tax Lot          | SIC      |
|-------------------------------|----------------------|---------------|------|-----|-------|---------|--------------------------|----------|
| BOURNHONESQUE PAUL J          |                      |               |      |     |       | 4014559 | <u>19-04-14-00-00704</u> | <b>i</b> |
| BOURNHONESQUE PAUL JOHN & LUZ |                      |               |      |     |       | 4160261 | <u>19-04-14-00-00704</u> | <b>i</b> |
| SMITH DARWIN D TE             | 82895 WEISS RD       | CRE           |      |     | 97426 | 1005238 | <u>19-04-14-00-00705</u> | <b>i</b> |
| SMITH DARWIN D                | 82895 WEISS RD       | CRE           |      |     | 97426 | 1005238 | <u>19-04-14-00-00705</u> | <b>i</b> |
| SMITH DARWIN D                |                      |               |      |     |       | 1566965 | <u>19-04-14-00-00705</u> | <b>i</b> |
| SMITH DARWIN D TE             |                      |               |      |     |       | 1566965 | <u>19-04-14-00-00705</u> | <b>i</b> |
| SMITH DARWIN DELL             |                      |               |      |     |       | 4036669 | <u>19-04-14-00-00705</u> | <b>i</b> |
| CHRISTOFERSON WILLIAM K       |                      |               |      |     |       | 1005246 | <u>19-04-14-00-00706</u> | <b>i</b> |
| CHRISTOFERSON WILLIAM K       | 30394 CAMAS SWALE RD | CRE           |      |     | 97426 | 1364619 | <u>19-04-14-00-00706</u> | <b>i</b> |
| NELSON HILDA GAIL             | 82967 WEISS RD       | CRE           |      |     | 97426 | 1005253 | <u>19-04-14-00-00707</u> | <b>i</b> |

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### Assessment Map and Tax Lot Number Search Results

Map and Tax Lot   

87 record(s) selected. Record numbers 61 - 70 are displayed below.

Please click the  to the right of a record to view a detailed property report.

| Owner Name                             | Site Address            | Mail Inc<br>City City | UGB Zip | Account       | Map and<br>Tax Lot       | SIC   |
|--|-------------------------|-----------------------|---------|---------------|--------------------------|---|
| NELSON HILDA GAIL                      |                         |                       |         | 4014567       | <u>19-04-14-00-00707</u> |       |
| COUNTY OWNED<br>LANDS DEPT             |                         |                       |         | 1005261       | <u>19-04-14-00-00708</u> |       |
| LANE COUNTY<br>OWNED LANDS DEPT        |                         |                       |         | 1005261       | <u>19-04-14-00-00708</u> |       |
| KARLIK JOHN N &<br>LYNN CROSBY         |                         |                       |         | 1159738       | <u>19-04-14-00-00709</u> |       |
| KARLIK JOHN N &<br>LYNN CROSBY         | 82959 WEISS RD          | CRE                   |         | 97426 1444601 | <u>19-04-14-00-00709</u> |       |
| KARLIK JOHN N &<br>LYNN CROSBY         |                         |                       |         | 4022768       | <u>19-04-14-00-00709</u> |       |
| GIUSTINA LAND &<br>TIMBER CO           | 30420 CAMAS SWALE<br>RD | CRE                   |         | 97426 0846673 | <u>19-04-14-00-00800</u> |       |
| LEATHERMAN<br>KENNETH R & TAMMY<br>LEE | 30426 CAMAS SWALE<br>RD | CRE                   |         | 97426 1082328 | <u>19-04-14-00-00801</u> |       |
| LEATHERMAN<br>KENNETH R & TAMMY<br>LEE |                         |                       |         | 1645173       | <u>19-04-14-00-00801</u> |   |
| GIUSTINA LAND &<br>TIMBER CO           |                         |                       |         | 0846681       | <u>19-04-14-00-00900</u> |   |

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**Assessment Map and Tax Lot Number Search Results**

Map and Tax Lot   

87 record(s) selected. Record numbers 71 - 80 are displayed below.

Please click the  to the right of a record to view a detailed property report.

| Owner Name                 | Site Address         | Mail Inc City City | UGB Zip | Account | Map and Tax Lot          | SIC   |
|----------------------------|----------------------|--------------------|---------|---------|--------------------------|---|
| FORGEY GREGORY S & C M     | 30570 CAMAS SWALE RD | CRE                | 97426   | 1181732 | <u>19-04-14-00-01000</u> |     |
| FORGEY GREGORY S & C M     |                      |                    |         | 1381027 | <u>19-04-14-00-01000</u> |     |
| CRESWELL RURAL FIRE        | 30450 CAMAS SWALE RD | CRE                | 97426   | 1422565 | <u>19-04-14-00-01100</u> |     |
| RURAL FIRE PROTECTION DIST | 30450 CAMAS SWALE RD | CRE                | 97426   | 1422565 | <u>19-04-14-00-01100</u> |     |
| MCVEA ANGELIKA             |                      |                    |         | 1494655 | <u>19-04-14-00-01200</u> |     |
| SAGINAW ASSOCIATES 1-2     |                      |                    |         | 1494655 | <u>19-04-14-00-01200</u> |     |
| MCVEA ANGELIKA             | 30898 CAMAS SWALE RD | CRE                | 97426   | 1494663 | <u>19-04-14-00-01200</u> |     |
| SAGINAW ASSOCIATES 1-2     | 30898 CAMAS SWALE RD | CRE                | 97426   | 1494663 | <u>19-04-14-00-01200</u> |     |
| PACIFIC WOOD RECYCLING CO  |                      |                    |         | 5500879 | <u>19-04-14-00-01200</u> |     |
| TATOS TE VIERA             |                      |                    |         | 1631710 | <u>19-04-14-00-01300</u> |   |

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**Assessment Map and Tax Lot Number Search Results**

Map and Tax Lot   

87 record(s) selected. Record numbers 81 - 87 are displayed below.

**Please click the  to the right of a record to view a detailed property report.**

| Owner Name               | Site Address | Mail Inc<br>City City | UGB Zip | Account | Map and<br>Tax Lot       | SIC   |
|--------------------------|--------------|-----------------------|---------|---------|--------------------------|---|
| TATOS TE JOHN            |              |                       |         | 1631710 | <u>19-04-14-00-01300</u> |   |
| JOHN & VIERA TATOS TRUST |              |                       |         | 1631710 | <u>19-04-14-00-01300</u> |   |
| JOHN & VIERA TATOS TRUST |              |                       |         | 1631728 | <u>19-04-14-00-01300</u> |   |
| TATOS TE VIERA           |              |                       |         | 1631728 | <u>19-04-14-00-01300</u> |   |
| TATOS TE JOHN            |              |                       |         | 1631728 | <u>19-04-14-00-01300</u> |   |
| HELEN ANN HOLLYER TRUST  |              |                       |         | 1184769 | <u>19-04-14-00-02000</u> |   |
| HOLLYER HELEN ANN F TE   |              |                       |         | 1184769 | <u>19-04-14-00-02000</u> |   |









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Attachment D. Composite of Official Zoning Maps – Plot No. 312 and Plot No. 323.

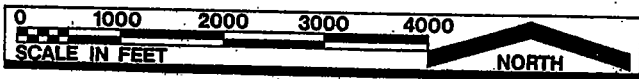
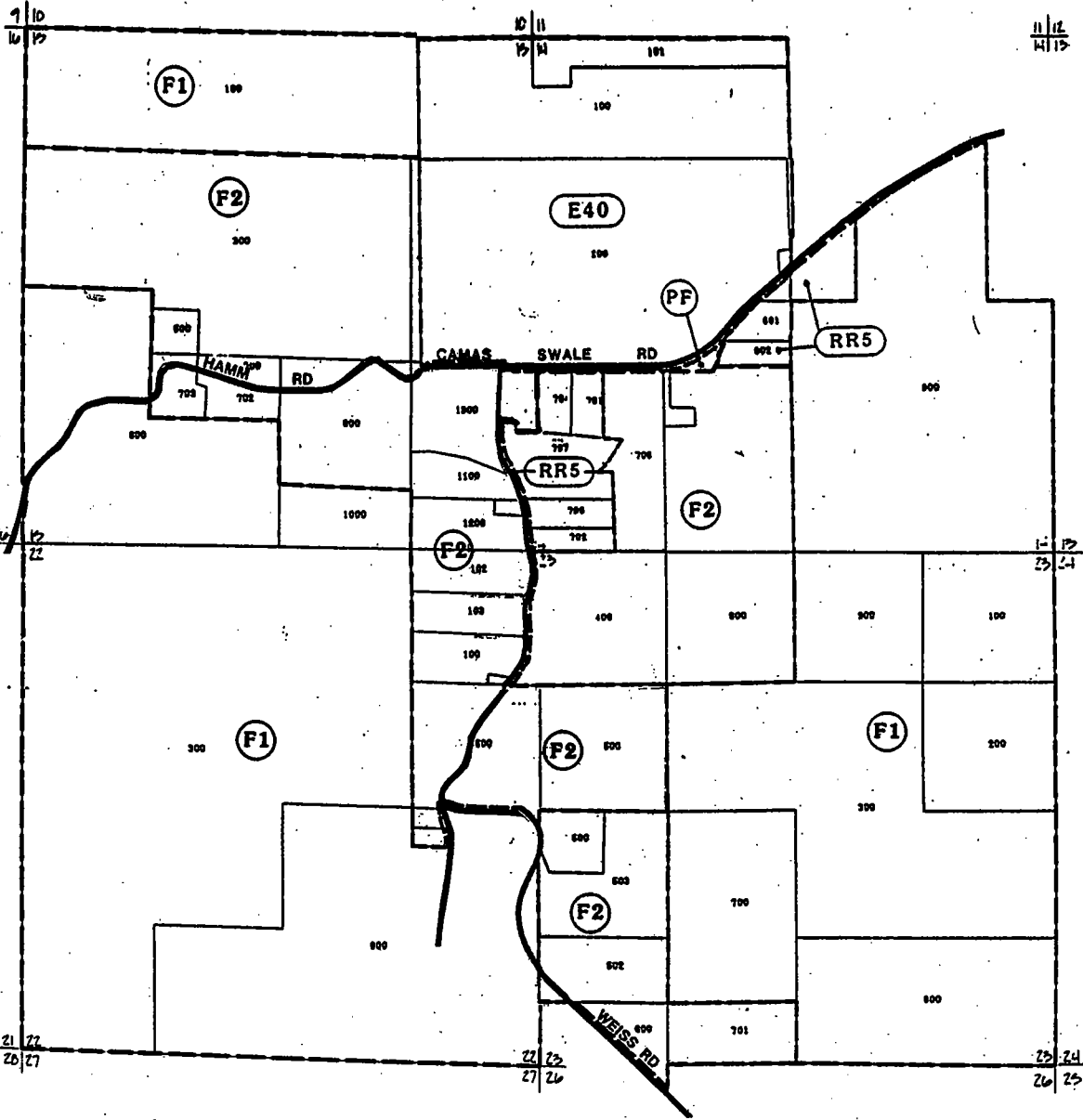
311

322

301

337

324



The RR zones on this map are changed as follows:  
 FROM: RR LC 16.231 TO: RR LC 16.250  
 The RR zone parcel size remains the same.

OFFICIAL ZONING MAP

PLOT# 312

PLOT# 323

Township Range Section  
 19 04 15 / 19 04 22

19 04 23

ORD. # PA 884 DATE 2/29/1984 FILE #

1984 FILE #

ORD. # DATE FILE #

7/17/84

# MINUTES

Lane County Planning Commission  
Harris Hall - Lane County Courthouse

September 20, 2005  
7:00 p.m.

**PRESENT:** Steve Dignam, Chair; Jim Carmichael, Vice Chair; Lisa Arkin, Ed Becker, Juanita Kirkham, Nancy Nichols, John Sullivan, Jozef Siekiel-Zdzienicki, members; Bill Sage, Staff

**ABSENT:** Marion Esty

**I. PUBLIC HEARING: Ordinance No. PA 1225/ In the Matter of adopting a conformity determination amendment pursuant to RCP General Plan Policies Goal 2, Policy 27(a)(iii), to amend the plan designation from Agriculture (A) to Forest (F) and the zoning designation from Exclusive Farm Use (E40) to impacted Forest Land (F2) for a portion (26 acres) of Tax Lot 201 of Lane County Assessor Map 19-04-14, and adopting savings and severability clauses. (File PA 05-5060, Walsh)**

Commission Chair Steve Dignam convened the meeting at 7:05 p.m. and called for public comment not involved with the public hearing that evening. Seeing no one wishing to speak he moved the meeting on to the evening's public hearing.

Bill Sage provided the staff report. He said conformity determination allowed certain opportunities for private property owners to initiate plan amendments. He said Goal 2, Policy 27(a)(iii) applies to a property actively managed primarily as either an agricultural or forest operation in 1984 and since, for which a resource designation other than the primary management use was adopted on an official plan or zoning map in 1984. He said staff has reviewed the applicant's findings of fact and supporting documentation in the application and agrees with the findings and conclusions of law as presented in the application. He called attention to page 4 of the application which included a set of eleven findings of fact that addressed all of the principal issues that needed to be reviewed to show that there was a management unit that was in place on the property or a portion of it since 1984.

In response to a question from Mr. Dignam regarding whether he supported the application, Mr. Sage stated that he did support the application.

In response to a question from Commission Member Lisa Arkin regarding the definition of F1 and F2 zoning, Mr. Sage said the difference was related to who owned the properties, parcel sizes, existing development, and management. He said if the land was industrial or commercially viable and were over 60 to 80 acres then they were generally designated F1 in 1984. He said F2 lands were considered to be buffer zones between large farm and large forest holdings or federal lands and developed and committed exception areas. He said F2 properties generally included some onsite development, usually residential structures. He added that F2 buffers commonly included vacant lands that were smaller in size, included mixed farm and forest uses and were adjacent to developed and committed exception areas. He said he would provide the Planning Commission with copies of the Goal Four Forestland working papers developed in the early 1980s.

In response to a question from Ms. Arkin regarding item 8 on page four of the meeting packet, Mr. Sage said commissioners needed to be comfortable that all considerations were supported in the documentation in the record. He said the application had written the findings of fact and documented the findings with supporting materials included in the application.

In response to a question from Commission member Nancy Nichols regarding why the requested property adjustment did not include the entire forested property, Mr. Sage said there were three tax lots on the property. He said tax lots 200 and 201 were zoned E40 in 1984, were the eastern portion of the ownership, and managed as a ranch. This portion of the tract included the forested portion being considered for F2 rezoning. Tax lot 300 to the west was forested and managed as a 168-acre, forest management unit and designated F2.

In response to a question from Commission Member Jozef Siekiel-Zdzienicki regarding soils productivity rates influenced the distinction between F1 and F2 zoning, Mr. Sage said it generally was of less direct influence than size of the property and that the same soils were common in both F2 and F1 zoning designations.

In response to a question from Commission Member Ed Becker regarding whether staff agreed with the applicant's findings, Mr. Sage confirmed that he did.

Mr. Dignam opened the public hearing and called for testimony from the applicant.

**Jim Mann** spoke as the applicant's representative. He said the Walshs had lived on the property in question since 1953. He said they had managed the land for farm and forest purposes and had been good stewards of the land. He showed photos of the landscape of the property which included F2 and E40 zones as well as the portion that was desired to be converted to F2 lands. Showing an aerial photo from 1978, Mr. Mann said the importance of the photo was to demonstrate that the property was used for forestry and managed for forestry. He said there was a difference in soils in the area. He said the soils in the area in question supported the applicants request for rezoning.

Showing ground photos, Mr. Mann showed the entrance to the property. He noted that there was a distinct break in the type of forested vegetation and uses on the property shown for the area being requested for change in designation to F2. He stressed that the request was simple and straight forward in that it brought the zoning and plan designation in line with the actual managed uses on the property.

In response to a question from Mr. Zdzienicki regarding whether there was any structure on the land in question, Mr. Mann said there were no structures on the designated portion.

In response to a question from Mr. Siekiel-Zdzienicki regarding why the 168-acre parcel was zoned F2 in 1984 and land to the north of the applicant's parcels was zoned F1, Mr. Dignam said he would not allow the question since the zoning of the 168 acres as F2 in 1984 was not at issue here today. He said the zoning of the land to the north was not relevant to the zoning request.

Mr. Siekiel-Zdzienicki asked why the 26-acres was not being considered for rezoning to F1. Mr. Dignam allowed this question.

Mr. Sage said when there was a mix of farm and forest uses on a property in 1984 the property was often designated as F2. He said that the two forest zones, F1 and F2, were not just a distinction between two

different kinds of management. The F2 zone was also applied where a mixture of uses came together and cited the growth of filbert orchards or Christmas trees as agricultural uses on F2 land. He said it was not relevant in this case whether the land was F1 or F2 and stressed that the issue was whether the land had been under forest management and should be added to the existing F2 management unit.

In response to a question from Mr. Dignam regarding the reason why the applicant wanted the change, Mr. Mann said beyond the current change, the applicants were looking at estate planning for the property. He said extended family was living on the property and the plan was to build one dwelling for another family member on the edge of the management unit. He said the logical place to put the dwelling was near existing roads and dwellings already on the property.

In response to a question from Commission Member John Sullivan regarding a memo (dated July 13) discussing the "Sierra Error" and why it had been included in the meeting packet, Mr. Sage said that there had been a mistake on the addressing regarding where the dwellings and tax lot lines were located. He said the error had been corrected.

In response to a question from Ms. Arkin regarding what would happen if the application were denied, Mr. Mann said the owners could still build the planned dwelling but were looking at the logical place to put in an additional dwelling since it would have a reduced driveway length, be located close to existing dwellings and have less impacts on the management of the forest land.

In response to a question from Ms. Arkin regarding whether there had been a recent lot line adjustment, Mr. Mann said there had been a partition in the 1970's that had been done under prior zoning in tax lot 200 to create tax lot 201.

Mr. Mann said when one looked at the current options open to the applicant, there was the current process to correct the zoning or there was a more formal plan amendment zone change process that cost five times more for the applicant. He said the conformity determination process was more appropriate in cases like this one for the property owners to apply for amendments.

In response to a question from Mr. Siekiel- Zdzienicki regarding what would happen to the land in question, Mr. Mann said there would not be a new tax lot created. He said the only way a new tax lot could be created would be if the owner applied for a petition on the zoning boundary.

Mr. Dignam called for further testimony.

**Laurie Segel**, 1192 Lawrence, representing 1000 Friends of Oregon and Land Watch Lane County, spoke in opposition to the application. She also submitted written material for the record on behalf of Goal One Coalition in opposition to the application. She said she had no question about the stewardship of the land in question or about the forest and agricultural uses used that had been in practice since 1984.

Regarding Goal 2, Policy 27, Ms. Segel said the application was untimely because it was not part of a County initiated annual review undertaken to correct identified plan or zoning designations. She added that the requested split zoning could not be approved because the entire parcel, rather than a portion, was the required unit of inquiry. She went on to say that there was insufficient evidence of management had been presented upon which to make a determination that forestry use was and remained the primary use of the subject property. She also said that required information and analysis for Policy 15 had not been



provided and no conclusion regarding whether F1 or F2 was appropriate could be made without that analysis.

Ms. Segel said the applicant was requesting map amendments under Lane County Goal 2 conformity determination. She said if the commission decided that the change from agricultural land to forest land was warranted then it would need to decide whether the land should be zoned F1 or F2.

Regarding procedural requirements, Ms. Segel said Goal 2 Policy 27 stated that the County would annually initiate and process applications to correct identified plan or zoning designations resulting from the official plan or zoning plots not recognizing lawfully existing uses or from inconsistencies between official plan and zoning maps. She said the application did not result from an annually initiated review process and therefore it was not appropriate to use the standards of Goal 2 Policy 27 to review the application. She said the application should be processed together with other conformity determination applications submitted by September 30, 2005 and, if determined to be complete, processed with those other applications in public hearings to be held no later than March 31, 2006. She maintained that the application was not complete because the requirements of Goal 4 and Policy 15 had not been identified or addressed and therefore could not be considered.

Ms. Segel said OAR 660-033-0030 does not allow that portions of existing parcels of predominantly class 1-4 soils to be analyzed on a sub-parcel basis. She acknowledged that it was impossible to tell from the information in the record whether the tax lot 201 was agricultural soils or forest soils, but stressed that it was clear that the entire tax lot was the proper subject of inquiry. She added that the primary management of the property was the focus of inquiry rather than the vegetation or soil characteristics. She opined there had been insufficient evidence submitted by the applicant to make a possible determination of primary use.

Mr. Mann requested that the record be left open for seven days to allow a written rebuttal to be submitted.

Mr. Sage recommended leaving the record open. He said the Planning Commission needed to set a sequence for review of the testimony and written materials that would be submitted if the record was left open. He suggested a seven-day period be made available for all parties with standing to submit written material, a second seven-day period to follow for parties with standing to respond to any new written information received, and a third seven-day period to follow for the applicant to make a final rebuttal.

Mr. Mann said he would like two weeks to address the written material submitted.

Mr. Dignam recommended leaving the record open fourteen days until 4:00 p.m. on October 4<sup>th</sup> for all parties, seven additional days until October 11<sup>th</sup> for responses on new evidence, with final applicant's rebuttal due on October 18<sup>th</sup>.

Mr. Siekiel-Zdzienicki, seconded by Ms. Kirkham, moved to close the public hearing with the written record open according to the schedule outlined by Mr. Dignam. The motion passed unanimously.

The meeting adjourned at 8:05  
(Recorded by Joe Sams)