

W. 17.C.



Memorandum Date: September 1, 2006  
Order Date: September 13, 2006

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**TO:** Board of County Commissioners

**DEPARTMENT:** Public Works Dept./Land Management Division

**PRESENTED BY:** BILL VANVACTOR, COUNTY ADMINISTRATOR  
KENT HOWE, PLANNING DIRECTOR

**AGENDA ITEM TITLE:** IN THE MATTER OF CONSIDERING A BALLOT MEASURE 37 CLAIM AND DECIDING WHETHER TO MODIFY, REMOVE OR NOT APPLY RESTRICTIVE LAND USE REGULATIONS IN LIEU OF PROVIDING JUST COMPENSATION (PA06-6127, HANNER)

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**I. MOTION**

Move to approve the Measure 37 Claim and adopt the order attached to this memo.

**II. AGENDA ITEM SUMMARY**

Shall the Board of County Commissioners compensate an applicant under Ballot Measure 37 and LC 2.700 through 2.770 for the reduction in fair market value of the affected property interest resulting from enactment or enforcement of restrictive land use regulations or modify, remove, or discontinue application of those land use regulations to the subject property to allow Susan and Michael Hanner to use the property as allowed at the time they acquired an interest in the property?

**III. BACKGROUND/IMPLICATIONS OF ACTION**

**A. Board Action and Other History**

**Applicants:** Susan and Michael Hanner

**Current Owner:** Susan and Michael Hanner

**Agent:** Steve Cornacchia

**Legal Description of Property:** 19-04-13 #301

**Acreage:** 65 acres

**Current Zoning:** F2 (Impacted Forest)

**Date Property Acquired:** March 20, 1972

**Date claim submitted:** January 11, 2006. On the same day, the applicant waived the processing timeline.

**Land Use Regulations in Effect at Date of Acquisition:** AGT (Agriculture, Grazing, Timber Raising)

**County land use regulation which restricts the use and reduces the fair market value of applicant's property:** Minimum parcel size and restrictions on new dwellings in LC 16.211 F2 (Impacted Forest).

**B. Policy Issues**

This claim does not involve any administrative policy or objective.

**C. Board Goals**

The public hearing will provide an opportunity for citizen participation in decision making, in conformance with the overall goals of the Lane County Strategic Plan.

**D. Financial and/or Resource Considerations**

The applicant has requested compensation in the amount of \$320,000 or a waiver of the F2 (Impacted Forest) zone regulations that prohibit the division of the property into lots containing less than 80 acres and construction of a dwelling on each lot.

**E. Analysis**

The applicant has submitted information in support of this claim including an appraisal, deeds and the processing fee.

The property contains approximately 65 acres and is zoned F2. In this zone, the minimum lot size is 80 acres and new dwellings require a special use permit. The applicant wishes to subdivide the property into lots that contain less than 80 acres and place a dwelling on each lot. Susan Hanner acquired an interest in the property on March 20, 1972, as Susan C. Stearns (Memorandum of Contract #92771). The contract was completed and Warranty Deed #8512669 was recorded on April 11, 1985, which conveyed fee interest to Susan Stearns (aka: Susan Hanner). Michael Hanner is the husband of Susan Hanner. He acquired an interest in the property on December 21, 1993 (Bargain and Sale Deed #9386431).

To have a valid claim against Lane County under Measure 37 and LC 2.700 through 2.770, the applicant must prove:

1. Lane County has enacted or enforced a restrictive land use regulation since the owner acquired the property, and
2. The restrictive land use regulation has the effect of reducing the fair market value of the property, and
3. The restrictive land use regulation is not an exempt regulation as defined in LC 2.710.

### **Restrictive Regulations**

Susan Hanner acquired an interest in the property on March 20, 1972, when it was zoned AGT (Agriculture, Grazing, Timber Raising). On that date, the minimum parcel size was one acre and a new dwelling was allowed without a special use permit. Currently, the property is zoned F2 (Impacted Forest). In this zone, a new dwelling requires a special use permit and the minimum parcel size is 80 acres. Because the minimum lot size and restrictions on new dwellings, the property can not be developed as could have been allowed in 1972.

### **Reduction in Fair Market Value**

The applicant has submitted an appraisal as evidence of a reduction in fair market value for enforcement of a restrictive land use regulation. According to this appraisal, the current value of the property is \$1,000,000. If it was divided into three parcels, the value of all three parcels would be \$1,320,000. The alleged reduction is \$320,000. If the Board determines the submitted evidence demonstrates a reduction in fair market value resulting from enforcement of a restrictive land use regulation, it appears this is a valid claim.

Because Susan Hanner acquired an interest on March 20, 1972, the restrictive regulations can be waived to that date for her.

Because Michael Hanner is the husband of Susan, he is considered a member of her family and is allowed to demonstrate a reduction in value from the date the family acquired an interest in the property (1972). He acquired an interest in the property on December 21, 1993, so any restrictive regulations will be waived to December 21, 1993, for him. The applicant has not identified any regulations enacted since December 21, 1993, that allegedly reduce the value of the property.

### **Exempt Regulations**

The F2 (Impacted Forest) limitations on new dwellings, and the minimum parcel size of 80 acres do not appear to be exempt regulations described in Measure 37 or LC 2.710.

### **Conclusion**

It appears this is a valid claim if the Board determines the submitted evidence demonstrates a reduction in fair market value resulting from enforcement of a

restrictive land use regulation. Because the current owners acquired an interest in the property on separate dates, any waiver of the restrictive regulations must reflect those dates. For Susan, the restrictive regulations can be waived to 1972 and for Michael, the restrictive regulations can be waived to 1993.

**F. Alternatives/Options**

The Board has these options:

- Determine the application appears valid and adopt the order attached to this report.
- Require more information regarding the reduction in value or ownership.
- Conclude the application is not a valid claim and direct the issuance of a final written decision by the County Administrator denying the Claim.

**V. TIMING/IMPLEMENTATION**

If the Board determines this is a valid claim and waives a land use regulation, the applicant must receive a similar waiver from the state before a land use application and/or development proposal is submitted.

**VI. RECOMMENDATION**

If the Board determines the submitted evidence demonstrates a reduction in fair market value resulting from enforcement of a restrictive land use regulation, the County Administrator recommends the Board waive the restrictive land use regulations as previously identified.

**VII. FOLLOW-UP**

No other action is required.

**VII. ATTACHMENTS**

- Draft order to approve the claim of Susan and Michael Hanner.
- Vicinity Map.
- Claim submitted on January 11, 2006.

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

**ORDER No.** ) IN THE MATTER OF CONSIDERING A BALLOT  
 ) MEASURE 37 CLAIM AND DECIDING  
 ) WHETHER TO MODIFY, REMOVE OR NOT  
 ) APPLY RESTRICTIVE LAND USE  
 ) REGULATIONS IN LIEU OF PROVIDING JUST  
 ) COMPENSATION (Susan and Michael Hanner/  
 ) PA06-6127)

**WHEREAS**, the voters of the State of Oregon passed Ballot Measure 37 on November 2, 2004, which added provisions to Oregon Revised Statutes (ORS) Chapter 197 to require, under certain circumstances, payment to landowners if a government land use regulation restricts the use of private real property and has the effect of reducing the property value; and

**WHEREAS**, the Board of County Commissioners of Lane County enacted Ordinance No. 18-04 on December 1, 2004, to establish a real property compensation claim application process in LC 2.700 through 2.770 for Ballot Measure 37 claims; and

**WHEREAS**, the County Administrator has reviewed an application for a Measure 37 claim submitted by Susan and Michael Hanner (PA06-6127), the owners of real property located at 30930 Camas Swale Road, Creswell, and more specifically described in the records of the Lane County Assessor as map 19-04-13, tax lot 301, consisting of approximately 65 acres in Lane County, Oregon; and

**WHEREAS**, the County Administrator has determined that the application appears to meet all of the criteria of LC 2.740(1)(a)-(d), appears to be eligible for just compensation and appears to require modification, removal or not applying the restrictive land use regulations in lieu of payment of just compensation and has referred the application to the Board for public hearing and confirmation that the application qualifies for further action under Measure 37 and LC 2.700 through 2.770; and

**WHEREAS**, the County Administrator has determined under LC 2.740(4) that modification, removal or not applying the restrictive land use regulation is necessary to avoid owner entitlement to just compensation under Ballot Measure 37 and made that recommendation to the Board; and

**WHEREAS**, the Board has reviewed the evidence and confirmed the application appears to qualify for compensation under Measure 37 but Lane County has not appropriated funds for compensation for Measure 37 claims and has no funds available for this purpose; and

**WHEREAS**, on September 13, 2006, the Board conducted a public hearing on the Measure 37 claim (PA06-6127) of Susan and Michael Hanner and has now determined that the restrictive F2 (Impacted Forest) zone dwelling and land division requirements of LC 16.211 were enforced and made applicable to prevent Susan and Michael Hanner from developing the property as might have been allowed at the time Susan Hanner acquired an interest on March 20, 1972, and that the

public benefit from application of the current F2 dwelling and division land use regulations to the applicants' property is outweighed by the public burden of paying just compensation; and

**WHEREAS**, Susan and Michael Hanner request either \$320,000 as compensation for the reduction in value of their property, or waiver of all land use regulations that would restrict the division of land into lots as small as one acre and placement of a dwelling on each lot, uses that could have otherwise been allowed at the time Susan Hanner acquired an interest in the property; and

**WHEREAS**, the Board finds that under LC 2.760(3) the public interest would be better served by modifying, removing or not applying the challenged land use regulations of the F2 zone to the subject property in the manner and for the reasons stated in the report and recommendation of the County Administrator incorporated here by this reference except as explicitly revised here to reflect Board deliberation and action to allow Susan and Michael Hanner to make application for development of the subject property in a manner similar to what they could have been able to do under the regulations in effect when they acquired an interest in the property; and

**WHEREAS**, this matter having been fully considered by the Lane County Board of Commissioners.

**NOW, THEREFORE IT IS HEREBY ORDERED** that the applicants Susan and Michael Hanner made a valid claim under Ballot Measure 37 by describing the use being sought, identifying the county land use regulations prohibiting that use, submitting evidence that those land use regulations have the effect of reducing the value of the property, showing evidence that they acquired an interest in the property before the restrictive county land use regulations were enacted or enforced and the Board hereby elects not to pay just compensation but in lieu of payment, the request of Susan and Michael Hanner shall be granted and the restrictive provisions of LC 16.211 that limit the development of dwellings and the division of land in the F2 (Impacted Forest) Zone shall not apply to Susan Hanner, so she can make application for approval to develop the property located at 30930 Camas Swale Road, Creswell, and more specifically described in the records of the Lane County Assessor as map 19-04-13, tax lot 301, in a manner consistent with the land use regulations in effect when she acquired an interest in the property on March 20, 1972, and Michael Hanner can make application for approval to develop the property in a manner consistent with the land use regulations in effect when he acquired an interest in the property on December 21, 1993.

**IT IS HEREBY FURTHER ORDERED** that Susan and Michael Hanner still need to make application and receive approval of any division of the property or placement of a dwelling under the other land use regulations applicable to dividing the property or placing a dwelling that were not specifically identified or established by Susan and Michael Hanner as restricting the division of the property or placement of a dwelling, and it would be premature to not apply those regulations given the available evidence. To the extent necessary to effectuate the Board action to not apply the dwelling or division restrictions of the applicable zone described above, the claimant shall submit appropriate applications for review and approval of land divisions and any new dwellings to show the specific development proposals and in the event additional county land use regulations result in a restriction of those uses that have the effect of reducing the fair market value of the property, the County Administrator shall have the authority to determine those restrictive county land use regulations that will not apply to that development proposal to

preclude entitlement to just compensation under Measure 37 and return to the Board for action, if necessary. All other Lane Code land use and development regulations shall remain applicable to the subject property until such time as they are shown to be restrictive and that those restrictions reduce the fair market value of the subject property.

**IT IS HEREBY FURTHER ORDERED** that this action making certain Lane Code provisions inapplicable to use of the property by Susan and Michael Hanner does not constitute a waiver or modification of state land use regulations and does not authorize immediate division of the subject property or immediate construction of a dwelling. The requirements of state law may contain specific standards regulating development of the subject property and the applicants should contact the Department of Administrative Services (DAS - State Services Division, Risk Management - Measure 37 Unit, 1225 Ferry Street SE, U160, Salem, OR 97301-4292; Telephone: (503) 373-7475; website address: <http://www.oregon.gov/DAS/Risk/M37.shtml> ) and have the State of Oregon evaluate a Measure 37 claim and provide evidence of final state action before seeking county land use approval.

**IT IS HEREBY FURTHER ORDERED** that the other county land use regulations and rules that still apply to the property require that land use, sanitation and building permits be approved by Lane County before any development can proceed. Notice of this decision shall be recorded in the county deed records. This order shall be effective and in effect as described in LC 2.770 and Ballot Measure 37 to the extent permitted by law. This order does not resolve several questions about the effect and application of Measure 37, including the question of whether the right of applicants to divide or build dwellings can be transferred to another owner. If the ruling of the Marion County Circuit Court in *MacPherson v. Dept. of Administrative Services*, (Marion County Circ. Ct. Case No. 00C15769, October 14, 2005) or any other court decision involving Ballot Measure 37 becomes final and that decision or any subsequent court decision has application to Lane County in a manner that affects the authority of this Board to grant relief under Ballot Measure 37 and LC 2.700 through 2.770 then the validity and effectiveness of this Order shall be governed by LC 2.770 and the ruling of the court.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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

APPROVED AS TO FORM

Date 9-5-2006 Lane County

  
OFFICE OF LEGAL COUNSEL

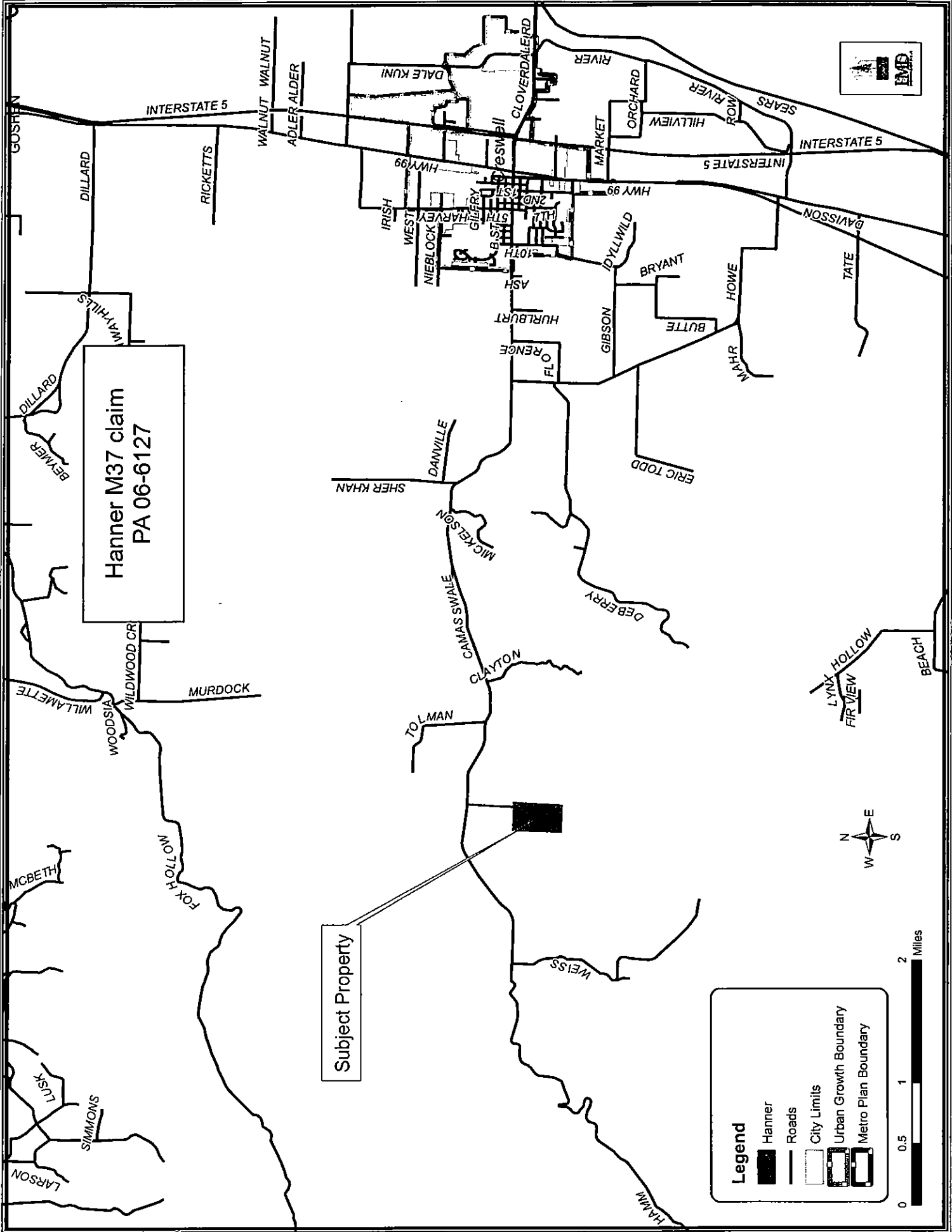
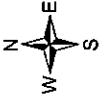


Hanner M37 claim  
PA 06-6127

Subject Property

**Legend**

- Hanner
- Roads
- City Limits
- Urban Growth Boundary
- Metro Plan Boundary





## **BALLOT MEASURE 37 CLAIM**

### **1. INTRODUCTION.**

The applicants, Susan C. and M. Michael Hanner, claim that Lane County's enforcement of land use regulations that restrict the use of their property has reduced the fair market value of their property. The applicants are requesting, pursuant to the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) and Lane Code 2.700, that Lane County pay them just compensation for the reduction in the fair market value of their property resulting from those restrictions on its use. This application constitutes written demand pursuant to Section (4) of Ballot Measure 37 (2004).

In lieu of such payment of just compensation, the applicants request that Lane County waive the offending regulations, as provided hereinbelow, that prevent them from placing structures on the subject property and thereafter using them for residential or commercial purposes.

Susan C. Hanner (Stearns) obtained her interest in the subject property on March 20, 1972, in the name of Susan C. Stearns, and has owned the subject property continuously since that time. M. Michael Hanner is married to Susan C. Hanner and received his undivided one-half interest in the subject property from Susan C. Hanner subsequent to March 20, 1972. The subject property was zoned AGT Agriculture, Grazing, Timber Raising District, March 20, 1972, the date that applicant Susan H. Hanner (Stearns) obtained her interest in the subject property.

The property is zoned Impacted Forest (F2). That zoning, as applied by LC 16.211, will not permit land divisions below 80 acres in size for the resulting parcels and will not allow the subject parcel to be used for residential or commercial uses except under certain circumstances.

### **1. BACKGROUND INFORMATION.**

#### **1.1 General Site Description.**

The property subject to this application consists of a rectangular parcel, approximately 65 acres in size, and located off of Camas Swale Road, and approximately 5 miles west of Creswell, Oregon.

The subject property is described as a portion of Tax Lot 301 of Lane County Assessor's Map No. 19-04-13.

The subject property receives the following public services: Creswell School District No. 40 (schools); Emerald Peoples Utility District (electrical power); South Lane County Fire & Rescue; Cottage Grove Fire & Ambulance Department; Qwest (telephone); LTD (bus service); Lane County Sheriff's Department and Oregon State Police.

#### **1.2 List of Exhibits:**

Exhibit A - Assessor's Map No. 19-04-13

- Exhibit B - Legal Description
- Exhibit C - Lane County Application Form
- Exhibit D - Cochran/Stearns Memorandum of Contract
- Exhibit E - Cochran Warranty Deed
- Exhibit F- Hanner/Stearns Bargain and Sale Deed
- Exhibit G - Lane County Official Zoning Map Plot 337
- Exhibit H - Ordinance No. 884
- Exhibit I - Ordinance No. 4
- Exhibit J - Ordinance No. 282
- Exhibit K - Ordinance No. 426
- Exhibit L - Ordinance 3-72
- Exhibit M - Ordinance No. 5-04
- Exhibit N - Appraisal Reports prepared by Craig E. McKern, Certified Real Estate Appraiser

**3. APPLICABLE CRITERIA.** (Lane Code 2.700 – Real Property Compensation/Regulation Application Process)

**3.1 Lane Code 2.720 Application for Claim**

Lane Code 2.720 requires that the applicant be the present owner of the property that is the subject of the claim at the time the claim is submitted. The applicants are the present owners of the subject property.

**Lane Code 2.720 also contains the required items for a completed application as follows:**

- a. **A completed application form;**

**Response:**

A completed Lane County application form is attached hereto as Exhibit C.

- b. **The name, mailing address, and phone number of the property owner filing the application, and of each of the other owners of the subject property and anyone with any interest in the property, including lien holders, trustees, renters, lessees, and a description of the ownership interest of each, if any, along with the signature of each of the other owners indicating consent to the application claim;**

**Response:**

The applicants are the owners of the subject property, free and clear of all encumbrances. The name, mailing address and phone number of the applicants are:

Susan C. Hanner and M. Michael Hanner, 30930 Camas Swale Road, Creswell, OR 97426, (541) 338-7905.

The applicants' names, mailing address and phone number are also provided in the Lane County application form attached hereto. The applicants have signed the application form attached hereto as Exhibit C.

The applicants are the owners of the subject property. Susan C. Hanner obtained her interest in the subject property on March 20, 1972, in the name of Susan C. Stearns. On March 20, 1972, she obtained her interest in the subject property from Grant D. Cochran and Hallie P. Cochran, husband and wife, by entering into a land sale contract with the Cochran's, a memorandum of which was recorded on April 4, 1972. A copy of the memorandum is attached as Exhibit D. Susan C. Stearns subsequently received a Warranty Deed from the Cochran's, dated March 31, 1972, and recorded on April 11, 1985, conveying the fee interest in the subject property to her. A copy of the Cochran deed to Susan C. Stearns is attached as Exhibit E. M. Michael Hanner is the spouse of Susan C. Hanner and he obtained his interest in the subject property subsequent to the date that Susan C. Hanner obtained her interest in it, by Bargain and Sale Deed, Susan C. Hanner Who Acquired Title as Susan C. Stearns, Grantor, and Susan C. Hanner and M. Michael Hanner, Husband and Wife, as Grantees. A copy of the Bargain and Sale Deed is attached as Exhibit F.

The applicants have provided the requisite evidence to demonstrate that they are the true owners of the subject property and that the applicant Susan C. Hanner has had an interest in the subject property since March 20, 1972.

**c. A legal description and tax lot number of the subject property as well as a street address for the property (if any);**

**Response:**

A legal description of the subject property is attached hereto as Exhibit B. The Lane County Assessor's Map No. for the subject property is 19-04-13 and is attached as Exhibit A. The subject property does not have a street address.

**d. A title report issued within 30 days of the application's submittal, including title history and including a statement of the date the applicant acquired ownership of the subject property and showing the ownership interests of all owners of the property or, as an alternative to the title report, a copy of the deed(s) granting all existing ownership interests to the owner(s) of the subject property signing the petition;**

**Response:**

See discussion of 3.1.b. above.

**e. A statement specifically identifying the section of Lane Code or other land use regulation that allegedly restricts the use of the real property and allegedly causes a reduction in the fair market value of the subject property, including the date the regulation was adopted, first enforced or applied to the subject property;**

**Response:**

The subject property is zoned Impacted Forest (F2) as depicted on Lane County Official Zoning Map Plot 337, adopted by Lane County as part of Ordinance 884 on February 29, 1984. A copy of Plot 337 is attached as Exhibit G and a copy of the relevant portions of Ordinance 884 is attached as Exhibit H. In addition to Ordinance 884, the primary land use regulations that restrict the use of the subject property are found in Lane Code 16.211. The provisions of Lane Code 16.211 require a minimum area requirement of eighty acres for the creation of new lots or parcels in the Impacted Forest Zone on property designated as F2 on Lane County Zoning Maps. Those Lane Code provisions also restrict residential and commercial use on the subject property. Those Lane Code provisions and Zoning Map Plot 337 prevent the applicants from partitioning or subdividing their property into parcels less than 80 acres in size as was allowed by Lane County regulations (or the lack thereof) prior to the county's adoption of Ordinance 884 and the current code provisions. Those Lane Code Provisions and Zoning Map Plot 337 also restrict the applicants' residential and commercial use of the subject property.

On May 31, 1949, the Lane County Court enacted Land Use Ordinance No. 4 that established a basis to zone land in Lane County and that established the land use regulations applicable to zoned areas. Relevant portions of Ordinance No. 4 are attached as Exhibit I.

On May 14, 1968, the Lane County Board of Commissioners enacted Ordinance No. 282 that zone the subject property as A.G.T., Agriculture, Grazing and Timber Raising District. A copy of the relevant portions of Ordinance No. 282 is attached as Exhibit J.

On April 14, 1971, the Lane County Board of Commissioners enacted Ordinance No. 426 which included the following A.G.T. Zone provisions:

- "One single family dwelling or two-family dwelling per lot or one mobile home per lot pursuant to a mobile home permit approved in compliance with Section XVI-I(3)." (*Section VI B. 3.*)
- "The maximum area for the division of any property zoned AGT prior to the effective date of Ordinance 426 shall be one (1) acre and shall have a lot width of not less than one hundred fifty (150) feet." (*Section VI E. Area 2.*)

A copy of the relevant portions of Ordinance 426 is attached as Exhibit K.

On March 20, 1972, Lane County regulated subdivision development of the subject property with Chapter 13 of Lane Code that included the following adopted ordinances:

- Ord. No. 3-72, enacted on February 9, Reel 60, Pages 113-118 and Reel 60, Pages 245-277;

A copy of relevant portions of the aforementioned ordinance is attached as Exhibit L.

As previously mentioned, on February 29, 1984, Lane County adopted Ordinance 884 which repealed all prior plan and zone designations on the subject property and further restricted the applicants' use of the property subsequent to their acquisition of it by designating it on the Rural Comprehensive Plan diagram map as "Forest" and rezoning it as Impacted Forest (F2), which it remains today.

The Lane County Board of Commissioners enacted Ordinance No. 5-04 on June 2, 2004. Ordinance No. 5-04 contains the current provisions of Lane Code 16.211 for the F2 zone. Those provisions allow only a single dwelling to be placed on the property pursuant to a variety of criteria and standards and require, with a few narrow exceptions, a minimum area of 80 acres for newly created parcels. A copy of the relevant portions of Ordinance No. 5-04 is attached as Exhibit M.

If the aforementioned current Lane County regulations did not exist, or were consistent with provisions of Lane County regulations preceding March 20, 1972, the value of the applicants' property would be considerably higher if divided into parcels less than 80 acres in size with residential or commercial use as an outright permitted use rather than remaining in its current configuration with the aforementioned parcel size and use restrictions in place.

In addition to Ordinance 884, Zoning Map Plot 337 and LC 16.211, the following Lane County regulations restrict the use of the subject property by the applicant:

- LC 10.100-10, 30 and 40
- LC 13.050(1), (2), (5), and (12)
- LC 15.045(1)
- LC 15.070
- LC 15.080
- LC 15.137
- LC 15.138

f. A copy of a written appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon, addressing the requirements of the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) and indicating the amount of the alleged reduction in the fair market value of the property by showing the difference in the fair market value of the property before and after the application of each of the challenged regulations, individually, and after the application of all of the challenged regulations, cumulatively;

**Response:**

The applicant retained the services of Craig E. McKern, Certified Residential Real Estate Appraiser, to prepare written appraisals of the subject property indicating the difference in the fair market value of it as currently configured and restricted and as if configured into smaller parcels with residential use permitted thereon. Mr. McKern's appraisals are attached hereto as Exhibit N.

g. A written statement addressing the criteria listed in LC 2.740(1) (a) through (d);

LC 2.740(1) (a) through (d) provides the following criteria:

(a) The county has either adopted or enforced a land use regulation that restricts the use of private property or any interest therein:

**Response:**

The subject property is zoned Impacted Forest (f2) as depicted on Lane County Official Zoning Map Plot 337, adopted by Lane County as part of Ordinance 884 on February 29, 1984. In addition to Ordinance 884, the primary land use regulations that restrict the use of the subject property are contained in Lane Code 16.211 which restrict residential and commercial use of the subject property and which requires a minimum area requirement of eighty acres for the creation of new lots or parcels in the Impact Forest Zone on property designated as F2 on Lane County Zoning Maps. (See discussion above in Section 3.1.e.)

**(b) The restriction on use has the effect of reducing the fair market value of the property or any interest therein, upon which the restriction is imposed;**

**Response:**

See discussion above in sections 3.1(e) and (f) and below in section 3.1(h).

**(c) The challenged land use regulation was adopted, enforced or applied after the current owner of the property (the applicant) became the owner, and**

**Response:**

Ordinance 884, Zoning Map Plot 337 and Lane Code 16.211 were adopted subsequent to applicant Susan C. Hanner obtaining her interest in the subject property. See discussion above in sections 3.1(d) and (e).

**(d) The challenged regulation is not an exempt regulation as defined in LC 2.710.**

**Response:**

Ordinance 884, Lane Code 16.211 and the Lane Code provisions listed in the Response to section 3.1(e) above are land use regulations as defined by provisions added to ORS Chapter 197 by Ballot Measure 37. They do not restrict or prohibit public nuisances, are not public health and safety protection regulations, are not required to comply with federal law, do not relate to the use of the property for pornography or nude dancing and were not enacted prior to the date the applicants acquired the property.

**h. A statement by the applicant specifying the amount of the claim, and the fair market value of the property before and after application of the challenged land use regulation(s); and**

**Response:**

The applicant claims from Lane County the sum of \$320,000, which sum represents the reduction in market value of the subject property resulting from Lane County's enforcement of

the aforementioned regulations that restrict residential use of the property and which prohibit land divisions to parcels less than 80 acres in size.

According to Mr. McKern's appraisal, the total fair market value of the subject property before the application of the aforementioned challenged land use regulations is \$1,320,000. Mr. McKern's appraisal is conservative, limited by his appraisal of the property as if configured in three parcels, one 24+ acres in size and two 20 acres in size. Under county regulations existing in 1972, the subject property could have been subdivided into parcels as small as one acre in size and, if appraised in that configuration, could arguably be worth more than if developed into fewer, larger, parcels. According to Mr. McKern's appraisal, the fair market value of the subject property after the application of the aforementioned challenged land use regulation is \$1,000,000 (assuming the ability to site a dwelling). The reduction in fair market value of the subject property resulting from Lane County's restrictions on its use totals at least \$320,000, the amount of the claim herein.

i. **Copies of any leases or covenants, conditions and restrictions applicable to the subject property if any exist that impose restrictions on the use of the property. Unless waived by the County Administrator, an application shall also include an application fee, in the amount established by Order of the Board, to at least partially cover the County costs of processing the application, to the extent an application fee may be required as a condition of acceptance of filing an application for a claim under the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004). The county shall refund the application fee if it is determined by the County or by a court that the applicant is entitled to compensation under the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004).**

**Response:**

The subject property is free and clear of any encumbrances that would restrict the use of it.

**4. CONCLUSION.**

The applicants have demonstrated that Lane County's enforcement of Ordinance 884 and provisions of LC 16.211 restricts their use of the subject property to impacted forest use on 80-acre minimum parcel sizes and that the restrictions reduce the fair market value of the property from what it would be if residential use on parcels less than eighty acres in size was allowed. The applicants have demonstrated compliance and consistency with the provisions added to ORS Chapter 197 by Ballot Measure 37 and LC 2.700. Accordingly, the applicants' claim for just compensation for the reduction in the fair market value of their property as a result of the restriction should be paid by Lane County. In lieu of such payment of just compensation, Lane County should waive the offending regulations as provided above.

SEE MAP 19 04 14

FOR ASSESSMENT  
AND TAXATION  
ONLY

SECTION 13 T.19S. R.4W. W.M.  
LANE COUNTY  
SCALE 1" = 400'

SEE MAP 19 04 12

DATE	BY	REVISION

C.A.D. SYS.

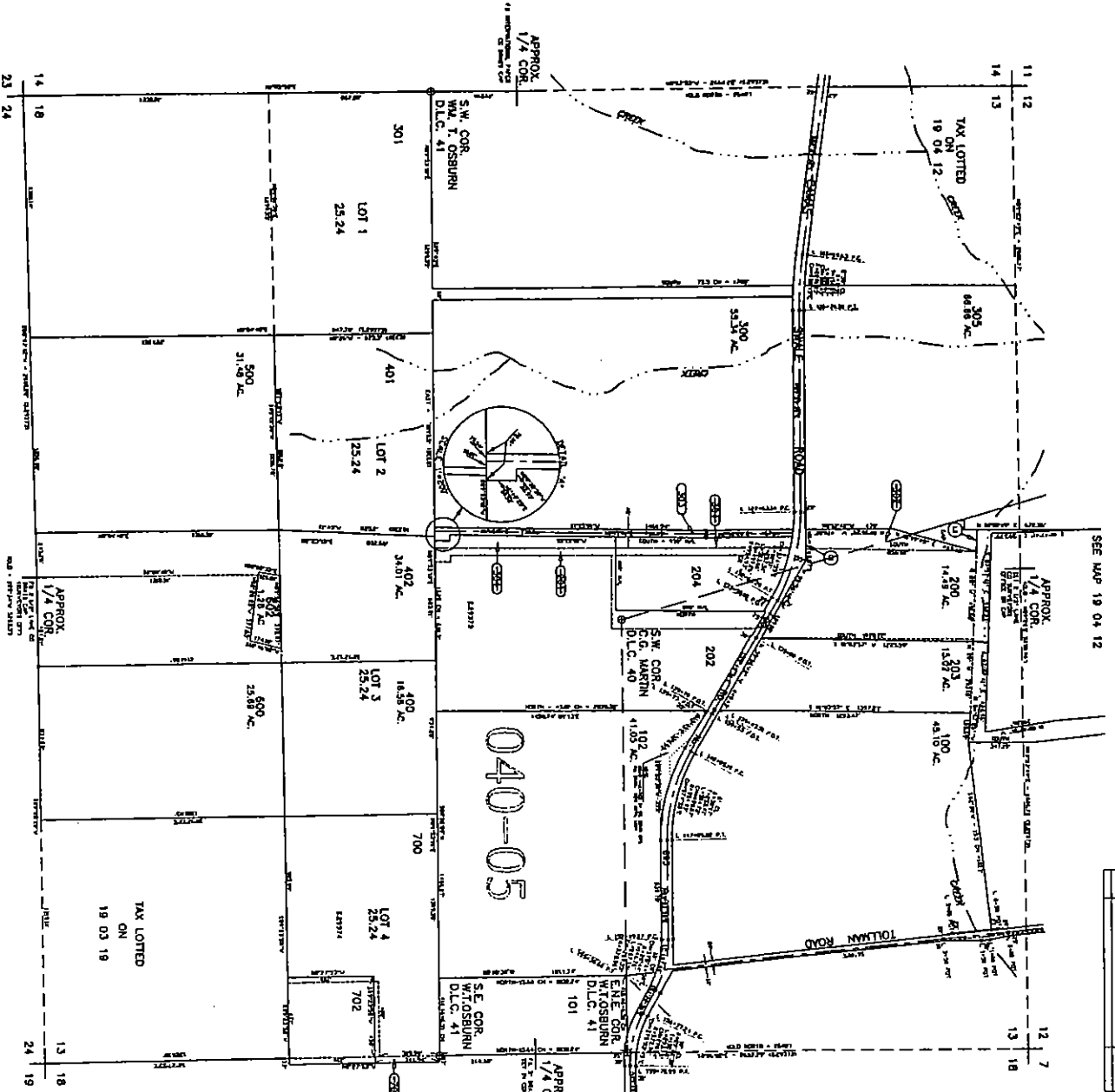
19 04 13

CANCELLED  
301  
302  
303  
701

LINE TABLE  
DATE  
BY

SEE MAP 19 03 18

040-05



SEE MAP 19 04

19 04 13



## Exhibit B

### Legal Description

Lot 1 and the Southwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Section 13, Township 19 South, Range 4 West, of the Willamette Meridian, in Lane County, Oregon;

ALSO: A 60-foot wide strip of land described as follows: Beginning at the Northeast corner of the William T. Osburn Donation Land Claim No. 41, Township 19 South, Range 4 West, of the Willamette Meridian; running thence West 8.50 chains, thence South 72.50 chains to the South line of said Osburn claim as the True Point of Beginning of the following described tract; run thence South  $89^{\circ}43'$  East along the South line of said claim 60 feet, thence North to the South line of County Road No. 695, thence Westerly along the South line of said road to a point North of the True Point of Beginning, thence South to the True Point of Beginning, in Lane County, Oregon.

Measure 37 Claim Number: M37-

*PA06-612*

### Application for Claims Under LC 2.700 through 2.770

Due to Regulatory Reduction of Property Value Under Provisions Added to ORS Chapter 197 by BM37

Note: This completed form together with the referenced supporting documentation and application fee must be submitted to the Lane County Land Management Division, 125 East 8th Avenue, Eugene, Or., 97401 for all claims subject to the provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004), to be considered for compensation under LC 2.700 through 2.770. In all cases, the applicant has the burden of demonstrating, with competent evidence, that all applicable criteria are met and the applicant would be entitled to compensation if the land use regulation continues to apply. Use additional paper, if necessary.

#### 1. Applicant/ Agent

*M. MICHAEL HANNER*  
*Susan Hanner*

*5195 W. Amazon*

*338-7905*

*5195 W. Amazon*

*338-7905*

Applicant Name (Please Print)

Mailing Address *Eugene 97405*

Phone

Hershner Hunter, LLP

By: Steve Cornacchia

*180 E. 11th Avenue, Eugene, OR 97401*

*686-8511*

Agent Name (Please Print)

Mailing Address

Phone

#### 2. Property Owner

Please provide the Name, Mailing Address and telephone number of all property owners of record holding interest in the property that is the subject of this application. Include a complete listing of all lien holders, trustees, renters, lessees or anyone with an interest in the property and describe the ownership interest.

*Same as above*

Property Owner Name (Please Print)

Mailing Address

Phone

Property Owner Name (Please Print)

Mailing Address

Phone

#### 3. Legal Description

Please provide an accurate legal description, tax account number(s), map, street address and location of all private real properties that are the subject of this application.

Assessor Map & Tax Lot 19-04-13 TL 301

Street Address 30930 Camas Swale Rd., Creswell, OR 97426

Legal Description Attached x

#### 4. Identification of Imposed Land Use Regulation

Please identify the Lane Code section or other land use regulation imposed on the private real property that is alleged to restrict the use of the subject property in a manner that reduces the fair market value. Include the date the regulation was first adopted, enforced or applied to the subject property and a written statement addressing all the criteria in LC 2.740(1).

See attached narrative.

#### 5. Title Report

Please attach a Preliminary Title Report showing title history and continuous ownership traced to the earliest family member ownership, the date of current owner(s) acquisition and all current interests of record for the subject property, issued within 30 days of the application submittal. Provide copies of relevant deeds.

**6. Appraisal/Regulatory Effect**

Please provide one original, signed appraisal prepared by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon addressing the requirements of provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004) and indicating the amount of the alleged reduction in fair market value by showing the difference in the fair market value of the property before and after the application of the challenged regulations as of the date the owner makes written demand for compensation. Include all of the supporting methodology, assumptions and calculations affecting the appraisal.

See Exhibit N to attached narrative.

---

**7. Leases, Covenants, Conditions and Restrictions**

Please provide copies of any leases or covenants, conditions and restrictions applicable to the subject property.

None

---

**8. Identification of Relief Sought**

Please specifically indicate what relief is being sought, either a monetary value of the claim describing the reduction in fair market value of the property or the specific use authorization sought in any waiver of the land use regulation.

Monetary Claim: \$320,000. See attached narrative.

---

Waiver: Restrictions on uses and parcel sizes. See attached narrative.

---

I (we) have completed all of the attached application requirements and certify that all statements are true and accurate to the best of my (our) knowledge and belief. I am (We are) authorized to submit this application on behalf of all those with an interest in the property and all the owner(s) agree to this claim as evidenced by the signature of those owner(s) below. Include additional signatures, as necessary.

Entry by County or its designee upon the subject property is authorized by the owner(s) and the owner(s) consent to the application for claims under provisions added to ORS Chapter 197 by Ballot Measure 37 (November 2, 2004).

Susan Hanner

[Signature]  
Owner(s) Signature

5/25/06  
Date

HERSHNER HUNTER (Steve Cornacchia)

[Signature]  
Applicant/Agent Signature

6/23/06  
Date

The following contacts are provided to assist you in finding the necessary information for this application.  
For zoning and land use information, please contact the Land Management Division at 682-3577.  
This phone contact is a message line. Please leave a message and a Planner will return your call.  
For deeds and records information, please contact Lane County Deeds and Records at 682-3654.

C-T. ~~TS~~ 104254 92771

Exhibit D

(3) 13-19-4W MEMORANDUM OF CONTRACT

KNOW ALL MEN BY THESE PRESENTS: That the undersigned GRANT D. COCHRAN and HALLIE P. COCHRAN, husband and wife, have by written contract dated this day, reference to which is hereby made for all details, agreed to sell to SUSAN C. STEARNS the following described real property:

Lot 1 and the Southwest 1/4 of the Southwest 1/4, Section 13, Township 19 South, Range 4 West, of the Willamette Meridian, in Lane County, Oregon;

ALSO: A 60.0 foot wide strip of land described as follows: Beginning at the Northeast corner of the William T. Osburn Donation Land Claim No. 41, Township 19 South, Range 4 West, of the Willamette Meridian; running thence West 8.50 chains, thence South 72.50 chains to the South line of said Osburn claim as the True Point of Beginning of the following described tract; run thence South 89° 43' East along the South line of said claim 60 feet, thence North to the South line of County Road No. 695, thence Westerly along the South line of said road to a point North of the True Point of Beginning, thence South to the True Point of Beginning, in Lane County, Oregon.

DATED this 20 day of March, 1972.

Grant D. Cochran  
Grant D. Cochran

Hallie P. Cochran  
Hallie P. Cochran

STATE OF OREGON )  
County of Lane ) ss.

On this 20<sup>th</sup> day of March, 1972, personally appeared the above named GRANT D. COCHRAN and HALLIE P. COCHRAN, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

Marvin G. Dennis  
Notary Public for Oregon  
My Commission Expires: 12-1-74



APR--4-72 2 1 8 7 4 - X wa

92771

State of Oregon,  
 County of Lane—ss.

I, D. M. Penfold, Director of the  
 Department of Records and Elections,  
 in and for the said County, do hereby  
 certify that the within instrument was  
 received for record at

1972 APR 4 AM 8 48 3

Reel 580R

Lane County OFFICIAL Records.

D. M. PENFOLD, Director of the  
 Department of Records & Elections.

By *[Signature]*  
 Deputy

629-083-05

24

8512669

WARRANTY DEED

Le Sec # 16248

FOR VALUE RECEIVED GRANT D. COCHRAN and HALLIE P. COCHRAN, husband and wife,

herein referred to as grantors, hereby grant, bargain, sell, and convey unto SUSAN C. STEARNS,

herein referred to as grantees, the following described real property, with tenements, hereditaments, and appurtenances, to wit:

Lot 1 and the Southwest 1/4 of the Southwest 1/4, Section 13, Township 19 South, Range 4 West, of the Willamette Meridian, in Lane County, Oregon;

ALSO: A 60.0 foot wide strip of land described as follows: Beginning at the Northeast corner of the William T. Osburn Donation Land Claim No. 41, Township 19 South, Range 4 West, of the Willamette Meridian; running thence West 8.50 chains, thence South 72.50 chains to the South line of said Osburn claim as the True Point of Beginning of the following described tract; run thence South 89° 43' East along the South line of said claim 60 feet, thence North to the South line of County Road No. 695, thence Westerly along the South line of said road to a point North of the True Point of Beginning, thence South to the True Point of Beginning, in Lane County, Oregon.

Subject to easements, reservations and restrictions of record.

0192A001 04/11/95LETC 4.00  
\*\*0000\*\*

TO HAVE AND TO HOLD the said premises unto said Grantees, their heirs and assigns forever. And the said Grantors hereby covenant that they are lawfully seized in fee simple of said premises; that they are free from all incumbrances,

except as hereinabove stated,

and that they will warrant and defend the above granted premises against all lawful claims whatsoever, except as above stated.

The true and actual consideration for this transfer is \$23,500.00.

Dated 31 March 1972.

(Seal)

Grant D. Cochran (Seal)

(Seal)

Hallie P. Cochran (Seal)

STATE OF OREGON, County of Lane, ss.

Personally appeared the above named

GRANT D. COCHRAN and HALLIE P. COCHRAN, husband and wife,

and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

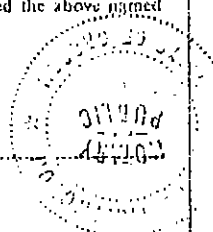
Dated 31 March A.D. 1972.

James Springston

My Commission Expires

Notary Public for Oregon

Dec. 1, 1974



Grantees Address: Susan C. Stearns New Susan Banner, 30930 Comas Swale Rd, Creswell OR 97424

Compliments of  
CASCADE TITLE COMPANY  
Eugene, Oregon

WARRANTY DEED

8512669

State of Oregon,  
County of Lane--ss.

I, the County Clerk, in and for the said County, do hereby certify that the within instrument was received for record at

11 APR 85 11:32

Reel 1344R

Lane County OFFICIAL Records.  
Lane County Clerk

By: MK Deputy

C 30-53

Return To:

Exhibit F

After recording return to: <b>9386431</b>	"RETURN TO CASCADE TITLE CO" <b>CT 196247</b>
NAME, ADDRESS, ZIP	
Until a change is requested, mail all tax statements to: <i>no change</i>	
NAME, ADDRESS, ZIP	

**BARGAIN & SALE DEED**

\*This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify uses.\*

SUSAN C. HANNER WHO ACQUIRED TITLE AS SUSAN C. STEARNS Grantor  
grant, bargain, sell and convey to SUSAN C. HANNER AND M. MICHAEL HANNER, HUSBAND AND WIFE

Grantee, the following described real property.

SEE EXHIBIT "A"

2733DEC.29'93H02REC	10.00
2733DEC.29'93H02PFUND	10.00
2733DEC.29'93H02A&T FUND	20.00

TAX ACCT.#1273273 AND 1031895

IF INSUFFICIENT SPACE CONTINUE DESCRIPTION ON ADDITIONAL PAGE(S)

True consideration for this conveyance is \$ TO CORRECT VESTING FOR NEW LOAN  
Dated...DECEMBER 21..... 19..93.....

*Susan C. Hanner*

STATE OF OREGON, County of Lane, ss.

Personally appeared the above named

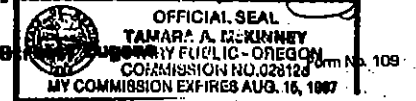
SUSAN C. HANNER  
and acknowledged the foregoing instrument to be ...HER... voluntary act and deed. Before me:  
Dated... DECEMBER 21..... A.O. 19.93.....  
My Commission Expires: 8-15-97

*Tamara A. McKinney*  
Notary Public for Oregon

**CASCADE TITLE COMPANY**



1075 Oak St



9386431

PROPERTY DESCRIPTION

Lot 1 and the Southwest 1/4 of the Southwest 1/4, Section 13, Township 19 South, Range 4 West, of the Willamette Meridian, in Lane County, Oregon;

ALSO: A 60.0 foot wide strip of land described as follows: Beginning at the Northeast corner of the William T. Osburn Donation Land Claim No. 41, Township 19 South, Range 4 West, of the Willamette Meridian; running thence West 8.50 chains; thence South 72.50 chains to the South line of said Osburn claim as the True Point of Beginning of the following described tract; run thence South 89° 43' East along the South line of said claim 60 feet; thence North to the South line of County Road No. 695; thence Westerly along the South line of said road to a point North of the True Point of Beginning; thence South to the True Point of Beginning, in Lane County, Oregon.

9386431

State of Oregon,  
County of Lane--ss.

I, the County Clerk, in and for the said County, do hereby certify that the within instrument was received for record at

29 DEC 95 2:13 PM

1908 R

Reel

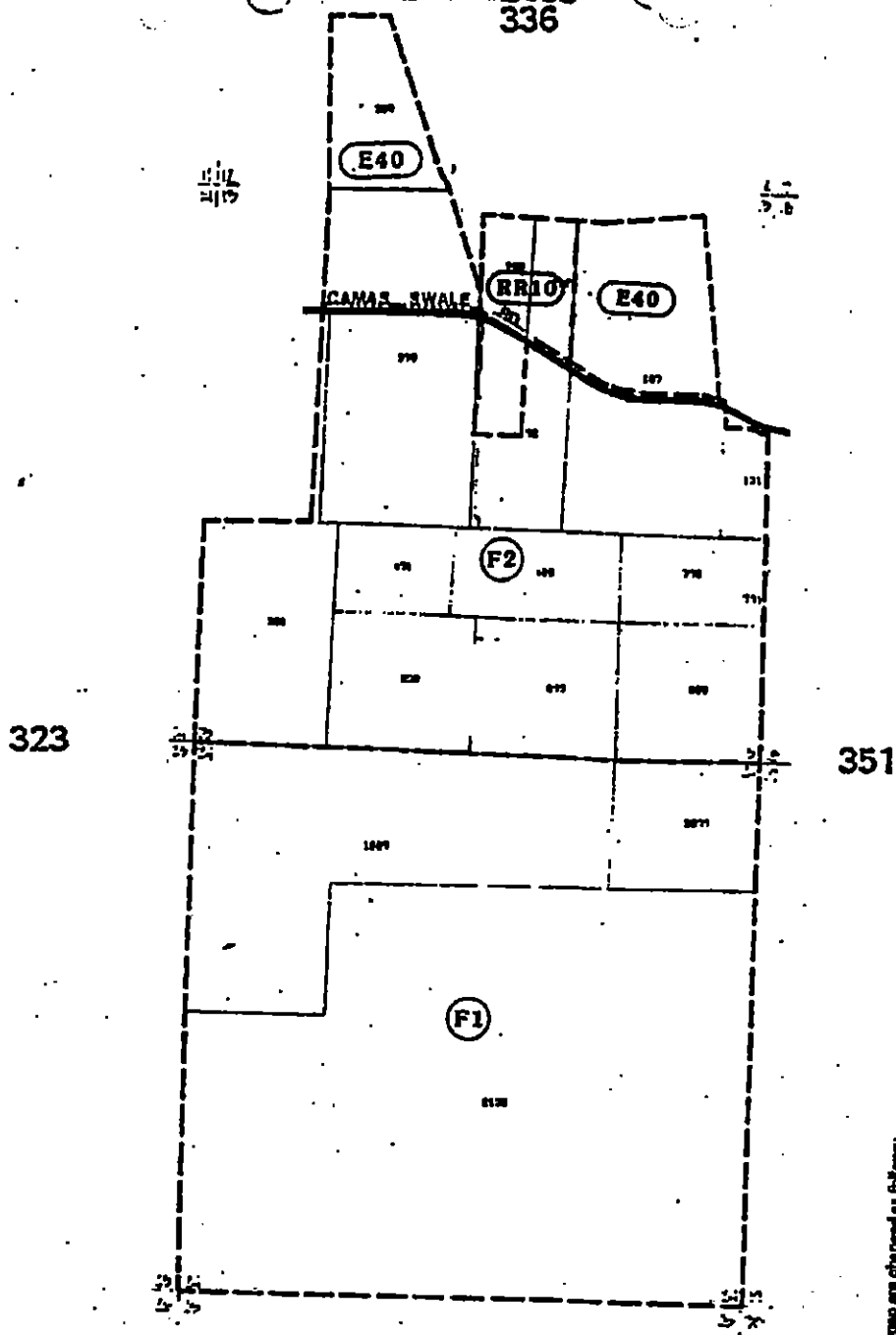
Lane County OFFICIAL Records.  
Lane County Clerk

By:



County Clerk





The zones on this map are changed as follows:  
 From: RG, RA ~~and~~ To: RR2  
 From: CR, C1, C2, & C3 To: RC Rural Commercial  
 From: M1, M2, & M3 To: R1 Rural Industrial  
 From: PF To: RPF Rural Public Facility  
 From: PR To: RPR Rural Park & Recreation



The RR zones on this map are changed as follows:  
 FROM: RR LC 16231 TO: RR LC 16250  
 The RR zone parcel also remains the same.



**OFFICIAL ZONING MAP**

**PLOT# 337**

Township Range Section  
 19 04 13 / 19 04 24

ORIGINAL ORD. # PA 884 DATE 2/29/1984 FILE # \_\_\_\_\_  
 REVISION # 1 ORD. # PA 893 DATE 3/27/85 FILE # \_\_\_\_\_

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. PA 884 )  
 )  
 ) IN THE MATTER OF APPLYING THE RURAL  
 ) COMPREHENSIVE PLAN DESIGNATIONS AND  
 ) RURAL COMPREHENSIVE PLAN ZONES TO  
 ) RURAL LANE COUNTY OUTSIDE THE  
 ) METROPOLITAN AREA GENERAL PLAN  
 ) BOUNDARY, AND OUTSIDE ALL URBAN  
 ) GROWTH BOUNDARIES, REPEALING PRIOR  
 ) ZONING DISTRICTS AND PLAN DESIGNA-  
 ) TIONS, AND ADOPTING A SAVINGS AND  
 ) SEVERABILITY CLAUSE

WHEREAS, the plan designations and zoning districts applicable to rural Lane County are not in full compliance with the Statewide Goals, and

WHEREAS, the Oregon State Land Conservation and Development Commission has granted Lane County an extension of time to revise its designations and zones to bring them into conformity with the Statewide Planning Goals; and

WHEREAS, the Board of County Commissioners has received from the Lane County Planning Commission and the West Lane County Planning Commission recommended application of the new plan designations and zones, and

WHEREAS, the Board of County Commissioners has conducted a public hearing and is now ready to take action, now, therefore,

THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY ORDAINS AS FOLLOWS:

1. The Plan Designation and Zones as set forth on the attached maps (Exhibit "A") are hereby applied to Rural Lane County outside the Metropolitan Area General Plan Boundary and outside all Urban Growth Boundaries as modified by the attached change request summary, Board of County Commissioners action column (Appendix "B").

2. With exception of the following:

- (a) Rural Transportation Plan (Adopted by Ordinance No. 3-80).
- (b) Willamette Greenway Plan (Adopted by Ordinance No. 783).
- (c) Parks and Open Space Plan (Adopted by Ordinance No. 850).
- (d) Solid Waste Management Plan (Adopted by Ordinance No. 771 and subsequent amendment).
- (e) Coastal Resources Management Plan (Adopted by Ordinance No. 803) (Amended by Ordinance Nos. 862 and 876).

- (f) Siuslaw River Dredged Material Disposal Plan (Adopted by Ordinance No. 749) (Amended by Ordinance Nos. 861 and 877).
- (g) Housing Plan (Adopted by Ordinance 1-78).

the prior Plan and Zone designations are repealed. However, the prior Plan designations and zoning districts remain in full force and effect to authorize prosecution of persons who violate their provisions prior to the effective date of this Ordinance.


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

4. The exceptions to Statewide Goals 3 and 4 are set forth in the attached Exhibit "B".

While not part of this Ordinance, the Board of County Commissioners adopt the Legislative Findings set forth in attached Exhibit "C" in support of this action.

Enacted this 29<sup>th</sup> day of February, 1984.

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

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

ORDINANCE NO. PA 884 - LEGISLATIVE FINDINGS

Ordinance No. PA 884 is the implementation of the policies adopted in Ordinance No. PA 883. The support documents and Findings adopted in that Ordinance are, therefore, adopted as if fully set forth herein.

Major map changes, based upon a nonresource designation are supported by prior quasi-judicial or current Findings set forth on attached Exhibit "D".

The Diagrams and Zones reflect only one "need" exception arising from a prior quasi-judicial application. We, therefore, readopt the need exception set forth on attached Exhibit "E". Note that pursuant to CPR summary, the new designation is Destination Resort, rather than Commercial Zones. However, the exception to the Goal remains valid. The site review conditions are also readopted.

In addition, map changes occurring on the basis of a Marginal Lands designation are explained in the attached Exhibit "F".

All other changes to the maps from the original staff recommendation are supported by changes to the developed and committed exception and the information and Findings submitted with CPR requests. Because the amount of supporting information is very extensive, it is not possible to set out new Findings for each approval, nor is such analysis appropriate for a legislative Ordinance. However, the basis for the approval exists in the written attachments to the CPR's, public testimony and deliberation. This information is available on request.

EXHIBIT "C"

**LEGEND**

(AO)

**ZONES**

**Airport Operation**

**COMMERCIAL ZONES**

(C1)

**Limited Commercial**

(C2)

**Neighborhood Commercial**

(C3)

**Commercial**

(CR)

**Rural Commercial**

**AGRICULTURAL ZONES**

(E25)

**Exclusive Farm Use 25**

(E30)

**Exclusive Farm Use 30**

(E40)

**Exclusive Farm Use 40**

(E60)

**Exclusive Farm Use 60**

**FOREST ZONES**

(F1)

**Nonimpacted Forest Lands**

(F2)

**Impacted Forest Lands**

**INDUSTRIAL ZONES**

(M2)

**Light Industrial**

(M3)

**Heavy Industrial**

**RESOURCE ZONES**

(NR)

**Natural Resource**

(PF)

**Public Facility**

(PR)

**Park & Recreation**

(QM)

**Quarry & Mining**

(SG)

**Sand & Gravel**

/CP

**/ Controlled Processing**

**RESIDENTIAL ZONES**

(RA)

**Suburban Residential**

(RG)

**Garden Apartment**

(RR1)

**Rural Residential**

(RR2)

**Rural Residential**

(RR5)

**Rural Residential**

(RR10)

**Rural Residential**

/SR

**/ Site Review**

**LEGEND**

(A)

**PLAN DESIGNATIONS**

**Agricultural Land**

(F)

**Forest Land**

(R)

**Rural Land**

COMMUNITY

**Community**

(PF)

**Public Facility**

(PR)

**Park & Recreation**

(C)

**Commercial**

(I)

**Industrial**

(+)

**Airport**

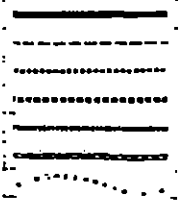
(NR:M)

**Natural Resource : Mineral**

(NRCA:)

**Natural Resource : Conservation Area**

**Area Subject To Coastal Resources Management Plan**



**Roadway**

**Railroad**

**City Limits**

**Metro Plan Boundary**

**Urban Growth Boundary**

**County Line**

**Willamette River Greenway**

337

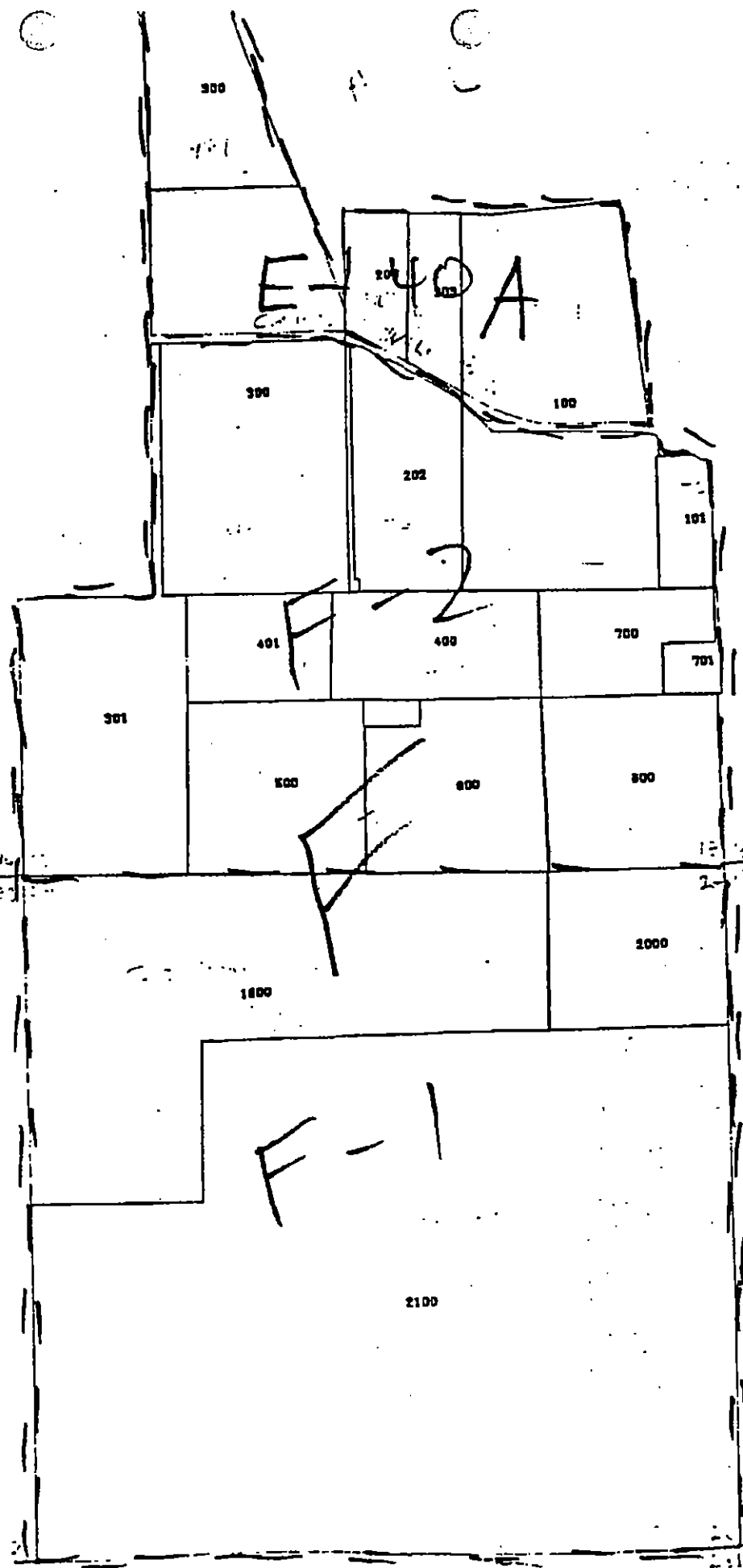
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941.600

Y COM RATE .100

856.700

324.300



15

IN THE COUNTY COURT OF THE STATE OF OREGON FOR LAKE COUNTY  
Sitting at and by the Transaction of County Business

In the Matter of an Ordinance to Establish )  
Zoning and Land Use Code to be used in ) OREGON  
Establishing Land Use Districts )

Zoning and Land Use  
Regulation Ordinance

Pursuant to the authority vested in the County Court by Chapter  
537 Oregon Laws 1947 and by vote of the people on November 2, 1949  
upon the question "Shall the County Court be authorized to enact  
zoning and land use regulations?" the following ordinance is hereby  
enacted:

AN ORDINANCE OF THE COUNTY OF LAKE, STATE OF OREGON, ADOPTING A  
PRECISE LAND USE MASTER PLAN TO REGULATE AND RESTRICT THE LOCATION  
AND USE OF BUILDINGS, AND THE USE OF LAND IN THE UNINCORPORATED TER-  
RITORY OF LAKE COUNTY BY DIVIDING THE COUNTY INTO LAND USE DISTRICTS  
TO LIMIT THE HEIGHT AND BULK OF FUTURE BUILDINGS; TO PROVIDE FOR  
SETBACK LINES, SIZE OF LOTS, AND OTHER OPEN SPACES; TO ESTABLISH  
MINIMUM LOT SIZES; TO PROVIDE FOR THE PROTECTION OF FUTURE COUNTY  
ROADS AND THE WIDENING OF EXISTING ROADS; TO PROVIDE FOR  
AUTOMOBILE PARKING FACILITIES, TO PROVIDE FOR THE ENFORCEMENT,  
ADJUSTMENT, AND AMENDMENT THEREOF; AND TO PRESCRIBE PENALTIES FOR  
ITS VIOLATION IN THE COUNTY OF LAKE, STATE OF OREGON.

THE COUNTY COURT OF THE COUNTY OF LAKE, STATE OF OREGON, DOES  
ORDAIN AS FOLLOWS:

SECTION 1. ADOPTION OF ZONING PLAN

There is hereby adopted a zoning plan for a portion of  
the County of Lake, State of Oregon.

This ordinance shall consist of the text hereof and maps  
entitled "Lake County Zoning Maps," and identified by the  
chairman of the County Judge, the chairman of the County  
Commission, and the County Clerk.

This ordinance is adopted under the provisions of the  
Oregon State Planning and Zoning Act, Chapter 227, Oregon  
Laws 1947, as approved by the Governor of the State of  
Oregon.

SECTION 2. TITLE

This ordinance shall be known as the "Zoning Plan of the  
County of Lake, State of Oregon."

**FILED**

ALL OREGON

SECTION III. PURPOSE

The purpose of this Ordinance is to establish for the County of Lane, State of Oregon, a comprehensive zoning plan designed to regulate and restrict the location and use of buildings, structures, and land for recreational, educational, residential, commercial and industrial purposes; to regulate and limit the height, number of stories, and percent of lot coverage of buildings and other structures hereafter erected or altered; to establish minimum widths and areas for the subdivision or resubdivision of lots; to provide for the protection of future primary roads and the widening of certain existing roads; and to regulate and establish minimum requirements for private garages or off-street parking facilities according to districts and type of building or structure.

The controls as set forth in this Ordinance are deemed necessary in order to encourage the most appropriate use of the land; to protect the character and the social and economic stability of residential, commercial, industrial, and other areas within the County, and to assure the orderly development of such areas; and to obviate the menace to the public safety resulting from the improper location of buildings and the uses thereof, and the establishment of land uses along primary highways in such manner as to cause interference with existing, or prospective traffic movement on said highways.

SECTION IV. DEFINITIONS

A. For the purpose of this Ordinance certain words, terms, and phrases are defined as follows:

B. Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Ordinance" is used herein it shall be deemed to include all amendments thereto which hereafter from time to time be adopted. The word "County" shall mean the County of Lane, State of Oregon; the word "Planning Commission" shall mean the County Planning Commission of the County of Lane, State of Oregon; the word "boundary" shall mean the boundary of the County of Lane, State of Oregon, or the boundary of any incorporated municipality within said County.

**ACCESSORY BUILDING** shall mean any subordinate building or combination of a main building, the use of which is incidental, appropriate, and subordinate to that of the main building.

**ACCESSORY USE** shall mean a use incidental, appropriate, and subordinate to the main use of a lot or building.

**AGRICULTURE** The tilling of the soil, the raising of crops, small livestock farming, dairying and/or animal husbandry. Tracts of land of five acres or less shall be, for the purpose of this ordinance, presumed to be non-agricultural, non-pasture, non-horticulture and not used for the growing of timber, unless proved to be otherwise.



SECTION XXXI. VIOLATIONS AND PENALTIES

BOOK 27, PAGE 37

A person, firm, or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars (\$100.00) and in default of payment thereof, by imprisonment for one day for each two dollars (\$2.00) of such unpaid fine. Each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Ordinance is committed or continued by such person, firm, or corporation, and shall be punished accordingly.

Approved by the affirmative vote of a majority of the Lane County Planning Commission after due public notices and hearings, this 27<sup>th</sup> day of May, 1949.

Ralph S. Rogers  
Chairman

Howard W. Bright  
Secretary

Regularly passed and adopted by the County Court of the County of Lane, State of Oregon, this 31<sup>st</sup> day of May, 1949.

Clinton Hark  
County Judge

W. J. Hollander  
County Commissioner

County Commissioner

THURSDAY THE 2ND DAY OF MAY, 1968.

REEL 38 PAGE 155

FILED

AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M

MAY 2 1968

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON, Director of the Dept. of Records and Elections of Lane County

BY Ruth Phillips DEPUTY

LANE COUNTY ZONING AND LAND ) Zoning certain land in Sections 8, 18,  
 ) 17, Twp 19S, R3W, W.M., and Sections  
USB ORDINANCE NO. 282 ) 13, 14, 15, 22 & 23, Twp 19S, R4W, W.M.,  
 ) to AGT AGRICULTURE, GRAZING, TIMBER  
 ) RAISING DISTRICT.

The Board of County Commissioners of Lane County ordains as follows:

The following described land,

BEGINNING at the Northwest corner of Section 8, Township 19 South, Range 3 West, Willamette Meridian; run thence South 5,280 feet, more or less, to the Southwest corner thereof; thence West 21,120 feet, more or less, to the Northwest corner of Section 15, Township 19 South, Range 3 West; thence South 10,560 feet, more or less, to the Southwest corner of Section 22, Township 19 South, Range 3 West; thence East 10,560 feet, more or less, to the Southeast corner of Section 23, Township 19 South, Range 3 West; thence North 5,280 feet, more or less, to the Northeast corner of said Section 23; thence West 15,840 feet, more or less, to the Southeast corner of Section 17, Township 19 South, Range 3 West; thence North 5,280 feet, more or less, to the Northeast corner of said Section; thence West along the North line of said Section 17, 580 feet, more or less, to the intersection with the centerline of County Road No. 229; thence North along the centerline of said road 5,280 feet, more or less, to the intersection with the North line of Section 8, Township 19 South, Range 3 West; thence along said North line 4,790 feet, more or less, to the point of beginning, in Lane County, Oregon,

is hereby zoned to AGT AGRICULTURE, GRAZING, TIMBER RAISING DISTRICT, and is subject to the regulations provided therefor in Lane County Zoning and Land Use Regulation Ordinance No. 4, as amended, known as the "Zoning Plan of the County of Lane, State of Oregon," pursuant to O. R.S. Chapter 215

Enacted this 1st day of May, 1968.

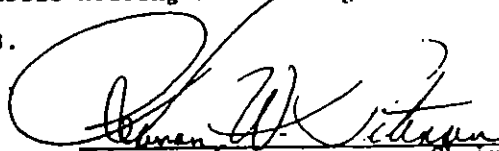
Jean Hines  
Chairman of the Board of County Commissioners of Lane County

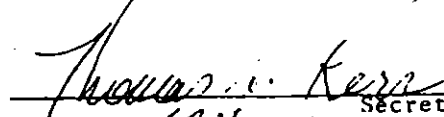
APPROVED AS TO FORM  
DATE 5-1-68  
Robert Ellen  
OFFICE OF COUNTY COUNSEL

Ruby Hinther  
Recording Secretary of the Board at the meeting at which this ordinance was enacted.

REL 38 PAGE 156

Approved and recommended for enactment by the affirmative vote of the Lane County Planning Commission this 9th day of April, 1968, after giving due notice of Public Hearing and holding a Public Hearing on the 9th day of April, 1968.

  
Thomas W. Kitchin  
Chairman

  
Thomas W. Kerr  
(Deputy) Secretary

FILED

AT ... O'CLOCK ... M

IN THE BOARD OF COUNTY COMMISSIONERS FOR LANE COUNTY

MAY 16 1971

D. H. STEWART, Director of the Dept. of Records and Elections of Lane County

BY *Keith Bailey* DEPUTY

LANE COUNTY ZONING AND LAND USE ORDINANCE NO. 426

IN THE MATTER OF AMENDING LANE COUNTY ZONING AND LAND USE ORDINANCE NO. 4

The Board of County Commissioners of Lane County ordains that Lane County Zoning and Land Use Ordinance No. 4, as readopted by Ordinance No. 7-71, be amended as follows and as specifically provided in Appendix A, attached hereto and incorporated herein:

- I. Amend Section IV, Definitions, by adding a definition for "Use, Farm" and "Farm Use", as shown by attached new pages 6, 10, and 10.01.
- II. Add Section VI (1), Exclusive Farm Use 20 District (EFU 20), as shown by attached new pages 11.01 and 11.02.
- III. Add Section VI (2), Farm-Forestry 20 District (F-F 20), as shown by attached new pages 11.03 through 11.06.
- IV. Amend Section VI, Agriculture, Grazing, Timber-Raising District (AGT), as shown by attached new pages 12 through 13.04.
- V. Add Section VI (4), Farm and Recreation District 5 (FF 5), as shown by attached new pages 13.05 through 13.09.
- VI. Add Section VI (5), Interim Agriculture Combining District (/IA), as shown by attached new page 13.10.
- VII. Add Section VII-I, Rural Residential District (RR), as shown by attached new pages 15.01 through 15.05.

VIII. Amend Section XVI-I (1), Mobile Home District, to allow mobile homes in the EFU 20, F-F 20, FR 5, and RR Districts, and to allow provisions for temporary mobile home permits for employees in the EFU 20, F-F 20, and FR 5 Districts, as shown by attached new page 43.

Enacted this 14<sup>th</sup> day of April 1971.

APPROVED AS TO FORM  
DATE 3-31-71  
*Ray E. Williams*  
OFFICE OF COUNTY COUNSEL

*James Dick*  
Chairman, Lane County Board of Commissioners

*Ruby Shirether*  
Recording Secretary for this Meeting of the Board

The hereinabove ordinance approved and recommended for enactment by majority vote of the Lane County Planning Commission this 23rd day of March, 1971 after giving due notice of public hearing, and holding a public hearing on the 23rd day of February, 1971 and the 23rd day of March, 1971.

*Lu Melt*  
Secretary, Lane County Planning Commission

SECTION IV. DEFINITIONS

FAMILY: 1. An individual, or group of two or more persons related by blood, marriage or legal adoption, and not more than three other persons unrelated to said group, living together as a single household unit; provided, however, that if all of those unrelated to said group are foster children, the number allowable within the definition of the term "FAMILY" are as follows:

- a. Three (3), when there are three or more related children under age 18 living in the household;
- b. Four (4), when there are two related children under age 18 living in the household;
- c. Five (5), when there is only one related child under age 18 living in the household;
- d. Six (6), when there are no related children under age 18 living in the household; or

2. A group of not more than five (5) persons, who need not be related by blood, marriage, or legal adoption, living together as a single nonprofit housekeeping unit.

FARM USE: See "Use, Farm".

FRATERNITY, SORORITY, STUDENT HOME: A residential building in which living accommodations are furnished to college students.

GARAGE, PRIVATE PARKING: A publicly or privately-owned structure having one or more tiers of height used for the parking of automobiles for the tenants, employees, or owners of the property for which the parking spaces contained in or on said garage are required by this Ordinance, and which is not open for use by the general public.

GARAGE, PUBLIC PARKING: A publicly or privately-owned structure having one or more tiers of height used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons or clients which are required by this Ordinance, provided said parking spaces are clearly identified as free parking space(s) for the building or use which is required to provide said space(s).

GRAZING: The use of land for pasture of horses, cattle, sheep, goats and/or other domestic herbivorous animals, alone or in conjunction with agricultural pursuits. Land uses in any zoned district other than those described above and not included under the definition of "AGRICULTURE" or "TIMBER GROWING", regardless of land ownership, are subject to the provisions of this or other zoning ordinances. Tracts of land of five acres or less shall be, for the purpose of this Ordinance, presumed to be non-grazing, non-agricultural, non-horticultural, and not used for the growing of timber, unless proved to be otherwise.

GROUP CARE HOME: Any home or private institution maintained and operated for the care, boarding, housing and training of four or more physically, mentally or socially handicapped persons, or delinquent or dependent persons, by any person who is not the parent or guardian of and who is not related by blood, marriage or legal adoption to such persons.

GUEST HOUSE, SERVANTS' QUARTERS: An accessory building without kitchen or cooking facilities and occupied solely by nonpaying guests, or by servants employed on the premises.

HALF STORY: That part of any building wholly or partly within the roof frame and not occupying more than two-thirds of the floor area immediately below it.

HEIGHT OF BUILDING: See "Building Height".

New (Ord. 426)

SECTION IV. DEFINITIONS

to front, side or rear property lines and five feet within the abutting property or properties easterly, westerly and southerly from the easterly, westerly and southerly lines of the development site to which the sun exposure plan applies, and projecting thence due west from the easterly line, due east from the westerly line, and due north from the southerly line, at a sixty degree slope over the applicable development site to a maximum distance of thirty feet, measured horizontally from each development site line.

TIMBER GROWING: The growing of trees for commercial purposes.

TOURIST PARK: All campgrounds, picnic parks, camping vehicle parks and all other establishments rented or kept for rent to any person for a charge or fee paid or to be paid for the rental or use of the facilities or offered free in connection with securing the trade or patronage of such person or for indirect benefit to the owner in connection with a related business.

USE: The purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

USE, FARM (FARM USE): The current employment of land for the purpose of obtaining a profit in money by raising, harvesting and selling crops, or by the feeding, breeding, management and sale of, or the product of, livestock, poultry, fur bearing animals or honey bees or for cultural use or animal husbandry, or any combination thereof. Includes the preparation and storage of the products raised on such land for man's use and animal use, and disposal by marketing or otherwise. It does not include the use of land subject to the provisions of ORS, Chapter 321, or to the construction and use of dwellings and other buildings customarily provided in conjunction with the farm use.

Except as limited by the paragraph on current employment of this subsection, farm use land shall not be regarded as being used for the purpose of obtaining a profit in money if the whole parcel has not produced a gross income from farm uses of \$500 per year for three of the five calendar years immediately preceding the assessment day of the tax year for which farm use is claimed by the owner or allowed by the assessor, notwithstanding that such land is included within the boundaries of a farm use zone. In case of question, the burden of proving the gross income of a parcel of land for the years designated in this paragraph is placed upon the owner of the land.

"Current employment" of land for farm use includes (i) land subject to the soil bank provisions of the Federal Agricultural Act of 1956, as amended (P.L. 84-540, 70 Stat. 188); (ii) land lying fallow for one year as a normal and regular requirement of good agricultural husbandry; (iii) land planted in orchards or other perennials prior to maturity for bearing crops; and (iv) farm woodlots of less than 20 acres appurtenant to farm use land which fulfills the requirements of the paragraph on gross income of this subsection. The acres of land within the categories described in this paragraph shall not be subject to the requirements of the paragraph on gross income of this subsection.

VISION CLEARANCE: A triangular area at the street or highway corner of a corner lot, or the alley-street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the street or alley right-of-way lines an equal and specified distance from the corner and containing no planting, walls, structures or temporary or permanent obstruction exceeding three and one half feet in height above the curb level.

SECTION IV. DEFINITIONS

YARD: An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

YARD, FRONT: A yard between the front line of the building (exclusive of steps) and the front property line.

YARD, REAR: An open, unoccupied space on the same lot with a building; between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot.

YARD, SIDE: An open, unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the lot.



SECTION VI (3). REEL 55 PAGE 691  
AGRICULTURE, GRAZING, TIMBER RAISING DISTRICT (AGT)

## A. PURPOSE

The Agriculture, Grazing, Timber Raising District is intended to provide areas for rural density residential development and continuation of farm uses and timber production where compatible with each other. It is appropriate to be applied to areas which have, by nature of use and land division activity, already begun a transition from rural to urban use, primarily in the outer portions of the rural-urban fringe areas where public facilities and services will be necessary before intensive urbanization should occur, and in rural lands with marginal suitability for agricultural production.

## B. PERMITTED BUILDINGS AND USES

In the AGT District, the following types of buildings and uses are permitted as hereinafter specifically provided for by this Section, subject to the general provisions and exceptions set forth in this Ordinance beginning with and following Section XVII:

1. The following farm uses:
  - a. General farming, including but not limited to the growing and raising of trees, vines, shrubs, berries, vegetables, nursery stock, hay grains, seed, and similar food and fibre products.
  - b. Pastures and grazing.
  - c. Except as limited by subsection C-1 following, animal husbandry, including the breeding and raising of cattle, sheep, horses, goats and rabbits; provided that such raising activities are not a part of, nor conducted in conjunction with any livestock sales yard, slaughter house, or animal by-product business; provided further that such uses on lots of less than five (5) acres shall be subject to the area requirements of Section VI (3)-E-6.
  - d. Raising and selling of fur bearing animals.
  - e. Keeping of honey bees and the production and sale of honey.
2. The management growing and harvesting of forest products, including Christmas tree raising.
3. One single-family dwelling or two-family dwelling per lot or one mobile home per lot pursuant to a mobile home use permit approved in compliance with Section XVI-I (3).
4. Normal accessories for a mobile home, such as awning, cabana, ramada, patio, carport, garage or storage building, pursuant to an original mobile home use permit or subsequent permit for only accessories.
5. Guest house.
6. Parks, playgrounds, and community centers owned and operated by a governmental agency.
7. Lodges and grange halls.
8. Public and semi-public buildings and structures essential to the physical and economic welfare of an area, such as, fire stations, sub-stations

(AGT) SECTION VI (3). AGRICULTURE, CRAZING, TIMBER RAISING DISTRICT.

and pump stations, provided that interior yards shall be a minimum of twenty-five (25) feet, and no stockpiling or storage of materials shall be allowed.

9. Sale of agricultural products grown or raised on the premises, provided the sales floor area does not exceed three hundred (300) square feet.
10. Home occupations (see home occupation permit provisions).
11. Accessory buildings and uses customarily provided in conjunction with a use permitted in this District.

C. CONDITIONAL USES

The following conditional uses, subject to a conditional use permit granted pursuant to the general provisions of this ordinance providing for the granting of conditional use permits:

1. The following animal husbandry uses, provided the lot area is a minimum of ten (10) acres:
  - a. Breeding and raising of pigs.
  - b. Poultry ranching.
  - c. Dairying.
2. The following uses, when such uses are operated on the same property as, by the owner or operator of, and customarily provided in conjunction with a farm use, and are not a separate business or enterprise; provided the lot area is a minimum of ten (10) acres:
  - a. Hop, nut and fruit driers.
  - b. Feed mixing and storage facilities.
  - c. Hullers.
  - d. Mint distilleries.
  - e. Seed processing, packing, shipping and storage.
  - f. Plants for the storage or packing of agricultural products produced on the premises.
  - g. Feed lots.
  - h. Temporary and portable sawmills, barkers, and chippers.
  - i. Any other similar processing and allied farm commercial activities.
3. Sale of agricultural products raised on the premises where the sales floor area exceeds three hundred (300) square feet; the sale of livestock grown and raised on the premises.
4. Kennels and animal hospitals
5. Churches.
6. Schools.
7. Day nurseries.

8. Group care homes.
9. Hospitals, nursing homes, and sanitariums.
10. Stables, riding academies, and commercial riding; provided such activities are contained on the property authorized for conditional use permit approval.
11. Radio and TV transmission towers.
12. Stadiums.
13. Electric transmission facilities transmitting electric current in excess of 75,000 volts on any single cable or line or group of cables or lines.
14. Flood control facilities and irrigation projects.
15. Accessory dwellings for persons employed on the premises.
16. Airports, heliports, or aircraft landing fields.
17. Cemeteries.
18. Correctional institutions.
19. Sanitary landfills.
20. Golf courses.
21. Jails.
22. Penal farms.
23. Radio and TV stations.
24. Rock, sand, gravel, and loam excavations and extraction of mineral resources, with incidental processing.
25. Sewage treatment plants.
26. Mobile home parks.
27. Tourist parks.
28. Camping vehicle parks.
29. Campgrounds.
30. Other uses not specifically authorized any place in the Ordinance.

(AGT) SECTION VI (3). AGRICULTURE, GRAZING, TIMBER RAISING DISTRICT.

D. YARD REGULATIONS

1. Front yard setback shall be twenty (20) feet.
2. Side yard setback shall be as follows:
  - a. Ten (10) percent of the lot width for an interior yard, but in no case shall be more than fifteen (15) feet nor less than ten (10) feet.
  - b. Twenty (20) feet for a street side yard for a reverse corner lot; ten (10) percent of the lot width for a street side yard for a regular corner lot, but in no case shall be more than twenty (20) feet nor less than ten (10) feet.
3. Rear yard setback shall be twenty (20) feet for a main building; five (5) feet for an accessory building or structure.

E. AREA

1. Any property zoned AGT after the effective date of Ordinance 426 shall be designated AGT-5, and the minimum area for division of land for any property so designated shall be five (5) acres; except:
  - a. The division of agricultural land by lease or rental for any farm use purpose is permitted, provided however, that no structure or building may be erected appurtenant to such division of land except those permitted under Section VI (3)-B-11 of this Ordinance.
  - b. Division of land for less than five (5) acres is permissible for uses permitted under Section VI (3)-B-7 and B-8 and permitted conditionally in the AGT District except under Section VI (3)-C-15.
2. The minimum area for the division of land for any property zoned AGT prior to the effective date of Ordinance 426 shall be one (1) acre and shall have a lot width of not less than one hundred fifty (150) feet.
3. For each accessory dwelling or mobile home unit approved conditionally under Section VI (3)-C-15, except farm labor camps, the lot shall contain a minimum average of five (5) acres per such accessory unit.
4. A single-family dwelling or mobile home only may be established on any lot separately owned as of September 13, 1969 which does not conform to the area requirements provided in paragraphs 1 and 2 above.
5. The main building and accessory buildings located on any one building site or lot shall not cover in excess of thirty (30) percent of the lot area.

6. The following animal use area regulations shall apply on lots of less than five (5) acres:

a. Cows, horses, sheep or goats cannot be kept on lots having an area of less than one (1) acre. The minimum area for such animals (other than their young under the age of six months) on less than five (5) acres shall be as follows:

- Horses . . . . . One (1) per acre, plus one (1) additional for every 15,000 sq. ft.
- Cow . . . . . One (1) per acre, plus one (1) additional for every 10,000 sq. ft.
- Goat or sheep . . . . . Five (5) per acre, plus one (1) additional for every 2,000 sq. ft.

The area of a property may be utilized one time only for the computation of the above allowable animal usage.

- b. The number of chickens, fowl and/or rabbits (over the age of six (6) months) shall not exceed one for each five hundred (500) square feet of property. The number of young chickens, fowl and/or rabbits (under the age of six (6) months) allowed on the property any time shall not exceed three (3) times the allowable number of chickens, fowl, and/or rabbits over the age of six (6) months.
- c. The number of colonies of bees allowed on a lot shall be limited to one (1) colony for each two thousand (2,000) square feet of lot area.
- d. Animal runs, stables, barns, corrals of less than one half acre, chicken or fowl pens, and colonies of bees shall be located on the rear half of the property, but not closer than seventy (70) feet from the front property line no closer than forty (40) feet from any residence or other property line.

Animals, chickens, and/or fowl shall be properly caged or housed, and proper sanitation shall be maintained at all times. All animal and poultry food shall be stored so as to be rodent-proof.

When an AGT District is reclassified to another district, all those animal uses in this paragraph shall be required to comply with the requirements of said other district for such uses within a period of six (6) months from the date of reclassification.

F. VISION CLEARANCE

Vision clearance for corner lots shall be a minimum of fifteen (15) feet.

**G. PARKING SPACE REQUIRED**

There shall be at least one (1) permanently reserved parking space, or private garage, on the same lot, or attached to or made a part of the main building. Such parking space shall be not less than eight (8) feet wide and eighteen (18) feet long. The parking space or garage shall be provided at the time of the erection of the main building, and it shall have adequate provisions for ingress and egress by standard-sized automobiles. For parking space requirements for buildings other than dwellings, see "General Provisions", Section XVII, subsection B, paragraph 1.

**H. SITE DEVELOPMENT REQUIREMENTS FOR SUBDIVISION LOTS RECORDED PRIOR TO SEPTEMBER 13, 1969.**

Any lot in a major or minor subdivision plat that was recorded as of September 13, 1969 and which is less than one (1) acre in size shall have the use regulations, and the Signs, Height, Area, and Building Setback requirements of Section VIII, Suburban District (RA).

FILED

AT O'CLOCK

FEB 10 1972

D. M. PENFOLD, Director of the

County of Lane, Oregon

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. 3-72

AN ORDINANCE ENACTING THE LANE CODE AS THE LAW OF LANE COUNTY AND REPEALING CERTAIN LANE COUNTY ORDINANCES OF A GENERAL AND PERMANENT NATURE.

The County of Lane does ordain as follows:

Section 1. Adoption of Lane Code. The provisions of a published document marked and designated as the Lane Code, and attached hereto and marked as Exhibit "A", are hereby enacted as the general and permanent law of the County of Lane.

Section 2. Code Provisions as Law. The provisions of the Lane Code adopted in Section 1 of this ordinance are the law in the County of Lane and are not merely prima facie evidence of the law.

Section 3. Effective Date of Lane Code. The provisions of this ordinance and the Lane Code take effect 12:01 a.m. the 10th day of February, 1972.

Section 4. Repeal of Existing General Ordinances. The following Lane County general ordinances are hereby repealed: \*

1-63	4-67	11-69	12-70	12-71
2-63	3-68	12-69	13-70	13-71
3-63	11-68	14-69	17-70	14-71
4-63	15-68	1-70	25-70	15-71
5-63	3-69	2-70	27-70	16-71
6-63	5-69	4-70	4-71	17-71
9-64	6-69	5-70	8-71	19-71
5-65	10-69	6-70	11-71	20-71
				21-71

Ordinance Nos.: 2, 7, 23, 39, 40, 116, 153

Lane County Revised Subdivision Ordinance dated 5/2/62.

\* For convenience, the following cross-reference table lists the repealed ordinances and the code chapters into which they have been incorporated:

Chapter 2 -	General	1-63, 2-63, 5-63;
-	Personnel Adm.	6-63, 3-68, 11-71;
-	Elections	3-63, 4-63, 1-70, 2-70.
Chapter 3		13-71.
Chapter 5 -	Infractions Procedure	4-71, 14-71;
	Infractions Specific	3-69, 12-71, 16-71, 19-71.
Chapter 6		4-67, 20-71, 21-71.
Chapter 9		5-65, 17-70, 5-71.
Chapter 11		10-69, 12-69, 6-70, 8-71, 17-71.
Chapter 12		5-70.
Chapter 13		15-68, 6-69, 12-70, 13-70.
Chapter 15		11-69, 4-70, 27-70.





Section 5. General Savings Provision.

(1) This ordinance and the Lane Code shall not affect rights and duties that matured, penalties that were incurred and proceedings that were begun before the effective date of Section 3 of this ordinance.

(2) The repealing provisions of this ordinance and the provisions of the Lane Code shall not affect or impair any act done, offense committed or liability, penalty, forfeiture or punishment incurred before the effective date of Section 3 of this ordinance.

Section 6. Continuity of Existing Provisions.

(1) The provisions of the Lane Code that are the same in substance as ordinance provisions of the County that are in effect immediately before the code becomes effective are construed as restatements and continuations of the prior provisions.

(2) Nothing in this ordinance or in the Lane Code affects the status of a lawful nonconforming use.

(3) For purposes of adoption of the Lane Code, the members of the county planning commission, and members of all other county offices, official positions, boards or commissions created under an ordinance repealed by this ordinance shall continue to hold office for the period of time specified in the repealed ordinance.

(4) A person who holds a license, permit, right or privilege granted under an ordinance repealed by this ordinance may continue to operate under and use such license, permit, right or privilege until expiration thereof according to the terms of the ordinance under which the license, permit, right or privilege was issued, unless the same is revoked sooner by the Board of County Commissioners.

Section 7. Emergency Clause. This ordinance being enacted by the Board of County Commissioners in the exercise of its police power and for the purpose of meeting an emergency, and being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this

ordinance shall take effect immediately upon being enacted.

Enacted this 9<sup>th</sup> day of February, 1972.

APPROVED AS TO FORM
DATE 1-26-72
<i>Ken P. Perkins</i>
OFFICE OF COUNTY COUNSEL

*Wm. E. O'Connell*  
 Chairman of the Board of County  
 Commissioners of Lane County

*Gaby Winter*  
 Recording Secretary of the Board at the  
 meeting at which this ordinance was  
 enacted

TOP  
 FILE  
 115-115

LANE CODE

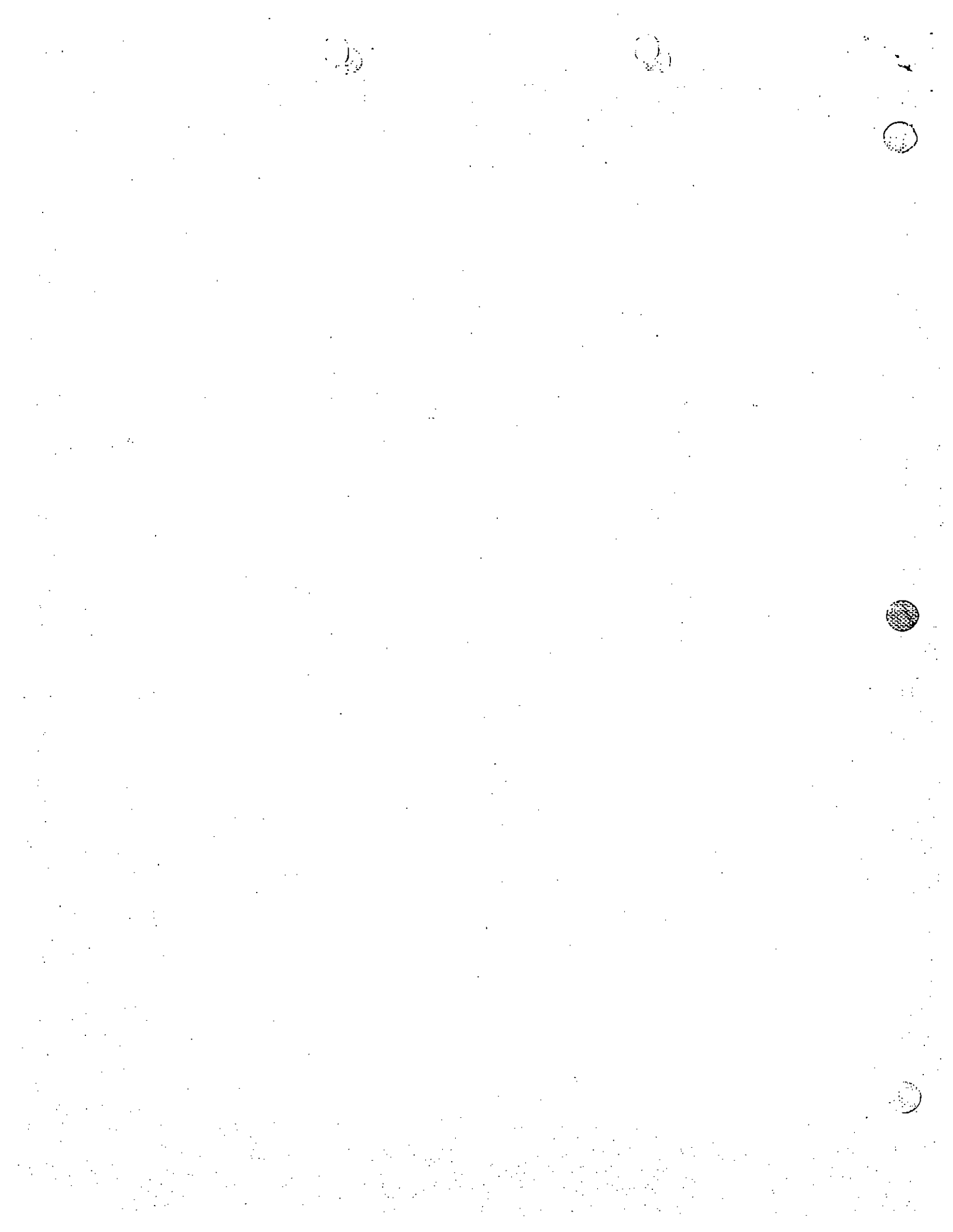
Exhibit "A"

Lane Code

C O N T E N T S

	<u>Sections</u>
Chapter 1 - GENERAL	1.005 to 1.030
Chapter 2 - ADMINISTRATION	
Generally . . . . .	2.005 to 2.040
Merit System . . . . .	2.220 to 2.290
Employee Representation . . . . .	2.405 to 2.515
Initiative and Referendum . . . . .	2.620 to 2.655
Service Districts . . . . .	2.660 to 2.665
Chapter 3 - BUSINESS LICENSES	
Junk Yard Regulations . . . . .	3.405 to 3.460
Violation . . . . .	3.990
Chapter 4 - (Reserved for Future Expansion)	
Chapter 5 - INFRACTIONS	
Infractions Section . . . . .	5.005 to 5.015
Infractions Procedure . . . . .	5.020 to 5.060
Infractions Specific . . . . .	5.165 to 5.500
Infractions, Violation . . . . .	5.990
Chapter 6 - OFFENSES	
Public Property . . . . .	6.025
Outdoor Assemblies . . . . .	6.500 to 6.580
Penalty . . . . .	6.995
Chapter 7 - (Reserved for Future Expansion)	
Chapter 8 - (Reserved for Future Expansion)	
Chapter 9 - ENVIRONMENT AND HEALTH	
Solid Waste Regulations . . . . .	9.005 to 9.115
Violation . . . . .	9.990
Penalty . . . . .	9.995

Contents	Lana Code	Contents
Chapter 10 - (Reserved for Future Expansion)		
Chapter 11 - BUILDINGS		
General . . . . .		11.005 to 11.135
Special Permit Areas . . . . .		11.500 to 11.520
Violation . . . . .		11.990
Chapter 12 - COMPREHENSIVE PLAN		
General . . . . .		12.005 to 12.055
Implementation . . . . .		12.160 to 12.185
Chapter 13 - SUBDIVISION		
General . . . . .		13.005 to 13.030
Procedure For Platting Property . . . . .		13.035 to 13.185
Penalty . . . . .		13.995
Chapter 14 - (Reserved for Future Expansion)		
Chapter 15 - MASTER ROAD PLAN		15.005 to 15.070



BOOK 194 PAGE 0292

IN THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 5-04

IN THE MATTER OF AMENDING LANE CODE CHAPTER 16 TO ADOPT RIPARIAN PROTECTION REGULATIONS TO IMPLEMENT GOAL 5 OUTSIDE THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) URBAN GROWTH BOUNDARY AND WITHIN THE METRO PLAN BOUNDARY

The Board of County Commissioners of Lane County ordains as follows:

Chapter 16 of Lane Code is hereby amended by removing, substituting and adding new sections as follows:

**REMOVE THESE SECTIONS**

16.210 through 16.216  
as located on pages 16-23 through 16-152  
(a total of 78 pages)

16.219 through 16.232  
as located on pages 16-213 through 16-250  
(a total of 38 pages)

16.253  
as located on pages 16-422 through 16-426  
(a total of 5 pages)

16.290 through 16.295  
as located on pages 16-512 through 16-542  
(a total of 26 pages)

**INSERT THESE SECTIONS**

16.210 through 16.216  
as located on pages 16-25 through 16-157  
(a total of 133 pages)

16.219 through 16.232  
as located on pages 16-213 through 16-252  
(a total of 40 pages)

16.253  
as located on pages 16-422 through 16-428  
(a total of 7 pages)

16.290 through 16.295  
as located on pages 16-512 through 16-548  
(a total of 35 pages)

Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to adopt riparian protection regulations to implement Goal 5 outside the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) urban growth boundary and within the Metro Plan boundary.

While not part of this Ordinance, findings attached as Exhibit "A" and incorporated herein by this reference are adopted in support of this decision.

ENACTED this 2<sup>nd</sup> day of June 2004

Bob Jensen  
Chair, Lane County Board of Commissioners

Blind  
Recording Secretary for this Meeting of the Board

**FILED**

JUN 21 2004

COUNTY CLERK  
BY Mitchell

APPROVED AS TO FORM

Date 6-2-2004 Lane County

Stephen J. Verker  
OFFICE OF LEGAL COUNSEL





- (iii) Signs shall be limited to 200 square feet in area.
- (8) Area. The minimum area requirement for the division of land shall be as follows:
- (a) 80 acres.
- (b) The minimum land division standard in LC 16.210(8)(a) above may be waived to allow a division of forest land involving a dwelling lawfully existing prior to the date of adoption of this rule provided:
- (i) The new parcel containing the dwelling is no larger than five acres; and
- (ii) The remaining forest parcel, not containing the dwelling, contains 80 acres; or
- (iii) The remaining forest parcel, not containing the dwelling, is consolidated with another parcel which together meet the minimum land division standards of LC 16.210(8)(a) above.
- (c) The minimum land division standard in LC 16.210(8)(a) above may be waived to allow uses identified above in: LC 16.210(2)(i); LC 16.210(3)(a) through (k), (t) and (u); and LC 16.210(4)(a) and (b); provided that such uses have been approved in compliance with LC 16.210(5) above.
- (d) Notice of a decision for an application pursuant to LC 16.210(8) above shall occur in compliance with LC 16.100(3).

(9) Telecommunication Towers. Notwithstanding the requirements in LC 16.210(3) above, telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4). *(Revised by Ordinance No. 7-87, Effective 6.17.87; 18-87, 12.25.87; 14-89, 2.2.90; 12-90, 10.11.90; 11-91A, 8.30.91; 17-91, 1.17.92; 10-92, 11.12.92; 4-02, 4.10.02; 10-04, 6.4.04)*

### IMPACTED FOREST LANDS ZONE (F-2, RCP) RURAL COMPREHENSIVE PLAN

#### 16.211 Impacted Forest Lands Zone (F-2, RCP).

- (1) Purpose. The purposes of the Impacted Forest Lands Zone (F-2, RCP) are:
- (a) To implement the forest land policies of the Lane County Rural Comprehensive Plan and the forest land policies of the Eugene/Springfield Metro Area General Plan; and
- (b) To conserve forest land for uses consistent with Statewide Planning Goal #4, OAR 660-006 and ORS 215.700 through .755.
- (2) Permitted Uses. The uses and activities in LC 16.211(2)(a) through (i) below are allowed without the need for notice and the opportunity for appeal, subject to compliance with the general provisions and exceptions prescribed by this chapter of Lane Code. A determination by the Director for whether or not a use fits within the classification of uses listed in LC 16.211(2) below may constitute a "permit" as defined by ORS 215.402(4), "...discretionary approval of a proposed development of land..."

For such a determination, an owner of land where the use would occur may apply in writing to the Director to provide mailed notice of the determination to nearby owners pursuant to LC 14.100(3) and (4) with the opportunity for appeal pursuant to LC 14.500. The burden of proof in the application shall be upon the owner of land to demonstrate that the proposed use fits within the classification. The Director shall provide a disclosure statement regarding this option for notice and the opportunity for appeal to owners of land applying for land use compatibility statements or permits with Lane County for the uses listed in LC 16.211(2) below.

(a) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of forest tree species, application of chemicals, and disposal of slash.

(b) Temporary onsite structures which are auxiliary to and used during the term of a particular forest operation.

(c) Physical alteration to the land auxiliary to forest practices including, but not limited to those made for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities. "Auxiliary" means a use or alteration of a structure or land which provides help or is directly associated with the conduct of a particular forest practice. An auxiliary structure is located on site, temporary in nature, and is not designed to remain for the forest's entire growth cycle from planting to harvesting. An auxiliary use is removed when a particular forest practice has concluded.

(d) Farm use (see the definition of "Farm Use" in LC 16.090).

(e) Private hunting and fishing operations without any lodging accommodations.

(f) Towers and fire stations for forest fire protection.

(g) Water intake facilities, canals and distribution lines for farm irrigation and ponds.

(h) Caretaker residences for public parks and fish hatcheries subject to compliance with the siting criteria in LC 16.211(8) below. Land use approval of a permit described in LC 16.211(2)(h) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(5)(d)(ii) and (iii), an application for a two-year extension of the timelines for the permit approval described in LC 16.211(2)(h) above may be made and approved pursuant to LC 14.700(2).

(i) Exploration for and production of geothermal, gas, oil, and other associated hydrocarbons, including the placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the well head.

(j) Disposal site for solid waste that has been ordered established by the Environmental Quality Commission under ORS 459.049, together with the equipment, facilities or buildings necessary for its operation.

(k) An outdoor mass gathering as defined in ORS 433.735 or other gathering of fewer than 3,000 persons that is not anticipated to continue for more than 120 hours in any three month period is not a "land use decision" as defined in ORS 197.015(10) or subject to review under LC 16.211(3)(f-f) below.

(l) A wildlife habitat conservation and management plan pursuant to ORS 215.804.

(m) Widening of roads within existing rights-of-way and the following:

(i) Climbing and passing lanes within the right-of-way existing as of July 1, 1987;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways, including channelization as defined in LC 15.010, the

placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;

(iii) Temporary public road and highway detours that will be abandoned and restored to the condition or use in effect prior to construction of the detour at such time as no longer needed; or

(iv) Minor betterment of existing public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.

(v) Operations, maintenance, and repair as defined in LC 15.010 of existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vi) Preservation as defined in LC 15.010, and rehabilitation activities and projects as defined in LC 15.010 for existing transportation facilities, services, and improvements, including road, bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals.

(vii) Dedication and acquisition of right-of-way, authorization of construction and the construction of facilities and improvements, where the improvements are otherwise allowable and consistent with clear and objective dimensional standards.

(viii) Changes in the frequency of transit, rail and airport services.

(3) Special Uses - Director Review. The uses in LC 16.211(3)(a) through (f-f) below are allowed subject to compliance with the general provisions and exceptions in LC Chapter 16 and with the specific requirements in LC 16.211(3) below. Each use in 16.211(3)(a) through (f-f) below shall require submittal of an application pursuant to LC 14.050, and review and approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal. A use in LC 16.211(3)(a) through (s), (z) and (a-a) through (f-f) below may be allowed if it will not force a significant change in, or significantly increase the cost of, accepted farming or forest practices on agriculture or forest lands and excluding LC 16.211(f-f) below if it will not significantly increase fire hazard or significantly increase fire suppression costs or significantly increase risks to fire suppression personnel. A use in LC 16.211(3)(t) through (y) below may be allowed if there is adequate information demonstrating that the use fits the use classification in LC 16.211(3)(t) through (y) below. A condition for approval of a use in LC 16.211(3)(c), (j), (n), (o) and (r) below shall be a written statement recorded with the deed or written contract with Lane County is obtained from the landowner which recognizes the rights of adjacent and nearby land owners to conduct forest operations consistent with the Forest Practices Act and Rules.

(a) Permanent logging equipment repair and storage.

(b) Log scaling and weigh stations.

(c) Private parks and campgrounds that comply with these requirements:

(i) Except on a lot or parcel contiguous to a lake or reservoir, campgrounds shall not be allowed within three miles of an urban growth boundary unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4;

(ii) A campground is an area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes and is established on a site or is contiguous to lands with a park or other outdoor natural amenity that is accessible for recreational use by the occupants of the campground;

- (iii) A campground shall be designed and integrated into the rural agricultural and forest environment in a manner that protects the natural amenities of the site and provides buffers of existing native trees and vegetation or other natural features between campsites;
  - (iv) Campsites may be occupied by a tent, travel trailer or recreational vehicle;
  - (v) Separate sewer, water or electric service hook-ups shall not be provided to individual camp sites;
  - (vi) Campgrounds authorized by LC 16.211(3)(c) above shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations; and
  - (vii) Overnight temporary use in the same campground by a camper or camper's vehicle shall not exceed a total of 30 days during any consecutive 6 month period.
- (d) Public parks including those uses specified under OAR 660-034-0035.
- (e) Television, microwave, and radio communication facilities and transmission towers. In addition to the requirements in LC 16.211(3) above, a communication facility that is a telecommunications facility as defined by LC 16.264(2) shall comply with LC 16.264.
- (f) Fire stations for rural fire protection.
  - (g) Utility facilities for the purpose of generating power that do not preclude more than ten acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
  - (h) Aids to navigation and aviation.
  - (i) Water intake facilities, related treatment facilities, pumping stations, and distribution lines.
  - (j) Reservoirs and water impoundment.
  - (k) Cemeteries.
  - (l) New electric transmission lines with right-of-way widths of up to 100 feet as specified in ORS 772.210; and new distribution lines (e.g., electrical, gas, oil, geothermal, telephone, fiber optics cables) with rights-of-way 50 feet or less in width.
- (m) Temporary asphalt and concrete batch plants as accessory uses to specific highway projects. Within 30 days of the temporary asphalt and concrete batch plants no longer being used as accessory uses to specific highway projects, the site shall be restored to its condition prior to placement of the temporary asphalt and concrete batch plants.
- (n) Home occupations that comply with these requirements:
- (i) Shall be operated by a resident of the property on which the business is located;
  - (ii) Shall employ on the site no more than five full-time or part-time persons;
  - (iii) Shall be operated substantially in the dwelling, or other existing buildings normally associated with uses permitted by LC 16.211(2) above;
  - (iv) No structure shall be constructed for the home occupation that would not otherwise be allowed by LC 16.211(2) above;
  - (v) Shall not unreasonably interfere with uses permitted by the zoning of nearby lands or with uses allowed by LC 16.211(2) above;
  - (vi) Shall comply with sanitation and building code requirements;
  - (vii) Shall not be used as a justification for a zone change;

(viii) Shall comply with any additional conditions of approval established by the Approval Authority; and

(ix) Approved applications for home occupations shall be valid until December 31 of the year following the year that the application was initially approved or until December 31 of the year for which an extension of the approval was granted by the Director as provided in LC 16.212(3)(n)(ix) below. Prior to December 31 of the year that the approval expires, the property owner or applicant who received initial approval, or a renewal pursuant to LC 16.212(3)(n)(ix), shall provide the Director with written request for renewal of the home occupation and written information sufficient to allow the Director to determine if the Conditions of Approval and other approval criteria have been satisfied. The Director shall review this information for each approved home occupation to determine if it continues to comply with the conditions of approval. Home occupations which continue to comply with the conditions of approval shall receive a two-year extension of approval to December 31 of the following year, and such extension shall be put in writing by the Director and mailed to the owner of the property upon which the home occupation is located. Home occupations which do not comply with the conditions of approval, or for which a request for renewal is not received pursuant to this section, shall not receive extended approval by the Director, and the Director shall mail written notice of the decision not to extend the approval to the owner of the property upon which the home occupation is located.

(o) One manufactured dwelling or park model recreation vehicle in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the resident or a relative of the resident subject to compliance with these requirements:

(i) As used in LC 16.211(3)(o) above, "hardship" means, "a medical hardship or hardship for the care of an aged or infirm person or persons;"

(ii) As used in LC 16.211(3)(o) above, "relative of the resident" means, "a child, parent, stepparent, grandchild, grandparent, step grandparent, sibling, stepsibling, niece, nephew or first cousin of the existing residents;"

(iii) The manufactured dwelling or park model recreation vehicle shall use the same subsurface sewage disposal system used by the existing dwelling, if that disposal system is adequate to accommodate the additional dwelling.

(iv) The temporary manufactured dwelling or park model recreation vehicle will comply with Oregon Department of Environmental Quality review and removal requirements;

(v) Except as provided in LC 16.211(3)(o)(vi) below, approval of a temporary manufactured dwelling or park model recreation vehicle permit shall be valid until December 31 of the year following the year of original permit approval and may be renewed once every two years until the hardship situation ceases or unless in the opinion of the Lane County Sanitarian the on-site sewage disposal system no longer meets DEQ requirements;

(vi) Within 90 days of the end of the hardship situation, the manufactured dwelling or park model recreation vehicle shall be removed from the property or demolished; and

(vii) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4) below.

(p) Expansion of lawfully existing airports.

(q) Transportation facilities and uses described as follows:

(i) Construction of additional passage and travel lanes requiring the acquisition of right-of-way but not resulting in the creation of new land parcels;

(ii) Reconstruction or modification as defined in LC 15.010 of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;

(iii) Improvement of public roads and highway-related public facilities such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels;

(iv) Bikeways, footpaths, and recreation trails not otherwise allowed as a reconstruction or modification project or part of an existing road.

(v) Park and ride lots.

(vi) Railroad mainlines and branchlines.

(vii) Pipelines.

(viii) Navigation channels.

(ix) Realignment as defined in LC 15.010 not otherwise allowed under LC 16.211(2) or 16.211(3), and subject to LC 16.211(13).

(x) Replacement of an intersection with an interchange, subject to LC 16.211(13).

(xi) Continuous median turn lanes subject to LC 16.211(13).

(xii) Subject to LC 16.211(13), New Roads as defined in LC 15.010 that are County Roads functionally classified as Local Roads or Collectors, or are Public Roads or Local Access Roads as defined in LC 15.010(35) in areas where the function of the road is to reduce local access to or local traffic on a state highway. These roads shall be limited to two travel lanes. Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(xiii) Subject to LC 16.211(13), transportation facilities, services and improvements other than those listed in LC 16.211 that serve local travel needs. The travel capacity and level of service of facilities and improvements serving local travel needs shall be limited to that necessary to support rural land uses identified in the Rural Comprehensive Plan or to provide adequate emergency access.

(r) Private accommodations for fishing occupied on a temporary basis may be allowed provided the Oregon Department of Fish and Wildlife (hereafter ODF&W) is consulted by the Planning Director at least ten working days prior to the initial permit decision. Approval of the seasonal use and facility shall comply with LC 16.211(8) below, and these requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

(ii) Only minor incidental and accessory retail sales are permitted;

(iii) Accommodations are occupied temporarily for the purpose of fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

(iv) Accommodations are located within 1/4 mile of fish bearing Class I waters.

(s) Forest management research and experimentation facilities as defined by ORS 526.215 or where accessory to forest operations.

(t) Uses to conserve soil, air, and water quality and to provide for wildlife and fisheries resources.

(u) Local distribution lines (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provide service hookups, including water service hookups.

(v) Temporary portable facility for the primary processing of forest products.

16.211

(w) Exploration for mineral and aggregate resources as defined in ORS Chapter 517.

- (x) Uninhabitable structures accessory to fish and wildlife enhancement.
- (y) Temporary forest labor camps.
- (z) Permanent facility for the primary processing of forest products that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(a-a) Disposal site for solid waste approved by the Lane County Board of Commissioners or a city council or both for which the Oregon Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation and that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(b-b) Mining and processing of oil, gas, or other subsurface resources, as defined in ORS Chapter 520, and not otherwise permitted under LC 16.211(2)(i) above (e.g., compressors, separators and storage serving multiple wells), and mining and processing of aggregate and mineral resources as defined in ORS Chapter 517 that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(c-c) Firearms training facility that shall not significantly conflict with the existing uses on adjacent and nearby lands.

(d-d) Private seasonal accommodations for fee hunting operations may be allowed subject to LC 16.211(8), and these requirements:

(i) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Specialty Code;

(ii) Only minor incidental and accessory retail sales are permitted;

(iii) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons authorized by the Oregon Fish and Wildlife Commission; and

(iv) Shall not significantly conflict with the existing uses on adjacent and nearby lands.

(e-e) Any gathering, and any part of which is held in open spaces, of more than 3,000 persons which continues or can reasonably be expected to continue for more than 120 hours within any three-month period subject to compliance with the following requirements:

(i) The application has or can comply with the requirements for an outdoor mass gathering permit set out in ORS 433.750;

(ii) The proposed gathering is compatible with existing land uses;

(iii) The proposed gathering shall not materially alter the stability of the overall land use pattern of the area; and

(iv) The provisions of ORS 433.755 shall apply to the proposed gathering.

(f-f) A youth camp that complies with LC 16.211(11) below. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons twenty-one (21) years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. The provisions of LC 16.211(11) below do not apply to youth camps established prior to June 14, 2000.

(4) Alteration, Restoration Or Replacement Of A Lawfully Established Dwelling Or Manufactured Dwelling.

(a) The alteration, restoration, or replacement of a lawfully established dwelling or manufactured dwelling is an allowed use without the need for notice and the

opportunity for appeal subject to compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:

(i) The property owner provides:

(aa) Building permit or land use application records from the Lane County Land Management Division indicating that the existing dwelling or manufactured dwelling was lawfully constructed or placed on the subject property; or  
(bb) Records from the Lane County Assessment and Taxation Office indicating that the structure has existed on the property and been taxed on a continuous, annual basis from a date that, as determined by the Director, predates the zoning of the subject property.

(ii) The dwelling or manufactured dwelling has:

(aa) intact exterior walls and roof structure;  
(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;  
(cc) interior wiring for interior lights; and  
(dd) a heating system.

(iii) An alteration or replacement of a dwelling or manufactured dwelling allowed by LC 16.211(4)(a) above shall be located on the same site as the existing dwelling or manufactured dwelling. For the purpose of LC 16.211(4)(a)(iii) above, "the same site" is defined as a square with dimensions of 200 feet which is centered on the footprint of the established dwelling or manufactured dwelling;

(iv) For a replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling or manufactured dwelling;

(v) Land use approval of a permit described in LC 16.211(4)(a) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(4)(a)(v) above may be made and approved pursuant to LC 14.700(2);

(vi) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4)(a) above; and

(vii) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(b) The alteration, restoration, or replacement of a lawfully established dwelling or manufactured dwelling that does not meet the requirements in LC 16.211(4)(a)(i) or (iii) above is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(8) below and with these requirements:

(i) There is objective evidence demonstrating that the existing dwelling or manufactured dwelling was lawfully placed on the subject property. The burden of proof is upon the applicant to provide this evidence to the Director;

(ii) The dwelling or manufactured dwelling has:

(aa) intact exterior walls and roof structure;



(bb) indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(cc) interior wiring for interior lights; and

(dd) a heating system.

(iii) For a replacement, the dwelling or manufactured dwelling to be replaced shall be removed, demolished, or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling or manufactured dwelling;

(iv) Land use approval of a permit described in LC 16.211(4)(b) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(4)(b)(iv) above may be made and approved pursuant to LC 14.700(2);

(v) A temporary manufactured dwelling or park model recreation vehicle approved under LC 16.211(3)(o) above shall not be eligible for replacement under LC 16.211(4)(b) above; and

(vi) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(5) Template Dwelling. One single-family dwelling or manufactured dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(5)(a) through (f) and LC 16.211(8) below.

(a) The tract upon which the dwelling or manufactured dwelling will be located has no other dwellings or manufactured dwellings on it. As used in LC 16.211(5), "tract" means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

(b) The lot or parcel upon which the dwelling or manufactured dwelling will be located was lawfully created.

(c) The lot or parcel upon which the dwelling or manufactured dwelling will be located:

(i) Is predominantly composed of soils that are capable of producing 0 to 49 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least three other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(i)(aa) above.

(bb) At least three dwellings or manufactured dwellings existed on January 1, 1993, on the other lots or parcels described in LC 16.211(5)(c)(i)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(i)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or manufactured dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle; or

(ii) Is predominantly composed of soils that are capable of producing 50 to 85 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least seven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(ii)(aa) above.

(bb) At least three dwellings or manufactured dwellings existed on January 1, 1993, on the other lots or parcels described in LC 16.211(5)(c)(ii)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(ii)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or manufactured dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle; or

(iii) Is predominantly composed of soils that are capable of producing 85 cubic feet per acre per year of wood fiber; and

(aa) All or part of at least eleven other lots or parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract measured and counted as follows:

(A) If the subject tract abuts a road that existed on January 1, 1993, the measurement may be made by creating a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center of the subject tract and that is to the maximum extent possible, aligned with the road;

(B) If the subject tract is 60 acres or larger and abuts a road or perennial stream, the measurement shall be made by using a 160-acre rectangle

that is one mile long and one-fourth mile wide centered on the center of the subject tract that is to the maximum extent possible, aligned with the road or stream;

(C) Lots or parcels within urban growth boundaries shall not be used to satisfy the eligibility requirements in LC 16.211(5)(c)(iii)(aa) above.

(bb) At least three dwellings or manufactured dwellings existed on January 1, 1993, on the other lots or parcels described in LC 16.211(5)(c)(iii)(aa) above. If the measurement is made pursuant to LC 16.211(5)(c)(iii)(aa)(B) above and if a road crosses the subject tract, then at least one of the three required dwellings or manufactured dwellings shall be located:

(A) On the same side of the road as the proposed residence; and

(B) On the same side of the road or stream as the subject tract and located within a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the center on the subject tract that is to the maximum extent possible aligned with the road or stream and within one-quarter mile from the edge of the subject tract but not outside the length of the 160-acre rectangle.

(d) Approval of a dwelling or manufactured dwelling shall comply with the requirements in LC 16.211(5)(d)(i) through (iv) below:

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(e) Prior to land use clearance of a building permit for the dwelling or manufactured dwelling, when the lot or parcel on which the dwelling or manufactured dwelling will be located is part of a tract, the remaining portions of the tract shall be consolidated into a single lot or parcel and a deed restriction using the form provided in OAR 660-06-027(6), "Exhibit A," shall be completed and recorded with Lane County Deeds and Records. The covenants, conditions and restrictions in the deed restriction:

(i) Shall be irrevocable, unless a statement of release is signed by the Director;

(ii) May be enforced by the Department of Land Conservation and Development or by Lane County;

(iii) Shall, together with a map or other record depicting any tract which does not qualify for a dwelling, be maintained in the Department records and be readily available to the public; and

(iv) The failure to follow the requirements of LC 16.211(5)(e) above shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property which is the subject of the covenants, conditions and restrictions required by LC 16.211(5)(e) above.

(f) Land use approval of a permit described in LC 16.211(5) above shall be valid for four years from the date of the approval. Notwithstanding the requirements

in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(5)(f) above may be made and approved pursuant to LC 14.700(2).

(g) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(6) Lot of Record Dwelling. One single family dwelling or manufactured dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(6)(a) through (j) and LC 16.211(8) below.

(a) "Owner" includes wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent or grandchild of the owner or a business entity owned by any one or combination of these family members.

(b) "Tract" means "One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway."

(c) "Commercial tree species" means "trees recognized under rules adopted under ORS 527.715 for commercial production."

(d) The lot or parcel on which the dwelling will be sited was:

(i) Lawfully created; and

(ii) Acquired and owned continuously by the present owner since prior to January 1, 1985, or acquired by devise or by interstate succession from a person who acquired the lot or parcel prior to January 1, 1985.

(e) The tract on which the dwelling will be sited does not include a dwelling.

(f) If the lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, then no dwelling exists on another lot or parcel that was part of that tract.

(g) The dwelling will be located on a tract that:

(i) Is composed of soils not capable of producing 5,000 cubic feet per year of commercial tree species;

(ii) Is located within 1,500 feet of a public road that is maintained and either paved or surfaced with rock and that meets the following requirements:

(aa) A "Public Road" means, "a road over which the public has a right of use that is a matter of public record;"

(bb) Shall not be a United States Bureau of Land Management road; and

(cc) Shall not be a United States Forest Service road unless the road is paved to a minimum width of 18 feet, there is at least one defined lane in each direction and a maintenance agreement exists between the United States Forest Service and landowners adjacent to the road, a local government or a state agency.

(h) If the lot or parcel where the dwelling will be located is part of a tract, then prior to land use clearance of the permit for the dwelling on this tract, the tract shall be consolidated into a single lot or parcel.

(i) Approval of a dwelling shall comply with LC 16.211(6)(i)(i) through (iv) below.

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(j) Land use approval of a permit described in LC 16.211(6) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two-year extension of the timelines for the permit approval described in LC 16.211(6)(j) above may be made and approved pursuant to LC 14.700(2).

(k) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(7) Large Tract Dwelling. One single family dwelling or manufactured dwelling is allowed subject to prior submittal of an application pursuant to LC 14.050, approval of the application pursuant to LC 14.100 with the options for the Director to conduct a hearing or to provide written notice of the decision and an opportunity for appeal, and compliance with the general provisions and exceptions in LC Chapter 16, LC 16.211(7)(a) through (f) and LC 16.211(8) below.

(a) "Tract" means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

(b) Is sited on a tract that does not contain a dwelling or manufactured dwelling.

(c) Is sited on a tract that:

(i) Contains at least 160 contiguous acres; or

(ii) Contains at least 200 acres in one ownership that are not contiguous but are in the same county or adjacent counties and zoned for forest use.

(d) Prior to land use clearance of a building permit for the dwelling or manufactured dwelling, when the lot or parcel where the dwelling or manufactured dwelling will be located is part of a tract, the covenants, conditions and restrictions form adopted as Exhibit A in OAR 660-006-027(6)(a) shall be completed and recorded by the property owner in Lane County Deeds and Records and a copy of the recorded instrument provided to the Director. The covenants, conditions and restrictions in the deed restriction:

(i) Shall be irrevocable, unless a statement of release is signed by the Director;

(ii) May be enforced by the Department of Land Conservation and Development or by Lane County; and

(iii) Shall, together with a map or other record depicting any tract which does not qualify for a dwelling, be maintained in the Department records and be readily available to the public. The failure to follow the requirements of LC 16.211(7)(d) above shall not affect the validity of the transfer of property or the legal remedies available to the buyers of the property which is the subject of the covenants, conditions and restrictions required by this subsection.

(e) Approval of a dwelling or manufactured dwelling shall comply with the requirements in LC 16.211(7)(e)(i) through (iv) below:

(i) The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules;

(ii) The Director shall notify the County Assessor of the above condition at the time the dwelling is approved;

(iii) If the lot or parcel is more than ten acres, the property owner shall submit a stocking survey report to the County Assessor and the Assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules; and

(iv) If the Department of Forestry determines that the tract does not meet those requirements and notifies the owner and the Assessor that the land is not being managed as forest land, the Assessor will remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

(f) Land use approval of a permit described in LC 16.211(7) above shall be valid for four years from the date of the approval. Notwithstanding the requirements in LC 14.700(2)(d)(ii) and (iii), an application for a two year extension of the timelines for the permit approval described in LC 16.211(7)(f) above may be made and approved pursuant to LC 14.700(2).

(g) The Director shall require as a condition of approval that the landowner for the dwelling sign and record in the Lane County deed records a document binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(8) Siting Standards for Dwellings, Structures and Other Uses. The following siting standards shall apply to all new dwellings, manufactured dwellings and structures, and other uses as specified above in LC 16.211(2)(h) and (j), and in LC 16.211(3) through (7) above. These standards are designed to make such uses compatible with forest operations and agriculture, to minimize wildfire hazards and risks and to conserve values found on forest lands. The standards in LC 16.211(8)(a)-through(b) below shall be weighed together with the requirements in LC 16.211(8)(c) and (e) below to identify the building site.

(a) Setbacks. Residences, dwellings or manufactured dwellings and structures shall be sited as follows:

(i) Near dwellings or manufactured dwellings on other tracts, near existing roads, on the most level part of the tract, on the least suitable portion of the tract for forest use and at least 30 feet away from any ravine, ridge or slope greater than 40 percent;

(ii) With minimal intrusion into forest areas undeveloped by non-forest uses; and

(iii) Where possible, when considering LC 16.211(8)(a)(i) and (ii) above and the dimensions and topography of the tract, at least 500 feet from the adjoining lines of property zoned F-1 and 100 and at least 30 feet from the adjoining lines of property zoned F-2 or EFU; and

(iv) Except for property located between the Eugene-Springfield Metropolitan Area General Plan Boundary and the Eugene and Springfield Urban Growth Boundaries, where setbacks are provided for in LC 16.253(6), the riparian setback area shall be the area between a line 100 feet above and parallel to the ordinary high water of a Class I stream designated for riparian vegetation protection in the Rural Comprehensive Plan. No structure other than a fence shall be located closer than 100 feet from ordinary high water of a Class I stream designated for riparian vegetation protection by the Rural Comprehensive Plan. A modification to the riparian setback standard for a structure may be allowed provided the requirements of LC 16.253(3) or LC 16.253(6), as applicable, are met; and

(v) Structures other than a fence or sign shall not be located closer than:

(aa) 20 feet from the right-of-way of a state road, County road or a local access public road specified in Lane Code LC Chapter 15; and

(bb) 30 feet from all other property lines; and

(cc) The minimum distance necessary to comply with LC 16.211(8)(a) above and LC 16.211(8)(b) through (d) below.

(b) The amount of forest lands used to site access roads, service corridors and structures shall be minimized.

(c) Fire Siting Standards. The following fire-siting standards or their equivalent shall apply to new residences, dwellings, manufactured dwellings or structures:

(i) Fuel-Free Breaks. The owners of dwellings, manufactured dwellings and structures shall maintain a primary safety zone surrounding all structures and clear and maintain a secondary fuel break on land surrounding the dwelling or manufactured dwelling that is owned or controlled by the owner in compliance with these requirements.

(aa) Primary Safety Zone. The primary safety zone is a fire break extending a minimum of 30 feet in all directions around dwellings, manufactured dwellings and structures. The goal within the primary safety zone is to exclude fuels that will produce flame lengths in excess of one foot. Vegetation within the primary safety zone could include green lawns and low shrubs (less than 24 inches in height). Trees shall be spaced with greater than 15 feet between the crown and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees. Nonflammable materials (i.e., rock) instead of flammable materials (i.e., bark mulch) shall be placed next to the house.

As slope increases, the primary safety zone shall increase away from the house, parallel to the slope and down the slope, as shown in the table below:

Size of the Primary Safety Zone by Percent Slope		
% Slope	Feet of Primary Safety Zone	Feet of Additional Safety Zone Down Slope
0	30	0
10	30	50
20	30	75
25	30	100

40

30

150

Dwellings or manufactured dwellings shall not be sited on a slope greater than 40 percent.

(bb) **Secondary Fuel Break.** The secondary fuel break is a fuel break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of the secondary fuel break is to reduce fuels so that the overall intensity of any wildfire would be lessened and the likelihood of crown fires and crowning is reduced. Vegetation within the secondary fuel break shall be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees shall be removed to prevent spread of fire up into the crowns of the larger trees. Dead fuels shall be removed.

(ii) **Structural Fire Protection.** The dwelling or manufactured dwelling shall be located upon a parcel within a fire protection district or shall be provided with residential fire protection as evidenced by a long term contract with a fire protection district (FPD) recorded in Lane County Deeds and Records. If the dwelling or manufactured dwelling are not within a FPD, the applicant shall provide evidence that the applicant has submitted a written request for a long term services contract with the nearest FPD and to be annexed into the FPD boundaries. If the FPD and the Planning Director determine that inclusion within a FPD or contracting for residential fire protection is impracticable, the Planning Director shall require as a condition of approval for the dwelling or manufactured dwelling that the property owner implement and maintain a Fire Protection Plan as an alternative means for protecting the dwelling or manufactured dwelling from fire hazards, consistent with the following standards:

(aa) Implementation and maintenance in perpetuity of a 100-foot wide primary safety zone surrounding the perimeter of the dwelling or manufactured dwelling structures in compliance with the standards in LC 16.211(c)(i)(aa) above; and

(bb) An external, fire protection system as a component to the equivalent Fire Protection Plan to mitigate the threat to the dwelling and residential structures by a seasonal wildfire or the threat to the forest resource base from a fire originating on the parcel in compliance with the following standards:

(A) Provide a minimum of two all-weather, one-inch valve, fire hydrants and two fire hose reels with sufficient length of fire suppression hose at each hydrant to reach around fifty percent of the exterior of the dwelling and residential accessory structures. The hose reels shall be installed between 50-75 feet from the structure foundations. The minimum fire hose interior diameter shall be one-inch;

(B) Provide a fire nozzle with each fire hose with multiple settings to allow stream, spray and fog applications of water on the exterior of the structures and landscape;

(C) Provide and annually maintain a water supply and pumping system connected to the fire hydrants in compliance with the following minimum requirements: a swimming pool, pond, lake or similar body of water that at all times contains a minimum of 4,000 gallons of water; or a stream that has a continuous year-round flow of at least one cubic foot per second; or a 1,500-gallon storage tank, e.g., concrete septic tank connected to an operating groundwater well for refilling; or a high-yield groundwater well with a minimum yield of 30 gallons per minute for one hour; and a pump system capable of maintaining 80 psi line pressure to the two fire hydrants.

(cc) The property owner shall provide verification from the Water Resources Department that any permits or registrations required for water diversions have been obtained or that such permits or registrations are not required under state law for the use; and



(dd) Road or driveway access to within 15 feet of the water supply shall be provided for pumping units. The road or driveway access shall accommodate the turnaround of fire fighting equipment during the fire season. Permanent signs shall be posted along the access route to indicate the location of the emergency water source.

(iii) Chimneys and Roofs. Dwellings, manufactured dwellings or structures with any chimneys shall have a spark arrestor on the chimneys. All habitable roofed structures shall be regulated by the State of Oregon Structural Specialty Code or the State of Oregon One and Two Family Specialty Code. Roofing for dwellings and manufactured dwellings shall be asphalt shingles in accordance with Section 903, slate shingles in accordance with Section 904, metal roofing in accordance with Section 905, tile, clay or concrete shingles in accordance with Section 907 and other approved roofing which is deemed to be equivalent to Class C rated roof covering. Wood shingles and shake roofs are not permitted. When 50 percent or more of the roof covering of any one or two family dwelling or manufactured dwelling is repaired or replaced in one year, the roof covering shall be made to comply with this section.

(d) Domestic Water Supplies. Evidence shall be provided that the domestic water supply is from a source authorized in accordance with the Water Resources Department's administrative rules for the appropriation of ground water or surface water and not from a Class II stream as defined in the Forest Practices Rule, OAR Chapter 629. If the water supply is unavailable from public sources or sources located entirely on the property, then the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners. For purposes of LC 16.211(8)(d) above, evidence of domestic water supply means:

(i) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or

(ii) A water use permit issued by the Water Resources Department for the use described in the application; or

(iii) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the Department upon completion of the well.

(e) Fire Safety Design Standards for Roads and Driveways. Private driveways, roads or bridges accessing only commercial forest uses are not subject to compliance with these fire safety design standards for roads and driveways. The route of access for fire fighting equipment, from the fire station to the destination point, across public roads, bridges, private roads or private access easements and driveways shall comply with the standards specified below in LC 16.211(8)(e). Evidence of compliance with the standards specified in LC 16.211(8)(e) below should include objective information about the fire fighting equipment, the physical nature of the access route, the nature of any proposed improvements to the access route, and it may also include a written verification of compliance from the agency providing fire protection, or a written certification of compliance from an Oregon Registered Professional Engineer. As used herein, "road" means a way of access used for more than one use and accessory uses dwelling or manufactured dwelling. As used herein, "driveway" means a way of access used for only one dwelling or manufactured dwelling.

(i) Road and Driveway Surfaces. Roads shall have unobstructed widths of at least 20 feet including: travel surfaces with widths of at least 16 feet

constructed with gravel to a depth sufficient to provide access for fire fighting vehicles and containing gravel to a depth of at least six-inches or with paving having a crushed base equivalent to six inches of gravel, an unobstructed area two feet in width at right angles with each side of the constructed surface, curve radii of at least 50 feet, and a vertical clearance of at least 13 feet 6 inches. Driveways shall have: constructed widths of at least 12 feet with at least six inches of gravel or with paving having a crushed base equivalent to six inches of gravel and shall have a vertical clearance of 13 feet 6 inches.

(ii) Turnarounds. Any dead-end road over 200 feet in length and not maintained by Lane County shall meet these standards for turnarounds. Dead-end roads shall have turnarounds spaced at intervals of not less than 500 feet. Turnarounds shall comply with these design and construction standards:

(aa) Hammerhead Turnarounds. Hammerhead turnarounds (for emergency vehicles to drive into and back out of to reverse their direction on the road) shall intersect the road as near as possible at a 90 degree angle and extend from the road at that angle for a distance of at least 20 feet. They shall be constructed to the standards for driveways in LC 16.211(8)(e)(i) above and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; or

(bb) Cul-de-sac Turnarounds. Cul-de-sac turnarounds shall have a right-of-way width with a radius of at least 45 feet and an improved surface with a width of at least 36 feet and shall be marked and signed by the applicant as "NO PARKING." Such signs shall be of metal or wood construction with minimum dimensions of 12 inches by 12 inches; and

(cc) No cul-de-sacs or hammerhead turnarounds shall be allowed to cross any slope which will allow chimney-effect draws unless the dangerous effects of the chimney-effect draws have been mitigated by the location of the road and, where necessary, by the creation of permanent fire breaks around the road.

(iii) Bridges and Culverts. Bridges and culverts shall be constructed to sustain a minimum gross vehicle weight of 50,000 lbs. and to maintain a minimum 16-foot road width surface or a minimum 12-foot driveway surface. The Planning Director may allow a single-span bridge utilizing a converted railroad flatcar as an alternative to the road and driveway surface width requirements, subject to verification from an engineer licensed in the State of Oregon that the structure will comply with the minimum gross weight standard of 50,000 lbs.

(iv) Road and Driveway Grades. Road and driveway grades shall not exceed 16 percent except for short distances when topographic conditions make lesser grades impractical. In such instances, grades up to 20 percent may be allowed for spans not to exceed 100 feet. An applicant must submit information from a Fire Protection District or engineer licensed in the State of Oregon demonstrating that road and driveway grades in excess of eight percent are adequate for the fire fighting equipment of the agency providing fire protection to access the use, fire fighting equipment and water supply.

(v) Identification. Roads shall be named and addressed in compliance with LC 15.305 through 15.335.

(vi) Driveway Vehicle Passage Turnouts. Driveways in excess of 200 feet shall provide for a 20-foot long and eight-foot wide passage space (turn out) with six inches in depth of gravel and at a maximum spacing of 400 feet. Shorter or longer intervals between turnouts may be authorized by the Planning Director where the Director inspects the road and determines that topography, vegetation, corners or turns obstruct visibility.

(vii) Modifications and Alternatives. The standards in LC 16.211(8)(e)(i) through (vi) above may be modified by the Approval Authority provided the applicant has submitted objective evidence demonstrating that an alternative standard would insure adequate access for fire fighting equipment from its point of origination to its point of destination.

(9) Other Development Standards.

(a) Maintenance, Removal and Replacement of Indigenous Vegetation within the Riparian setback area. Maintenance, removal and replacement of indigenous vegetation within the riparian setback area along ~~Class I streams~~ designated for riparian vegetation protection by the Comprehensive Pplan must comply with the provisions of LC 16.253(2) or LC 16.253(6), as applicable.

(b) Signs.

(i) Signs shall not extend over a public right-of-way or project beyond the property line.

(ii) Signs shall not be illuminated or capable of movement.

(iii) Signs shall be limited to 200 square feet in area.

(10) Area. The minimum area requirement for the division of land is 80 acres subject to compliance with the requirements of LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans except as follows:

(a) A parcel containing less than 80 acres may be allowed to facilitate a forest practice as defined in ORS 527.620 subject to compliance with the following requirements:

(i) There are unique property specific characteristics present in the proposed parcel that require an amount of land smaller than 80 acres in order to conduct the forest practice;

(ii) The parcel shall not be eligible for siting a new dwelling;

(iii) The parcel shall not serve as the justification for the siting of a future dwelling on other lots or parcels;

(iv) Shall not result in a parcel of less than 35 acres, except:

(aa) Where the purpose of the land exchange is to facilitate an exchange of lands involving a governmental agency; or

(bb) Where the purpose of the land division is to allow transactions in which at least one person has a cumulative ownership of at least 2,000 acres of forest land located in Lane County or a county adjacent to Lane County;

(v) If associated with the creation of a parcel where a dwelling or manufactured dwelling is involved, the parcel containing the dwelling or manufactured dwelling shall contain at least 80 acres;

(vi) Shall not, as the result of the land division, be used to justify the re-designation or rezoning of resource lands; and

(vii) A landowner allowed a land division under LC 16.211(10)(a) above shall sign a statement that shall be recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

(viii) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans.

(b) New land divisions less than the 80 acre parcel size required by LC 16.211(10) above are allowed for the uses listed in LC 16.211(2)(i) and (j), LC 16.211(3)(a) through (k) and LC 16.211(3)(a-a) through (d-d) above, in compliance with these requirements:

(i) Such uses have been approved pursuant to LC 16.211(2)(i) and (j), LC 16.211(3)(a) through (k) and LC 16.211(3)(a-a) through (d-d) above;

- (ii) The parcel created for such use is the minimum size necessary for the use;
- (iii) A landowner allowed a land division under LC 16.211(10)(b) above shall sign a statement that shall be recorded with the Lane County Clerk declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;
- (iv) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans.
- (c) A division of a lot or parcel for an existing dwelling or manufactured dwelling subject to compliance with these requirements:
- (i) The parcel established for the existing dwelling or manufactured dwelling shall not be larger than five acres, except as necessary to recognize physical features such as roads or streams, in which case the parcel shall not be larger than 10 acres;
- (ii) The dwelling or manufactured dwelling lawfully existed prior to June 1, 1995;
- (iii) The remaining parcel not containing the dwelling or manufactured dwelling shall:
- (aa) contain at least 80 acres; or
- (bb) be consolidated with another parcel, and together the parcels contain at least 80 acres.
- (iv) An application for the creation of a parcel pursuant to LC 16.211(10)(c) above shall provide evidence that a restriction on the remaining parcel, not containing the dwelling or manufactured dwelling, has been recorded with Lane County Deeds and Records. The restriction shall allow no dwellings or manufactured dwellings unless authorized by law or goal on land zoned for forest use except as allowed under LC 16.211(10)(c) above. This restriction shall be irrevocable unless a statement of release is signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals pertaining to agricultural land or forest land;
- (v) A landowner allowed a land division under LC 16.211(10)(c) above shall sign a statement that shall be recorded with Lane County Deeds and Records declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use;
- (vi) LC Chapter 13 for submission, review and approval of preliminary and final partition or subdivision plans; and
- (vii) The Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling or manufactured dwelling under restrictions imposed by LC 16.211(10)(c) above. The record shall be readily available to the public.
- (d) A division of a lot or parcel for at least two existing dwellings or manufactured dwellings subject to compliance with these requirements:
- (i) At least two dwellings or manufactured dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
- (ii) Each dwelling or manufactured dwelling complies with the requirements for a replacement dwelling or manufactured dwelling in LC 16.211(4)(a) or (b) above;
- (iii) Except for one lot or parcel, each lot or parcel created under LC 16.211(10)(d) above is between two and five acres in size;

(iv) At least one dwelling or manufactured dwelling is located on each lot or parcel created under LC 16.211(10)(d) above;

(v) The land owner of a lot or parcel created under LC 16.211(10)(d) above shall provide evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with Lane County Deeds and Records. This restriction shall be irrevocable unless a statement of release signed by the Planning Director indicating that the Lane County Rural Comprehensive Plan or land use regulations applicable to the property have been changed in such a manner that the parcel is no longer subject to statewide planning goals protecting forest land or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use or mixed farm and forest use; and

(vi) The Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling or manufactured dwelling under restrictions imposed by LC 16.211(10)(d)(v) above. The record shall be readily available to the public.

(11) Youth Camps. The purpose of LC 16.211(11) below is to provide for the establishment of a youth camp that is generally self-contained and located on a parcel suitable to limit potential impacts on nearby and adjacent land and to be compatible with the forest environment. A "youth camp" is a facility either owned or leased, and operated by a state or local government, or a nonprofit corporation as defined under ORS 65.001, to provide an outdoor recreational and educational experience primarily for the benefit of persons twenty-one (21) years of age and younger. Youth camps do not include any manner of juvenile detention center or juvenile detention facility. The provisions of LC 16.211(11) below do not apply to youth camps established prior to June 14, 2000. An application for a youth camp shall comply with these requirements:

(a) The number of overnight camp participants that may be accommodated shall be determined by the Approval Authority based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp. Except as provided by LC 16.211(11)(b) below, a youth camp shall not provide overnight accommodations for more than 350 youth camp participants, including staff;

(b) The Approval Authority may allow up to eight (8) nights during the calendar year when the number of overnight participants may exceed the total number of overnight participants allowed under LC 16.211(11)(a) above;

(c) Overnight stays for adult programs primarily for individuals over twenty-one years of age, not including staff, shall not exceed 10% of the total camper nights offered by the youth camp;

(d) A campground as described in ORS 215.213(2)(c) above shall not be established in conjunction with a youth camp;

(e) A youth camp shall not be allowed in conjunction with an existing golf course;

(f) A youth camp shall not interfere with the exercise of legally established water rights on adjacent properties;

(g) A youth camp shall be located on a lawful parcel that is:

(i) Suitable to provide a forested setting needed to ensure a primarily outdoor experience without depending upon the use or natural characteristics of adjacent and nearby public and private land. This determination shall be based on the size, topography, geographic features and any other characteristics of the proposed site for the youth camp, as well as, the number of overnight participants and type and number

of proposed facilities. A youth camp shall be located on a parcel containing at least 40 acres;

(ii) Suitable to provide a protective buffer to separate the visual and audible aspects of youth camp activities from other nearby and adjacent lands. The buffers shall consist of forest vegetation, topographic or other natural features as well as structural setbacks from adjacent public and private lands, roads, and riparian areas. The structural setback from roads and adjacent public and private property shall be 250 feet unless the governing body, or its designate sets a different setback based upon the following criteria that may be applied on a case-by-case basis:

(aa) The proposed setback will prevent conflicts with commercial resource management practices;

(bb) The proposed setback will prevent a significant increase in safety hazards associated with vehicular traffic; and

(cc) The proposed setback will provide an appropriate buffer from visual and audible aspects of youth camp activities from other nearby and adjacent resource lands.

(iii) Suitable to provide for the establishment of sewage disposal facilities without requiring a sewer system as defined in OAR 660-011-0060(1)(f). Prior to granting final approval, the Approval Authority shall verify that a proposed youth camp will not result in the need for a sewer system.

(h) A youth camp may provide for the following facilities:

(i) Recreational facilities limited to passive improvements, such as open areas suitable for ball fields, volleyball courts, soccer fields, archery or shooting ranges, hiking and biking trails, horse back riding or swimming that can be provided in conjunction with the site's natural environment. Intensively developed facilities such as tennis courts, gymnasiums, and golf courses shall not be allowed. One swimming pool may be allowed if no lake or other water feature suitable for aquatic recreation is located on the subject property or immediately available for youth camp use;

(ii) Primary cooking and eating facilities shall be included in a single building. Except in sleeping quarters, the governing body, or its designate, may allow secondary cooking and eating facilities in one or more buildings designed to accommodate other youth camp activities. Food services shall be limited to the operation of the youth camp and shall be provided only for youth camp participants. The sale of individual meals may be offered only to family members or guardians of youth camp participants;

(iii) Bathing and laundry facilities except that they shall not be provided in the same building as sleeping quarters;

(iv) Up to three camp activity buildings, not including primary cooking and eating facilities;

(v) Sleeping quarters including cabins, tents or other structures. Sleeping quarters may include toilets, but, except for the caretaker's dwelling, shall not include kitchen facilities. Sleeping quarters shall be provided only for youth camp participants and shall not be offered as overnight accommodations for persons not participating in youth camp activities or as individual rentals;

(vi) Covered areas that are not fully enclosed;

(vii) Administrative, maintenance and storage buildings; permanent structure for administrative services, first aid, equipment and supply storage, and for use as an infirmary if necessary or requested by the applicant;

(viii) An infirmary may provide sleeping quarters for the medical care provider, (e.g. Doctor, Registered Nurse, Emergency Medical Technician, etc.);

(ix) A caretaker's residence may be established in conjunction with a youth camp if no other dwelling exists on the subject property.

(i) A proposed youth camp shall comply with the following fire safety requirements:

(i) The fire siting standards in LC 16.211(8)(c) and (e) above;

(ii) A fire safety protection plan shall be developed for each youth camp that includes the following:

(aa) Fire prevention measures;

(bb) On site pre-suppression and suppression measures; and

(cc) The establishment and maintenance of fire safe area(s) in which camp participants can gather in the event of a fire.

(iii) Except as determined under LC 16.211(11)(i)(iv) below, a youth camp's on-site fire suppression capability shall at least include:

(aa) A 1,000-gallon mobile water supply that can access all areas of the camp; and

(bb) A 30-gallon-per-minute water pump and an adequate amount of hose and nozzles; and

(cc) A sufficient number of fire fighting hand tools; and

(dd) Trained personnel capable of operating all fire suppression equipment at the camp during designated periods of fire danger.

(iv) An equivalent level of fire suppression facilities may be determined by the Approval Authority. The equivalent capability shall be based on the Oregon Department of Forestry's (ODF) Wildfire Hazard Zone rating system, the response time of the effective wildfire suppression agencies, and consultation with ODF personnel if the camp is within an area protected by the Oregon Department of Forestry and not served by a local structural fire protection provider;

(v) The provisions of LC 16.211(11)(i)(iv) above may be waived by the Approval Authority if the youth camp is located in an area served by a structural fire protection provider and that provider informs the governing body in writing that on-site fire suppression at the camp is not needed.

(j) The Approval Authority shall require as a condition of approval of a youth camp, that the land owner of the youth camp sign and record in the deed records for the county a document binding the land owner, or operator of the youth camp if different from the owner, and the land owner's or operator's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

(12) Telecommunication Facilities. Telecommunication facilities are allowed subject to compliance with the requirements of LC 16.264 and with applicable requirements elsewhere in LC Chapter 16 including but not necessarily limited to: the riparian vegetation protection standards in LC 16.253; Floodplain Combining Zone (LC 16.244); Willamette Greenway Development Permits (LC 16.254); the Coastal Resource Management Combining Zones (LC 16.234, 16.235, 16.236, 16.237, 16.238, 16.239, 16.240, 16.241, 16.242, or 16.243); Federal or State of Oregon inventories and regulations applicable to delineated wetlands and waters of the nation or state; the Commercial Airport Safety Combining Zone (LC 16.245) and the Airport Safety Combining Zone (LC 16.246); and the Sensitive Bird Habitat protection Standards and Criteria in LC 16.005(4).

(13) Transportation facilities and uses listed in LC 16.211(3)(q)(ix) through (xiii) shall comply with the following:

(a) Identify reasonable build design alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The jurisdiction need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer;

(b) Assess the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands; and

(c) Select from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use. *(Revised by Ordinance 7-87, Effective 6.17.87; 18-87, 12.25.87; 12-90, 10.11.90; 11-91A, 8.30.91, 10-92, 11.12.92; 4-02, 4.10.02; 5-02, 5.28.02; 10-04, 6.4.04)*

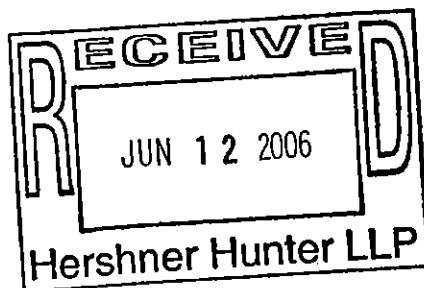


PAGES 16-58 THROUGH 16-104  
ARE RESERVED FOR FUTURE EXPANSION

**Craig E. McKern, Appraiser, F**  
**State Certified Residential Real Estate Appraiser**  
**Mailing: 1574 Coburg Road, PMB 397, Eugene, Oregon 97401-4802**  
**Telephone 541-345-0744 Facsimile 541-345-0577**  
**email: cem9th@msn.com**

June 9, 2006

Michael and Susan Hanner  
 c/o Steve Cornacchia, Attorney at Law  
 Hershner Hunter LLP  
 180 East 11<sup>th</sup> Avenue  
 Eugene, Oregon 97401



RE: Lane Code 2.740 (6)

Steve,

For your files, here is the Ballot Measure 37 summary for the Hanner property at 30930 Camas Swale Road, Creswell, Oregon 97426, known as Tax Lot 19-04-13-00-00301.

The scenario for these three appraisal reports is captioned on the cover letter. The three reports were structured to provide a "before" value of the entire property as it exists now and an "after" value as postulated for Ballot Measure 37 procedures. The scenarios are further explained in the reports themselves with my file numbers 041160A, 041106B and 041106C.

Therefore it is postulated:

041106A: 30930 Camas Swale Road, Creswell, all of Tax Lot 19-04-13-00-00301, the "before" instance: opinion of value \$1,000,000

041106B: a hypothetical instance, with all present improvements but with 24.85 acres, an "after" instance, with hypothecated Measure 37 permit to partition this site from the original 64.85 acre site, opinion of value \$800,000

041106C: a hypothetical 20 acre more or less parcel, representing value for two such 20-acre parcels proposed to be partitioned from the total 64.85 acre site, and having no improvements at this time; opinion of value \$260,000

Summary: Hypothetical "after" instances total opinion of value is \$1,320,000; less opinion of value of the entirety "as is", \$1,000,000, subject to conditions found in the appraisal report:

The difference of \$320,000 between the "before" and "after" scenarios can be attributed to creation of three new parcels out of one larger parcel.

Please call if you have any questions.

Cordially,

Craig E. McKern

Three Summary Appraisal Reports of:

The entire existing parcel known as  
Tax Lot 19-04-13-00-00301  
A 64.85 acre more or less site  
including the dwelling and all improvements  
The "before" instance, file 041106A

AND

A hypothetical developed acreage shown as  
Portion of Tax Lot 19-04-13-00-00301  
A 24.85 acre more or less site, an "after" instance, file 041106B  
(unsurveyed, not a legal lot; includes all present improvements)

AND

A hypothetical vacant acreage shown as  
A portion of Tax Lot 19-04-13-00-00301  
A 20 acre more or less site, an "after" instance, file 041106C  
(unsurveyed, not a legal lot, not buildable at this time)

Address:  
30930 Camas Swale Road  
Creswell, Oregon 97426

Client:

Hanner, Michael and Susan  
  
c/o Steve Cornacchia, attorney  
Hershner Hunter LLC  
180 East 11th Avenue  
Eugene, Oregon 97401

Purpose of the Appraisal:

To estimate market value of actual and hypothetical parcels subject to certain conditions  
outlined in the text and exhibits of the reports 041106A, 041106B and 041106C

Use of the Appraisal:

For use in a State Measure 37 proceeding brought by the owners and attorney in Lane County, Oregon

Date of Most Recent Inspection  
and Effective Date of Report:  
May 3, 2006

Report Completion Date:  
June 9, 2006

Prepared by:  
Craig E. McKem, Appraiser, P.C.  
Certified Residential Real Estate Appraiser  
1574 Coburg Road, PMB 397  
Eugene, Oregon 97401-4802  
files 041106A, 041106B and 041106C

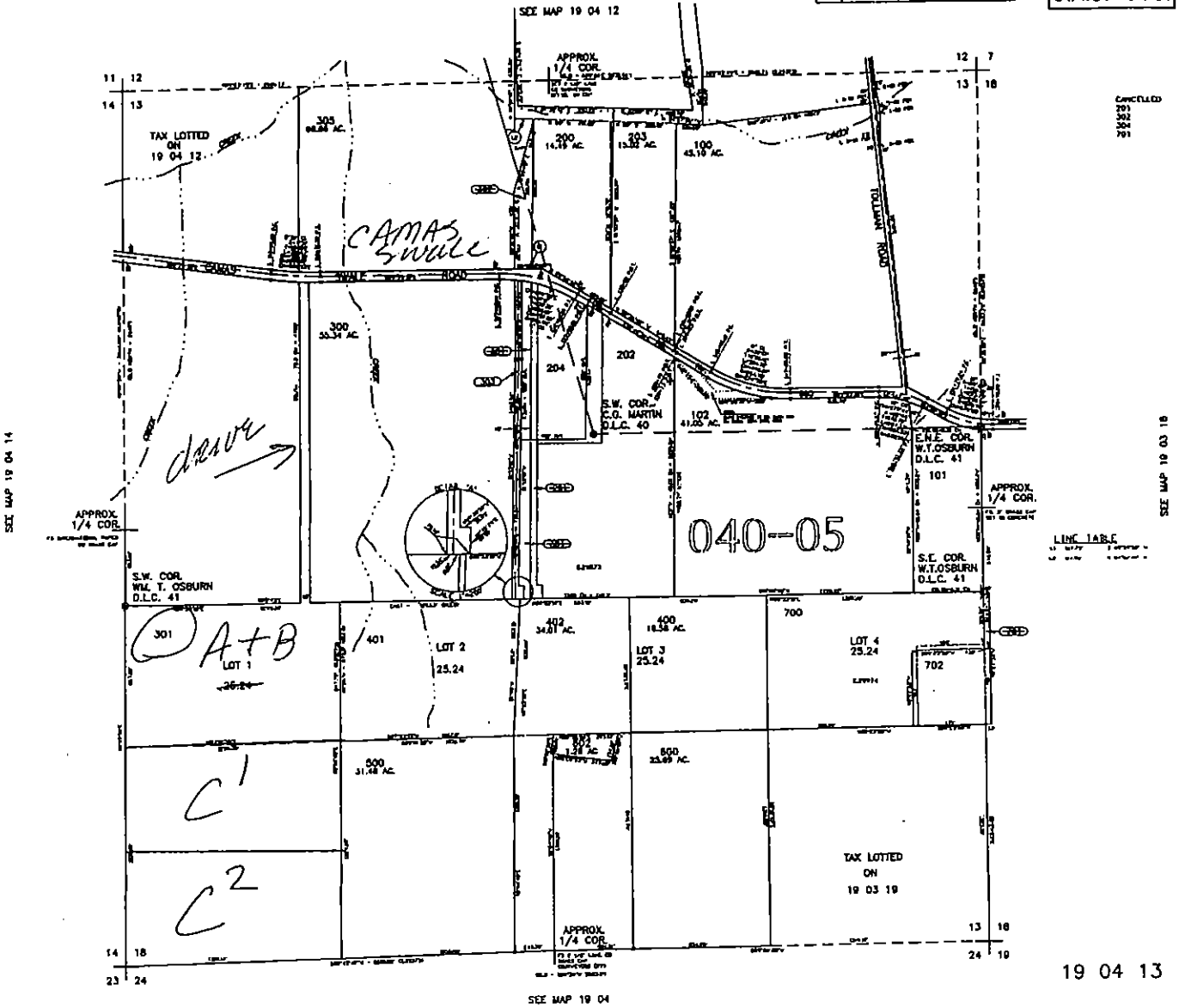
FOR ASSESSMENT  
AND TAXATION  
ONLY

SECTION 13 T.19S. R.4W. W.M.  
LANE COUNTY  
SCALE: 1" = 400'

19 04 13

NO.	DESCRIPTION	AMOUNT
1	...	...
2	...	...
3	...	...
4	...	...
5	...	...
6	...	...
7	...	...
8	...	...
9	...	...
10	...	...
11	...	...
12	...	...
13	...	...
14	...	...
15	...	...
16	...	...
17	...	...
18	...	...
19	...	...
20	...	...
21	...	...
22	...	...
23	...	...
24	...	...

C.A.D. SYS.



19 04 13

PLAT MAP  
PROPOSED / HYPOTHETICAL  
PARTITION  
TL 19-04-13-00-301

6-2-2000

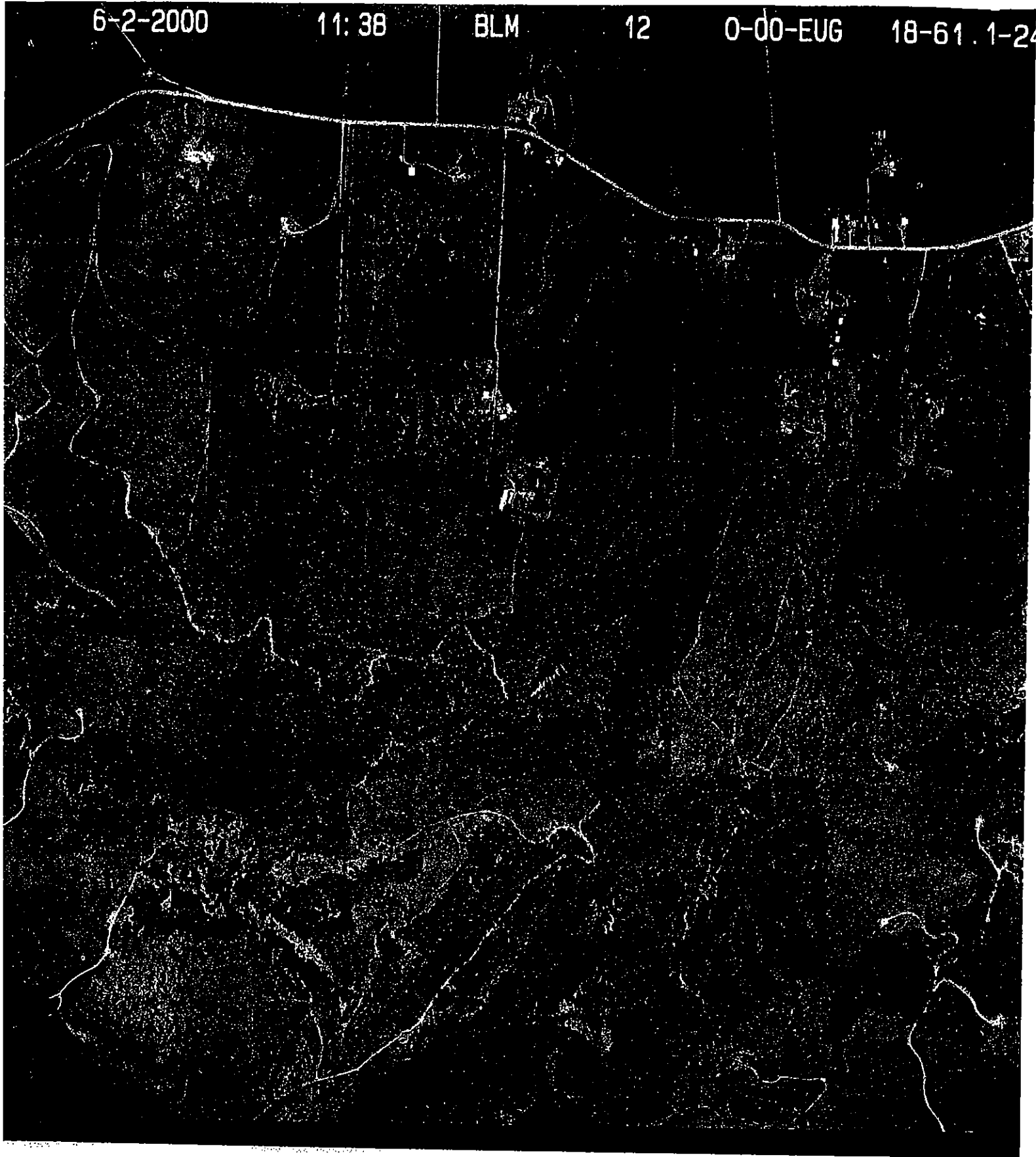
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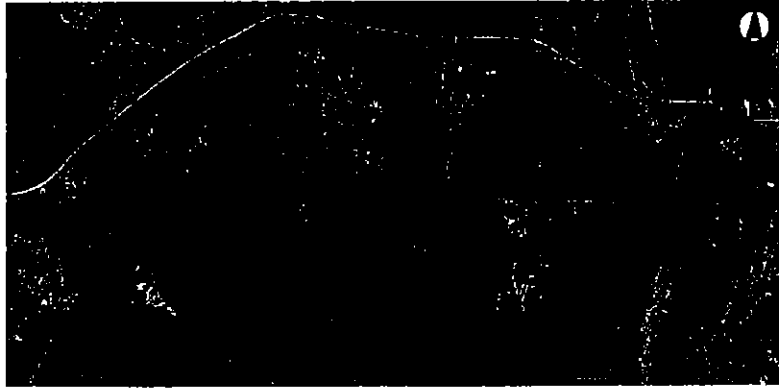
12

0-00-EUG

18-61.1-24



HANNER TRACT  
64.85 ACRES  
19-04-13-00-00301



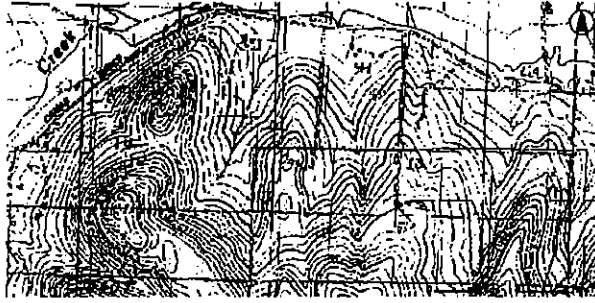
General aerial photo view from county sources with Camas Swale Road along upper photo left to right, access drive from center to south, approximately one half road mile off Camas Swale Road; road is part of subject site



Detail aerial photo showing dwelling in approximate northwest corner of main site; grey lines may not be accurate

# PHOTOGRAPH ADDENDUM One

Borrower/Client	No borrower						
Property Address	30930 Camas Swale Road						
City	Creswell	County	Lane *** fire patrol fee	State	OR	Zip Code	97426
Lender	Hanner, M. & S. c/o Steve Comacchia,						



USGS topographic map showing subject hillside as outlined (not a survey drawing)



Southeast dwelling area from driveway between RV parking and croquet field



Northeast dwelling area, parking area

# PHOTOGRAPH ADDENDUM Two

Borrower/Client	No borrower				
Property Address	30930 Camas Swale Road				
City	Creweell	County	Lane *** fire patrol fee	State	OR
Lender	Hanner, M. & S. c/o Steve Comacchia,				
				Zip Code	97426



Northeast dwelling detail, main entry on left  
Original dwelling is in foreground to right



North elevation looking southwest from parking area



Northwest elevation, family room over basement shop



### PHOTOGRAPH ADDENDUM Three

Borrower/Client	No borrower				
Property Address	30930 Camas Swale Road				
City	Creswell	County	Lane *** fire patrol fee	State	OR
Lender	Hanner, M. & S. c/o Steve Comacchia,				
				Zip Code	97426



West elevation from lower lawn and pond area



View north from north covered porch



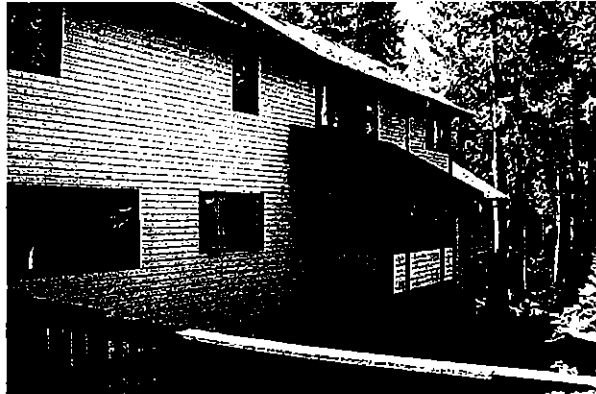
Small spring and roof runoff fed pond west of dwelling

# PHOTOGRAPH ADDENDA Four

Borrower/Client	No borrower						
Property Address	30930 Camas Swale Road						
City	Creswell	County	Lane *** fire patrol fee	State	OR	Zip Code	97426
Lender	Hanner, M. & S. c/o Steve Comacchia						



West elevation looking north



West elevation looking south from family room deck



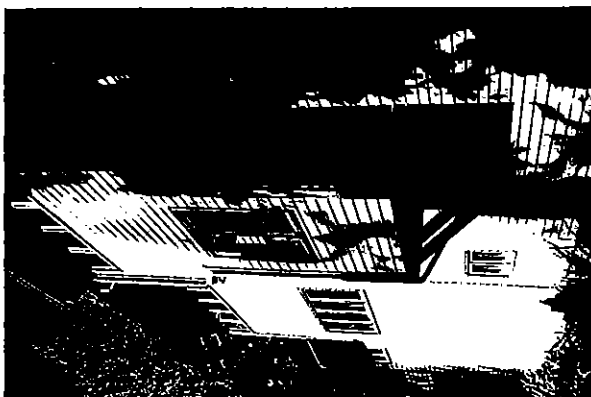
South elevation

**PHOTOGRAPH ADDENDA Five**

Borrower/Client	No borrower						
Property Address	30930 Camas Swale Road						
City	Creswell	County	Lane *** fire patrol fee	State	OR	Zip Code	97426
Lender	Hanner, M. & S. c/o Steve Comacchia						



South elevation on knoll from RV parking area looking northerly



Southeast elevation detail



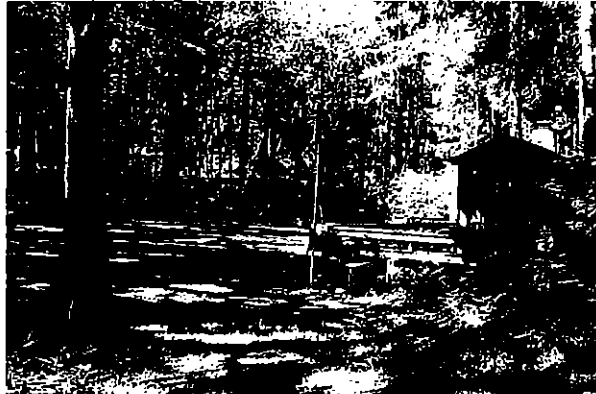
Northeast elevation entry porch detail

# PHOTOGRAPH ADDENDA Six

Borrower/Client	No borrower				
Property Address	30930 Camas Swale Road				
City	Creswell	County	Lane *** fire patrol fee	State	OR
Lender	Hanner, M. & S. c/o Steve Cornacchia,				
				Zip Code	97426



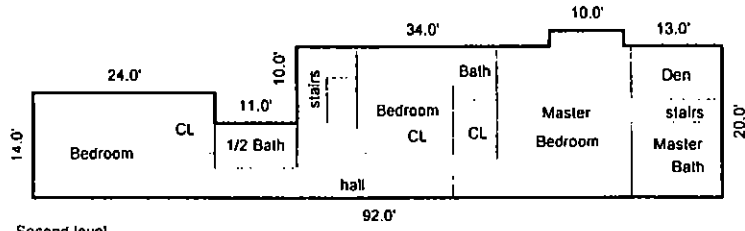
Woods around home looking southwest from west elevation



Croquet field located about 100 yards east for dwelling



Woods to south of croquet field

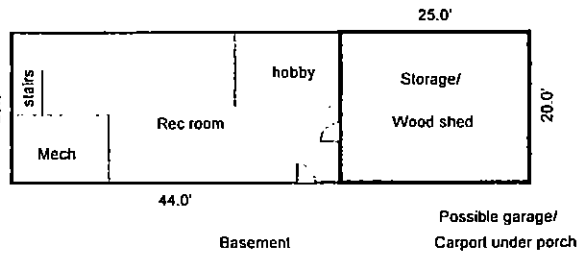
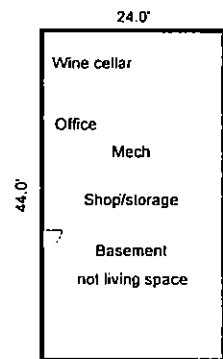
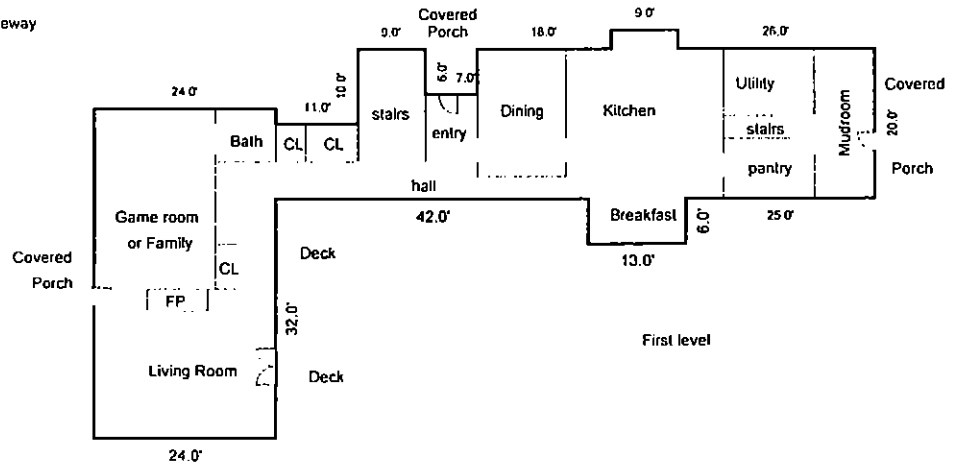


Second level

Interior dimensions not placed to scale  
Footage may vary due to complex dimensions

Dimensions scaled from plans  
and by actual measurement

driveway



AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	2604.5	2604.5
GLA2	Second Floor	1606.0	1606.0
GBA1	Shop/storage	1056.0	
	storage/wood shed	500.0	1556.0
BSMT	Basement	880.0	880.0
Net LIVABLE Area		( Rounded )	4211
Net BUILDING Area		( Rounded )	1556

LIVING/BUILDING AREA BREAKDOWN			
Breakdown		Subtotals	
First Floor			
6.0	x 13.0		78.0
2.5	x 9.0		22.5
9.0	x 20.0		180.0
14.0	x 60.0		840.0
10.0	x 11.0		110.0
6.0	x 53.0		318.0
24.0	x 44.0		1056.0
Second Floor			
2.0	x 10.0		20.0
10.0	x 92.0		920.0
10.0	x 57.0		570.0
4.0	x 24.0		96.0
Shop/storage			
24.0	x 44.0		1056.0
storage/wood shed			
20.0	x 25.0		500.0
13 Items	( Rounded )		5767

First Floor		GLA1
6.0	x 13.0	= 78.0
2.5	x 9.0	= 22.5
9.0	x 20.0	= 180.0
14.0	x 60.0	= 840.0
10.0	x 11.0	= 110.0
6.0	x 53.0	= 318.0
24.0	x 44.0	= 1056.0
Area total ( Rounded )		= 2605

Second Floor		GLA2
2.0	x 10.0	= 20.0
10.0	x 92.0	= 920.0
10.0	x 57.0	= 570.0
4.0	x 24.0	= 96.0
Area total ( Rounded )		= 1606

Shop/storage		GBA1
24.0	x 44.0	= 1056.0
Area total ( Rounded )		= 1056

Basement		BSMT
20.0	x 44.0	= 880.0
Area total ( Rounded )		= 880

storage/wood shed		GBA1
20.0	x 25.0	= 500.0
Area total ( Rounded )		= 500

# UNIFORM RESIDENTIAL APPRAISAL REPORT

File No. 041106A

Property Description

Property Address	30930 Camas Swale Road	City	Creswell	State	OR	Zip Code	97426
Legal Description	Lengthy Metes and Bounds Legal Description // see preliminary title report			County	Lane *** fire patrol fee		
Assessor's Parcel No.	Tax Lot 19-04-13-00-00301	Tax Year	05-06	R.E. Taxes	\$ 3,915.14	Special Assessments	\$ 556/yr/fire
Borrower	No borrower		Current Owner	Hanner, Michael and Susan		Occupant:	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Vacant
Property rights appraised	<input checked="" type="checkbox"/> Fee Simple	<input type="checkbox"/> Leasehold	Project Type	<input type="checkbox"/> PUD	<input type="checkbox"/> Condominium (HUD/VA only)	HOA \$	N/A
Neighborhood or Project Name	West Creswell suburban environs		Map Reference	Pittman County page 17 Census Tract 41-039- 11.02			
Sale Price \$	Not Sold		Date of Sale	N/A			
Lender/Client	Hanner, M. & S c/o Steve Cornacchia		Address attorney	Hershner Hunter LLP, 180 East 11th Avenue, Eugene, OR 97401			
Appraiser	Craig E. McKern, Appraiser, P.C.		Address	1574 Coburg Road, PMB 397, Eugene, Oregon 97401-4802			

Location	<input checked="" type="checkbox"/> Urban	<input type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Predominant occupancy	<input checked="" type="checkbox"/> Single family housing	Present land use %	<input type="checkbox"/> One family	Land use change	<input type="checkbox"/> Not likely	<input type="checkbox"/> Likely	
Built up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25-75%	<input type="checkbox"/> Under 25%	Owner	95	AGE (yrs)	100	Low	<10	<input checked="" type="checkbox"/> In process	
Growth rate	<input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Slow	Tenant	5	1,500+ High	70+	Multi-family	To: Residential from		
Property values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	Vacant (0-5%)	<input checked="" type="checkbox"/>	Predominant	Commercial	5	vacant on available sites and by minor partitioning		
Demand/supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In balance	<input type="checkbox"/> Over supply	Vac (over 5%)	<input type="checkbox"/>	400+-	20-40+-	other	10		
Marketing time	<input checked="" type="checkbox"/> Under 3 mos.	<input checked="" type="checkbox"/> 3-6 mos.	<input type="checkbox"/> Over 6 mos.								

**Note: Race and the racial composition of the neighborhood are not appraisal factors.**

Neighborhood boundaries and characteristics: The subject area is bounded by Interstate 5 on the east, Lynx Hollow Road on the south, Territorial Highway on the west and the north ridge line of Camas Swale Creek/Spencer Butte on the north. Area inside Creswell city limits is excluded.

Factors that affect the marketability of the properties in the neighborhood (proximity to employment and amenities, employment stability, appeal to market, etc.):

The subject is located about 3 miles West of Creswell and about 13 road miles from Eugene metro area via Interstate 5 at Creswell. The area continues to develop by subdivision within Creswell and by minor partitions or small rural residential subdivisions where permitted. This location has a fairly wide but typical mix of housing types, values, qualities, square footages, amenities and site sizes (from 1/2 to 100 plus acres).

About 40% of the described area is dedicated farm and timber resource zoned land which is not included in "other" land percentage. Other land uses include parklands along the Coast Fork Willamette River, spot light-medium industrial, larger farms and ranches, public uses.

Market conditions in the subject neighborhood (including support for the above conclusions related to the trend of property values, demand/supply, and marketing time -- such as data on competitive properties for sale in the neighborhood, description of the prevalence of sales and financing concessions, etc.):

Stable prices, under present 6.50+/- fluctuating but rising interest rates; presently, interest rates at lower end of rates in past 45+ years due to strong government anti-recession stimulus. A moderate Spring market, showing no past, present effect from current Iraq War in Realtor-noted buyer reluctance at this time, is in progress with limited selection of existing homes offered. Supply, demand appear to trend to a balance at this time. Sellers in lower price ranges may pay up to \$5,000 of buyer loan, closing costs. Marketing time under 60 days for well-priced homes. The mix of homes and sites as noted above does not adversely affect marketability in this upper price range of subject area generally.

Project Information for PUDs (if applicable) - Is the developer/builder in control of the Home Owners' Association (HOA)?  Yes  No

Approximate total number of units in the subject project \_\_\_\_\_ Approximate total number of units for sale in the subject project \_\_\_\_\_

Describe common elements and recreational facilities: \_\_\_\_\_ The subject site is not in a Planned Unit Development.

Dimensions	Irregular, see plat map			Topography	Benched to rolling hillside			
Site area	64.85 acres more or less	Corner Lot	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Size	Typical forestland acres			
Specific zoning classification and description	F-2 Impacted Forest Land			Shape	Mostly Rectangular			
Zoning compliance	<input checked="" type="checkbox"/> Legal	<input type="checkbox"/> Legal nonconforming (Grandfathered use)	<input type="checkbox"/> Illegal	<input type="checkbox"/> No zoning	Drainage	Adequate		
Highest & best use as improved:	<input checked="" type="checkbox"/> Present use	<input checked="" type="checkbox"/> Other use (explain)	see comments		View	Wooded, Filtered Valley		
Utilities	Public	Other	Off-site Improvements	Type	Public	Private	Landscaping	Mature, Maintained
Electricity	<input checked="" type="checkbox"/> UG Utilities		Street	Asphalt	<input checked="" type="checkbox"/>		Driveway Surface	All Weather Gravel
Gas			Curb/gutter	None			Apparent easements	None Adverse Noted
Water	<input type="checkbox"/> Private Well		Sidewalk	None			FEMA Special Flood Hazard Area	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Sanitary sewer	<input type="checkbox"/> Private Septic		Street lights	None			FEMA Zone	Zone X Map Date 06-02-1999
Storm sewer	<input type="checkbox"/> Natural Slope		Alley	None			FEMA Map No.	FEMA 41039C-1650F

Comments (apparent adverse easements, encroachments, special assessments, slide areas, illegal or legal nonconforming zoning use, etc.): \_\_\_\_\_ Site is accessed from Camas Swale Road by a 60 foot right of way owned as part of the site with easements to others. Site is slightly to steep north slope with benched areas and a short ridge line where dwelling is sited. Heavily wooded with second growth timber which is not included in land value.

GENERAL DESCRIPTION	EXTERIOR DESCRIPTION			FOUNDATION			BASEMENT			INSULATION		
	No. of Units	One	Foundation	Concrete	Slab	Partial	Area Sq. Ft.	880	Roof			
No. of Stories	Two	Exterior Walls	Cedar Lap	Crawl Space	Partial	% Finished	100	Ceiling	R-30+			
Type (Det./Att.)	Detached	Roof Surface	Comp. Shingles	Basement	Partial	Ceiling	Drywall	Walls	R-19			
Design (Style)	2+ Story	Gutters & Dwnspls.	Galv. Metal	Sump Pump	Floor drain(?)	Walls	Conc/panel	Floor	R-19			
Existing/Proposed	Existing	Window Type	Custom Wood	Dampness	None Apparent	Floor	Concrete	None				
Age (Yrs.)	28	Storm/Screens	No/Yes	Settlement	None Apparent	Outside Entry	from stairs,	Unknown				
Effective Age (Yrs.)	20	Manufactured House	No	Infestation	None Apparent	wood storage, patio	See comments					

ROOMS	Foyer	Living	Dining	Kitchen	Den	Family Rm.	Rec. Rm.	Bedrooms	# Baths	Laundry	Other	Area Sq. Ft.
Basement					hobby		1				mech	880
Level 1	entry	1	formal	1		1			5	1	mudroom	2,605
Level 2					office			3	3		stairs	1,606

Finished area above grade contains: 11 Rooms; 3 Bedroom(s); 3.5 Bath(s); 4,211 Square Feet of Gross Living Area

INTERIOR	Materials/Condition	HEATING	KITCHEN EQUIP.	ATTIC	AMENITIES	CAR STORAGE:					
Floors	Title, carpet, vinyl	Type	2 FA	Refrigerator	<input type="checkbox"/>	None					
Walls	Drywall, panel, WP	Fuel	Electric	Range/Oven	<input checked="" type="checkbox"/>	Fireplace(s) # 1					
Trim/Finish	Clear Fir, Painted Wd	Condition	Average	Disposal	<input checked="" type="checkbox"/>	Patio	Open	<input checked="" type="checkbox"/>	Garage	# of cars	
Bath Floor	Vinyl, carpet	COOLING		Dishwasher	<input checked="" type="checkbox"/>	Drop Stair	<input type="checkbox"/>	Deck	Open, Cov.	<input checked="" type="checkbox"/>	Attached
Bath Wainscol	Ceramic	Central	1 HP	Fan/Hood	<input checked="" type="checkbox"/>	Scuttle	<input checked="" type="checkbox"/>	Porch	Covered	<input checked="" type="checkbox"/>	Detached
Doors	Six Panel/ French	Other	None	Microwave	<input type="checkbox"/>	Floor	<input type="checkbox"/>	Fence	Partial Field	<input checked="" type="checkbox"/>	Built-In
See comments below		Condition	Average	Washer/Dryer	<input type="checkbox"/>	Heated	<input type="checkbox"/>	Pool landscape	<input checked="" type="checkbox"/>	Carport	
				Finished	<input type="checkbox"/>	sprinklers, ponds	<input checked="" type="checkbox"/>	Driveway	10+		

Additional features (special energy efficient items, etc.): Original 1978 north dwelling retrofit weatherized circa 1985 when south addition constructed using 2x6 insulation package, good quality Pozzi wood casement thermal windows, Woodstove in basement and fireplace in living room.

Condition of the improvements, depreciation (physical, functional, and external), repairs needed, quality of construction, remodeling/additions, etc.: Subject is a complex custom designed Northwest contemporary sited on a small knoll allowing filtered views and wooded privacy. Large kitchen with ample built-ins, newer vinyl, granite and fir countertops, maple top prep island; formal dining with tile floor, beamed ceiling foyer, six panel clear fir doors. Open south deck plus covered porches. Present wood/general storage room in basement could be converted to garage use. See photos.

Adverse environmental conditions (such as, but not limited to, hazardous wastes, toxic substances, etc.) present in the improvements, on the site, or in the immediate vicinity of the subject property: The site was not previously built upon; no apparent "dead" soil areas or past toxic materials on/near the site other than typical household/shop/office chemicals found in most homes, garages. Area farm chemicals assumed applied per instructions.

UNIFORM RESIDENTIAL APPRAISAL REPORT

File No. 041106A

Valuation Section

Table with columns for COST APPROACH, ESTIMATED SITE VALUE, ESTIMATED REPRODUCTION COST-NEW-OF IMPROVEMENTS, and COMMENTS ON COST APPROACH.

Table with columns for SALES COMPARISON ANALYSIS, ITEM, SUBJECT, COMPARABLE NO. 1, COMPARABLE NO. 2, and COMPARABLE NO. 3.

Comments on Sales Comparison (including the subject property's compatibility to the neighborhood, etc.): The sales cited bracket indicated value using adjustments for this market segment.

Table with columns for ITEM, SUBJECT, COMPARABLE NO. 1, COMPARABLE NO. 2, and COMPARABLE NO. 3.

Analysis of any current agreement of sale, option, or listing of subject property and analysis of any prior sales of subject and comparables within one year of the date of appraisal.

INDICATED VALUE BY SALES COMPARISON APPROACH \$ 1,000,000

INDICATED VALUE BY INCOME APPROACH (if Applicable) Estimated Market Rent \$ N/A /Mo. x Gross Rent Multiplier N/A = \$

This appraisal is made [X] "as is" [ ] subject to the repairs, alterations, inspections or conditions listed below [ ] subject to completion per plans & specifications.

Final Reconciliation: The market data approach, based on the sales of reasonably similar properties, is judged the more reliable indicator of value.

OPINION OF VALUE: I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE REAL PROPERTY THAT IS THE SUBJECT OF THIS REPORT, AS OF May 3, 2006

APPRaiser: Signature: Name: Date Report Signed: State Certification #



**THIS SUMMARY APPRAISAL REPORT IS INTENDED FOR USE BY THE LENDER/CLIENT FOR A MORTGAGE FINANCE TRANSACTION ONLY.**

Property Address 30930 Camas Swale Road City Creswell State OR Zip Code 97426  
 Legal Description HYPOTHETICAL Portion of Tax Lot 19-04-13-00-00301(unsurveyed, not a legal lot) County Lane \*\*\* fire patrol fee  
 Assessor's Parcel No. Portion of Tax Lot 19-04-13-00-00301 Tax Year 05-06 R.E. Taxes \$ 3,915.14 Special Assessments \$ \$56/yr/fire  
 Borrower No borrower Current Owner Hanner, Michael and Susan Occupant  Owner  Tenant  Vacant  
 Neighborhood or Project Name West Creswell suburban environs Project Type  PUD  Condominium  HOA S N/A N/A Mo.  
 Sales Price \$ Not Sold Date of Sale 05-03-2006 Description / \$ amount of loan charges/concessions to be paid by seller Not Applicable  
 Property rights appraised  Fee Simple  Leasehold Map Reference Pitmon County page 17 Census Tract 41-039- 11.02

Note: Race and the racial composition of the neighborhood are not appraisal factors.  
 Location  Urban  Suburban  Rural Property values  Increasing  Stable  Declining  
 Built up  Over 75%  25-75%  Under 25% Demand/supply  Shortage  In balance  Over supply  
 Growth rate  Rapid  Stable  Slow Marketing time  Under 3 mos.  3-6 mos.  Over 6 mos.  
 Neighborhood boundaries The subject area is bounded by Interstate 5 on the east, Lynx Hollow Road on the south, Territorial Highway on the west and the north ridgeline of Camas Swale Creek/Spencer Butte on the north. Area inside Creswell city limits is excluded. Mixed site size, dwelling size, value range location.  
 Dimensions See hypothetical plat map/ acreage includes road Site area 24.85 acres more or less Shape Mostly Rectangular  
 Specific zoning classification and description F-2 Impacted Forest Land  
 Zoning compliance  Legal  Legal nonconforming (Grandfathered use)  Illegal, attach description  No zoning  
 Highest and best use of subject property as improved (or as proposed per plans and specifications):  Present use  Other use, attach description.

Utilities  Public  Other  Public  Other  
 Electricity  UG Utilities  Water  Private Well  Street  Asphalt  Private  
 Gas  Sanitary sewer  Private Septic  Alley  None  
 Off-site Improvements Type Public Private  
 Are there any apparent adverse site conditions (easements, encroachments, special assessments, slide areas, etc.)?  Yes  No If Yes, attach description.

Source(s) used for physical characteristics of property:  Interior and exterior inspection  Exterior inspection from street  Previous appraisal files  
 MLS  Assessment and tax records  Prior inspection  Property owner  Other (Describe): plans  
 No. of Stories Two Type (Det/Att.) Detach Exterior Walls Cedar Lap Roof Surface Comp. Shingles Manufactured Housing  Yes  No  
 Does the property generally conform to the neighborhood in terms of style, condition and construction materials?  Yes  No If No, attach description.  
 Are there any apparent physical deficiencies or conditions that would affect the soundness or structural integrity of the improvements or the livability of the property?  
 Yes  No If Yes, attach description.  
 Are there any apparent adverse environmental conditions (hazardous wastes, toxic substances, etc.) present in the improvements, on the site, or in the immediate vicinity of the subject property?  
 Yes  No If Yes, attach description.

I researched the subject market area for comparable listings and sales that are the most similar and proximate to the subject property.  
 My research revealed a total of Not Applicable sales ranging in sales price from \$ \_\_\_\_\_ to \$ \_\_\_\_\_  
 My research revealed a total of Not Applicable listings ranging in list price from \$ \_\_\_\_\_ to \$ \_\_\_\_\_  
 The analysis of the comparable sales below reflects market reaction to significant variations between the sales and the subject property.

FEATURE	SUBJECT	SALE 1	SALE 2	SALE 3
Address	30930 Camas Swale Road Creswell	31748 Camas Swale Road Creswell// asking \$769,000	80297 Sears Road Creswell // asking \$995,000	83885 Springhill Lane Pleasant Hill// asking \$995,000
Proximity to Subject		1 mile northwest	4 air miles southeast	10 air miles northeast
Sales Price	\$ Not Sold	\$ 769,000	\$ 995,000	\$ 995,000
Price/Gross Living Area	\$ 1/1	\$ 230.31 1/1	\$ 226.50 1/1	\$ 548.51 1/1
Data & Verification Sources		Equinox Real Estate/County	Prudential RE Professionals/Cnty	Coldwell Banker CIR Realty/Cnty
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION +(-)\$ Adjust.	DESCRIPTION +(-)\$ Adjust.	DESCRIPTION +(-)\$ Adjust.
Sales or Financing Concessions		Cash to Seller assumed	Cash to Seller assumed	Cash to Seller assumed
Date of Sale/Time		Active Listing	Active Listing	Active Listing
Location	Above Average	Above Average	Above Average	Good -50,000
Site	24.85 acres m/l	20.5 acres m/l +20,000	30 acres m/l -25,000	22 acres m/l +15,000
View	Wds, Lmtd Valley	Wds, Creek, Vly -50,000	Wd, Valley, south -50,000	Wd, Valley, south -50,000
Design (Style)	2+ Story Cntmp.	2+ Story Cntmp. 0	2 Story Cntmp. 0	2+ Story Cntmp. 0
Actual Age (Yrs.)	28act 20eff	34act 20eff	35act 20eff	25act 15eff -10,000
Condition	Good minus	Good -5,000	Good -5,000	Good -5,000
Above Grade	Total :Bdrms: Baths	Total :Bdrms: Baths	Total :Bdrms: Baths	Total :Bdrms: Baths
Room Count	11 3 3.5	10 3 2.5 0	13 3 3 0	11 4 3 0
Gross Living Area	4,211 Sq. Ft.	3,399 Sq. Ft. +26,000	4,393 Sq. Ft. -5,000	1,814 Sq. Ft. +72,000
Basement & Finished Rooms Below Grade	880	Daylight Bsmnt. +20,000	Daylight Bsmnt. +20,000	1,176sf FR,BR,Bth 0
Garage/Carport	1,024sf shop/stor	included above +20,000	included above +20,000	None 0
Outbuildings, etc.	Parking area/RV	2+ garages/RVP -15,000	2 Garage/ 2 CP -20,000	2+ garages/shop -30,000
Exterior Amenities	Barn, sheds, pool	Barn, sheds, pool -15,000	Barn, Shop, pool -40,000	Barn, shed, gazbo -30,000
decks,prch; L,S,F	decks,prch; L,S,F 0	decks,prch; L,S,F 0	decks,prch; L,S,F 0	decks,prch; L,F 0
Net Adj. (total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 1,000	<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 105,000	<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ 88,000
Adjusted Sales Price of Comparables		Net 0.1 % Gross 22.2 % \$ 770,000	Net 10.6 % Gross 18.6 % \$ 890,000	Net 8.8 % Gross 26.3 % \$ 907,000
Date of Prior Sale	None Noted	None Noted, Known	None Noted, Known	None Noted, Known
Price of Prior Sale	\$	\$	\$	\$

Analysis of any current agreement of sale, option, or listing of the subject property and analysis of the prior sales of subject and comparables: No recent or current listing or sale of the subject noted within the past 3 calendar years; no prior sales of the comparables in the past 3 calendar years unless noted.  
 Summary of sales comparison and value conclusion: The sales cited bracket indicated value using adjustments for this market segment. Footage adjustments are based on 1/3 depreciated cost to construct with consideration to reduced effective age due to updating, if any. All three cited value indicators are active listings, no truly comparable properties which have been openly offered and sold in past calendar year were found in Creswell area after extensive search. Indicator 1 has been on market since March 2006, was previously listed for \$799,000; Indicator 2 has been on market at same asking price since August 2005, previously listed at \$1,100,000 in 2004-2005; Indicator 3 just listed May 25, 2006, is judged a high indicator, at asking price. Emphasis on Indicator One being most proximate to subject with similar acreage but superior view across valley and with creek frontage on site. Indicator Two considered a high indicator as adjusted at asking price, least emphasis on Indicator One.  
 This appraisal is made  "as-is",  subject to completion per plans and specifications on the basis of a hypothetical condition that the improvements have been completed, or  subject to the following repairs, alterations or conditions HYPOTHETICAL VALUE BASED ON HYPOTHETICAL SITE OF 24.8 ACRES MORE OR LESS

BASED ON AN  EXTERIOR INSPECTION FROM THE STREET OR AN  INTERIOR AND EXTERIOR INSPECTION, I ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE REAL PROPERTY THAT IS THE SUBJECT OF THIS REPORT TO BE \$ 800,000, AS OF May 3, 2006

**LAND APPRAISAL REPORT**

File No. 041106C  
 HYPOTHETICAL  
 File No. 041106C

Borrower No borrower Census Tract 12.01 Map Reference Pittmon page 17  
 Property Address Number Not Assigned Camas Swale Road  
 City Creswell County Lane \_\_\_\_\_ State OR Zip Code 97426  
 Legal Description HYPOTHETICAL Portion of Tax Lot 19-04-13-00-00301; not surveyed;  
 Sale Price \$ Not Sold Date of Sale N/A Loan Term \_\_\_\_\_ yrs. Property Rights Appraised  Fee  Leasehold  De Minimis PUD  
 Actual Real Estate Taxes \$ TBA (yr) \_\_\_\_\_ Loan charges to be paid by seller \$ N/A Other sales concessions Not Applicable to assignment  
 Lender/Client Hanner, M. & S. c/o Steve Cornacchia, attorney, Address Hershner Hunter LLP, 180 East 11th Avenue, Eugene, OR 97401  
 Occupant vacant land Appraiser Craig E. McKern Instructions to Appraiser appraise to market value per USPAP standards.  
Craig E. McKern, Appraiser, P.C. 1574 Coburg Road, PMB 397, Eugene, Oregon 97401 telephone 541-345-0744 facsimile 541-345-0577

**IDENTIFICATION**

Location \_\_\_\_\_  
 Built Up  Urban  Suburban  Rural  
 Growth Rate  Over 75%  25% to 75%  Under 25%  
 Property Values  Fully Dev.  Rapid  Steady  Slow  
 Demand/Supply  Increasing  Stable  Declining  
 Marketing Time  Shortage  In Balance  Oversupply  
 Present Land Use  Under 3 Mos.  4-6 Mos.  Over 6 Mos.  
 Present Land Use 80% 1 Family 5% 2-4 Family % Apts. % Condo 5% Commercial  
 % Industrial 5% Vacant 5% public lands, uses  
 Change in Present Land Use  Not Likely  Likely (\*)  Taking Place (\*)  
 (\*) From vacant/re-developed To residential  
 Predominant Occupancy  Owner  Tenant % Vacant \_\_\_\_\_  
 Single Family Price Range \$ 100 to \$ 1,500+ Predominant Value \$ 400+-  
 Single Family Age <10 yrs. to 70+ yrs. Predominant Age 20-40+- yrs.

Employment Stability  Good  Avg  Fair  Poor  
 Convenience to Employment   
 Convenience to Shopping   
 Convenience to Schools   
 Adequacy of Public Transportation   
 Recreational Facilities   
 Adequacy of Utilities   
 Property Compatibility   
 Protection from Detrimental Conditions   
 Police and Fire Protection   
 General Appearance of Properties   
 Appeal to Market

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise): The subject is located about 3 miles West of Creswell and about 13 road miles from Eugene metro area via Interstate 5 at Creswell. The area continues to develop by subdivision within Creswell and by minor partitions or small rural residential subdivisions where permitted. About 40% of the described area is dedicated farm and timber resource zoned land which is not included in "other" land percentage. Other land uses include public uses such as roads, fire station.

**NEIGHBORHOOD**

Dimensions See hypothetical plat map Parcels A and B = \_\_\_\_\_ 20 Sq. Ft. or Acres  Corner Lot  
 Zoning classification F-2 Impacted Forest Land Present Improvements  do  do not conform to zoning regulations  
 Highest and best use  Present use  Other (specify) future single family residence assuming completion of Measure 37 claim process  
 Public  Other (Describe) OFF SITE IMPROVEMENTS  
 Elec  UG Utilities Street Access  Public  Private Topo Benched to rolling to moderate slope hillside  
 Gas  Surface Asphalt/AW gravel Size Typical forestland acres  
 Water  assumed well Maintenance  Public  Private Shape Rectangular  
 San. Sewer  assm septic  Storm Sewer  Curb/Gutter View Wooded, Filtered Valley  
 Underground Elect. & Tel.  Sidewalk  Street Lights Drainage Adequate by slope  
 Is the property located in a HUD Identified Special Flood Hazard Area?  No  Yes

Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions): Site is accessed from Camas Swale Road by a 60 foot right of way owned by Hanner as part of the total 64+ acre site with easements to others; easements to the two hypothetical 20 acre parcels lying south of hypothetical 24+ acre site with dwelling is assumed. Hypothetical site is slightly to steep north slope with benched areas and headwaters of a small creek between sloped ridgelines. Heavily wooded with second growth timber which is not included in land value.

The undersigned has recited three recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3
Address	<u>NNA Camas Swale Road Creswell (20 acres hypothetical)</u>	<u>Tax Lot 20-03-06-00-00606 Creswell (NNA Beach Road)</u>	<u>Tax Lot 19-04-12-00-00302 Creswell (NNA Tolman Road)</u>	<u>Tax Lot 20-03-12-00-00300 Creswell (Witcher Gateway Rd)</u>
Proximity to Subject		<u>3 air miles southwest</u>	<u>1 air mile north</u>	<u>6 air miles northeast</u>
Sales Price	<u>\$ Not Sold</u>	<u>\$ 305,000</u>	<u>\$ 425,000</u>	<u>\$ 225,000</u>
Price per acre		<u>\$ 9,531</u>	<u>\$ 9,151</u>	<u>\$ 15,000</u>
Data Source	<u>Observation/County</u>	<u>Observation/County/RMLS</u>	<u>Observation/County/RMLS</u>	<u>Observation/County/RMLS</u>
Date of Sale and Time Adjustment	<u>DESCRIPTION</u>	<u>DESCRIPTION +(-) \$ Adjust.</u>	<u>DESCRIPTION +(-) \$ Adjust.</u>	<u>DESCRIPTION +(-) \$ Adjust.</u>
Location	<u>05-03-2006</u>	<u>Active Listing 0</u>	<u>Active Listing 0</u>	<u>03-2006 (COE) 0</u>
Site/View	<u>Above Average</u>	<u>Average +10,000</u>	<u>Above Average</u>	<u>Above Average</u>
Utilities / Drive	<u>20 acres/wooded</u>	<u>32 acres/ wooded -60,000</u>	<u>46 acres/ wooded -130,000</u>	<u>15 acres/ wooded +25,000</u>
Well/Septic System	<u>Available at road/dirt</u>	<u>Available at road/dirt</u>	<u>Installed / gravel -15,000</u>	<u>Available@road/dirt</u>
Buildability	<u>None/ assumed prmt.</u>	<u>No/ assumed prmt.</u>	<u>Installed/installed -15,000</u>	<u>No/ assumed prmt.</u>
Slope aspects	<u>Assumed permit</u>	<u>Assumed permit 0</u>	<u>Assumed permit 0</u>	<u>Assumed permit</u>
Sales or Financing Concessions	<u>Benched/Moderate</u>	<u>Level/ rolling/ steep 0</u>	<u>Rolling/ benched 0</u>	<u>Level to rolling 0</u>
Net Adj. (Total)	<u>Cash to Seller assumed</u>	<u>Cash to Seller assumed</u>	<u>Cash to Seller assumed</u>	<u>Cash</u>
Indicated Value of Subject		<u>Net 16.4 % \$ 50,000</u>	<u>Net 37.6 % \$ 160,000</u>	<u>Net 11.1 % \$ 25,000</u>
		<u>Net 16.4 % \$ 255,000</u>	<u>Net 37.6 % \$ 265,000</u>	<u>Net 11.1 % \$ 250,000</u>

Comments on Market Data: Limited sale and listing data at any given time for properties similar to the subject in the Creswell area due mainly to the past decades of development overall in this location combined with restrictive zoning for larger farm and forest undeveloped parcels. Value indicators cited bracket indicated value within a fairly narrow range of values. Acreage variations adjusted at \$5,000 per acre.

Comments and Conditions of Appraisal: The appraisal is made to cash equivalency per USPAP and FIRREA guidelines and USPAP departure provisions do not apply. See attached assumptions, limiting conditions and comments. Appraised value is for subject hypothetical site with road access to lot line, no well or septic installed but hypothetically assumed adequate and approved, utilities to the lot line and otherwise vacant and ready to build. Site as appraised does not exist and this report is useful only for hypothecating values for Ballot Measure 37 purposes.

Final Reconciliation: The market data (sale comparison) approach is the only reliable method of estimating vacant or non-residentially improved site value. The cost approach is omitted as there are no improvements on this hypothetical site. The income approach does not normally apply to vacant land.

**RECONCILIATION**

**I ESTIMATE THE MARKET VALUE, AS DEFINED, OF SUBJECT PROPERTY AS OF** May 3, 2006 **to be \$** 260,000

The opinion of value stated is within a range of indicated values. Value opinion is provided for comparison purposes in a Measure 37 proceeding only and only an actual open market exposure test can be considered to prove a true market value.

Appraiser(s) Craig E. McKern Review Appraiser (if applicable) \_\_\_\_\_  Did  Did Not Physically Inspect Property

Borrower: No borrower  
 File No. 041106A  
 Property Address: 30930 Camas Swale Road  
 City: Creswell County: Lane \*\*\* fire patrol fee State: OR Zip Code: 97426  
 Lender: Hanner, M. & S. c/o Steve Cornacchia

**APPRAISAL AND REPORT IDENTIFICATION**

This appraisal conforms to one of the following definitions:  
 Complete Appraisal (The act or process of estimating value, or an opinion of value, performed without invoking the Departure Rule.)  
 Limited Appraisal (The act or process of estimating value, or an opinion of value, performed under and resulting from invoking the Departure Rule.)

This report is one of the following types:  
 Self Contained (A written report prepared under Standards Rule 2-2(a) of a Complete or Limited Appraisal performed under STANDARD 1.)  
 Summary (A written report prepared under Standards Rule 2-2(b) of a Complete or Limited Appraisal performed under STANDARD 1.)  
 Restricted (A written report prepared under Standards Rule 2-2(c) of a Complete or Limited Appraisal performed under STANDARD 1, restricted to the stated intended use by the specified client or intended user.)

**Comments on Standards Rule 2-3**

I certify that, to the best of my knowledge and belief:  
 The statements of fact contained in this report are true and correct.  
 The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions and conclusions.  
 I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.  
 I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.  
 My engagement in this assignment was not contingent upon developing or reporting predetermined results.  
 My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.  
 My analyses, opinions and conclusions were developed and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.  
 I have made a personal observation of the property that is the subject of this report.  
 No one provided significant real property appraisal assistance to the person signing this certification.  
 A lengthy period passed between the date of inspection and the date of completion as the appraiser performed a variety of investigations on Measure 37 and its ramifications for the subject property. There is no guarantee from the appraiser that the attached report(s) will be found fully satisfactory to the Lane County jurisdiction for handling Measure 37 claims, as these requirements may change due to court ordered or Legislature passed modifications. Recently, a the Oregon Supreme Court ruled BM 37 fully constitutional; however further rules and implementations may be issued by the Legislature in due course, or not.

**Comments on Appraisal and Report Identification**

Note any departures from Standards Rules 1-3 and 1-4, plus any USPAP-related issues requiring disclosure:  
 This appraisal report is complete on the basis of the full site inspection, not the extent of commentary attached.  
 The appraised value includes a realty fee as did the sale prices of the comparables, unless otherwise stated.  
 There were no directly observed toxic materials or hazardous substances in the immediate area of the subject; if any do exist, these are assumed to be safely stored and used according to label directions. A specific search for and recognition of toxic waste and hazardous materials such as might be found in a farm and ranch environment (a Level I assessment) is beyond the scope of the appraiser's training and knowledge. Common household, shop and garden chemicals and substances found in most homes and garages, including those of the reader, are assumed to exist around the site. These common toxic materials and hazardous substances include chemicals such as fertilizers, weed killers, pest poisons and sprays, bleach, detergent, oils, cleansers, solvents and fuels, among other solid, liquid and paste substances, and are assumed to be used according to label directions and Federal, state and local regulations unless otherwise specifically noted in this report. It is specifically assumed there is no toxic mold or fungus manifest on the site which would affect livability or marketability.  
 See attached supplemental addendum. This report has been prepared for use in a State Measure 37 proceeding and is restricted to that use only. See the cover letter page for brief explanations of the use and purpose of this report 041106A in conjunction with report 041106B and 041106C which are for smaller hypothetical parcels out of the 64.85 acres more or less total acreage of the 041106A report in hand in order to provide "before and after" scenarios.

**APPRAISER:**  
 Signature: Craig E. McKern  
 Name: Craig E. McKern, Appraiser, P.C.  
 Date Signed: June 9, 2006  
 State Certification #: CR00024  
 or State License #: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Expiration Date of Certification or License: \_\_\_\_\_

**SUPERVISORY APPRAISER (only if required):**  
 Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Date Signed: \_\_\_\_\_  
 State Certification #: email: cem9th@msn.com  
 or State License #: phone 541-345-0744/fax 541-345-0577  
 State: \_\_\_\_\_  
 Expiration Date of Certification or License: \_\_\_\_\_

Did  Did Not Inspect Property

**SUPPLEMENTAL ADDENDUM**

File No. 041106A

File No. 041106A

Borrower/Client	No borrower		
Property Address	30930 Camas Swale Road		
City	Creswell	County	Lane *** fire patrol fee
		State	OR
		Zip Code	97426
Lender	Hanner, M. & S. c/o Steve Cornacchia		

**Appraisal Development and Reporting Process:**

As per prior agreement with the client named on the cover sheet and first form page of this report, the level of appraisal service requested is a Summary Appraisal Report of a Complete Appraisal of the subject property. This level of service has, in the past, been known as a "form appraisal" using standard FNMA or FHLMC forms to convey information to the reader. This level of appraisal service is for the most part the same as past "form appraisals".

This report is a Summary Appraisal Report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2b of the Uniform Standards of Professional Appraisal Practice (USPAP) for a Summary Appraisal Report. As such, it represents only summary discussions of the data, reasoning and analyses used in the appraisal process to develop the appraiser's opinion of value stated elsewhere. Supporting documentation that is not provided with this report concerning the data, reasoning and analyses has been retained in the appraiser's file copy. The depth of the discussion contained in this report is specific to the needs of the client and for the intended use of this report stated below.

**Scope of Work:**

In preparing this report, the appraiser observed portions of the subject site and all areas of the improvements on May 3, 2006. Relevant information on comparable land and improved site sales, construction costs and accrued depreciation were also gathered, verified and considered.

All three approaches to value were considered; the sales comparison approach only was developed for 041106B and 041106C reports; sale comparison and cost approaches were developed for the 041106A report. See reports 041106B and 041106C reports attached.

The income approach, along with rents, comparative rental data and calculated formulas and multipliers, is used ONLY IF the subject is likely to become or remain a rental income property in the foreseeable future, which is not the case for the subject dwelling at this time.

**Purpose of the Appraisal and Use of the Report:**

The purpose of this appraisal report is to estimate the market value as defined on the attached certification/limiting conditions addendum included with the 1004 form and in the attached USPAP addendum.

This appraisal report is intended ONLY for the use of the client named for the purpose of establishing a fair market value by an independent third party for Measure 37 proceedings. The use of this report is restricted to the clients, Michael and Susan Hanner, the owners, and their attorney/advisor, Steve Cornacchia, for this purpose only.

Duly constituted Lane County committees or courts for Measure 37 appeals are also an expected reader of this report but Lane County is not a client of the appraiser.

This report in its present configuration is not intended for any financing purpose whatsoever. Any other authorized use of this report will be stated either below or in the letter of engagement.

The appraiser is not and will not become responsible for any unauthorized use. Errors and omissions insurance is not extended to a future third party lender and the appraiser must be notified, timely and in writing, of any future transfer/assignment of this report to any third party.

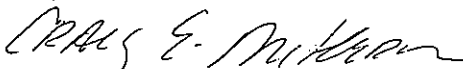
**Supplemental Certifications:**

I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

In addition, I certify that, to the best of my knowledge and belief, the reported analyses, opinions and conclusions were developed, and this report prepared, with conformity to the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute.

signed and dated June 9, 2006

Craig E. McKern  
 president  
 Craig E. McKern Appraiser P.C.





# AGENDA CHECKLIST

Account Code 624 124 010

## AGENDA INFORMATION TO BE SUBMITTED TO THE BOARD OFFICE:

**One Title Memo**  
(See APM CH.1, Sec. 2) (Photo-copy of Agenda Checklist is acceptable)

**Agenda Packet**  
One Original/Hard Copy plus One As-Complete-As-Possible copy e-mailed to Lane County Agenda Review mailbox

**Material Due**  
Due by 5 pm Wednesday preceding the week it will be **approved for inclusion** on the agenda. (Check Future Agenda for due dates.)

AGENDA TITLE: *In the Matter of Considering a Ballot Measure 37 Claim and Deciding Whether to Modify, Remove or Not Apply Restrictive Land Use Regulations in Lieu of Providing Just Compensation (PA 06-5396, Johnson)*

DEPARTMENT Public Works/Land Management

CONTACT Steve Hopkins EXT x3159

AGENDA DATE: 9-13-06/ Hearing

### THIS ITEM WILL INVOLVE:

- Consent Calendar
- Report
- Appointments
- Committee Reports
- ORDER/Resolution
- Discussion & Action
- Discussion Only
- Ordinance/Public Hearing
- 1st Reading
- 2nd Reading
- 3rd Reading
- Public Comment Anticipated?  Yes  No
- Estimated Time 20 minutes

**NOTE: DEPARTMENT MANAGER MUST SIGN OFF BEFORE SUBMITTING TO BOARD OFFICE**

Department Manager: \_\_\_\_\_ Date \_\_\_\_\_

Legal Staff-Review by: \_\_\_\_\_ Date \_\_\_\_\_

Management Staff- \_\_\_\_\_ Date \_\_\_\_\_

Review by: \_\_\_\_\_

Human Resources- \_\_\_\_\_ Date \_\_\_\_\_

Review by (if required): \_\_\_\_\_

- Yes  No File Note Attached?
- Yes  No Information for Agenda Setting Committee Only?
- Yes  No To be Distributed with Packets

INDICATE OTHER DIVISIONS/DEPARTMENTS THAT REQUIRE COPIES OF APPROVED ORDER