



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

10/04/2012

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Lane County Plan Amendment  
DLCD File Number 003-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, October 17, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Jerry Kendall, Lane County  
Jon Jinings, DLCD Community Services Specialist

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FORM 2

DLCD

# Notice of Adoption

In person  electronic  mailed

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DEPT OF

SEP 27 2012

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LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Lane County**

Local file number: **PA 06-5888**

Date of Adoption: **9/19/2012**

Date Mailed: **9/26/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 12/8/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Plan change of 130 acres from Plan designation of "Agricultural" to "Forest" and concurrent Zone change from "E-40/Exclusive Farm Use" to "F-1/Nonimpacted Forest Lands" for the west 52 acre parcel; and to "F-2/Impacted Forest Lands" for the east 78 acres.

Does the Adoption differ from proposal? Please select one

Yes. Original proposal was for Plan & Zone change to "Forest" and "Nonimpacted Forest Lands", respectively, for the entire 130 acres.

Plan Map Changed from: **Agricultural**

to: **Forest**

Zone Map Changed from: **E-40**

to: **F-1 & F-2**

Location: **16S-01W-08 #700**

Acres Involved: **130**

Specify Density: Previous: **40 ac.**

New: **80 ac.**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

DLCD & Lane County

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Local Contact: **Jerry Kendall/Associate Planner**

Phone: (541) 682-4057 Extension:

Address: **3050 N. Delta Hwy.**

Fax Number: **541-682-3947**

City: **Eugene**

Zip: **97408-**

E-mail Address: **jerry.kendall@co.lane.or.us**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us).

DO NOT  
SEPARATE  
PACKET

## CERTIFICATE OF MAILING

509-PA06-05888  
RAVIN/FISHER/ODEA  
9-26-2012

This is to certify that I, Chris Rogers, mailed Notification of

Ordinance Approval BCC

To the person(s) shown on the attached copy of mailing labels &/or attached letter, and delivered said information to the authorized agent for the us Post Office in Eugene, Oregon on

DATE MAILED: 9/26/12

END OF COMMENT PERIOD: \_\_\_\_\_

APPEAL DEADLINE: \_\_\_\_\_

  
CHRIS ROGERS

NOTE: Surrounding property owners listed are "the owners of record of all property on the most recent property tax assessment rolls" on RLID as per Lane Code 14.300(3)(d). If a tax lot appears on the notice list & there are no corresponding addresses then the tax records have not been updated; therefore, these property owners were not notified.

Mailing Date: 9/26/2012



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

To: Interested Parties  
From: Jerry Kendall/Associate Planner (541-682-4057) *JK*  
RE: AGENDA ITEM TITLE: ORDINANCE NO PA 1266 -- IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "AGRICULTURAL" TO "FOREST" AND REZONING THAT LAND FROM "E-40/EXCLUSIVE FARM USE" TO "F-1/NONIMPACTED FOREST LANDS" (western 52 acres) AND TO "F-2/IMPACTED FOREST LANDS" (eastern 78 acres); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (FILE PA 06-5888; Ravin Ventures LLC)

On September 19, 2012, via Ordinance No. PA 1266 (excerpt enclosed), the Board of Commissioners approved the application referenced above. If you wish a full copy, it is available on the county's website, at [www.lanecounty.org](http://www.lanecounty.org) (Departments/Board of Commissioners/Orders/2012.... find item on September 19 agenda).

Any appeal of this decision must be filed in a timely manner with the Land Use Board of Appeals (LUBA) in Salem. Refer to OAR 661, Division 10, for "Rules of Procedure for Appeals".

For more information on the appeal process, contact LUBA at:

LUBA  
550 Capitol St., NE, Suite 235  
Salem, Or. 97301-2552

Phone: 503-373-1265

Luba's website is <http://luba.state.or.us/>

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. PA 1266 ) IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE  
) PLAN TO REDESIGNATE LAND FROM "AGRICULTURAL"  
) TO "FOREST" AND REZONING THAT LAND FROM "E-  
) 40/EXCLUSIVE FARM USE" TO "F-1/NONIMPACTED FOREST  
) LANDS" (western 52 acres) AND TO "F-2/IMPACTED FOREST  
) LANDS" (eastern 78 acres); AND ADOPTING SAVINGS AND  
) SEVERABILITY CLAUSES (FILE PA 06-5888; RAVIN  
) VENTURES, LLC)

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

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

WHEREAS, in May 2006, application no. PA 06-5888 was made for a minor amendment to redesignate tax lot 700, Map 16-01-08, from "Agriculture" to "Forest" land, with a concurrent request to rezone the property from "E-40/Exclusive Farm Use" to "F-2/Impacted Forest Lands;" and

WHEREAS, in March 2009, the above application was revised to request a minor amendment to redesignate all of tax lot 700, Map 16-01-08, from "Agriculture" to Forest, with a concurrent request to rezone the property from "E-40/Exclusive Farm Use" to "F-1/NonImpacted Forest Use;" and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearings on February 7, 2009, and April 21, 2009, and recommended approval of the proposed amendment and rezoning as requested; and

WHEREAS, in February 2012, the application was again revised, to request a minor amendment to redesignate all of tax lot 700, Map 16-01-08, from "Agriculture" to "Forest" land, with a concurrent rezone of the westernmost 52 acres of the property from "E-40/Exclusive Farm Use" to "F-1/NonImpacted Forest Use;" and to rezone the easternmost 78 acres from "E-40/Exclusive Farm Use" to "F-2/Impacted Forest Use;" and

WHEREAS, the evidence in the record indicates that the latest proposal meets the requirements of Lane Code Chapter 16, and other requirements of state and local law;

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

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

Section 1. The Lane County Rural Comprehensive Plan is amended by the redesignation of tax lot 700, Map 16-01-08, from "Agriculture" to "Forest," more particularly described in Exhibit A-1, such area being depicted on Official Lane County Plan Map 1601 and further identified on a portion of that map in Exhibit "A" attached and incorporated herein.

ORDINANCE NO. PA 1266/IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "AGRICULTURAL" TO "FOREST" AND REZONING THAT LAND FROM "E-40/EXCLUSIVE FARM USE" TO "F-1/NONIMPACTED FOREST LANDS" (western 52 acres) AND TO "F-2/IMPACTED FOREST LANDS" (eastern 78 acres); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (FILE PA 06-5888; RAVIN VENTURES, LLC)

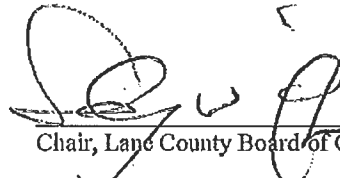
Section 2. The westernmost 52 acre portion of Tax lot 700, Map 16-01-08, is rezoned from "E-40/Exclusive Farm Use" (Lane Code 16.212), to "F-1/NonImpacted Forest Use" (Lane Code 16.210), more particularly described in Exhibit B-1. In addition, the easternmost 78 acre portion of Tax lot 700, Map 16-01-08, is rezoned from "E-40/Exclusive Farm Use (Lane Code 16.212), to "F-2/Impacted Forest Use" (Lane Code 16.211), more particularly described in Exhibit B-2, both areas being depicted on Official Lane County Zoning Map 1601 and further identified on a portion of that map in Exhibit "B" attached and incorporated herein.


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

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

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

ENACTED this 19<sup>th</sup> day of September, 2012.

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

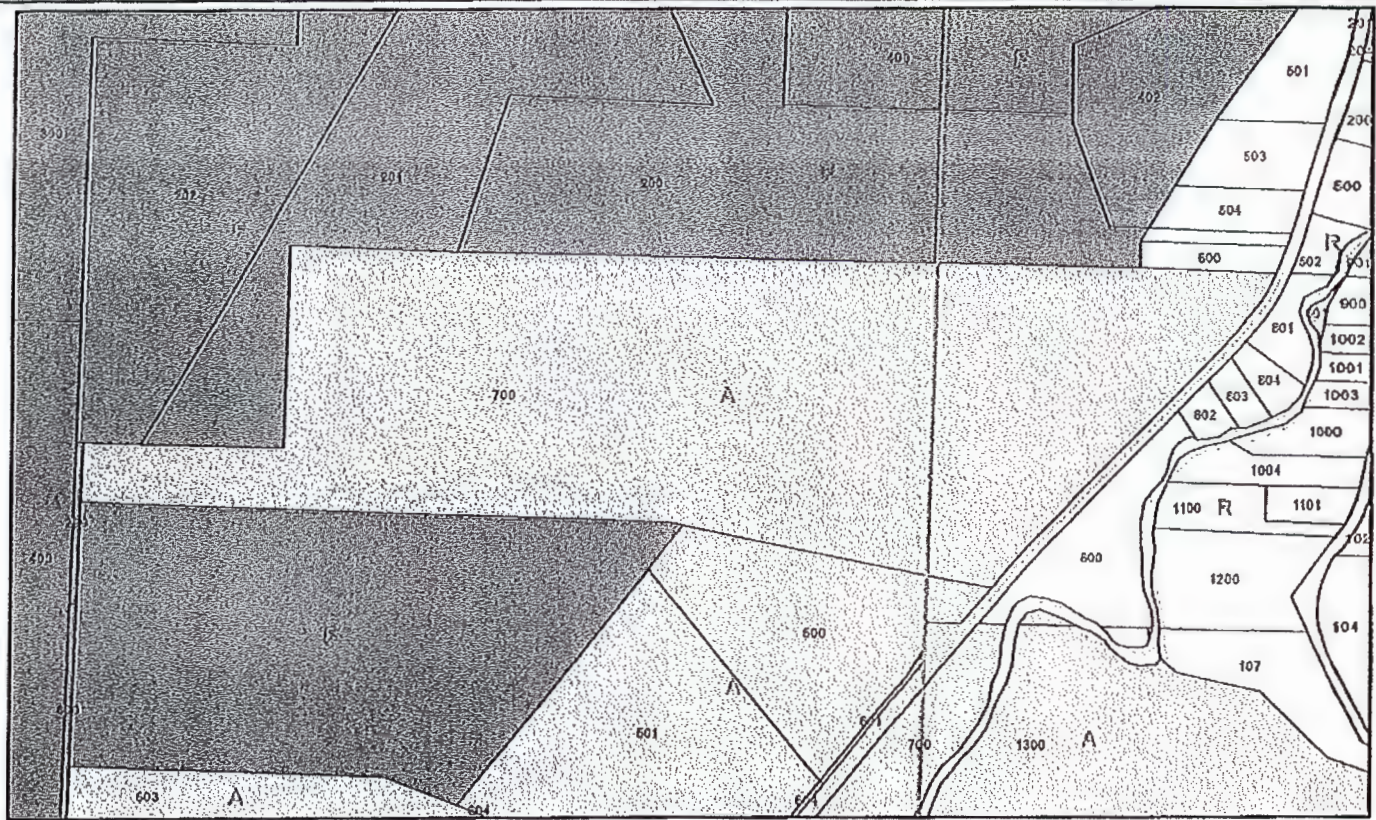
  
\_\_\_\_\_  
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

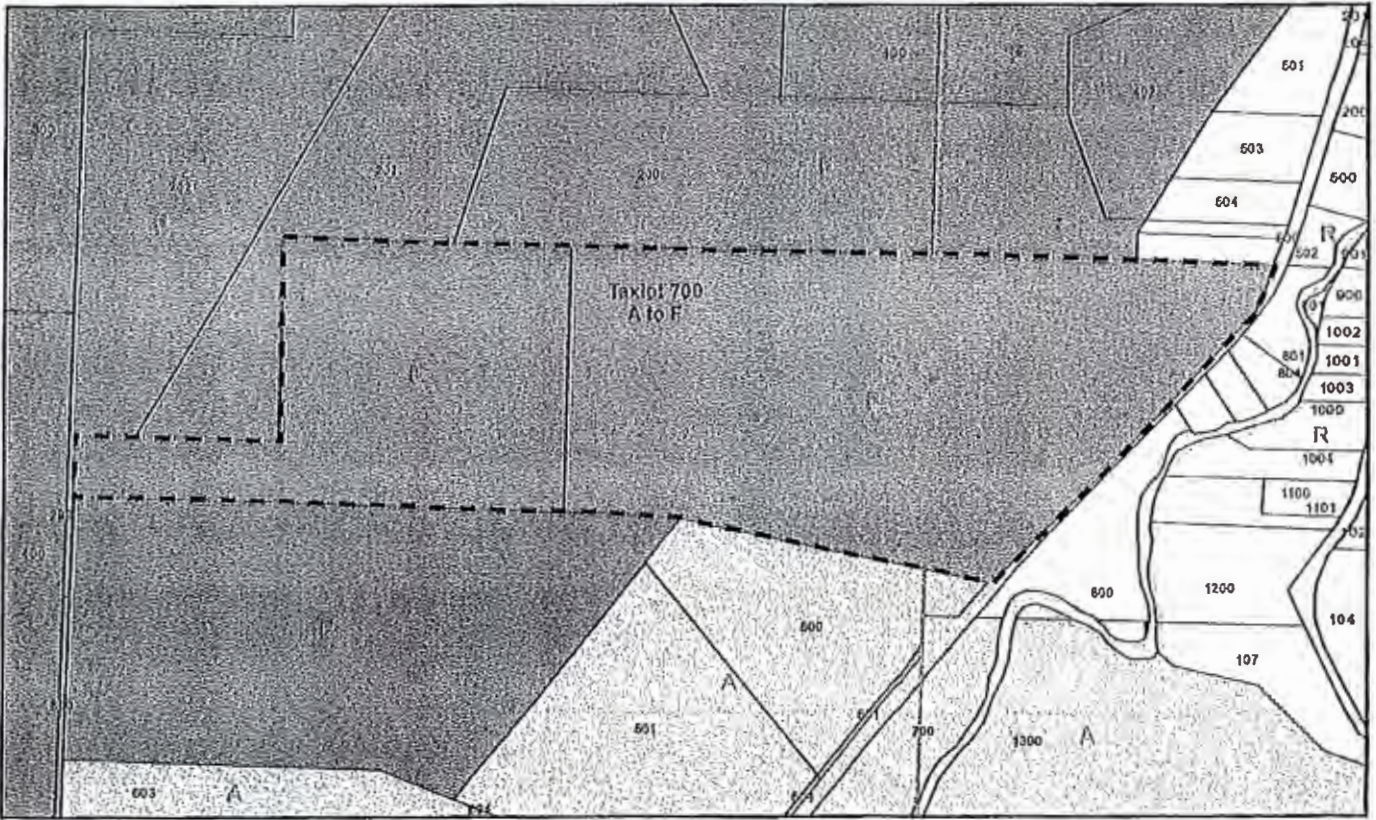
Date 8-28-2012 Lane County

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

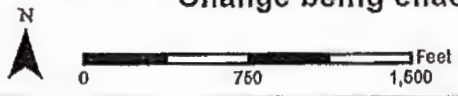
ORDINANCE NO. PA 1266 - EXHIBIT 'A'



Existing Plan Designation

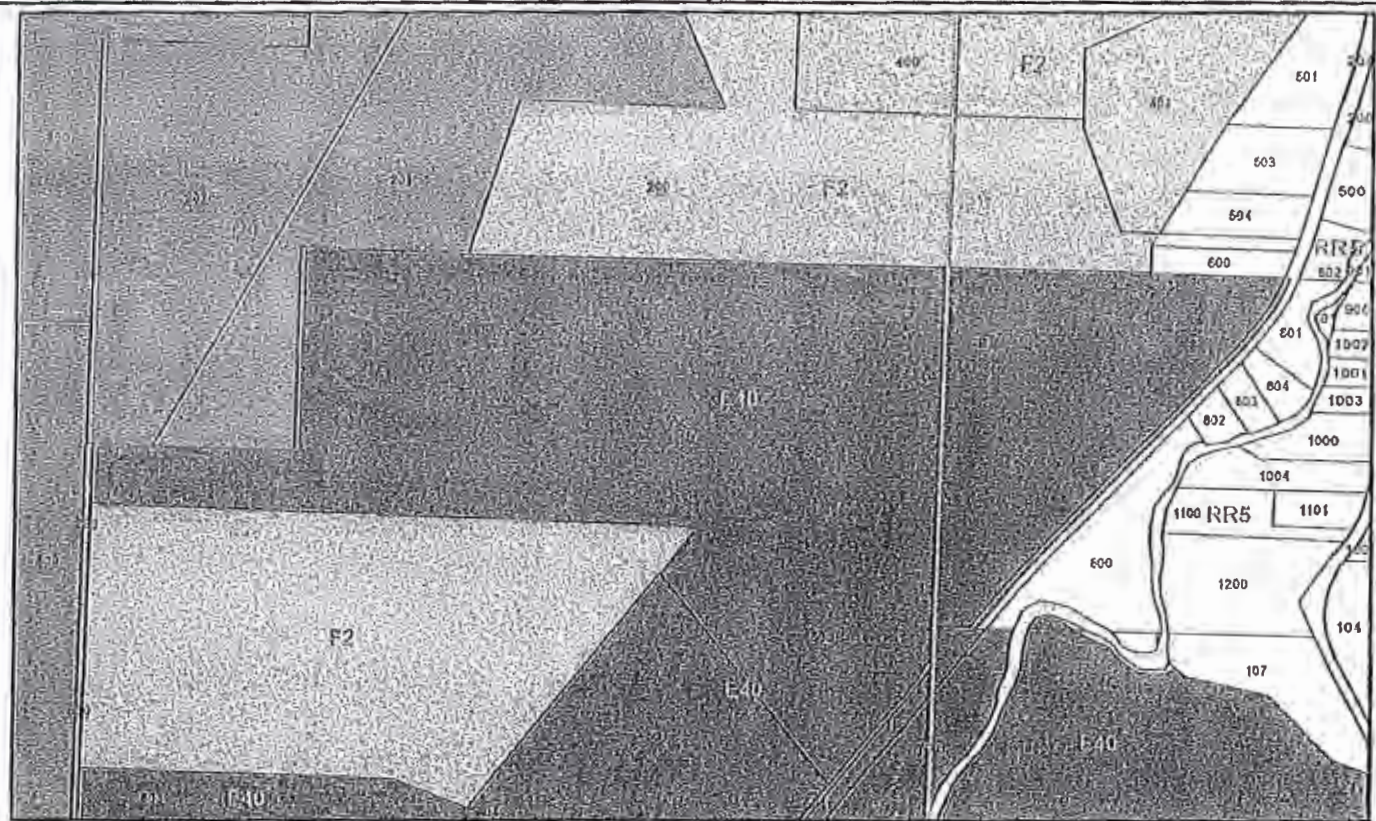


Change being enacted by No. PA 08-5873 on Official Plan Map 2003

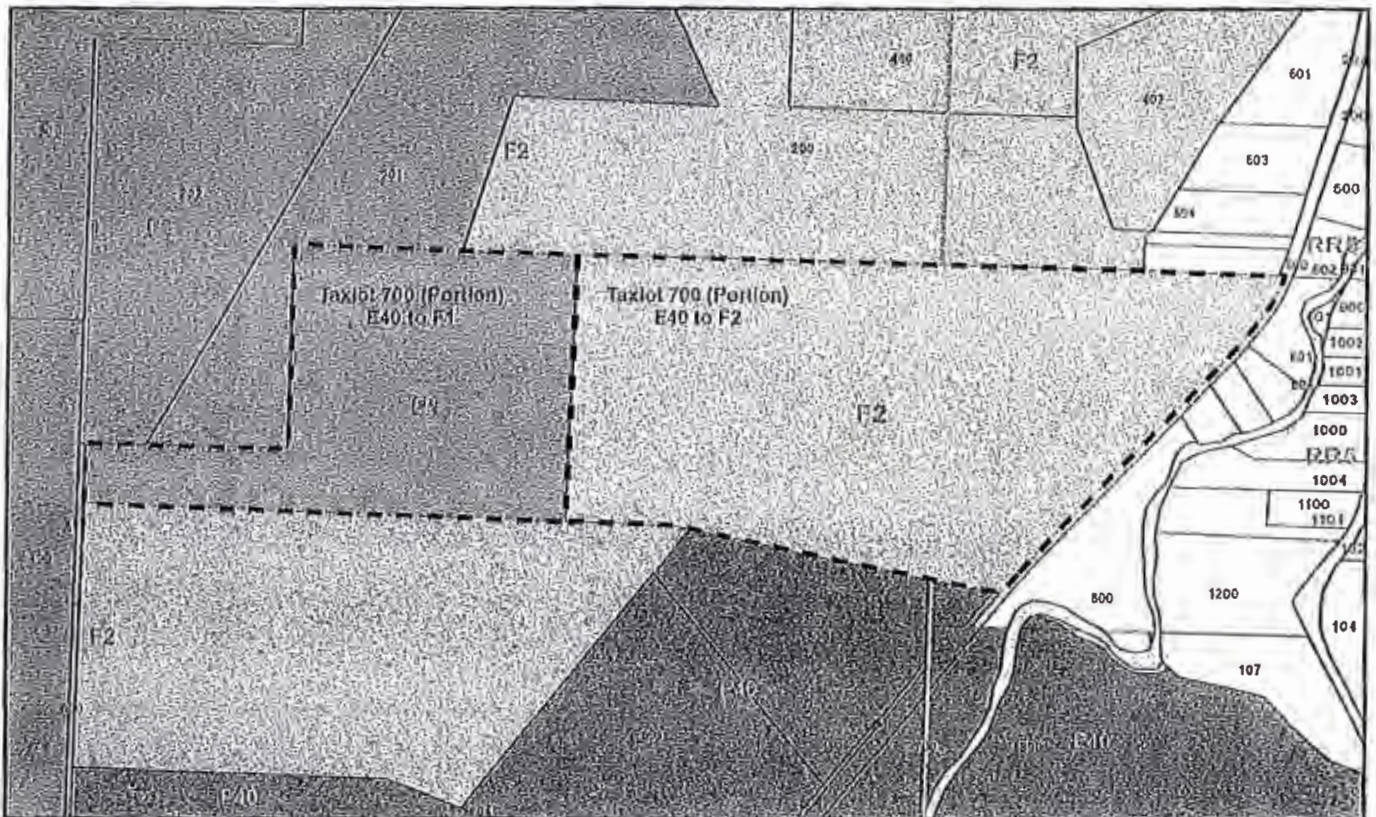




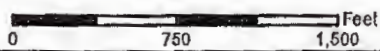
ORDINANCE NO. PA 1266 - EXHIBIT 'B'



Existing Zoning



Change being enacted by No. PA 08-5837 on Official Zone Map 2003



509-PA06-05888  
RAVIN/FISHER/ODEA  
9-26-2012

1601080000901/900  
ANDERSON WILLIAM H  
92980 PASCHELKE RD  
MARCOLA, OR 97454

1601080000500  
ARMSTRONG RICHARD J & JENICE  
93031 MARCOLA RD  
MARCOLA, OR 97454

1601080000804  
BOARTFIELD FAMILY LIVING TRUST  
PO BOX 999  
MARCOLA, OR 97454

1601070000501  
BONNEVILLE POWER ADMIN  
PO BOX 3621  
PORTLAND, OR 97208

1601080001002  
BRESNIKER SHIRLEY A  
92968 PASCHELKE RD  
MARCOLA, OR 97454

1601080000500  
BROWN IRIS  
93031 MARCOLA RD  
MARCOLA, OR 97454

1601080000801  
CHARLOTTE HIGGINS-LEE REVOCABLE LIVING T  
PO BOX 1479  
SPRINGFIELD, OR 97477

1601080000600  
CHRISTOFFERSEN MERINA E  
93000 MARCOLA RD  
MARCOLA, OR 97454

1601080001001/1003  
CONNOLLY JOHN W & JUDITH J  
92946 PASCHELKE RD

MARCOLA, OR 97454

1601080001100/1101  
CORN EVELYN L  
92888 PASCHELKE RD  
MARCOLA, OR 97454

1601070000501  
DEPARTMENT OF INTERIOR  
PO BOX 3621  
PORTLAND, OR 97208

1601070000300  
DEPT OF INTERIOR BLM O&C  
PO BOX 10226  
EUGENE, OR 97440

1601080000503  
DOUGLAS KENNETH L & ELLEN J  
93066 MARCOLA RD  
MARCOLA, OR 97454

1601080000200  
DOUGLAS RENEE C  
37066 CONLEY RD  
SPRINGFIELD, OR 97478

1601080001300  
FORESTCARE LLC  
2400 CHARNELTON ST  
EUGENE, OR 97405

1601080000200 MAIL RETURNED  
FOX JESSIE L  
93099 MARCOLA RD  
MARCOLA, OR 97454

1601080000501  
HENSON WILLIAM GUY  
PO BOX 2772  
LA PINE, OR 97739

1601080000400, 1601070000200  
HIGH MOUNTAIN INVESTMENT GRP INC  
1801 ASTER ST  
SPRINGFIELD, OR 97477

1601080000504

JEFFERS LEONA  
PO BOX 667  
MARCOLA, OR 97454

1601080000100  
JENSEN JERALD J & C D  
93151 PASCHELKE RD  
MARCOLA, OR 97454

1601080000402  
JOHN HARPER & NANCY HARPER LIVING TRUST  
PO BOX 4570  
CRESTLINE, CA 92325

1601080001200  
JOSEPH F & PENNY L MILLER TR  
92774 PASCHELKE RD  
MARCOLA, OR 97454

1601080000502  
LORETTA ANN MACAULEY TRUST  
4757 JASPER RD  
SPRINGFIELD, OR 97478

1601080000502  
MACAULEY HAROLD & LORETTA  
4757 JASPER RD  
SPRINGFIELD, OR 97478

1601080000107  
MILLER JOSEPH F  
92774 PASCHELKE RD  
MARCOLA, OR 97454

1601080001200  
MILLER JOSEPH F TE  
92774 PASCHELKE RD  
MARCOLA, OR 97454

1601080001200  
MILLER PENNY L TE  
92774 PASCHELKE RD  
MARCOLA, OR 97454

1601080000502 MAIL RETURNED  
ORMSBEE PAUL L & DONA J  
93027 MARCOLA RD  
MARCOLA, OR 97454

1601080000106  
ORTIS ERNEST E & GAYLE L  
93130 PASCHELKE RD  
MARCOLA, OR 97454

1601070000700/601/500  
RANCH & 120 LLC  
365 53RD PL  
SPRINGFIELD, OR 97478

1601080000700  
RAVIN VENTURES LLC  
37803 UPPER CAMP CREEK RD  
SPRINGFIELD, OR 97478

1601080000802  
RAYBOULD JAMES  
92945 MARCOLA RD  
MARCOLA, OR 97454

1601080000102/101  
RISEN JOHN D  
92947 PASCHELKE RD  
MARCOLA, OR 97454

1601080000105/103  
ROGERS CLEO J & DONALD E  
92953 PASCHELKE RD  
MARCOLA, OR 97454

1601080000200  
RUSSELL ROBERT S  
37066 CONLEY RD  
SPRINGFIELD, OR 97478

1601080000803 MAIL RETURNED  
SPENCER RENE D  
92955 MARCOLA RD  
MARCOLA, OR 97454

1601080000200 MAIL RETURNED  
STIERS HAZEL  
93099 MARCOLA RD  
MARCOLA, OR 97454

1601070000201 MAIL RETURNED  
U S GOVERNMENT DEPARTMENT OF INTERIOR

834 PEARL ST  
EUGENE, OR 97401

1601070000501  
US GOVERNMENT  
PO BOX 3621  
PORTLAND, OR 97208

1601070000300  
US GOVERNMENT DEPT OF INTERIOR BLM O&C  
PO BOX 10226  
EUGENE, OR 97440

1601070000800/202/400/299  
WEYERHAEUSER COMPANY  
PO BOX 275  
SPRINGFIELD, OR 97477

1601080000502  
WILLOUGHBY SHERRY TE  
4757 JASPER RD  
SPRINGFIELD, OR 97478

1601080001004/1000  
WOLF JAMES J  
92932 PASCHEKE RD  
MARCOLA, OR 97454

1601080000800  
ZIEBERT PHILIP D & JAIME L  
92885 MARCOLA RD  
MARCOLA, OR 97454

ED FISHER  
PO BOX 751  
OAKRIDGE, OR 97463

KIM O'DEA  
375 W 4<sup>TH</sup> ST #204  
EUGENE, OR 97401

BOB RUSSELL  
39638 MOHAWK LP  
MARCOLA, OR 97454

GOAL ONE COALITION  
JIM JUST  
39625 ALMEN DR.

LEBANON, OR 97355

STATE DEPT OF FORESTRY  
EASTERN LANE DISTRICT OFFICE  
3150 MAIN STREET  
SPRINGFIELD OR 97478-5808

OREGON DEPT OF FORESTRY  
ATTN: JASON HINKLE  
2600 STATE STREET  
SALEM, OR 97310

OR STATE FISH & WILDLIFE  
(EASTERN LANE) JEFF ZILLER  
3150 MAIN STREET  
SPRINGFIELD OR 97478-5808

OR STATE FISH & WILDLIFE  
(EASTERN LANE) NANCY TAYLOR  
7118 NE VANDENBURG AVE  
CORVALLIS OR 97330

EUGENE WATER & ELECTRIC BOARD  
ATTN: KARL MORGENSTERN  
500 E 4<sup>TH</sup> AVE  
EUGENE, OR 97401

KRISTINA DESCHAIINE  
FIRE MARSHALL  
3620 GATEWAY STREET  
SPRINGFIELD, OR 97477

LANDWATCH LAND COUNTY  
ROBERT EMMONS  
40093 LITTLE FALL CRK RD  
FALL CREEK, OR 97438

LANDWATCH LANE COUNTY  
P.O. BOX 5347  
EUGENE, OR 97405

ANNE DAVIES  
ATTORNEY AT LAW  
433 W 10<sup>TH</sup>  
EUGENE, OR 97401

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. PA 1266 ) IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE  
 ) PLAN TO REDESIGNATE LAND FROM "AGRICULTURAL"  
 ) TO "FOREST" AND REZONING THAT LAND FROM "E-  
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 ) LANDS" (eastern 78 acres); AND ADOPTING SAVINGS AND  
 ) SEVERABILITY CLAUSES (FILE PA 06-5888; RAVIN  
 ) VENTURES, LLC)

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

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

WHEREAS, in May 2006, application no. PA 06-5888 was made for a minor amendment to redesignate tax lot 700, Map 16-01-08, from "Agriculture" to "Forest" land, with a concurrent request to rezone the property from "E-40/Exclusive Farm Use" to "F-2/Impacted Forest Lands;" and

WHEREAS, in March 2009, the above application was revised to request a minor amendment to redesignate all of tax lot 700, Map 16-01-08, from "Agriculture" to Forest, with a concurrent request to rezone the property from "E-40/Exclusive Farm Use" to "F-1/NonImpacted Forest Use;" and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearings on February 7, 2009, and April 21, 2009, and recommended approval of the proposed amendment and rezoning as requested; and

WHEREAS, in February 2012, the application was again revised, to request a minor amendment to redesignate all of tax lot 700, Map 16-01-08, from "Agriculture" to "Forest" land, with a concurrent rezone of the westernmost 52 acres of the property from "E-40/Exclusive Farm Use" to "F-1/NonImpacted Forest Use;" and to rezone the easternmost 78 acres from "E-40/Exclusive Farm Use" to "F-2/Impacted Forest Use;" and

WHEREAS, the evidence in the record indicates that the latest proposal meets the requirements of Lane Code Chapter 16, and other requirements of state and local law;

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

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ORDINANCE NO. PA 1266/IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "AGRICULTURAL" TO "FOREST" AND REZONING THAT LAND FROM "E-40/EXCLUSIVE FARM USE" TO "F-1/NONIMPACTED FOREST LANDS" (western 52 acres) AND TO "F-2/IMPACTED FOREST LANDS" (eastern 78 acres); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (FILE PA 06-5888; RAVIN VENTURES, LLC)



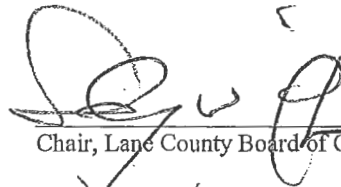
Section 2. The westernmost 52 acre portion of Tax lot 700, Map 16-01-08, is rezoned from "E-40/Exclusive Farm Use" (Lane Code 16.212), to "F-1/NonImpacted Forest Use" (Lane Code 16.210), more particularly described in Exhibit B-1. In addition, the easternmost 78 acre portion of Tax lot 700, Map 16-01-08, is rezoned from "E-40/Exclusive Farm Use (Lane Code 16.212), to "F-2/Impacted Forest Use" (Lane Code 16.211), more particularly described in Exhibit B-2, both areas being depicted on Official Lane County Zoning Map 1601 and further identified on a portion of that map in Exhibit "B" attached and incorporated herein.


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

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

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

ENACTED this 19<sup>th</sup> day of September, 2012.

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

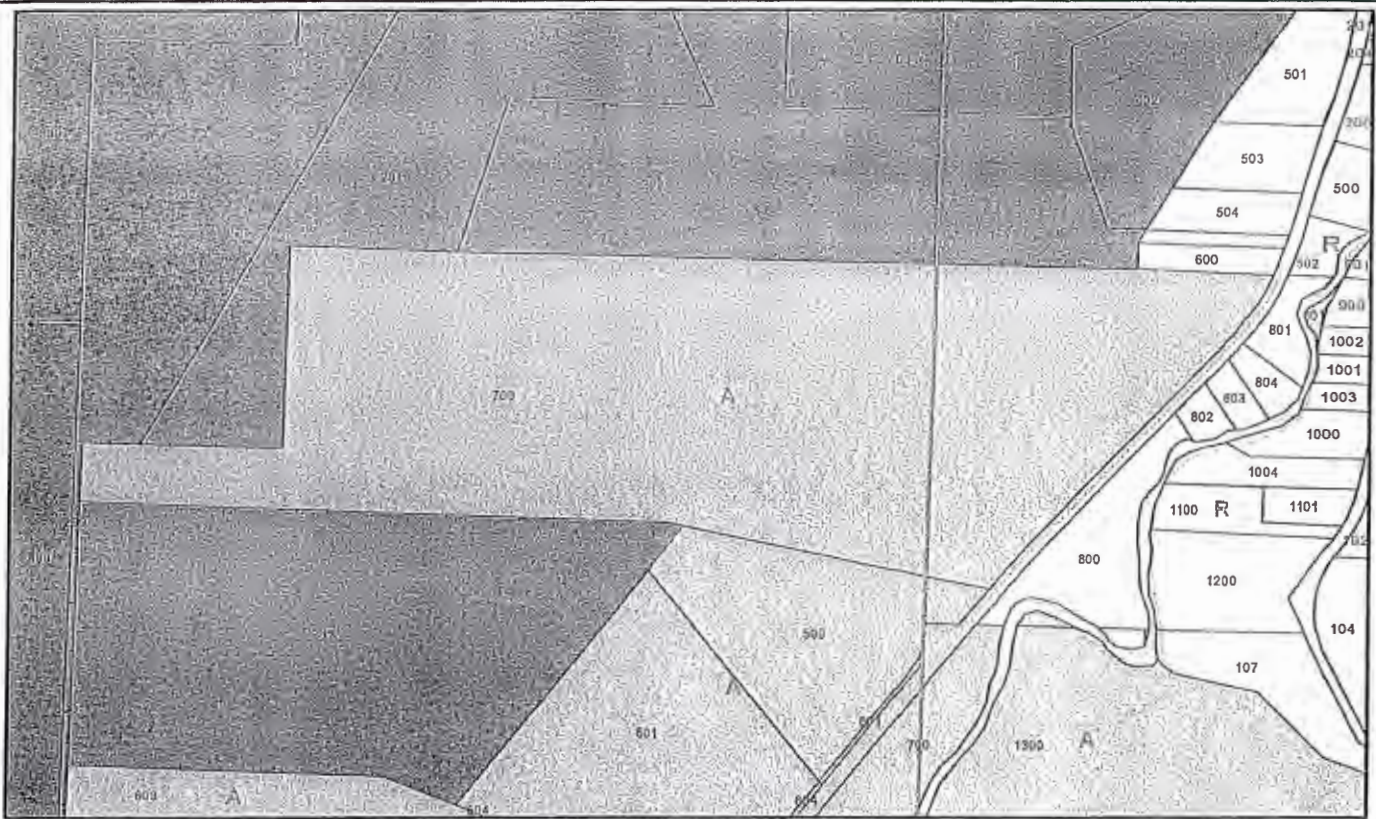
  
\_\_\_\_\_  
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

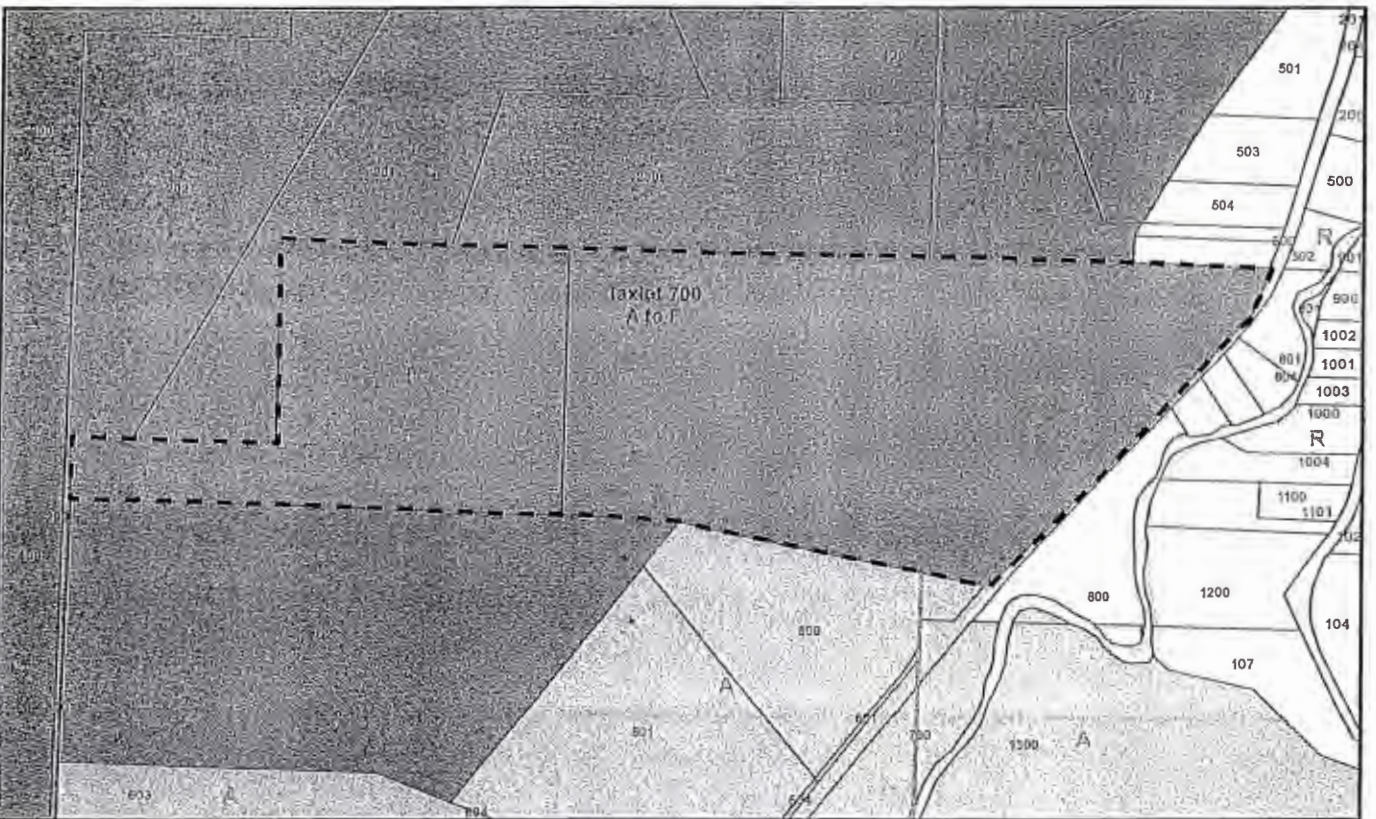
Date 8-28-2012 Lane County

  
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OFFICE OF LEGAL COUNSEL

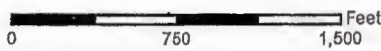
ORDINANCE NO. PA 1266 - EXHIBIT 'A'



Existing Plan Designation



Change being enacted by No. PA 08-5873 on Official Plan Map 2003



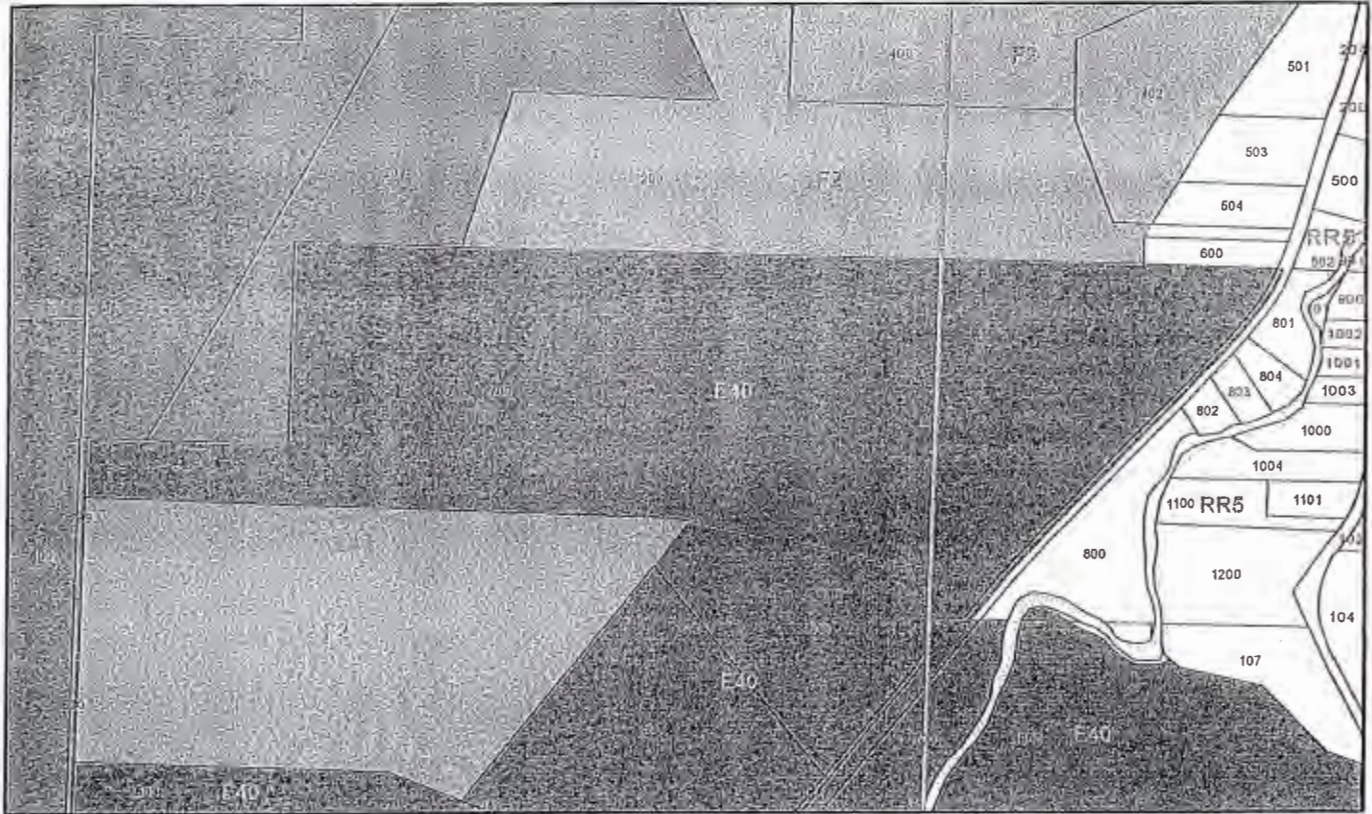
ORDINANCE NO. PA 1266 - EXHIBIT 'A-1'

LEGAL DESCRIPTION OF PROPERTY BEING REDESIGNATED TO FOREST

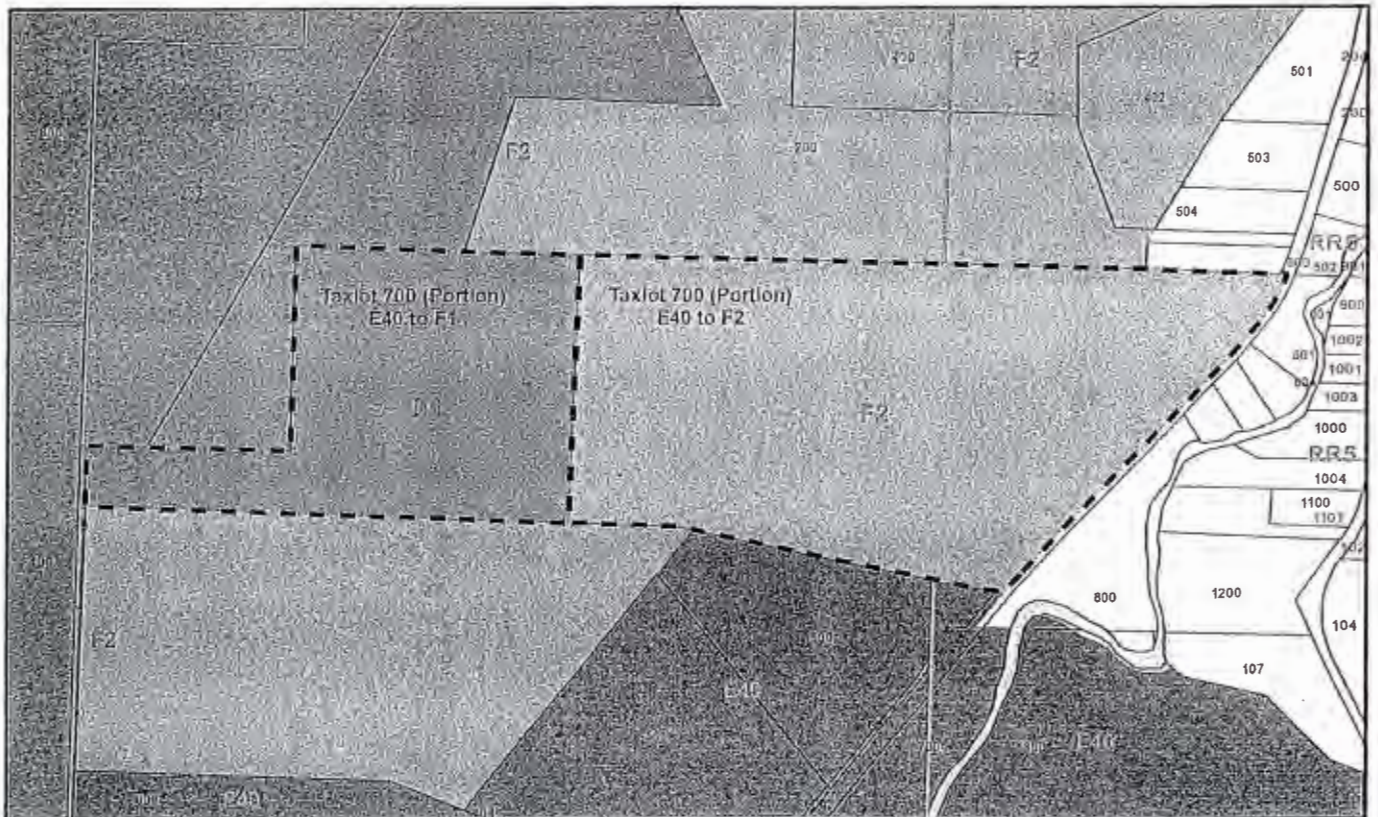
Beginning at a point on the West line of the Joseph G. Gray Donation Land Claim No. 38, Notification No. 7500, in Township 16 South, Range 1 West of the Willamette Meridian, 45.07 chains (2,974.62 feet) NORTH of the Southwest corner of said claim as depicted in County Survey File 5170 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence continuing NORTH 4.33 chains (285.78 feet) to the Northwest corner of said claim; thence EAST 14.09 chains (929.94 feet) to the Southwest corner of the Thomas Gray Donation Land Claim No. 42, of the same Township; thence NORTH 14.66 chains (967.56 feet); thence EAST 4656.66 feet to a point thirty foot westerly from and perpendicular to the centerline alignment of Marcola Road as depicted in County Survey File 40892 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence on a line running thirty feet westerly from and parallel with said centerline alignment of Marcola Road along the arc of a 1176.23 foot radius curve right (the chord of which bears South 33°33'30" West 447.08 feet) a distance of 449.82 feet to Station 66+61.13 PC; thence South 44°30'50" West 1158.72 feet to Station 595+02.41 PT; thence along the arc of a 5759.58 foot radius curve left (the chord of which bears South 42°31'51" West 398.76 feet) a distance of 398.84 feet; thence leaving said line bearing North 80°45'00" West 132.08 feet to a point 2.92 chains (192.72 feet) North and 2.66 chains (175.56 feet) East of the Northwest corner of the heirs of Samuel Gray Donation Land Claim; thence continuing North 80°45'00" West 1356.88 feet; thence WEST 2787.95 feet to the point of beginning, all in Lane County, Oregon.

Containing 130 acres, more or less.

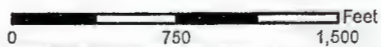
ORDINANCE NO. PA 1266 - EXHIBIT 'B'



Existing Zoning



Change being enacted by No. PA 08-5837 on Official Zone Map 2003



ORDINANCE NO. PA 1266 - EXHIBIT 'B-1'

LEGAL DESCRIPTION OF PROPERTY BEING REZONED TO F-1

Beginning at a point on the West line of the Joseph G. Gray Donation Land Claim No. 38, Notification No. 7500, in Township 16 South, Range 1 West of the Willamette Meridian, 45.07 chains (2,974.62 feet) NORTH of the Southwest corner of said claim as depicted in County Survey File 5170 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence continuing NORTH 4.33 chains (285.78 feet) to the Northwest corner of said claim; thence EAST 14.09 chains (929.94 feet) to the Southwest corner of the Thomas Gray Donation Land Claim No. 42, of the same Township; thence NORTH 14.66 chains (967.56 feet); thence EAST 4656.66 feet to a point thirty foot westerly from and perpendicular to the centerline alignment of Marcola Road as depicted in County Survey File 40892 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence on a line running thirty feet westerly from and parallel with said centerline alignment of Marcola Road along the arc of a 1176.23 foot radius curve right (the chord of which bears South 33°33'30" West 447.08 feet) a distance of 449.82 feet to Station 66+61.13 PC; thence South 44°30'50" West 1158.72 feet to Station 595+02.41 PT; thence along the arc of a 5759.58 foot radius curve left (the chord of which bears South 42°31'51" West 398.76 feet) a distance of 398.84 feet; thence leaving said line bearing North 80°45'00" West 132.08 feet to a point 2.92 chains (192.72 feet) North and 2.66 chains (175.56 feet) East of the Northwest corner of the heirs of Samuel Gray Donation Land Claim; thence continuing North 80°45'00" West 1356.88 feet; thence WEST 2787.95 feet to the point of beginning, all in Lane County, Oregon. (Containing 130 acres, more or less.)

Except therefrom:

Beginning at a point on the West line of the Joseph G. Gray Donation Land Claim No. 38, Notification No. 7500, in Township 16 South, Range 1 West of the Willamette Meridian, 45.07 chains (2,974.62 feet) NORTH of the Southwest corner of said claim as depicted in County Survey File 5170 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence EAST 2525.44 feet to the **True Point of Beginning**; thence NORTH 1253.34 feet; thence EAST 3061.16 feet to a point thirty foot westerly from and perpendicular to the centerline alignment of Marcola Road as depicted in County Survey File 40892 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence on a line running thirty feet westerly from and parallel with said centerline alignment of Marcola Road, along the arc of a 1176.23 foot radius curve right (the chord of which bears South 33°33'30" West 447.08 feet) a distance of 449.82 feet to Station 66+61.13 PC; thence South 44°30'50" West 1158.72 feet to Station 595+02.41 PT; thence along the arc of a 5759.58 foot radius curve left (the chord of which bears South 42°31'51" West 398.76 feet) a distance of 398.84 feet; thence leaving said line North 80°45'00" West 132.08 feet to a point 2.92 chains (192.72 feet) North and 2.66 chains (175.56 feet) East of the Northwest corner of the heirs of Samuel Gray Donation Land Claim; thence continuing North 80°45'00" West 1356.88 feet; thence WEST 262.51 feet to the **True Point of Beginning**, all in Lane County, Oregon. (Containing 78 acres, more or less.)

Containing 52 acres, more or less.

ORDINANCE NO. PA 1266 - EXHIBIT 'B-2'

LEGAL DESCRIPTION FOR LAND BEING REZONED TO F-2

Beginning at a point on the West line of the Joseph G. Gray Donation Land Claim No. 38, Notification No. 7500, in Township 16 South, Range 1 West of the Willamette Meridian, 45.07 chains (2,974.62 feet) NORTH of the Southwest corner of said claim as depicted in County Survey File 5170 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence EAST 2525.44 feet to the **True Point of Beginning**; thence NORTH 1253.34 feet; thence EAST 3061.16 feet to a point thirty foot westerly from and perpendicular to the centerline alignment of Marcola Road as depicted in County Survey File 40892 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence on a line running thirty feet westerly from and parallel with said centerline alignment of Marcola Road, along the arc of a 1176.23 foot radius curve right (the chord of which bears South 33°33'30" West 447.08 feet) a distance of 449.82 feet to Station 66+61.13 PC; thence South 44°30'50" West 1158.72 feet to Station 595+02.41 PT; thence along the arc of a 5759.58 foot radius curve left (the chord of which bears South 42°31'51" West 398.76 feet) a distance of 398.84 feet; thence leaving said line North 80°45'00" West 132.08 feet to a point 2.92 chains (192.72 feet) North and 2.66 chains (175.56 feet) East of the Northwest corner of the heirs of Samuel Gray Donation Land Claim; thence continuing North 80°45'00" West 1356.88 feet; thence WEST 262.51 feet to the **True Point of Beginning**, all in Lane County, Oregon.

Containing 78 acres, more or less.

EXHIBIT C

**FINDINGS AND CONCLUSIONS  
IN SUPPORT OF  
RAVIN VENTURES, LLC  
PLAN CHANGE FROM AGRICULTURE TO FOREST  
ZONE CHANGE FROM EFU-40 TO F-2 (East 78-acre parcel) and F-1 (West 52-acre  
parcel)**

**I. INTRODUCTION**

1. This decision approves a plan change from Agriculture to Forest, and a zone change from E-40 to F-2 (eastern 78-acre parcel) and F-1 (western 52-acre parcel) for about 130 acres of land in the Mohawk Valley just north of the community of Marcola. The property is identified as Map 16-01-08, tax lot 700. The property is roughly rectangular in shape. It lies adjacent to the west of Marcola Road.
2. In these findings the full text of the relevant standards appears in **bold** face font without quotation marks. The findings and conclusions addressing the standards appear in regular font.
3. These findings make reference to supporting materials in the record.
4. The balance of Part I. addresses the subject property and surrounding property in general, as these facts are relevant to all of the following sections.
5. Part II. addresses the Statewide Planning Goals. These are the most general standards that apply to plan and zone amendments. Hence, the findings are most extensive here. Where possible, to reduce redundancy, the findings that address nongoal standards refer back to the relevant goal findings.
6. Part III. addresses the *Rural Comprehensive Plan Policies*.
7. Part IV. addresses the Lane Code criteria for Plan amendments.
8. Part V. addresses the Lane Code criteria for zone changes.

**Summary of Proposal:**

9. The applicant request a plan change from Farm land to Forest land on the theory that the land has historically been and is currently in forest use. No farming has ever taken place on the parcel. A concurrent zone change is also requested from E-40 to F-1/F-2.
10. The subject property consists of two parcels. The West 52-acre parcelis approximately

52 acres of the westerly portion of the property. The East 78-acre parcel is approximately 78 acres of the eastern portion of the property. The West 52-acre parcel is owned by Ravin Ventures, LLC. The East 78-acre parcel is owned by Ravin Ventures, LLC and Ramon Fisher, an individual. Pursuant to state law, the parcels are held in separate ownership.

11. The East 78-acre parcel is developed with one single-family residence constructed in approximately the 1920's. Both parcels been used for forestry throughout their history.
12. Requests for plan change to Forest must comply with the Statewide Planning Goals, the Rural Comprehensive Plan, and the county zoning code. The standards in the goals, the plan, and the code are diverse. They overlap somewhat. These findings address each relevant standard with support from maps, air photos, documents, and other materials.
13. This property qualifies for a Forest designation based on current and historic use.

#### **Legal Authority for Forest Designation and Related NonImpacted Forest Zoning.**

14. Goal 3 and the Goal 3 Rule define "Agricultural Land" and require that it be preserved for farm use. Goal 4 and the Goal 4 Rule define "Forest Lands," require it to be conserved, and allow it to be put to the limited range of uses stated in the Rule.
15. The Lane County Rural Comprehensive Plan Policies ("*Rural Plan Policies*") recognize that resource land should be given the same weight and that use should determine whether the lands are Forest or Farm. The plan provisions generally track the authorization in the LCDC Rules. RCP Goal 4, Policy 15 says that lands that qualify for Forest designation shall be zoned either F-1 or F-2, based on consideration of a list of factors and other plan policies.

#### **Description of Subject Property and Adjacent and Nearby Area.**

16. This section describes the subject property in summary terms and the adjacent and nearby land in more detail. The purpose is to provide a factual context for the balance of the findings. Reference is made to plan and zone designations, parcelization, and land uses.
17. In general terms, this area is in the foothills on the east side of the Coburg Hills near the rural unincorporated community of Marcola. The site has soils that qualify it as both forest and farm land.
18. "Adjacent and nearby" as used in the Comp Plan and OARs with respect to designation is not defined in the statute, rules or local code. The Board defines it to mean lands with a boundary line common to the subject property (if the common line is a road, then the lands across the road are considered adjacent) and lands within roughly 1,000 feet of the subject property. However, there are several properties within 1,000 feet of the subject



property that are separated from the subject property by two county roads and the Marcola River. The Board believes that these properties do little to influence or represent the character of the surrounding area because they are separated from the subject property by too many barriers. These properties are not included as “adjacent and nearby.”

19. With respect to F-1/F-2 zoning, Ordinance No. PA 1236 (*Symbiotics*) defines “contiguous” to mean “having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street \*\*\* shall not be considered contiguous.” The ordinance goes on to clarify that “generally contiguous” means general area, which goes beyond “contiguous” and looks to the “general area of the land being proposed \*\*\* The analysis is intended to venture beyond the only contiguous properties with common property lines.
20. Ordinance 1236 defines “adjacent” to mean general vicinity, stating that the term adjacent looks “*even further beyond the nearby tracts or across intervening right of way to acknowledge the impact of development within developed and committed exception areas in the general vicinity of the land being proposed for rezoning. It is a broader look at the complete tapestry of uses and development, particularly nonresource uses, in the general area. It does not depend on contiguity for that consideration.*”
21. Based on these interpretations and definitions, the roughly 1,000 foot perimeter used for “adjacent and nearby” with respect to “designation” is also consistent with “adjacent” and “generally contiguous” with respect to zoning.
22. The subject property is approximately 130 acres of reforested timberland. It is developed with a homestead (pre-land use regulation) dwelling that is located near Marcola Road. The property has a history of being logged. It was most recently logged by the applicant in 2002. It is currently in forest regeneration. Prior to that, it was logged in approximately 1955-1960 (based on 2002 tree stump and site conditions). There is no evidence that the property has ever been in “agricultural use” as defined by the statute.
23. The property is roughly rectangular in shape. It rises from about 700 feet in elevation at the east to about 750 feet at the west. It is traversed by a BPA power line and an abandoned railroad right-of-way. There is a well and septic system on the site to serve the existing dwelling on the 78-acre parcel.
24. As discussed more fully in connection with Goals 3 and 4, a majority of the soils on the site have an Agricultural Capability rating of I through IV and therefore the property qualifies as Agricultural Land. The subject site also meets the county’s acknowledged definition of forest lands by containing soils capable of producing more than 50 cu/ft/acre of wood fiber.
25. Tables A and B of the applicant’s submission, incorporated herein by this reference, identify uses, designation, and zoning in the general area/vicinity (which includes

“adjacent and nearby,” “generally contiguous” and “adjacent”). Table G, incorporated herein by this reference, include the subject property. In summary, Tables A and B establish that there are 40 properties that are adjacent and nearby. Of those 40 properties, 25% are designated Forest, 11% are designated Agriculture, and 63% are designated Residential. Of those 40 properties, 34% are in forestry use, none are in agricultural use, 58% are in residential use and 8% are in “other” use. The 40 adjacent and nearby properties include approximately 800 acres. Of the 800 acres, 72% are in Forest designation, 22% are in Agricultural designation and 9% are in Residential designation. Of the 800 acres, 88% are in forestry use, none are in agricultural use, 7% are in residential use and 5% are in “other” use.

26. RLID shows that the subject property is in Forest Tax Deferral and in Small Tract Forestland Option Deferral. Both deferrals require the property to be in forest use. RLID also describes the subject property as Timber and Timberlands. The site photographs and aerial photographs confirm that the property is in forest management and that there is no farming. The owner has confirmed that the small field is not in “farm use,” as defined by the statute.

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

1. Amendments to local plans and code must comply with the Statewide Planning Goals. ORS 197.175(2)(A). For individual applications like this, compliance with relevant goals must be addressed by the County. This Part addresses each relevant goal and explains why the proposal complies. This decision complies with the goals; no goal exceptions are taken.

### **Goal 1: Citizen Involvement**

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

2. Goal 1 is a process goal. This proposal complies with Goal 1 because it will be processed as a quasi-judicial application through the county’s acknowledged public process for individual plan and zone changes. This process includes public hearings before the Planning Commission and the County Board.

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

3. Part I of Goal 2 requires local governments to establish processes and policies for land use decisions.

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

4. Part II of Goal 2 authorizes exceptions to the goals – land use decisions that are not in compliance with the goals under certain circumstances. Statutes also describe when exceptions are authorized. See ORS 197.732.
5. This application complies with Goal 2 because it is being processed under the county plan and code and because no exception to any resource goal is proposed. The application is simply trading one resource designation for another because the land better fits one category based on use and capability.

#### **Goals 3 and Goal 4: The Relationship Between Goals 3 and 4.**

6. OAR 660-006-0015(2) states,  
*When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*
7. The “agricultural land” designation and the “forest land” designation are both resource designations. The designations have equal weight and importance to the State of Oregon. Through the above Rule, LCDC has acknowledged that many lands will qualify as both Forest and Ag land. For lands that qualify as both, LCDC will support either designation so long as the factors used to determine designation are identified. This issue is further discussed under Section III, below, where the designation policies are reviewed specifically.
8. As discussed more specifically under Goals 3 and 4 below, the subject property meets the definition of both forest land and agricultural land. The Lane County Rural Comprehensive Plan Agricultural Working Paper documents the factors used to select Farm or Forest designation on land that meets the definition of both. Each of those factors is discussed in detail in Section III, below. Based on those factors, the subject property should be designated Forest land.
9. Because the subject property qualifies as both Ag and Forest land under Goal 3 and Goal 4, many of the RCP policies addressing Goal 3 are met by the subject property and many of the Goal 4 RCP policies are met by the subject property. It is inherent in the property’s dual qualification. However, when determining whether a property should be designated Forest or Ag, the key is not whether the property meets or furthers the policies under the RCP, but whether the property meets the factors established in the Plan for being Forest or Ag. These factors are discussed in Section III, below.

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

**To preserve and maintain agricultural lands. Agricultural lands shall be preserved**

and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the State's agricultural land use policy expressed in ORS 215.243 and 215.700.

10. Goal 3 defines "Agricultural Land" as follows:

**Agricultural Land -- in western Oregon is land of predominantly Class I, II, III and IV soils and in eastern Oregon is land of predominantly Class I, II, III, IV, V and VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event.**

**More detailed soil data to define agricultural land may be utilized by local governments if such data permits achievement of this goal.**

11. The LCDC has elaborated on the definition of Agricultural Land in its rules. OAR 660-033-0020. There are four parts to the relevant definition in the rule. Each part of the definition is addressed separately here.

**OAR 660-033-0020(1)(a): [Predominant Soil Types]**

**"Agricultural Land" as defined in Goal 3 includes:**

**Lands classified by the U.S. Soil Conservation Service (SCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon;**

12. Goal 3 requires that SCS soils data be used to classify the soils, but it allows soils data in the published maps to be refined with more detailed onsite investigation. OAR 660-033-0030(6). The applicant is relying on SCS soils data.
13. The published SCS soils maps show nine types of soil on this site. The soils are included in Table C, below. Based on Table C, the site qualifies as Agricultural Land under this part of the test because 99% of the soils on the site are in soil Classes I-IV.

**TABLE C  
SOILS  
AGRICULTURAL CAPABILITY CLASS**

<b>SOIL TYPE</b>	<b>ACRES</b>	<b>PERCENT</b>	<b>AG.</b>	<b>FOREST PRODUCTIVITY</b>
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			CAPABIL. CLASS	LMD <sup>1</sup>	Dept. of Forestry <sup>2</sup> By soil type/by acreage <sup>3</sup>	
					By soil type (cu.ft./acre/ yr)	By acreage (cu.ft/yr)
102 C Panther SCL, 2% to 12% slopes	1.7	1.326	VI	No info. <sup>4</sup>	45	76.5
52D Hazelair SCL, 7% to 20% slopes	65	51.089	IV	No info.	40	2600
89E Nekia SCL, 20% to 30% slopes	14	11.289	IV	160	159	2226
89C Nekia SCL, 2% to 12% slopes	13	9.856	III	160	159	2067
78 McAlpin SCL	13	10.572	II	No Info.	169	2197
89D Neckia SCL, 12% to 20% slopes	.2	.129	III	160	159	31.8
1A Abiqua SCL, 0% to 3% slopes	19	14.958	I	203	161	3059
29 Cloquato SL	.9	.697	II	No Info.	120	108
125D Steiwer L, 12% to 20% slopes	.12	.086	IV	No Info.	30	3.6
	126.92 (130)	100%	99% Class I-IV		Site Productivity Approx. 97.45 cu.ft/acre/yr	

**OAR 660-033-0020(1)(a): [Other Suitable Lands]:**

**(B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices;**

<sup>1</sup> Lane County Soil Ratings for Forestry and Agriculture (based on NRCS data).

<sup>2</sup> Department of Forestry Forest Lands Soils Ratings (1990 revisions).

<sup>3</sup> The first number is the Forest Productivity for the soil type per acre per year (cu.ft./acre/year). The second number is the Forest Productivity for the soil type based on the number of acres of the soil (cu.ft/year).

<sup>4</sup> "No Info." corresponds with the "none" designation on the Lane County Soils Rating data sheets. It indicates that map units lack site index information on Douglas fir. No site index has been collected by the NRCS due to lack of suitable sties or lack of time and/or funds.

14. This part of the test focuses on lands, which have predominantly nonagricultural soils, and inquires into whether they are nevertheless suitable for farm use. It is commonly called the “other suitable lands” test. A list of seven factors must be considered. The suitability for farm use must consider the potential for use in conjunction with adjacent or nearby land.<sup>5</sup> The history of the site in farm use would be relevant to its current suitability,<sup>6</sup> but not determinative.<sup>7</sup>
15. It has been established that the subject property qualifies as Agricultural land under the “soils test,” above. Therefore, it is not necessary to address this standard.

**OAR 660-033-0020(1)(a)(C): [Land needed to permit farming practices on adjacent/nearby agricultural lands]**

**Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.**

16. This part of the test focuses on adjacent and nearby agricultural lands. However, it has been established that the subject property qualifies as Agricultural land under the “soils test,” above. It is not necessary to address this standard.
17. It is worth noting that the subject property is not necessary to permit farm practices to be undertaken on adjacent property. First, the adjacent property to the south is largely in timber production. Second, even if it were to be farmed, designation of the site as forest lands, another resource designation, would not have any impact on the ability to farm the adjacent land. The two uses have been defined to be compatible. See OAR 660-006-0015(2).

**OAR 660-033-0020(1)(b): [Farm unit test]:**

**Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed;**

18. This part of the test focuses on lands which are predominantly nonagricultural soils, and inquires into whether they are adjacent to or intermingled with better lands within a “farm

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<sup>5</sup> See *DLCD v. Curry County*, 28 Or LUBA 205, 208-09 (1994), *aff'd* 132 Or App 393 (1995); *Kaye/DLCD v. Marion County*, *supra*, 23 Or LUBA at 481-62 (interpreting identically worded previous Goal 3 administrative rule OAR 660-05-005(1)(b)).

<sup>6</sup> See *Clark v. Jackson County*, 17 Or LUBA 594, 606 (1990)(past use of the property for grazing as part of larger operation is relevant to its current suitability for farm use).

<sup>7</sup> See *1000 Friends of Oregon v. Wasco County Court*, 80 Or App 525, 531, 723 P2d 1039 (1986) (Affirming decision that former grazing lands proposed for annexation are not suitable for farm use. “Also, there is no presumption that the land is agricultural land simply because of its previous agricultural use. Previous use is merely one factor for the county to consider in reaching its conclusion about the land’s current condition.”).

unit.” It is commonly called the “farm unit” test. If the subject property is not a part of a “farm unit,” then this test does not apply.

19. It has already been determined that the subject property meets the definition of farm land under the “soils test,” above. Therefore, this standard need not be addressed.
20. It is worth noting that the subject property is not part of a farm unit because: the subject property is not adjacent to any other land in the same ownership; it is not jointly managed for farm use with any adjacent land; and it has not been so managed in its history.

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

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

**Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.**

21. The second paragraph of Goal 4 defines “Forest Lands.” Because a plan amendment is proposed, the second sentence of paragraph two is the operable definition. There are three parts to the definition: (1) Lands suitable for commercial forest uses; (2) adjacent and nearby lands necessary to permit forest operations or practices; and (3) other forested lands that maintain certain natural resources. Each part of the definition is addressed below.

**[F]orest land shall include lands which are suitable for commercial forest uses.**

22. The term “commercial forest uses” is not defined in any statute, goal, or rule. However, Lane County adopted a definition for the term in its plan, and the plan was acknowledged by the LCDC. Forest land is land that is capable of producing crops of industrial wood in excess of 50 cubic feet per acre of annual growth. Commercial forest types of trees include: Douglas fir, hemlock/cedar/spruce, other conifers, and deciduous trees.<sup>8</sup>

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<sup>8</sup> Lane County’s definition of “commercial forest uses” was the central issue and the subject of extensive discussion in Holland v. Lane County, 16 Or LUBA 583 (1988). LUBA summarized the relevant provisions of the acknowledged county plan as follows:

The county adopted the following definition of “commercial forest land” as part of its “Working Paper: Forest Lands; March, 1982” (Forest Lands Paper) and “Addendum to Working Paper: Forest Lands; November, 1983” (Forest Lands

23. Productivity data for wood fiber is available from a number of sources. The Lane County Soil Ratings, published by the Lane County Land Management Division in 1997, summarizes federal data on wood productivity by soil types, but only for Douglas fir. Productivity data for the full range of commercial forest trees recognized by Lane County has been published by the Oregon Dep't of Forestry in its 1990 Forestry Dep't Ratings. Both sources of data are summarized in Table D, below. The data from 1990 Forestry Dep't Ratings is the more useful because it addresses all commercial tree species.
24. For each soil type shown in the Soils Map in the record as being present on subject property, Table D displays the acreage data and the commercial tree species productivity, based on the 1990 Forestry Dep't Ratings and the LMD ratings. Of the nine types of soil present on the property, six are capable of producing substantially more than 50 cubic feet of wood fiber per acre annually. Based on soils, the subject property is capable of producing 97.45 cu.ft/acre/year of timber. The subject property, therefore, qualifies as Forest Land under this part of the test.

**TABLE D  
SOILS  
FOREST PRODUCTIVITY**

SOIL TYPE	ACRES	PERCENT	FOREST PRODUCTIVITY		
			LMD <sup>9</sup>	Dept. of Forestry <sup>10</sup> By soil type/by acreage <sup>11</sup>	
				By soil type (cu.ft./acre/ yr)	By acreage (cu.ft./yr)
102 C Panther SCL,	1.7	1.326	No info. <sup>12</sup>	45	76.5

Addendum) documents.

“‘Commercial’ forest land [is] land capable of producing crops of industrial wood in excess of 50 cubic feet per acre of annual growth.”

Ordinance No. 889, Ex. C. The Forest Lands Paper, at 10, contains an inventory of “Acres of Commercial Forest Land by Cubic Foot Site Class, Forest Type and Ownership.” This table recognizes the following commercial forest types – “Douglas fir,” “hemlock/cedar/spruce,” “other conifers” and “deciduous.”

16 Or LUBA at 586 [footnotes omitted].

<sup>9</sup> Lane County Soil Ratings for Forestry and Agriculture (based on NRCS data)

<sup>10</sup> Department of Forestry Forest Lands Soils Ratings (1990 revisions)

<sup>11</sup> The first number is the Forest Productivity for the soil type per acre per year (cu.ft./acre/year). The second number is the Forest Productivity for the soil type based on the number of acres of the soil (cu.ft./year)

<sup>12</sup> “No Info.” Corresponds with the “none” designation on the Lane County Soils Rating data sheets. It indicates that map units lack site index information on Douglas fir. No site index has been collected by the NRCS due to lack of suitable sties or lack of time and/or funds.



2% to 12% slopes					
52D Hazelair SCL, 7% to 20% slopes	65	51.089	No info.	40	2600
89E Nekia SCL, 20% to 30% slopes	14	11.289	160	159	2226
89C Nekia SCL, 2% to 12% slopes	13	9.856	160	159	2067
78 McAlpin SCL	13	10.572	No Info.	169	2197
89D Neckia SCL, 12% to 20% slopes	.2	.129	160	159	31.8
1A Abiqua SCL, 0% to 3% slopes	19	14.958	203	161	3059
29 Cloquato SL	.9	.697	No Info.	120	108
125D Steiwer L, 12% to 20% slopes	.12	.086	No Info.	30	3.6
	126.92 (130)	100%		<b>Site Productivity</b> <b>Approx. 97.45 cu.ft/acre/yr</b>	

**(2) [A]djacent or nearby lands which are necessary to permit forest operations or practices.**

25. This part of the test inquires into whether the subject property must be kept in a resource designation in order to allow forest operations or practices to continue on adjacent or nearby lands.
26. There are approximately 800 nearby and adjacent acres consisting of 40 nearby and adjacent parcels. Approximately 72 % of those acres are designated Forestland and 88% of those acres are in forest use. See findings above. The subject property is in a sea of nearby land designated Forest. Thus, not only does the subject property's soils qualify for the Forest designation, but the subject property, though perhaps not "necessary," is highly desirable to enable adjacent and nearby lands to continue forest operations.

**(3) [O]ther forested lands that maintain soil, air, water and fish and wildlife resources.**

27. The targeted resources (soil, air, water and fish and wildlife resources) are generally not present on the subject property. There are no perennial streams or permanent water bodies. There is some relationship between the tree cover and air quality. The soil resources on the site have been exhaustively described. The existing tree cover (and root systems) are helpful in maintaining soil on site because of slope. The wildlife resources are similar throughout the area in terms of range of species and occurrence, without respect to whether the land is vacant or developed.

**Goal 5: Open spaces, scenic and historic areas, and natural resources.**

**To conserve open space and protect natural and scenic resources.**

28. Goal 5 requires the county to inventory the locations, quality and quantity of certain natural resources. Where no conflicting uses are identified, the inventoried resources shall be preserved. Where conflicting uses are identified, the economic, social, environmental and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal.
29. Where a county is amending acknowledged plan and zoning designations, as here, the county must address Goal 5 if any of the area proposed for change encompasses lands included on the county's inventory of Goal 5 resources.<sup>13</sup> The county need not go through the Goal 5 conflict resolution process for alleged Goal 5 resources that are not on the acknowledged Goal 5 inventory.<sup>14</sup> The initial Goal 5 question, therefore, is whether the subject property includes any Goal 5 resources inventoried in the acknowledged county plan.

**Goal 5 Resources on the Subject Property.**

30. The paragraphs below address the acknowledged Goal 5 resource inventories.

**Historic Resources:**

31. The acknowledged list of historic resources is listed as "Historic Sites or Sites." The subject property is not on the list.

**Mineral and Aggregate Resources:**

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

**Energy:**

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

**Water Resources:**

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<sup>13</sup> See Urquhart v. Lane Council of Governments, 80 Or App 176, 721 P2d 870 (1986); Plotkin v. Washington County, 165 Or App 246, 997 P2d 226 (2000); Waugh v. Coos County, 26 Or LUBA 300, 310-12 (1993); 1000 Friends of Oregon v. Yamhill County, 27 Or LUBA 508, 522 (1994).

<sup>14</sup> Davenport v. City of Tigard, 23 Or LUBA 565 (1992).

34. The *Water Resources Working Paper (1982)* inventories the following water resources which include or potentially include the subject property: Watersheds (specifically the Mohawk River watershed, a tributary to the McKenzie River and Willamette Basin); Surface Waters, including the Mohawk River, which lies, at its closest point, approximately 150 to 200 feet to the east of the subject property's most eastern boundary (across Marcola Road); and Groundwater.
35. The proposed redesignation and rezoning does not, by itself, create additional development on the subject property. As discussed above, the subject property is already developed with a residence. Under F-1 zoning for the west 52 acres, the applicant is not entitled to any additional dwellings. The east 78 acres of proposed F-2 zoning does contain multiple legal lots with a potential for future development. However, if such subsequent development occurs, impacts on the watershed, surface waters or groundwater resources in the area will be evaluated.
36. Keeping the area in Forest use, rather than clearing and plowing for agriculture, protects water resources by minimizing runoff; minimizing agricultural water needs; and minimizing agricultural chemical migration into the watershed.

**Riparian Resources:**

37. The *Flora & Fauna Working Paper (1982)* and *Addendum (1983)* inventories Riparian resources. Riparian areas are inventoried to include all land within 100 feet of the banks of a Class I stream. There are no Class I streams on the subject property. The Mohawk River, a Class I stream, is approximately 125 to 200 feet from the subject property at its closest point. Furthermore, Marcola Road separates the subject property from the river. The proposed redesignation and rezoning does not, by itself, create additional development on the subject property. As discussed above, the subject property is already developed with a residence. Under F-1 zoning, the applicant is not entitled to any additional dwellings. Any potential for development on the F-2 zoned eastern portion is not anticipated to have any impact on the Mohawk River or its riparian resources, as defined.
38. Keeping the area in Forest use, rather than clearing and plowing for agriculture, protects riparian resources by minimizing runoff; minimizing agricultural water needs; maintaining flora and fauna cover and habitat, and minimizing agricultural chemical migration into the watershed.

**Wetland Resources:**

39. National Wetlands Inventory ("NWI") map indicates the presence of three minor wetland areas on the subject property. Any future development proximate to these wetlands will require a referral and response from the Oregon Division of State Lands.

**Sensitive Fish and Waterfowl Areas:**

- 40. The inventory of these sites appears in the Flora & Fauna Working Paper Addendum at 1-4. The subject property is not included on the inventory.

**Natural Areas:**

- 41. The inventory of these sites appears in the Flora & Fauna Working Paper at 26-32. The subject property is not included on the inventory.

**Big Game Range:**

- 42. The plan classifies the entire county into three categories of Big Game Range: Major, Peripheral, and Impacted. Flora & Fauna Working Paper at 23-25, Addendum at 14.

This application would affect Big Game Range because the entire county is mapped as some form of big game habitat. In practical terms, however, no conflict from this proposal is apparent. The proposed redesignation and rezoning does not, by itself, create additional development on the subject property.

- 43. Keeping the area in Forest use, rather than clearing and plowing for agriculture, protects game resources by minimizing water and wetland pollution from runoff and agricultural water while maintaining flora and fauna cover and habitat.

**Goal 5 Program to Meet the Goal for Resources Present.**

- 44. As described above, the following Goal 5 resources inventoried by the county are present on the subject property: Water Resources, including watersheds, surface water, and groundwater; and Big Game Range. This application includes a Goal 5 ESEE analysis for each of these resources. The Goal 5 analysis for each resource tracks, as closely as possible, the county's acknowledged Goal 5 analysis for each resource included in working papers. What is summarized here, for each resource, is the applicant's proposed "program to achieve the Goal," which is the end product anticipated by the goal and the Goal 5 Rule. See OAR Chapter 660, Division 23.

**Water Resources:**

- 45. The proposed program to achieve the goal is to allow the use because it is not conflicting. The proposed redesignation from Ag to Forest maintains the property in a Resource designation. Therefore, there are no conflicts.

**Big Game Range:**

46. The proposed program to achieve the goal is to allow the use because it is not conflicting. The proposed redesignation from Ag to Forest maintains the property in a Resource designation. Therefore, there are no conflicts.

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

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

**All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.**

47. Goal 6 protects the quality of land, air and water resources. The focus is on discharges from future development in combination with discharges from existing development. State and federal environmental standards are the benchmark for protection. Where there are state or federal standards for quality in air sheds or river basins, then the carrying capacity, nondegradation, and continued availability of the resources are standards.
48. The subject property is currently developed with a single residence and managed in forestry. Historically it has been used for forestry, a permitted use under the existing Ag designation. Because the proposed designation of Forest matches the existing and historic use, there will be no impacts to land, water or air quality.

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

**To protect life and property from natural disasters and hazards.**

**Developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safeguards. Plans shall be based on an inventory of known areas of natural disaster and hazards.**

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

**Goal 8: Recreational Needs**

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

- 50. The overriding purpose of Goal 8 is to address all recreational needs, but its primary focus is on siting and developing destination resorts, defined in Goal 8 as "self-contained development[s] providing visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities."
- 51. Goal 8 is not directly applicable to this proposal.

**Goal 9: Economic Development**

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

- 52. Goal 9 is focused on commercial and industrial development. The Goal 9 Rule, OAR 660-09, is explicitly limited to areas within urban growth boundaries. This goal is not directly applicable to this proposal.

**Goal 10: Housing**

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

**Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.**

- 53. Goal 10, like its implementing rule, is geared primarily to housing issues inside urban growth boundaries. The goal's definition of "buildable lands," for example, is limited to lands in urban and urbanizable areas. This site is outside any UGB. This goal is not applicable to this proposal.

**Goal 11: Public Facilities and Services**

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

**Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A**

provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan. In accordance with ORS 197.180 and Goal 2, state agencies that provide funding for transportation, water supply, sewage and solid waste facilities shall identify in their coordination programs how they will coordinate that funding with other state agencies and with the public facility plans of cities and counties.

54. "Public facilities and services" is defined in the Statewide Planning Goals to include: "[p]rojects, activities and facilities which the planning agency determines to be necessary for the public health, safety and welfare." The Goal 11 Rule defines a "public facility." "A public facility includes water, sewer, and transportation facilities, but does not include buildings, structures or equipment incidental to the direct operation of those facilities." OAR 660-11-005(5).
55. Goal 11 addresses facilities and services in urban and rural areas. The subject property is "resource" land and will remain rural after this approval. The subject proposal does not provide for any rural or urban development. Therefore, Goal 11 does not apply.
56. Resource designations have no required minimum level of services. However, Table E lists the services now available to the subject property.

**Table E**  
**Rural Public Facilities, Existing or Proposed**

Service	Provider
Fire	Marcola Rural Fire Protection District
Police	Lane County Sheriff and State Police
Schools	Marcola School District
Access	Marcola Road, a County Minor Arterial
Electric	Emerald People's Utility District
Telephone	Qwest Communications
Solid Waste	Sanipac

Sewer	Individual Septic System for existing dwelling
Water	Well for existing dwelling

**Goal 12: Transportation**

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

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services, (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

- 57. Goal 12 is implemented through the Goal 12 Rule (OAR 660-12) adopted in 1991. The Rule has a section that specifically addresses proposals such as this – amendments to acknowledged comprehensive plans and implementing regulations. OAR 660-12-060(1) provides that any such amendments that “significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.”
- 58. The proposed redesignation and rezoning does not, by itself, create additional development on the subject property. As discussed above, the subject property is already developed with a residence. The applicant is not entitled to any additional dwellings based on the redesignation and rezoning alone. Therefore, the application will not affect a transportation facility. The rule spells out clearly what constitutes a “significant affect.” OAR 660-12-060(2) states:

**A plan or land use regulation amendment significantly affects a transportation facility if it:**

- (a) **Changes the functional classification of an existing or planned transportation facility;**
- (b) **Changes standards implementing a functional classification system;**
- (c) **Allows types or levels of land uses which would result in levels of travel or**



access which are inconsistent with the functional classification of a transportation facility; or

- (d) **Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.**

The proposed redesignation/rezone will not trigger this section of the rule because the proposed redesignation and rezoning does not, by itself, create additional development on the subject property.

**Goal 13: Energy Conservation**

To conserve energy.

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

59. This goal is not directly applicable to individual land use decisions. Rather, its focus is on the adoption and the amendment of land use regulations.<sup>15</sup>

**Goal 14: Urbanization**

To provide for an orderly and efficient transition from rural to urban land use.

60. The subject proposal keeps the parcel in Resource designation. Therefore, there is no transition. This goal does not apply.

**Goal 15: Willamette River Greenway**

**Goal 16: Estuarine Resources**

**Goal 17: Coastal Shorelands**

**Goal 18: Beaches and Dunes**

**Goal 19: Ocean Resources**

61. These five goals are not applicable as they deal with resources that are not present on the subject property.

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

1. Any plan and zone change must comply with the relevant *Rural Plan Policies*. This requirement is based in statutes (ORS 197.175(2)), the *Rural Plan Policies* themselves (see, e.g. *Rural Plan Policies* at page 6), and the *Lane Code* (see, e.g., LC 16.400(6)(h)). This

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<sup>15</sup> See *Brandt v. Marion County*, 22 Or LUBA 473, 484 (1991), *aff'd in part, rev'd in part*, 112 Or App 30 (1992).

section, therefore, addresses the relevant elements of the *Rural Plan Policies*. It is organized by Goal. Again, where possible to avoid duplicative discussion, reference is made to the findings made under the Statewide Planning Goals.

2. Any plan and zone change must comply with the relevant Rural Plan Policies. This requirement is based in statutes (ORS 197.175(2)), the Rural Plan Policies themselves (see, e.g. Rural Plan Policies at page 6), and the Lane Code (see, e.g., LC 16.400(6)(h)). This section, therefore, addresses the apparently relevant elements of the Rural Plan Policies. It is organized by Goal. Where possible to avoid duplicative discussion, reference is made to the discussion under the Statewide Planning Goals. However, the following discussion regarding the relationship between Goals 3 and 4 bears repeating.
3. **OAR 660-006-0015(2) states,**  
  
*When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*
4. The “agricultural land” designation and the “forest land” designation are both resource designations. The designations have equal weight and importance to the state of Oregon. Through the above Rule, LCDC has acknowledged that many lands will qualify as both Forest and Ag land. The proper resource designation for the “duel” lands is left up to the local jurisdiction so long as the factors underlying the designation choice are identified.
5. As discussed more specifically under Goals 3 and 4 above, the subject property meets the definition of both forest land and agricultural land. The Lane County Rural Comprehensive Plan Agricultural Working Paper documents the factors used to select Farm or Forest designation on land that meets the definition of both. Each of those factors is discussed in detail below. Based on those factors, the subject property should be designated Forest land.
6. Because the subject property qualifies as both Ag and Forest land under Goal 3 and Goal 4, many of the RCP policies addressing Goal 3 are met by the subject property and many of the Goal 4 RCP policies are met by the subject property. It is inherent in the property’s duel qualification. However, when determining whether a property should be designated Forest or Ag, the key is not whether the property meets or furthers the policies under the RCP, but whether the property meets the factors established in the Plan for choosing between Forest or Ag.
7. The Agricultural Land Working Paper states,  
  
*“Agricultural/Forestry Goal Interrelationship*

*In an inventory of agricultural lands and forest lands there will be many instances where land will meet Goal definition for both categories. According to [Led's] policy, farm and forest uses are compatible and either designation may be made without taking an exception to the other goal. The factors used to select a designation need to be documented in the Plan. The policies within the Plan will support one designation over another depending on the situation. The county should consider the following items in addressing overlapping lands:*

- a. Identify Agricultural and Forest Lands Goal definitions and inventories*
- b. Segregate overlapping lands from single resource lands*
- c. Apply evaluations of local circumstances and Goal factors to overlapping land to determine appropriate designation*
- d. Designate overlapping lands as agricultural, forest or agricultural/forest through Plan policies and diagrams*
- e. Protect designated lands for appropriate uses through the zoning ordinance and other implementing measures.*

*It is intended that agricultural and forest practices be able to coexist without mutual interference while conserving those resource lands.*

8. Identify: The applicant has identified and addressed the proper definitions of farm and forest lands. In short, farm land is land consisting predominantly of Class I through IV soils. Forest land is land capable of producing 50 cu.ft./acre/year of timber fiber. As shown in Tables C and D above, the subject property meets both definitions.
9. Segregate: By filing this application, the applicant is separating the subject property from single resource property for consideration.
10. Evaluate Goal Factors: Goal 3 and 4 factors are thoroughly addressed in Section II, above. The analysis of Goal 3 factors shows that while the subject property meets the "soils" test of Ag land, it does not meet the "other suitable lands," "necessary lands," or "farm unit" tests. The analysis of Goal 4 factors shows that the subject property meets the "productivity" test for Forest lands and likely the "necessary lands" and the "other resource" tests. Just viewing the Goals 3 and 4 factors alone shows that the subject property is more appropriately designated Forest land.
11. Evaluate Local Circumstances: There is no exact definition of "local circumstances" in the Lane County RCP. The applicant interprets this provision to mean an evaluation of the subject property and surrounding designations, uses and land use patterns. Tables A and B and accompanying text of the applicant's narrative establish these factors for all properties in the surrounding area. That discussion is hereby incorporated. In summary, the subject parcel is located in a sea of Forest land and RR exception area land.
12. The subject property is currently and has historically been used for timber production. It is

in both Forest and Small Tract Forest Land tax deferral. The property was most recently logged by the applicant in 2002. It is now regenerating for future harvests. Based on 2002 tree stump and site conditions, the site was also logged between 1955 and 1960. There is no evidence that the subject property has ever been in farm use, as defined by the statute.

13. **Designation:** The predominant designation by **lot/parcel** in the surrounding area is Residential (63%) followed by Forest (25%). The predominant designation, **by acreage**, in the surrounding area is Forest (72%). The predominant designation of **adjacent parcels by acreage** is Forest (84%). Tables A and B and accompanying text of the applicant's narrative, hereby incorporated, establish the facts.
14. **Use:** The predominant use by **lot/parcel** in the surrounding area is residential (58%) followed by forestry (34%). The predominant use, **by acreage**, in the surrounding area is forestry (88%). The predominant use of **adjacent parcels by acreage** is forestry (94%). Tables A and B and accompanying text of the applicant's narrative, hereby incorporated, establish the facts.
15. In summary, all evidence indicates that the subject property is currently used for forestry and is surrounded by forestry. Evidence further indicates that the subject property has historically been used for forestry. The property is not suited for farm use. Because the property is in forestry, it would be difficult and expensive to convert the property to farm use. Conversion would require tree removal and major cultivation. Such conversion is generally unfeasible. Furthermore, farm uses are not common in the surrounding area.

### **Goal Three: Agricultural Lands**

#### **Policy 8:**

**Provide maximum protection to agricultural activities by minimizing activities, particularly residential, that conflict with such use. Whenever possible planning goals, policies and regulations should be interpreted in favor of agricultural activities.**

16. This policy has been interpreted by the Board of Commissioners, and the interpretation has been upheld on appeal. This policy addresses only conflicts that will result in a significant change in or a significant increase in the cost of accepted farming practices. When conflicts of this magnitude might result, the proposed rezoning must be conditioned to reduce the potential conflicts below the level that will result in a significant change or significant increase in the cost of accepted agricultural practices.<sup>16</sup>
17. No conflicts are apparent between the proposed rezoning and any adjacent or nearby agricultural activity. There are no farming activities on adjacent land. Land directly south,

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<sup>16</sup> Gutoski v. Lane County, 34 Or LUBA 219, 225 n4 (1998), aff'd 155 Or App 369, 963 P.2d 145 (1998).

while zoned E-40, is in forest production and in forest tax deferral. See Tables A and B of applicant's narrative, hereby incorporated.

**Goal Four: Forest Lands**

**Policy 1:**

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

**Forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water, and fish and wildlife resources.**

18. This policy implements Statewide Planning Goal 4 by defining "forest lands" and requiring they be used consistent with the goal. The subject property qualifies as Forestland. See discussion in connection with Statewide Planning Goal 4 above. Therefore, the proposed plan change/zone change from AG/E-40 to Forest/F-1 and /F-2 furthers this policy by adding additional land to the State's forest land base.

**Policy 2:**

**Forest lands will be segregated into two categories, Non-impacted and Impacted and these categories shall be defined and mapped by the general characteristic specified in the Non-Impacted and Impacted Forest Land Zones General Characteristics**

19. The proposal is for a designation change from AG to Forest and a zone change from E-40 to F-1 for the west 52 acres and F-2 for the east 78 acres. The F-2 designation of the east 78 acres is supported by the general characteristic specified in Policy 15 below. The F-1 designation for the west 52 acres is gained by default, as F-1 is a more restrictive zone.

**Policy 3:**

**Prohibit residence on Non-Impacted Forest Lands except for the maintenance, repair or replacement of existing dwellings.**

20. This policy is not applicable, as no dwellings exist or will be permitted on the proposed F-1 portion.

**Policy 15:**

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

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

21. The Board has determined that the characteristics of the land, not the ownership of it, control the analysis. (See Ord. PA 1236). Focus is on the subject property and the land in the immediate vicinity. Legal lot status is irrelevant. Ownership means, 'land being proposed for rezoning.' This can be an entire property or a portion of it. Where it is a portion of a larger lot, analysis is limited to the portion under consideration for rezone. The critical focus of the analysis is on the property proposed for rezoning and the characteristics that property has that mitigate toward consideration of applying F-1 or F-2.
22. The Board has determined that the analysis under Goal Four, Policy 15 does not require a precise mathematical computation since the focus is on all the characteristics and whether, on balance, the land proposed for rezoning more closely corresponds to the F-1 or F-2 characteristics. (See Ord. PA 1236)
23. Based on evidence submitted, the Board finds that the entire 130 acres is more appropriately designated Forest. Designation and zoning must be consistent. Both F-1 and F-2 zoning are consistent with Forest designation. Therefore, the property must be zone F-1 or F-2 or a combination of both.
24. The west 52 acre parcel and the east 78 acre parcel are held in separate ownership, as established in other findings.
25. Policy 15 allows split zoning and different zoning on different parcels.
26. F-1 zoning is stricter than F-2 zoning, allowing less non-forestry uses.
28. Policy 15 analysis

**Non-impacted Forest Land Zone characteristics:**

- (1) **Predominantly ownerships not developed by residences or non forest uses."**

29. The County Board has determined that this provision focuses on the subject property itself (not surrounding property) and whether it is developed with residences or nonforest uses. The absence of residential development or other nonforest use is a characteristic of F-1 zoning.
30. The 78-acre property is developed with a homestead dwelling constructed in approximately the 1920's. Therefore, the property does not meet this F-1 characteristic.
31. The 52-acre property is not developed with a dwelling. Therefore, it meets this F-1 characteristic.

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

31. The Board determined in Ordinance PA 1236 that the focus is on the subject property and any underlying contiguously held properties. Contiguous is defined as,

“Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street \*\*\* shall not be considered contiguous. \*\*\* The intent of this provision is to look within the land being proposed for rezoning to determine whether or not that land being proposed for rezoning consists of contiguous land owned by the applicant that is 80-acres or larger in sizes.” (Ord. PA 1236, pg. 10).

32. In other words, if the property being proposed for rezoning contained within it four parcels all owned by the same owner, and each of the parcels was 21 acres, then the land proposed for rezoning would contain 84 acres. But if the property proposed for rezoning was a 40-acre portion of a larger 160 acres parcel or a 40 acre lot contiguous to four 20-acre parcels owned by the applicant, review is restricted to the 40-acre subject property.
33. Being a large, contiguously held property is a characteristic of F-1 zoning.
34. The east 78 acre parcel is 78 acres of contiguous ownership. Therefore, the east 78-acre parcel does not meet this F-1 characteristic.
35. The west 52-acre parcel is 52 acres of contiguous ownership. Therefore, it does not meet this F-1 characteristic.

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

35. The Board has determined that this provision focuses on property adjacent to (contiguous to) the subject property, and whether it is utilized for commercial forest/farm uses. While not conclusive, the following factors can be considered in determining whether

surrounding uses are being utilized for farm/forest use: parcel size, tax deferral, and other factual information. However, the determination of whether a property is in “commercial” farm or forest use is weighed against a different set of standards.

36. The County has interpreted Policy 15 as being “crafted as a means to distinguish large-scale industrial forest land from small-scale non-industrial forest land.” Ordinance 1236, page 8.
37. *“Forest lands less than 80 acres in size and developed with residential uses or other nonforest uses, generally received Impacted Forest land (F2) [zoning]. Public forested lands and larger commercially managed forest lands, forest lands that were not impacted by nonforest uses, particularly in the ownership of industrial forest operators, were [zoned] as Nonimpacted Forest Lands (F-1).”* Ordinance 1236, Page 9. Emphasis added.
38. Based on the above, commercial forest use leans toward public lands and lands that are large scale and in industrial forest operator control and ownership. Examples of lands that fall squarely under the umbrella of “large scale industrial forest land” include lands owned by Rosboro Lumber Co. (292 holdings and more than 2,000 acres of land in forest use in Lane County); Weyerhaeuser (1668 holdings and more than a 100 thousand acres of land in forest use in Lane County); Davidson Industries (200 holdings and more than 2,000 acres of land in forest use in Lane County); Seneca Lumber (168 holdings and more than 1,000 acres of land in forest use in Lane County); and McDougal Bros (92 holdings and more than 1,000 acres of land in forest use in Lane County). See Exhibit TT of applicant’s submission.
39. The Oregon Department of Revenue keeps a yearly list of large-scale industrial timber owners. That list is included in the applicant’s submission, incorporated herein by this reference. Neither Ravin Ventures, LLC nor Ramon Fisher is on that list.
40. The above interpretation of “commercial” is supported by the Circuit Court’s holding in *CJK v. Lane County* (No. 160911508), which is incorporated herein by this reference.
41. Having commercial farm/forest uses on property adjacent to the subject property is a characteristic of F-1 zoning.
42. There are seven properties adjacent to the east 78-acre parcel. See Table Fa below. One of the contiguous properties is in commercial forest use. None of the adjacent parcels are in commercial farm use.
43. Given that one of the seven adjacent parcels (14%) are in commercial forest use, the east 78-acre parcel does not meet this F-1 characteristic.
44. There are six property adjacent to the west 52-acre parcel. See Table Fb below. Four of



the contiguous properties are in commercial forest use. None of the adjacent parcels are in commercial farm use.

45. Given that four of the six adjacent parcels (67%) are in commercial forest use, the west 52-acre parcel) meets this F-1 characteristic.

Table Fa (East 78-acre parcel)  
Contiguous Property and Commercial Use

Tax Lot	Ownership	Parcel size	Holdings in Lane County Parcels/acres  Ex. TT	Comments
TL 200	Rosboro Lumber Co. sold to High Mountain Investment Group since filing.	65 acres	292 parcels/more than 2,000 acres (Rosoboro)  42 holdings/roughly 2500 acres (High Mountain)	Given the number of holdings and amount of land in forest production in Lane County, and given the fact that Rosboro is included on the state's list (though High Mountain is not), this property could be considered part of a large scale industrial operation and could be considered to be in commercial forest use.
TL 700 (west portion)	Ravin Ventures, LLC	40 acres	4 parcels/200 acres.	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This property owner is not on the state's list. This is a small-scale, non industrial use.
TL 500	J. Paschelke, sold into Ranch & 120, LLC since filing.	85 acres	5 parcels/217 acres (Pashcelke)  4 parcels/220 acres (Ranch & 120)	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This property owner is not on the state's list. This is a small-scale, non-industrial use.
TL 601	J. Paschelke, sold into Ranch & 120, LLC since filing.	.68 acres	5 parcels/217 acres (Pashcelke)  4 parcels/220 acres (Ranch & 120)	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This property owner is not on the state's list. Furthermore, this parcel is too small to be in commercial forest use.
800(west portion)	Dustrude, sold to Ziebert since filing.	8.19 (mostly on other side of road)	1 parcel/8 acres	Zoned RR5; developed with a residence. No forest use.
Marcola Road	Lane County			Road. No forest use.
TL 600	Christoffersen	1.86	1 parcel/1.86 acre	Zoned RR5; developed with a residence. No forest use.

TABLE Fb (west 52 acre parcel)  
Contiguous property and commercial use

Tax Lot	Ownership	Parcel size	Holdings in Lane County Parcels/acres  Ex. TT	Comments
TL 200	Rosboro Lumber Co. sold to High	65 acres	292 parcels/more than 2,000 acres	Given the number of holdings and amount of land in forest production in Lane County, and given the fact

	Mountain Investment Group since filing.		(Rosoboro) 42 holdings/roughly 2500 acres (High Mountain)	that Rosboro is included on the state's list (though High Mountain is not), this property could be considered part of a large scale industrial operation and could be considered to be in commercial forest use.
TL 700 (east portion)	Ravin Ventures, LLC/Ramon Fisher	78 acres	1 parcels/ 78 acres.	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This property owner is not on the state's list. This is a small-scale, non industrial use.
TL 500	J. Paschelke, sold into Ranch & 120, LLC since filing.	85 acres	5 parcels/217 acres (Pashcelke) 4 parcels/220 acres (Ranch & 120)	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This property owner is not on the state's list. This is a small-scale, non-industrial use.
TL 299	Weyerhaeuser	.36	At least 1200 parcels and more than 5,000 acres.	Given the number of holdings and amount of land in forest production in Lane County, and given the fact that Weyerhaeuser is included on the state's list, this property could be considered part of a large scale industrial operation and should be considered to be in commercial forest use.
TL 202	Weyerhaeuser	48.53	At least 1200 parcels and more than 5,000 acres.	Given the number of holdings and amount of land in forest production in Lane County, and given the fact that Weyerhaeuser is included on the state's list, this property could be considered part of a large scale industrial operation and should be considered to be in commercial forest use.
TL 201	US Government	50.68	At least 600 parcels and more than 30 million acres	Lands owned by the government (public lands) are large industrial forest lands because of the number of holdings and amount of land.

**“(4) Accessed by arterial roads or roads intended primarily for forest management.”**

44. The County Board has determined that this provision focuses on the subject property and the type of access to it. Ordinance No. 1236. Access by an arterial road or forest management road is a characteristic of F-1 zoning.
45. The 78-acre parcel has direct access to Marcola Road, a local collector. The purpose of Marcola road is to move traffic from Hwy 228 to Springfield and to support local residential transportation. Therefore, the east 78-acre parcel does not meet this F-1 characteristic.
46. The 52-acre parcel has no direct access. The only “road” that access the property is a logging road intended for forest management. Therefore, the west 52-acre parcel meets this F-1 characteristic.

**“(5) Primarily under commercial forest management.”**

46. The County Board has determined that this provision focuses on the subject property and whether it is utilized for commercial forest/farm uses. Ordinance No. 1236. While not conclusive, the following factors can be considered in determining whether surrounding uses are being utilized for farm/forest use: parcel size, tax deferral, and other factual

information. However, the determination of whether a property is in “commercial” farm or forest use is weighed against a higher set of standards.

47. The County has interpreted Policy 15 as being “crafted as a means to distinguish large-scale industrial forest land from small-scale non-industrial forest land.” Ordinance 1236
48. *“Forest lands less than 80 acres in size and developed with residential uses or other nonforest uses, generally received Impacted Forest land (F2) [zoning]. Public forested lands and larger commercially managed forest lands, forest lands that were not impacted by nonforest uses, particularly in the ownership of industrial forest operators, were [zoned] as Nonimpacted Forest Lands (F-1).”* Ordinance 1236, Page 9.
49. Based on the above, commercial forest management leans toward public lands and lands that are large scale and in industrial forest operator control and ownership. Examples of lands that fall squarely under the umbrella of “large scale industrial forest land” include lands owned by Rosboro Lumber Co. (292 holdings and more than 2,000 acres of land in forest use in Lane County); Weyerhaeuser (1668 holdings and more than a 100 thousand acres of land in forest use in Lane County); Davidson Industries (200 holdings and more than 2,000 acres of land in forest use in Lane County); Seneca Lumber (168 holdings and more than 1,000 acres of land in forest use in Lane County); and McDougal Bros (92 holdings and more than 1,000 acres of land in forest use in Lane County). See Exhibit TT of applicant’s submission. This is just a sample. There are hundreds of similar industrial forest land companies holding property in Lane County.
50. The Oregon Department of Revenue keeps a yearly list of large-scale industrial timber owners. Neither Ravin Ventures, LLC nor Ravin Ventures/Ramon Fisher is on the list.
51. Being on the Department of Revenue’s list and having large holdings is an indicator that a parcel is in commercial forest management.
52. The above interpretation of “commercial” is supported by the Circuit Court’s holding in *CJK v. Lane County* (No. 160911508), which is incorporated herein by this reference.
53. Having commercial farm/forest uses on the subject property is a characteristic of F-1 zoning.
54. The east property is approximately 78 acres owned by Ravin Ventures, LLC and Ramon Fisher. That ownership, owns no other parcels in Lane County. Ravin Venture, LLC, alone, only owns four parcel in Lane County totaling 200 acres. Ravin Ventures and Ramon Fisher does not appear on the Department of Revenues list.
55. Because Ravin Ventures, LLC/Ramon Fisher and Ravin Ventures, LLC have limited holdings in Lane County and because they do not appear on the state’s list, neither property is in commercial forestry.

56. Neither the east 78-acre parcel nor the west 52-acre parcel meet this F-1 characteristic

**F-1 Characteristics Summary**

57. In summary, the East 78-acre parcel meets 0 of the 5 (0%) characteristics for being zoned F-1, and the west 52-acre parcel meets 3 of the 5 (60%) characteristics for being zoned F-1.

Summary Table for the East 78-acre parcel

Non-impacted Forest Land Zone (F-1, RCP) Characteristics	Does the 78-acre Parcel Meet this Element?
<i>1. Predominantly Ownerships not developed by residences or nonforest uses</i>	No. The property is developed with a residence.
<i>2. Predominantly contiguous, ownerships of 80 acres or larger in size</i>	No. The property is less than 80 acres
<i>3. Predominantly ownership contiguous, to other lands utilized for commercial forest or commercial farm uses.</i>	No. Only one contiguous ownership out of seven are utilized for commercial forest or farm uses
<i>4. Accessed by arterial roads or roads intended primarily for forest management.</i>	No. Adjacent to Marcola Road, a local county road.
<i>5. Primarily under commercial forest management.</i>	No. The property is small-scale nonindustrial land and is therefore not in <u>commercial</u> forest use.
<b>CONCLUSION</b>	<b>Should not be zoned F-1 because it none of the characteristics (0 of 5)</b>

**(c) Impacted Forest Zone characteristics: \*\*\***

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

58. The County Board has determined that this provision focuses on the subject property itself (not surrounding property) and whether it is developed with residences or nonforest uses. Ordinance 1236. A property developed with residence or other nonforest use is a characteristic of F-2 zoning.

59. The east 78-acre parcel is developed with a residence constructed in approximately 1920. It is currently occupied. Therefore, the property meets this F-2 characteristic.

60. The west 52-acre parcel is not developed with a residence. Therefore, the property does not meet this F-2 characteristic.

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

60. The County has determined that this provision focuses on the subject property itself (not

surrounding property) and its size. Ordinance 1236.

61. Property containing 80 acres or less is a characteristic of F-2 zoning.

62. The east 78-acre parcel is 78 acres and the west 52-acre parcel is 52 acres. Each are in independent ownership, and smaller than the 80 acre threshold. Therefore, both properties meet this F-2 characteristic.

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

63. The County has determined that the focus of this criterion is on contiguous properties and properties in the “general area.” (Ord. PA 1236, pg. 10).

64. In Ordinance 1236, the Board interprets “generally contiguous” to mean in the general area. See page 10 of the Ordinance. The distance can be pushed in some or all directions and can cross roads, streams and other barriers. (Ord. PA 1236, pg. 10). How wide and how far is determined on a case by case basis. (Ord. PA 1236, pg. 10). This provision is two fold: F-2 should be applied (1) where adjacent and nearby properties are less than 80-acres and developed, or (2) where adjacent or nearby properties are within a developed or committed exception area.

65. Ordinance 1236 interprets “adjacent” to mean general vicinity. The term adjacent looks,

*“even further beyond the nearby tracts or across intervening right of way to acknowledge the impact of development within developed and committed exception areas in the general vicinity of the land being proposed for rezoning. It is a broader look at the complete tapestry of uses and development, particularly nonresource uses, in the general area. It does not depend on contiguity for that consideration.”* Ordinance 1236, Page 10.

66. Generally Contiguous Tracts: There are 34 tracts that are “generally contiguous,” as defined by the applicant. These tracts are included in Table A of the application narrative, which is hereby incorporated. Except for the flip-flop of the subject properties, the 78-acre parcel and the 52-acre parcel have the same “generally contiguous” tracts.

67. Twenty four of the 34 generally contiguous tracts (71%) are less than 80 acres and contain a dwelling. This supports a finding that both properties meet this F-2 characteristic.

68. Developed and Committed Tracts: The east 78-acre parcel is adjacent to a developed and committed exception area to the northeast, east and southeast.

69. There are 34 tracts in the ‘general vicinity’ of both properties, as defined by the applicant.

Of the 34 tracts, 24 (71%) are in developed and committed exception areas.

70. Based on the above, both parcels meet this F-2 characteristic.

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

71. The County Board has determined that this provision focuses on the subject property itself (not surrounding property) and access to services. Ord. 1236. In Lane County, rural services typically include: power, road access, telephone, police, ambulance, fire, and schools. Not typically included are public stormwater, public water or public sewer.

72. The 78-acre parcel has direct access onto Marcola Road, a local county road. Power and telephone services are already connected to the site to serve the existing dwelling. The site is served by the Mohawk Rural Fire Protection District, the Lane County Sheriff’s Department, the State police department, Mohawk ambulance services and the Marcola School district. See discussion under Goal 11. In summary, the 78-acre property is already developed with a residence which has access to power, transportation facilities, telephone, police, ambulance, fire and schools. Therefore, the east 78-acre parcel meets this F-2 characteristic.

73. The west 52-acre parcel has no access or frontage on a public road. It has no easement for public facilities. As such, it cannot be provided with a level of public facilities and services or access that could serve a rural residence. The property does not meet this F-2 characteristic.

**F-2 Summary**

73. Based on the above, the 78-acre parcel meets four of the four (100%) characteristics for being zoned F-2.

74. Based on the above, the 52-acre parcel meets two of the four (50%) characteristics for being zoned F-2.

Summary table for 78-acre property.

F-2 Zoning Criteria	Does the 78-acre Parcel Meet this Element?
Predominantly ownerships developed by residences or nonforest uses.	Yes. Property is developed with a residence
Predominantly ownerships 80 acres or less in size.	Yes. Parcel is 78 acres in size.
Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.”	Yes. Of the 34 “generally contiguous” tracts, 24 are less than 80 acres with a dwelling; 24 are in developed and committed exception areas.
Provided with a level of public facilities and services, and	Yes. The area is highly

roads, intended primarily for direct services to rural residences.	developed. The property is adjacent to Marcola Road with access to power, cable, DSL, police, fire and emergencies services. And is near the communities of Marcola and Mabel.
<b>CONCLUSION</b>	<b>The subject property should be zoned F-2 because it meets four of the four F-2 characteristics (4 of 4)</b>

**Summary Analysis of Policy 15**

74. Based on the above analysis, the *“characteristics of the land correspond more closely to the characteristic of the proposed zoning [F-2] than the characteristics of the other forest zone [F-1].”* The 78-acre parcel meets none of the five F-1 characteristics (0%), and meets four of the four F-2 characteristics (100%). Therefore, F-2 zoning is supported for the east 78-acre parcel. The 52-acre parcel meets three of the five F-1 characteristics (60%), and meets two of the four F-2 characteristics (50%). Therefore, F-1 zoning is supported for the west 52-acre parcel.

**Goal Five: Opens Spaces, Scenic and Historic Areas and Natural Resources**

**Flora and Fauna Policy 7:**

Because of incomplete County coverage by, and interpretation of, the National Wetlands Inventory, wetland resources are to be considered “significant” in terms of OAR 660-16-000/025 and placed in “1B” and “1C” categories. Major wetlands designated “1C” resources shall be protected per the “3C” option through a combination of existing County Coastal and Greenway zoning regulations, and federal/state ownership; where these do not occur, an appropriate wetlands zoning district shall be developed and applied. Other wetlands from the National Wetlands Inventory shall be evaluated per “1B” requirements within two years of the date of Plan adoption, and decisions made on the protection or use of the resource. The County shall consider enlarging the list of protected per Goal 5 requirements if it is clearly demonstrated that an unprotected significant wetland(s) is likely to be significantly impacted by a land use action over which the County has jurisdiction.

75. See discussion of wetlands resources under Statewide Planning Goal 5. Forest practices on the land are governed by the Forest Practices Act.
76. No other Comprehensive Plan policies apply.

**IV. COMPLIANCE WITH LANE CODE CRITERIA FOR PLAN CHANGES**

1. LC 16.400(6)(h) sets out the criteria for amending the county plan designation. Each of the criteria is addressed here. Where a criterion incorporates a Statewide Planning Goal, LCDC Rule, or Rural Plan Policy, reference is made the relevant part of the narrative above so as to avoid repetition.

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

**(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings”**

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

2. This criterion makes general reference to other sources of standards that apply to plan changes. Those other standards are addressed elsewhere in this narrative.

**(bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:**

**(i-i) necessary to correct an identified error in the application of the Plan; OR**

**(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR**

**(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; OR**

**(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; OR**

**(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.**

3. This criterion offers a smorgasbord of policy choices from which the county may select to justify initiating the plan change. At least two are relevant to this application. Item (iv-iv) allows the plan change if it implements the Rural Plan Policies. Goal Four, Policy 1 of the Rural Plan Policies anticipates the preservation of Forest lands by maintaining a forest land base. This proposal implements that policy because the subject property qualifies as forest land under the Goal 4 definition.
4. Item (v-v) invites the county to make plan changes that are desirable, appropriate or proper. This proposal also meets that criterion. Where lands qualify as both farm and forest lands, OAR 660-006-0015(2) states,



*When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*

5. Furthermore, the Lane County Rural Comprehensive Plan Agricultural Lands working paper, page 6, provides:

*"Agricultural/Forestry Goal Interrelationship*

*"In an inventory of agricultural lands and forest lands there will by many instances where land will meet Goal definition for both categories. According to [LCDC's] policy, farm and forest uses are compatible and either designation may be made without taking an exception to the other goal. The factors used to select a designation need to be documented in the Plan. The policies within the Plan will support one designation over another depending on the situation. The county should consider the following items in addressing overlapping lands: \*\*\*."*

6. Those items and the analysis are discussed in detail under Sections II and III, above. The analysis shows that a plan change to Forest is desirable, appropriate and proper based on the review set forth.

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

7. Compliance with individual policies in the Rural Plan Policies is discussed in Section III above.

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

8. The existing structure of the plan anticipates Resource plan designations. As discussed in Section III above, this designation is also consistent with relevant policies in the Rural Plan Policies.

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

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

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

9. This is a minor amendment to the plan which requests a change to the Plan Diagram for the subject property – from Agriculture to Forest. No goal exceptions are requested. This application demonstrates that the subject property is not Agricultural land, but Forest land.

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

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

10. This description has been provided throughout this decision.

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

11. The required analysis is provided above.

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

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

12. See detailed discussion in Sections I and II, above. To summarize, the subject property is located in a sea of Forest land. Furthermore, it is adjacent to an RR exception area. Some of these uses are on land planned and zoned for resource use, and others are on land that is planned and zoned for Nonresource uses.

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

13. The public facilities and services available or to be provided to the site are discussed in detail above. For a discussion of each facility and service, see the Goal 11 discussion above. For a further discussion of transportation facilities, see the Goal 12 discussion above. In summary, because the site is already developed with a residence, because it is in a highly developed area, and because it is close to the rural communities of Marcola and Mable, all facilities and services are available to the site. However, because the

property is proposed for resource zoning, the availability of public and private facilities does not preclude resource zoning.

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

14. This discussion appears in detail in other parts of this document. The proximate natural resources to consider are those that are identified as Goal 5 resources in the comprehensive plan. The impact on these resources is discussed as part of the Goal 5 analysis above.
15. This proposal will have no adverse impact on proximate resource lands because the subject property will remain in resource designation and zoning.

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

16. As discussed in connection with Goal 7, the subject property neither contains nor is threatened by any natural hazards.

**V. COMPLIANCE WITH LANE CODE CRITERIA FOR ZONE CHANGES**

1. This proposal requests a change from E-40 zoning to F-1 zoning. LC 16.252 sets out standards for zone changes. The facts relevant to the zone change standards are largely redundant with the facts relevant to plan policies and the Statewide Planning Goals. The LC 16.252 standards are stated here and addressed, with appropriate references to other parts of this narrative.

**LC 16.252(2): Criteria.**

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

**General purposes of Chapter 16:**

2. LC 16.003 sets forth 14 broadly-worded purpose statements that include a provision to

ensure that development is commensurate with the character and physical limitations of the land. Rezoning from E-40 to F-1 and F-2 implements the proposed plan amendment to Forest land. The public interest is served by recognizing that the land is Forest land rather than Agricultural land.

**Purpose of F-1 and F-2 Zone:**

3. The purpose statements of F-1 and F-2 zones are similar in that both are meant to implement the Comprehensive Plan and the forest policies, and to conserve forest land for uses allowed by Goal 4. This will remain unchanged.

**Rural Comprehensive Plan Criteria:**

4. The Rural Plan Policies provide the policy basis for comprehensive plan and implementing regulations, provide direction for land use decisions, and fulfill LCDC planning requirements. Compliance with relevant Comprehensive Plan policies is addressed in Section III, above.

**Lane Code Criteria:**

**LC 16.004(4):**

**Prior to any rezoning, that will result in the potential for additional parcelization, subdivision or water demands or intensification of uses beyond normal single-family residential water usage, all requirements to affirmatively demonstrate adequacy of long-term water supply must be met as described in LC 13.050(13)(a)-(d).**

5. The request is a rezone from E-40 to F-1 and F-2. No additional parcels will be created as a result of this proposal. No subdivision, water demands, or intensifications beyond normal single family dwelling useage is enabled by this proposal.

## SUPPLEMENTAL MEMO

**DATE OF MEMO:** September 12, 2012

**TO:** Board of County Commissioners

**FROM:** Jerry Kendall/Land Management Division JK

**RE:** **AGENDA ITEM TITLE:** THIRD READING AND DELIBERATIONS/  
Ordinance No Pa 1266/ In The Matter of Amending the Rural Comprehensive  
Plan to Redesignate Land From "Agricultural" to "Forest" and Rezoning that  
Land From "E-40/Exclusive Farm Use" to "F-1/Nonimpacted Forest Lands"  
(Western 52 Acres) and to "F-2/Impacted Forest Lands" (Eastern 78 Acres);  
and Adopting Savings and Severability Clauses (File Pa 06-5888; Ravin  
Ventures LLC) (PM & NBA 8/15/12 & 8/29)

**Scheduled board date for 3<sup>rd</sup> reading and deliberation is September 19, 2012**

The Board conducted a public hearing on this item on August 29, closing the hearing and leaving the record open in the following manner:

- Until September 5 for the Goal One Coalition to submit objections.
- Until September 12 for the applicant to respond to the above.

The Board also set September 19 for the third reading and deliberation.

On August 30 the applicant submitted revised findings, adding per Board request an analysis under RCP Goal 4 policy 15 for the western 52 acre parcel. The findings conclude that this parcel warrants a zone designation of F-1/Nonimpacted Forest Lands. See attachment #1.

On the day of the hearing, the applicant submitted a letter with attachments. That submittal is included in this memo, as it contains tables that are referred to in the findings. See attachment #2.

On August 30, the applicant submitted additional background data for the record. This data includes five pages from the Oregon State Forests website with a map showing those lands in the western half of the state; an RLID listing of land within Lane County owned by the US Government, BLM, Weyerhaeuser, and the Weyerhaeuser Real Estate Development Company; and a tax map showing the subject property and the adjoining ownerships so labeled. See attachment #3.

On September 5, attorney Anne Davies submitted a letter in behalf of the Goal One Coalition in opposition to the request. See attachment #4.

No final rebuttal was submitted by the applicant as of 5 PM September 12.

With the attached submittals the record is now closed in preparation for the Board's deliberation.

Attachments:

1. Revised findings—38 p.
2. Applicant's letter submitted at hearing, with attachments—62 p.
3. Applicant's ownership data submittal—79 p.
4. Letter from Anne Davies for the Goal One Coalition—6p.

EXHIBIT C

**FINDINGS AND CONCLUSIONS  
IN SUPPORT OF  
RAVIN VENTURES, LLC  
PLAN CHANGE FROM AGRICULTURE TO FOREST  
ZONE CHANGE FROM EFU-40 TO F-2 (East 78-acre parcel) and F-1 (West 52-acre  
parcel)**

**I. INTRODUCTION**

1. This decision approves a plan change from Agriculture to Forest, and a zone change from E-40 to F-2 (eastern 78-acre parcel) and F-1 (western 52-acre parcel) for about 130 acres of land in the Mohawk Valley just north of the community of Marcola. The property is identified as Map 16-01-08, tax lot 700. The property is roughly rectangular in shape. It lies adjacent to the west of Marcola Road.
2. In these findings the full text of the relevant standards appears in **bold** face font without quotation marks. The findings and conclusions addressing the standards appear in regular font.
3. These findings make reference to supporting materials in the record.
4. The balance of Part I. addresses the subject property and surrounding property in general, as these facts are relevant to all of the following sections.
5. Part II. addresses the Statewide Planning Goals. These are the most general standards that apply to plan and zone amendments. Hence, the findings are most extensive here. Where possible, to reduce redundancy, the findings that address nongoal standards refer back to the relevant goal findings.
6. Part III. addresses the *Rural Comprehensive Plan Policies*.
7. Part IV. addresses the Lane Code criteria for Plan amendments.
8. Part V. addresses the Lane Code criteria for zone changes.

**Summary of Proposal:**

9. The applicant request a plan change from Farm land to Forest land on the theory that the land has historically been and is currently in forest use. No farming has ever taken place on the parcel. A concurrent zone change is also requested from E-40 to F-1/F-2.
10. The subject property consists of two parcels. The West 52-acre parcels approximately

52 acres of the westerly portion of the property. The East 78-acre parcel is approximately 78 acres of the eastern portion of the property. The West 52-acre parcel is owned by Ravin Ventures, LLC. The East 78-acre parcel is owned by Ravin Ventures, LLC and Ramon Fisher, an individual. Pursuant to state law, the parcels are held in separate ownership.

11. The East 78-acre parcel is developed with one single-family residence constructed in approximately the 1920's. Both parcels been used for forestry throughout their history.
12. Requests for plan change to Forest must comply with the Statewide Planning Goals, the Rural Comprehensive Plan, and the county zoning code. The standards in the goals, the plan, and the code are diverse. They overlap somewhat. These findings address each relevant standard with support from maps, air photos, documents, and other materials.
13. This property qualifies for a Forest designation based on current and historic use.

#### **Legal Authority for Forest Designation and Related NonImpacted Forest Zoning.**

14. Goal 3 and the Goal 3 Rule define "Agricultural Land" and require that it be preserved for farm use. Goal 4 and the Goal 4 Rule define "Forest Lands," require it to be conserved, and allow it to be put to the limited range of uses stated in the Rule.
15. The Lane County Rural Comprehensive Plan Policies ("*Rural Plan Policies*") recognize that resource land should be given the same weight and that use should determine whether the lands are Forest or Farm. The plan provisions generally track the authorization in the LCDC Rules. RCP Goal 4, Policy 15 says that lands that qualify for Forest designation shall be zoned either F-1 or F-2, based on consideration of a list of factors and other plan policies.

#### **Description of Subject Property and Adjacent and Nearby Area.**

16. This section describes the subject property in summary terms and the adjacent and nearby land in more detail. The purpose is to provide a factual context for the balance of the findings. Reference is made to plan and zone designations, parcelization, and land uses.
17. In general terms, this area is in the foothills on the east side of the Coburg Hills near the rural unincorporated community of Marcola. The site has soils that qualify it as both forest and farm land.
18. "Adjacent and nearby" as used in the Comp Plan and OARs with respect to designation is not defined in the statute, rules or local code. The Board defines it to mean lands with a boundary line common to the subject property (if the common line is a road, then the lands across the road are considered adjacent) and lands within roughly 1,000 feet of the subject property. However, there are several properties within 1,000 feet of the subject



property that are separated from the subject property by two county roads and the Marcola River. The Board believes that these properties do little to influence or represent the character of the surrounding area because they are separated from the subject property by too many barriers. These properties are not included as “adjacent and nearby.”

19. With respect to F-1/F-2 zoning, Ordinance No. PA 1236 (*Symbiotics*) defines “contiguous” to mean “having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street \*\*\* shall not be considered contiguous.” The ordinance goes on to clarify that “generally contiguous” means general area, which goes beyond “contiguous” and looks to the “general area of the land being proposed \*\*\* The analysis is intended to venture beyond the only contiguous properties with common property lines.
20. Ordinance 1236 defines “adjacent” to mean general vicinity, stating that the term adjacent looks *“even further beyond the nearby tracts or across intervening right of way to acknowledge the impact of development within developed and committed exception areas in the general vicinity of the land being proposed for rezoning. It is a broader look at the complete tapestry of uses and development, particularly nonresource uses, in the general area. It does not depend on contiguity for that consideration.”*
21. Based on these interpretations and definitions, the roughly 1,000 foot perimeter used for “adjacent and nearby” with respect to “designation” is also consistent with “adjacent” and “generally contiguous” with respect to zoning.
22. The subject property is approximately 130 acres of reforested timberland. It is developed with a homestead (pre-land use regulation) dwelling that is located near Marcola Road. The property has a history of being logged. It was most recently logged by the applicant in 2002. It is currently in forest regeneration. Prior to that, it was logged in approximately 1955-1960 (based on 2002 tree stump and site conditions). There is no evidence that the property has ever been in “agricultural use” as defined by the statute.
23. The property is roughly rectangular in shape. It rises from about 700 feet in elevation at the east to about 750 feet at the west. It is traversed by a BPA power line and an abandoned railroad right-of-way. There is a well and septic system on the site to serve the existing dwelling on the 78-acre parcel.
24. As discussed more fully in connection with Goals 3 and 4, a majority of the soils on the site have an Agricultural Capability rating of I through IV and therefore the property qualifies as Agricultural Land. The subject site also meets the county’s acknowledged definition of forest lands by containing soils capable of producing more than 50 cu/ft/acre of wood fiber.
25. Tables A and B of the applicant’s submission, incorporated herein by this reference, identify uses, designation, and zoning in the general area/vicinity (which includes

“adjacent and nearby,” “generally contiguous” and “adjacent”). Table G, incorporated herein by this reference, include the subject property. In summary, Tables A and B establish that there are 40 properties that are adjacent and nearby. Of those 40 properties, 25% are designated Forest, 11% are designated Agriculture, and 63% are designated Residential. Of those 40 properties, 34% are in forestry use, none are in agricultural use, 58% are in residential use and 8% are in “other” use. The 40 adjacent and nearby properties include approximately 800 acres. Of the 800 acres, 72% are in Forest designation, 22% are in Agricultural designation and 9% are in Residential designation. Of the 800 acres, 88% are in forestry use, none are in agricultural use, 7% are in residential use and 5% are in “other” use.

26. RLID shows that the subject property is in Forest Tax Deferral and in Small Tract Forestland Option Deferral. Both deferrals require the property to be in forest use. RLID also describes the subject property as Timber and Timberlands. The site photographs and aerial photographs confirm that the property is in forest management and that there is no farming. The owner has confirmed that the small field is not in “farm use,” as defined by the statute.

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

1. Amendments to local plans and code must comply with the Statewide Planning Goals. ORS 197.175(2)(A). For individual applications like this, compliance with relevant goals must be addressed by the County. This Part addresses each relevant goal and explains why the proposal complies. This decision complies with the goals; no goal exceptions are taken.

### **Goal 1: Citizen Involvement**

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

2. Goal 1 is a process goal. This proposal complies with Goal 1 because it will be processed as a quasi-judicial application through the county’s acknowledged public process for individual plan and zone changes. This process includes public hearings before the Planning Commission and the County Board.

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

3. Part I of Goal 2 requires local governments to establish processes and policies for land use decisions.

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

4. Part II of Goal 2 authorizes exceptions to the goals – land use decisions that are not in compliance with the goals under certain circumstances. Statutes also describe when exceptions are authorized. See ORS 197.732.
5. This application complies with Goal 2 because it is being processed under the county plan and code and because no exception to any resource goal is proposed. The application is simply trading one resource designation for another because the land better fits one category based on use and capability.

#### **Goals 3 and Goal 4: The Relationship Between Goals 3 and 4.**

6. OAR 660-006-0015(2) states,  
*When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*
7. The “agricultural land” designation and the “forest land” designation are both resource designations. The designations have equal weight and importance to the State of Oregon. Through the above Rule, LCDC has acknowledged that many lands will qualify as both Forest and Ag land. For lands that qualify as both, LCDC will support either designation so long as the factors used to determine designation are identified. This issue is further discussed under Section III, below, where the designation policies are reviewed specifically.
8. As discussed more specifically under Goals 3 and 4 below, the subject property meets the definition of both forest land and agricultural land. The Lane County Rural Comprehensive Plan Agricultural Working Paper documents the factors used to select Farm or Forest designation on land that meets the definition of both. Each of those factors is discussed in detail in Section III, below. Based on those factors, the subject property should be designated Forest land.
9. Because the subject property qualifies as both Ag and Forest land under Goal 3 and Goal 4, many of the RCP policies addressing Goal 3 are met by the subject property and many of the Goal 4 RCP policies are met by the subject property. It is inherent in the property’s dual qualification. However, when determining whether a property should be designated Forest or Ag, the key is not whether the property meets or furthers the policies under the RCP, but whether the property meets the factors established in the Plan for being Forest or Ag. These factors are discussed in Section III, below.

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

**To preserve and maintain agricultural lands. Agricultural lands shall be preserved**

and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the State's agricultural land use policy expressed in ORS 215.243 and 215.700.

10. Goal 3 defines "Agricultural Land" as follows:

**Agricultural Land -- in western Oregon is land of predominantly Class I, II, III and IV soils and in eastern Oregon is land of predominantly Class I, II, III, IV, V and VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event.**

**More detailed soil data to define agricultural land may be utilized by local governments if such data permits achievement of this goal.**

11. The LCDC has elaborated on the definition of Agricultural Land in its rules. OAR 660-033-0020. There are four parts to the relevant definition in the rule. Each part of the definition is addressed separately here.

**OAR 660-033-0020(1)(a): [Predominant Soil Types]**

**"Agricultural Land" as defined in Goal 3 includes:**

**Lands classified by the U.S. Soil Conservation Service (SCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon;**

12. Goal 3 requires that SCS soils data be used to classify the soils, but it allows soils data in the published maps to be refined with more detailed onsite investigation. OAR 660-033-0030(6). The applicant is relying on SCS soils data.
13. The published SCS soils maps show nine types of soil on this site. The soils are included in Table C, below. Based on Table C, the site qualifies as Agricultural Land under this part of the test because 99% of the soils on the site are in soil Classes I-IV.

**TABLE C  
SOILS  
AGRICULTURAL CAPABILITY CLASS**

SOIL TYPE	ACRES	PERCENT	AG.	FOREST PRODUCTIVITY
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			CAPABIL. CLASS	LMD <sup>1</sup>	Dept. of Forestry <sup>2</sup> By soil type/by acreage <sup>3</sup>	
					By soil type (cu.ft./acre/ yr)	By acreage (cu.ft/yr)
102 C Panther SCL, 2% to 12% slopes	1.7	1.326	VI	No info. <sup>4</sup>	45	76.5
52D Hazelair SCL, 7% to 20% slopes	65	51.089	IV	No info.	40	2600
89E Nekia SCL, 20% to 30% slopes	14	11.289	IV	160	159	2226
89C Nekia SCL, 2% to 12% slopes	13	9.856	III	160	159	2067
78 McAlpin SCL	13	10.572	II	No Info.	169	2197
89D Neckia SCL, 12% to 20% slopes	.2	.129	III	160	159	31.8
1A Abiqua SCL, 0% to 3% slopes	19	14.958	I	203	161	3059
29 Cloquato SL	.9	.697	II	No Info.	120	108
125D Steiwer L, 12% to 20% slopes	.12	.086	IV	No Info.	30	3.6
	126.92 (130)	100%	99% Class I-IV		<b>Site Productivity Approx. 97.45 cu.ft/acre/yr</b>	

**OAR 660-033-0020(1)(a): [Other Suitable Lands]:**

**(B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices;**

<sup>1</sup> Lane County Soil Ratings for Forestry and Agriculture (based on NRCS data).

<sup>2</sup> Department of Forestry Forest Lands Soils Ratings (1990 revisions).

<sup>3</sup> The first number is the Forest Productivity for the soil type per acre per year (cu.ft./acre/year). The second number is the Forest Productivity for the soil type based on the number of acres of the soil (cu.ft/year).

<sup>4</sup> "No Info." corresponds with the "none" designation on the Lane County Soils Rating data sheets. It indicates that map units lack site index information on Douglas fir. No site index has been collected by the NRCS due to lack of suitable sties or lack of time and/or funds.

14. This part of the test focuses on lands, which have predominantly nonagricultural soils, and inquires into whether they are nevertheless suitable for farm use. It is commonly called the “other suitable lands” test. A list of seven factors must be considered. The suitability for farm use must consider the potential for use in conjunction with adjacent or nearby land.<sup>5</sup> The history of the site in farm use would be relevant to its current suitability,<sup>6</sup> but not determinative.<sup>7</sup>
15. It has been established that the subject property qualifies as Agricultural land under the “soils test,” above. Therefore, it is not necessary to address this standard.

**OAR 660-033-0020(1)(a)(C): [Land needed to permit farming practices on adjacent/nearby agricultural lands]**

**Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.**

16. This part of the test focuses on adjacent and nearby agricultural lands. However, it has been established that the subject property qualifies as Agricultural land under the “soils test,” above. It is not necessary to address this standard.
17. It is worth noting that the subject property is not necessary to permit farm practices to be undertaken on adjacent property. First, the adjacent property to the south is largely in timber production. Second, even if it were to be farmed, designation of the site as forest lands, another resource designation, would not have any impact on the ability to farm the adjacent land. The two uses have been defined to be compatible. See OAR 660-006-0015(2).

**OAR 660-033-0020(1)(b): [Farm unit test]:**

**Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed;**

18. This part of the test focuses on lands which are predominantly nonagricultural soils, and inquires into whether they are adjacent to or intermingled with better lands within a “farm

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<sup>5</sup> See DLCD v. Curry County, 28 Or LUBA 205, 208-09 (1994), aff'd 132 Or App 393 (1995); Kaye/DLCD v. Marion County, supra, 23 Or LUBA at 481-62 (interpreting identically worded previous Goal 3 administrative rule OAR 660-05-005(1)(b)).

<sup>6</sup> See Clark v. Jackson County, 17 Or LUBA 594, 606 (1990)(past use of the property for grazing as part of larger operation is relevant to its current suitability for farm use).

<sup>7</sup> See 1000 Friends of Oregon v. WASCO County Court, 80 Or App 525, 531, 723 P2d 1039 (1986) (Affirming decision that former grazing lands proposed for annexation are not suitable for farm use. “Also, there is no presumption that the land is agricultural land simply because of its previous agricultural use. Previous use is merely one factor for the county to consider in reaching its conclusion about the land’s current condition.”).

unit.” It is commonly called the “farm unit” test. If the subject property is not a part of a “farm unit,” then this test does not apply.

19. It has already been determined that the subject property meets the definition of farm land under the “soils test,” above. Therefore, this standard need not be addressed.
20. It is worth noting that the subject property is not part of a farm unit because: the subject property is not adjacent to any other land in the same ownership; it is not jointly managed for farm use with any adjacent land; and it has not been so managed in its history.

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

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

**Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.**

21. The second paragraph of Goal 4 defines “Forest Lands.” Because a plan amendment is proposed, the second sentence of paragraph two is the operable definition. There are three parts to the definition: (1) Lands suitable for commercial forest uses; (2) adjacent and nearby lands necessary to permit forest operations or practices; and (3) other forested lands that maintain certain natural resources. Each part of the definition is addressed below.

**[F]orest land shall include lands which are suitable for commercial forest uses.**

22. The term “commercial forest uses” is not defined in any statute, goal, or rule. However, Lane County adopted a definition for the term in its plan, and the plan was acknowledged by the LCDC. Forest land is land that is capable of producing crops of industrial wood in excess of 50 cubic feet per acre of annual growth. Commercial forest types of trees include: Douglas fir, hemlock/cedar/spruce, other conifers, and deciduous trees.<sup>8</sup>

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<sup>8</sup> Lane County’s definition of “commercial forest uses” was the central issue and the subject of extensive discussion in Holland v. Lane County, 16 Or LUBA 583 (1988). LUBA summarized the relevant provisions of the acknowledged county plan as follows:

The county adopted the following definition of “commercial forest land” as part of its “Working Paper: Forest Lands; March, 1982” (Forest Lands Paper) and “Addendum to Working Paper: Forest Lands; November, 1983” (Forest Lands

23. Productivity data for wood fiber is available from a number of sources. The Lane County Soil Ratings, published by the Lane County Land Management Division in 1997, summarizes federal data on wood productivity by soil types, but only for Douglas fir. Productivity data for the full range of commercial forest trees recognized by Lane County has been published by the Oregon Dep't of Forestry in its 1990 Forestry Dep't Ratings. Both sources of data are summarized in Table D, below. The data from 1990 Forestry Dep't Ratings is the more useful because it addresses all commercial tree species.
24. For each soil type shown in the Soils Map in the record as being present on subject property, Table D displays the acreage data and the commercial tree species productivity, based on the 1990 Forestry Dep't Ratings and the LMD ratings. Of the nine types of soil present on the property, six are capable of producing substantially more than 50 cubic feet of wood fiber per acre annually. Based on soils, the subject property is capable of producing 97.45 cu.ft./acre/year of timber. The subject property, therefore, qualifies as Forest Land under this part of the test.

**TABLE D  
SOILS  
FOREST PRODUCTIVITY**

SOIL TYPE	ACRES	PERCENT	FOREST PRODUCTIVITY		
			LMD <sup>9</sup>	Dept. of Forestry <sup>10</sup> By soil type/by acreage <sup>11</sup>	
				By soil type (cu.ft./acre/ yr)	By acreage (cu.ft./yr)
102 C Panther SCL,	1.7	1.326	No info. <sup>12</sup>	45	76.5

Addendum) documents.

“‘Commercial’ forest land [is] land capable of producing crops of industrial wood in excess of 50 cubic feet per acre of annual growth.”

Ordinance No. 889, Ex. C. The Forest Lands Paper, at 10, contains an inventory of “Acres of Commercial Forest Land by Cubic Foot Site Class, Forest Type and Ownership.” This table recognizes the following commercial forest types – “Douglas fir,” “hemlock/cedar/spruce,” “other conifers” and “deciduous.”

16 Or LUBA at 586 [footnotes omitted].

<sup>9</sup> Lane County Soil Ratings for Forestry and Agriculture (based on NRCS data)

<sup>10</sup> Department of Forestry Forest Lands Soils Ratings (1990 revisions)

<sup>11</sup> The first number is the Forest Productivity for the soil type per acre per year (cu.ft./acre/year). The second number is the Forest Productivity for the soil type based on the number of acres of the soil (cu.ft./year)

<sup>12</sup> “No Info.” Corresponds with the “none” designation on the Lane County Soils Rating data sheets. It indicates that map units lack site index information on Douglas fir. No site index has been collected by the NRCS due to lack of suitable sties or lack of time and/or funds.



2% to 12% slopes					
52D Hazelair SCL, 7% to 20% slopes	65	51.089	No info.	40	2600
89E Nekia SCL, 20% to 30% slopes	14	11.289	160	159	2226
89C Nekia SCL, 2% to 12% slopes	13	9.856	160	159	2067
78 McAlpin SCL	13	10.572	No Info.	169	2197
89D Neckia SCL, 12% to 20% slopes	.2	.129	160	159	31.8
1A Abiqua SCL, 0% to 3% slopes	19	14.958	203	161	3059
29 Cloquato SL	.9	.697	No Info.	120	108
125D Steiwer L, 12% to 20% slopes	.12	.086	No Info.	30	3.6
	126.92 (130)	100%		<b>Site Productivity Approx. 97.45 cu.ft/acre/yr</b>	

**(2) [A]djacent or nearby lands which are necessary to permit forest operations or practices.**

25. This part of the test inquires into whether the subject property must be kept in a resource designation in order to allow forest operations or practices to continue on adjacent or nearby lands.
26. There are approximately 800 nearby and adjacent acres consisting of 40 nearby and adjacent parcels. Approximately 72 % of those acres are designated Forestland and 88% of those acres are in forest use. See findings above. The subject property is in a sea of nearby land designated Forest. Thus, not only does the subject property's soils qualify for the Forest designation, but the subject property, though perhaps not "necessary," is highly desirable to enable adjacent and nearby lands to continue forest operations.

**(3) [O]ther forested lands that maintain soil, air, water and fish and wildlife resources.**

27. The targeted resources (soil, air, water and fish and wildlife resources) are generally not present on the subject property. There are no perennial streams or permanent water bodies. There is some relationship between the tree cover and air quality. The soil resources on the site have been exhaustively described. The existing tree cover (and root systems) are helpful in maintaining soil on site because of slope. The wildlife resources are similar throughout the area in terms of range of species and occurrence, without respect to whether the land is vacant or developed.

**Goal 5: Open spaces, scenic and historic areas, and natural resources.**

**To conserve open space and protect natural and scenic resources.**

28. Goal 5 requires the county to inventory the locations, quality and quantity of certain natural resources. Where no conflicting uses are identified, the inventoried resources shall be preserved. Where conflicting uses are identified, the economic, social, environmental and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal.
29. Where a county is amending acknowledged plan and zoning designations, as here, the county must address Goal 5 if any of the area proposed for change encompasses lands included on the county's inventory of Goal 5 resources.<sup>13</sup> The county need not go through the Goal 5 conflict resolution process for alleged Goal 5 resources that are not on the acknowledged Goal 5 inventory.<sup>14</sup> The initial Goal 5 question, therefore, is whether the subject property includes any Goal 5 resources inventoried in the acknowledged county plan.

**Goal 5 Resources on the Subject Property.**

30. The paragraphs below address the acknowledged Goal 5 resource inventories.

**Historic Resources:**

31. The acknowledged list of historic resources is listed as "Historic Sites or Sites." The subject property is not on the list.

**Mineral and Aggregate Resources:**

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

**Energy:**

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

**Water Resources:**

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<sup>13</sup> See Urquhart v. Lane Council of Governments, 80 Or App 176, 721 P2d 870 (1986); Plotkin v. Washington County, 165 Or App 246, 997 P2d 226 (2000); Waugh v. Coos County, 26 Or LUBA 300, 310-12 (1993); 1000 Friends of Oregon v. Yamhill County, 27 Or LUBA 508, 522 (1994).

<sup>14</sup> Davenport v. City of Tigard, 23 Or LUBA 565 (1992).

34. The *Water Resources Working Paper (1982)* inventories the following water resources which include or potentially include the subject property: Watersheds (specifically the Mohawk River watershed, a tributary to the McKenzie River and Willamette Basin); Surface Waters, including the Mohawk River, which lies, at its closest point, approximately 150 to 200 feet to the east of the subject property's most eastern boundary (across Marcola Road); and Groundwater.
35. The proposed redesignation and rezoning does not, by itself, create additional development on the subject property. As discussed above, the subject property is already developed with a residence. Under F-1 zoning for the west 52 acres, the applicant is not entitled to any additional dwellings. The east 78 acres of proposed F-2 zoning does contain multiple legal lots with a potential for future development. However, if such subsequent development occurs, impacts on the watershed, surface waters or groundwater resources in the area will be evaluated.
36. Keeping the area in Forest use, rather than clearing and plowing for agriculture, protects water resources by minimizing runoff; minimizing agricultural water needs; and minimizing agricultural chemical migration into the watershed.

**Riparian Resources:**

37. The *Flora & Fauna Working Paper (1982)* and *Addendum (1983)* inventories Riparian resources. Riparian areas are inventoried to include all land within 100 feet of the banks of a Class 1 stream. There are no Class I streams on the subject property. The Mohawk River, a Class I stream, is approximately 125 to 200 feet from the subject property at its closest point. Furthermore, Marcola Road separates the subject property from the river. The proposed redesignation and rezoning does not, by itself, create additional development on the subject property. As discussed above, the subject property is already developed with a residence. Under F-1 zoning, the applicant is not entitled to any additional dwellings. Any potential for development on the F-2 zoned eastern portion is not anticipated to have any impact on the Mohawk River or its riparian resources, as defined.
38. Keeping the area in Forest use, rather than clearing and plowing for agriculture, protects riparian resources by minimizing runoff; minimizing agricultural water needs; maintaining flora and fauna cover and habitat, and minimizing agricultural chemical migration into the watershed.

**Wetland Resources:**

39. National Wetlands Inventory ("NWI") map indicates the presence of three minor wetland areas on the subject property. Any future development proximate to these wetlands will require a referral and response from the Oregon Division of State Lands.

**Sensitive Fish and Waterfowl Areas:**

- 40. The inventory of these sites appears in the Flora & Fauna Working Paper Addendum at 1-4. The subject property is not included on the inventory.

**Natural Areas:**

- 41. The inventory of these sites appears in the Flora & Fauna Working Paper at 26-32. The subject property is not included on the inventory.

**Big Game Range:**

- 42. The plan classifies the entire county into three categories of Big Game Range: Major, Peripheral, and Impacted. Flora & Fauna Working Paper at 23-25, Addendum at 14.

This application would affect Big Game Range because the entire county is mapped as some form of big game habitat. In practical terms, however, no conflict from this proposal is apparent. The proposed redesignation and rezoning does not, by itself, create additional development on the subject property.

- 43. Keeping the area in Forest use, rather than clearing and plowing for agriculture, protects game resources by minimizing water and wetland pollution from runoff and agricultural water while maintaining flora and fauna cover and habitat.

**Goal 5 Program to Meet the Goal for Resources Present.**

- 44. As described above, the following Goal 5 resources inventoried by the county are present on the subject property: Water Resources, including watersheds, surface water, and groundwater; and Big Game Range. This application includes a Goal 5 ESEE analysis for each of these resources. The Goal 5 analysis for each resource tracks, as closely as possible, the county's acknowledged Goal 5 analysis for each resource included in working papers. What is summarized here, for each resource, is the applicant's proposed "program to achieve the Goal," which is the end product anticipated by the goal and the Goal 5 Rule. See OAR Chapter 660, Division 23.

**Water Resources:**

- 45. The proposed program to achieve the goal is to allow the use because it is not conflicting. The proposed redesignation from Ag to Forest maintains the property in a Resource designation. Therefore, there are no conflicts.

**Big Game Range:**

46. The proposed program to achieve the goal is to allow the use because it is not conflicting. The proposed redesignation from Ag to Forest maintains the property in a Resource designation. Therefore, there are no conflicts.

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

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

**All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.**

47. Goal 6 protects the quality of land, air and water resources. The focus is on discharges from future development in combination with discharges from existing development. State and federal environmental standards are the benchmark for protection. Where there are state or federal standards for quality in air sheds or river basins, then the carrying capacity, nondegradation, and continued availability of the resources are standards.
48. The subject property is currently developed with a single residence and managed in forestry. Historically it has been used for forestry, a permitted use under the existing Ag designation. Because the proposed designation of Forest matches the existing and historic use, there will be no impacts to land, water or air quality.

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

**To protect life and property from natural disasters and hazards.**

**Developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safeguards. Plans shall be based on an inventory of known areas of natural disaster and hazards.**

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

### **Goal 8: Recreational Needs**

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

50. The overriding purpose of Goal 8 is to address all recreational needs, but its primary focus is on siting and developing destination resorts, defined in Goal 8 as "self-contained development[s] providing visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities."
51. Goal 8 is not directly applicable to this proposal.

### **Goal 9: Economic Development**

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

52. Goal 9 is focused on commercial and industrial development. The Goal 9 Rule, OAR 660-09, is explicitly limited to areas within urban growth boundaries. This goal is not directly applicable to this proposal.

### **Goal 10: Housing**

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

**Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.**

53. Goal 10, like its implementing rule, is geared primarily to housing issues inside urban growth boundaries. The goal's definition of "buildable lands," for example, is limited to lands in urban and urbanizable areas. This site is outside any UGB. This goal is not applicable to this proposal.

### **Goal 11: Public Facilities and Services**

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

**Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A**

provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan. In accordance with ORS 197.180 and Goal 2, state agencies that provide funding for transportation, water supply, sewage and solid waste facilities shall identify in their coordination programs how they will coordinate that funding with other state agencies and with the public facility plans of cities and counties.

54. "Public facilities and services" is defined in the Statewide Planning Goals to include: "[p]rojects, activities and facilities which the planning agency determines to be necessary for the public health, safety and welfare." The Goal 11 Rule defines a "public facility." "A public facility includes water, sewer, and transportation facilities, but does not include buildings, structures or equipment incidental to the direct operation of those facilities." OAR 660-11- 005(5).
55. Goal 11 addresses facilities and services in urban and rural areas. The subject property is "resource" land and will remain rural after this approval. The subject proposal does not provide for any rural or urban development. Therefore, Goal 11 does not apply.
56. Resource designations have no required minimum level of services. However, Table E lists the services now available to the subject property.

**Table E  
Rural Public Facilities, Existing or Proposed**

Service	Provider
Fire	Marcola Rural Fire Protection District
Police	Lane County Sheriff and State Police
Schools	Marcola School District
Access	Marcola Road, a County Minor Arterial
Electric	Emerald People's Utility District
Telephone	Qwest Communications
Solid Waste	Sanipac

Sewer	Individual Septic System for existing dwelling
Water	Well for existing dwelling

**Goal 12: Transportation**

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

**A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services, (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.**

- 57. Goal 12 is implemented through the Goal 12 Rule (OAR 660-12) adopted in 1991. The Rule has a section that specifically addresses proposals such as this – amendments to acknowledged comprehensive plans and implementing regulations. OAR 660-12-060(1) provides that any such amendments that “significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.”
- 58. The proposed redesignation and rezoning does not, by itself, create additional development on the subject property. As discussed above, the subject property is already developed with a residence. The applicant is not entitled to any additional dwellings based on the redesignation and rezoning alone. Therefore, the application will not affect a transportation facility. The rule spells out clearly what constitutes a “significant affect.” OAR 660-12-060(2) states:

**A plan or land use regulation amendment significantly affects a transportation facility if it:**

- (a) Changes the functional classification of an existing or planned transportation facility;**
- (b) Changes standards implementing a functional classification system;**
- (c) Allows types or levels of land uses which would result in levels of travel or**



access which are inconsistent with the functional classification of a transportation facility; or

- (d) **Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.**

The proposed redesignation/rezone will not trigger this section of the rule because the proposed redesignation and rezoning does not, by itself, create additional development on the subject property.

**Goal 13: Energy Conservation**

To conserve energy.

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

59. This goal is not directly applicable to individual land use decisions. Rather, its focus is on the adoption and the amendment of land use regulations.<sup>15</sup>

**Goal 14: Urbanization**

To provide for an orderly and efficient transition from rural to urban land use.

60. The subject proposal keeps the parcel in Resource designation. Therefore, there is no transition. This goal does not apply.

**Goal 15: Willamette River Greenway**

**Goal 16: Estuarine Resources**

**Goal 17: Coastal Shorelands**

**Goal 18: Beaches and Dunes**

**Goal 19: Ocean Resources**

61. These five goals are not applicable as they deal with resources that are not present on the subject property.

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

1. Any plan and zone change must comply with the relevant *Rural Plan Policies*. This requirement is based in statutes (ORS 197.175(2)), the *Rural Plan Policies* themselves (see, e.g. *Rural Plan Policies* at page 6), and the *Lane Code* (see, e.g., LC 16.400(6)(h)). This

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<sup>15</sup> See *Brandt v. Marion County*, 22 Or LUBA 473, 484 (1991), *aff'd in part, rev'd in part*, 112 Or App 30 (1992).

section, therefore, addresses the relevant elements of the *Rural Plan Policies*. It is organized by Goal. Again, where possible to avoid duplicative discussion, reference is made to the findings made under the Statewide Planning Goals.

2. Any plan and zone change must comply with the relevant Rural Plan Policies. This requirement is based in statutes (ORS 197.175(2)), the Rural Plan Policies themselves (see, e.g. Rural Plan Policies at page 6), and the Lane Code (see, e.g., LC 16.400(6)(h)). This section, therefore, addresses the apparently relevant elements of the Rural Plan Policies. It is organized by Goal. Where possible to avoid duplicative discussion, reference is made to the discussion under the Statewide Planning Goals. However, the following discussion regarding the relationship between Goals 3 and 4 bears repeating.

3. **OAR 660-006-0015(2) states,**

*When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*

4. The “agricultural land” designation and the “forest land” designation are both resource designations. The designations have equal weight and importance to the state of Oregon. Through the above Rule, LCDC has acknowledged that many lands will qualify as both Forest and Ag land. The proper resource designation for the “duel” lands is left up to the local jurisdiction so long as the factors underlying the designation choice are identified.
5. As discussed more specifically under Goals 3 and 4 above, the subject property meets the definition of both forest land and agricultural land. The Lane County Rural Comprehensive Plan Agricultural Working Paper documents the factors used to select Farm or Forest designation on land that meets the definition of both. Each of those factors is discussed in detail below. Based on those factors, the subject property should be designated Forest land.
6. Because the subject property qualifies as both Ag and Forest land under Goal 3 and Goal 4, many of the RCP policies addressing Goal 3 are met by the subject property and many of the Goal 4 RCP policies are met by the subject property. It is inherent in the property’s duel qualification. However, when determining whether a property should be designated Forest or Ag, the key is not whether the property meets or furthers the policies under the RCP, but whether the property meets the factors established in the Plan for choosing between Forest or Ag.
7. The Agricultural Land Working Paper states,

*“Agricultural/Forestry Goal Interrelationship*

*In an inventory of agricultural lands and forest lands there will by many instances where land will meet Goal definition for both categories. According to [Led's] policy, farm and forest uses are compatible and either designation may be made without taking an exception to the other goal. The factors used to select a designation need to be documented in the Plan. The policies within the Plan will support one designation over another depending on the situation. The county should consider the following items in addressing overlapping lands:*

- a. Identify Agricultural and Forest Lands Goal definitions and inventories*
- b. Segregate overlapping lands from single resource lands*
- c. Apply evaluations of local circumstances and Goal factors to overlapping land to determine appropriate designation*
- d. Designate overlapping lands as agricultural, forest or agricultural/forest through Plan policies and diagrams*
- e. Protect designated lands for appropriate uses through the zoning ordinance and other implementing measures.*

*It is intended that agricultural and forest practices be able to coexist without mutual interference while conserving those resource lands.*

8. Identify: The applicant has identified and addressed the proper definitions of farm and forest lands. In short, farm land is land consisting predominantly of Class I through IV soils. Forest land is land capable of producing 50 cu.ft./acre/year of timber fiber. As shown in Tables C and D above, the subject property meets both definitions.
9. Segregate: By filing this application, the applicant is separating the subject property from single resource property for consideration.
10. Evaluate Goal Factors: Goal 3 and 4 factors are thoroughly addressed in Section II, above. The analysis of Goal 3 factors shows that while the subject property meets the "soils" test of Ag land, it does not meet the "other suitable lands," "necessary lands," or "farm unit" tests. The analysis of Goal 4 factors shows that the subject property meets the "productivity" test for Forest lands and likely the "necessary lands" and the "other resource" tests. Just viewing the Goals 3 and 4 factors alone shows that the subject property is more appropriately designated Forest land.
11. Evaluate Local Circumstances: There is no exact definition of "local circumstances" in the Lane County RCP. The applicant interprets this provision to mean an evaluation of the subject property and surrounding designations, uses and land use patterns. Tables A and B and accompanying text of the applicant's narrative establish these factors for all properties in the surrounding area. That discussion is hereby incorporated. In summary, the subject parcel is located in a sea of Forest land and RR exception area land.
12. The subject property is currently and has historically been used for timber production. It is

in both Forest and Small Tract Forest Land tax deferral. The property was most recently logged by the applicant in 2002. It is now regenerating for future harvests. Based on 2002 tree stump and site conditions, the site was also logged between 1955 and 1960. There is no evidence that the subject property has ever been in farm use, as defined by the statute.

13. **Designation:** The predominant designation by **lot/parcel** in the surrounding area is Residential (63%) followed by Forest (25%). The predominant designation, **by acreage**, in the surrounding area is Forest (72%). The predominant designation of **adjacent parcels by acreage** is Forest (84%). Tables A and B and accompanying text of the applicant's narrative, hereby incorporated, establish the facts.
14. **Use:** The predominant use by **lot/parcel** in the surrounding area is residential (58%) followed by forestry (34%). The predominant use, **by acreage**, in the surrounding area is forestry (88%). The predominant use of **adjacent parcels by acreage** is forestry (94%). Tables A and B and accompanying text of the applicant's narrative, hereby incorporated, establish the facts.
15. In summary, all evidence indicates that the subject property is currently used for forestry and is surrounded by forestry. Evidence further indicates that the subject property has historically been used for forestry. The property is not suited for farm use. Because the property is in forestry, it would be difficult and expensive to convert the property to farm use. Conversion would require tree removal and major cultivation. Such conversion is generally unfeasible. Furthermore, farm uses are not common in the surrounding area.

### **Goal Three: Agricultural Lands**

#### **Policy 8:**

**Provide maximum protection to agricultural activities by minimizing activities, particularly residential, that conflict with such use. Whenever possible planning goals, policies and regulations should be interpreted in favor of agricultural activities.**

16. This policy has been interpreted by the Board of Commissioners, and the interpretation has been upheld on appeal. This policy addresses only conflicts that will result in a significant change in or a significant increase in the cost of accepted farming practices. When conflicts of this magnitude might result, the proposed rezoning must be conditioned to reduce the potential conflicts below the level that will result in a significant change or significant increase in the cost of accepted agricultural practices.<sup>16</sup>
17. No conflicts are apparent between the proposed rezoning and any adjacent or nearby agricultural activity. There are no farming activities on adjacent land. Land directly south,

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<sup>16</sup> *Gutoski v. Lane County*, 34 Or LUBA 219, 225 n4 (1998), *aff'd* 155 Or App 369, 963 P.2d 145 (1998).

while zoned E-40, is in forest production and in forest tax deferral. See Tables A and B of applicant's narrative, hereby incorporated.

**Goal Four: Forest Lands**

**Policy 1:**

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

**Forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water, and fish and wildlife resources.**

18. This policy implements Statewide Planning Goal 4 by defining "forest lands" and requiring they be used consistent with the goal. The subject property qualifies as Forestland. See discussion in connection with Statewide Planning Goal 4 above. Therefore, the proposed plan change/zone change from AG/E-40 to Forest/F-1 and /F-2 furthers this policy by adding additional land to the State's forest land base.

**Policy 2:**

**Forest lands will be segregated into two categories, Non-impacted and Impacted and these categories shall be defined and mapped by the general characteristic specified in the Non-Impacted and Impacted Forest Land Zones General Characteristics**

19. The proposal is for a designation change from AG to Forest and a zone change from E-40 to F-1 for the west 52 acres and F-2 for the east 78 acres. The F-2 designation of the east 78 acres is supported by the general characteristic specified in Policy 15 below. The F-1 designation for the west 52 acres is gained by default, as F-1 is a more restrictive zone.

**Policy 3:**

**Prohibit residence on Non-Impacted Forest Lands except for the maintenance, repair or replacement of existing dwellings.**

20. This policy is not applicable, as no dwellings exist or will be permitted on the proposed F-1 portion.

**Policy 15:**

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

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

21. The Board has determined that the characteristics of the land, not the ownership of it, control the analysis. (See Ord. PA 1236). Focus is on the subject property and the land in the immediate vicinity. Legal lot status is irrelevant. Ownership means, "land being proposed for rezoning." This can be an entire property or a portion of it. Where it is a portion of a larger lot, analysis is limited to the portion under consideration for rezoning. The critical focus of the analysis is on the property proposed for rezoning and the characteristics that property has that mitigate toward consideration of applying F-1 or F-2.
22. The Board has determined that the analysis under Goal Four, Policy 15 does not require a precise mathematical computation since the focus is on all the characteristics and whether, on balance, the land proposed for rezoning more closely corresponds to the F-1 or F-2 characteristics. (See Ord. PA 1236)
23. Based on evidence submitted, the Board finds that the entire 130 acres is more appropriately designated Forest. Designation and zoning must be consistent. Both F-1 and F-2 zoning are consistent with Forest designation. Therefore, the property must be zone F-1 or F-2 or a combination of both.
24. The west 52 acre parcel and the east 78 acre parcel are held in separate ownership, as established in other findings.
25. Policy 15 allows split zoning and different zoning on different parcels.
26. F-1 zoning is stricter than F-2 zoning, allowing less non-forestry uses.
28. Policy 15 analysis

**Non-impacted Forest Land Zone characteristics:**

- (1) Predominantly ownerships not developed by residences or non forest uses."**

29. The County Board has determined that this provision focuses on the subject property itself (not surrounding property) and whether it is developed with residences or nonforest uses. The absence of residential development or other nonforest use is a characteristic of F-1 zoning.
30. The 78-acre property is developed with a homestead dwelling constructed in approximately the 1920's. Therefore, the property does not meet this F-1 characteristic.
31. The 52-acre property is not developed with a dwelling. Therefore, it meets this F-1 characteristic.

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

31. The Board determined in Ordinance PA 1236 that the focus is on the subject property and any underlying contiguously held properties. Contiguous is defined as,

“Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street \*\*\* shall not be considered contiguous. \*\*\* The intent of this provision is to look within the land being proposed for rezoning to determine whether or not that land being proposed for rezoning consists of contiguous land owned by the applicant that is 80-acres or larger in sizes.” (Ord. PA 1236, pg. 10).

32. In other words, if the property being proposed for rezoning contained within it four parcels all owned by the same owner, and each of the parcels was 21 acres, then the land proposed for rezoning would contain 84 acres. But if the property proposed for rezoning was a 40-acre portion of a larger 160 acres parcel or a 40 acre lot contiguous to four 20-acre parcels owned by the applicant, review is restricted to the 40-acre subject property.
33. Being a large, contiguously held property is a characteristic of F-1 zoning.
34. The east 78 acre parcel is 78 acres of contiguous ownership. Therefore, the east 78-acre parcel does not meet this F-1 characteristic.
35. The west 52-acre parcel is 52 acres of contiguous ownership. Therefore, it does not meet this F-1 characteristic.

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

35. The Board has determined that this provision focuses on property adjacent to (contiguous to) the subject property, and whether it is utilized for commercial forest/farm uses. While not conclusive, the following factors can be considered in determining whether

surrounding uses are being utilized for farm/forest use: parcel size, tax deferral, and other factual information. However, the determination of whether a property is in “commercial” farm or forest use is weighed against a different set of standards.

36. The County has interpreted Policy 15 as being “crafted as a means to distinguish large-scale industrial forest land from small-scale non-industrial forest land.” Ordinance 1236, page 8.
37. *“Forest lands less than 80 acres in size and developed with residential uses or other nonforest uses, generally received Impacted Forest land (F2) [zoning]. Public forested lands and larger commercially managed forest lands, forest lands that were not impacted by nonforest uses, particularly in the ownership of industrial forest operators, were [zoned] as Nonimpacted Forest Lands (F-1).”* Ordinance 1236, Page 9. Emphasis added.
38. Based on the above, commercial forest use leans toward public lands and lands that are large scale and in industrial forest operator control and ownership. Examples of lands that fall squarely under the umbrella of “large scale industrial forest land” include lands owned by Rosboro Lumber Co. (292 holdings and more than 2,000 acres of land in forest use in Lane County); Weyerhaeuser (1668 holdings and more than a 100 thousand acres of land in forest use in Lane County); Davidson Industries (200 holdings and more than 2,000 acres of land in forest use in Lane County); Seneca Lumber (168 holdings and more than 1,000 acres of land in forest use in Lane County); and McDougal Bros (92 holdings and more than 1,000 acres of land in forest use in Lane County). See Exhibit TT of applicant’s submission.
39. The Oregon Department of Revenue keeps a yearly list of large-scale industrial timber owners. That list is included in the applicant’s submission, incorporated herein by this reference. Neither Ravin Ventures, LLC nor Ramon Fisher is on that list.
40. The above interpretation of “commercial” is supported by the Circuit Court’s holding in *CJK v. Lane County* (No. 160911508), which is incorporated herein by this reference.
41. Having commercial farm/forest uses on property adjacent to the subject property is a characteristic of F-1 zoning.
42. There are seven properties adjacent to the east 78-acre parcel. See Table Fa below. One of the contiguous properties is in commercial forest use. None of the adjacent parcels are in commercial farm use.
43. Given that one of the seven adjacent parcels (14%) are in commercial forest use, the east 78-acre parcel does not meet this F-1 characteristic.
44. There are six property adjacent to the west 52-acre parcel. See Table Fb below. Four of



the contiguous properties are in commercial forest use. None of the adjacent parcels are in commercial farm use.

45. Given that four of the six adjacent parcels (67%) are in commercial forest use, the west 52-acre parcel) meets this F-1 characteristic.

Table Fa (East 78-acre parcel)  
Contiguous Property and Commercial Use

Tax Lot	Ownership	Parcel size	Holdings in Lane County Parcels/acres  Ex. TT	Comments
TL 200	Rosboro Lumber Co. sold to High Mountain Investment Group since filing.	65 acres	292 parcels/more than 2,000 acres (Rosoboro)  42 holdings/roughly 2500 acres (High Mountain)	Given the number of holdings and amount of land in forest production in Lane County, and given the fact that Rosboro is included on the state's list (though High Mountain is not), this property could be considered part of a large scale industrial operation and could be considered to be in commercial forest use.
TL 700 (west portion)	Ravin Ventures, LLC	40 acres	4 parcels/200 acres.	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This property owner is not on the state's list. This is a small-scale, non industrial use.
TL 500	J. Paschelke, sold into Ranch & 120, LLC since filing.	85 acres	5 parcels/217 acres (Paschelke)  4 parcels/220 acres (Ranch & 120)	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This property owner is not on the state's list. This is a small-scale, non-industrial use.
TL 601	J. Paschelke, sold into Ranch & 120, LLC since filing.	.68 acres	5 parcels/217 acres (Paschelke)  4 parcels/220 acres (Ranch & 120)	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This property owner is not on the state's list. Furthermore, this parcel is too small to be in commercial forest use.
800(west portion)	Dustrude, sold to Ziebert since filing.	8.19 (mostly on other side of road)	1 parcel/8 acres	Zoned RR5; developed with a residence. No forest use.
Marcola Road	Lane County			Road. No forest use.
TL 600	Christoffersen	1.86	1 parcel/1.86 acre	Zoned RR5; developed with a residence. No forest use.

TABLE Fb (west 52 acre parcel)  
Contiguous property and commercial use

Tax Lot	Ownership	Parcel size	Holdings in Lane County Parcels/acres  Ex. TT	Comments
TL 200	Rosboro Lumber Co. sold to High	65 acres	292 parcels/more than 2,000 acres	Given the number of holdings and amount of land in forest production in Lane County, and given the fact

	Mountain Investment Group since filing.		(Rosboro) 42 holdings/roughly 2500 acres (High Mountain)	that Rosboro is included on the state's list (though High Mountain is not), this property could be considered part of a large scale industrial operation and could be considered to be in commercial forest use.
TL 700 (east portion)	Ravin Ventures, LLC/Ramon Fisher	78 acres	1 parcels/ 78 acres.	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This property owner is not on the state's list. This is a small-scale, non industrial use.
TL 500	J. Paschelke, sold into Ranch & 120, LLC since filing.	85 acres	5 parcels/217 acres (Pashcelke) 4 parcels/220 acres (Ranch & 120)	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This property owner is not on the state's list. This is a small-scale, non-industrial use.
TL 299	Weyerhaeuser	.36	At least 1200 parcels and more than 5,000 acres.	Given the number of holdings and amount of land in forest production in Lane County, and given the fact that Weyerhaeuser is included on the state's list, this property could be considered part of a large scale industrial operation and should be considered to be in commercial forest use.
TL 202	Weyerhaeuser	48.53	At least 1200 parcels and more than 5,000 acres.	Given the number of holdings and amount of land in forest production in Lane County, and given the fact that Weyerhaeuser is included on the state's list, this property could be considered part of a large scale industrial operation and should be considered to be in commercial forest use.
TL 201	US Government	50.68	At least 600 parcels and more than 30 million acres	Lands owned by the government (public lands) are large industrial forest lands because of the number of holdings and amount of land.

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

44. The County Board has determined that this provision focuses on the subject property and the type of access to it. Ordinance No. 1236. Access by an arterial road or forest management road is a characteristic of F-1 zoning.
45. The 78-acre parcel has direct access to Marcola Road, a local collector. The purpose of Marcola road is to move traffic from Hwy 228 to Springfield and to support local residential transportation. Therefore, the east 78-acre parcel does not meet this F-1 characteristic.
46. The 52-acre parcel has no direct access. The only “road” that access the property is a logging road intended for forest management. Therefore, the west 52-acre parcel meets this F-1 characteristic.

**“(5) Primarily under commercial forest management.”**

46. The County Board has determined that this provision focuses on the subject property and whether it is utilized for commercial forest/farm uses. Ordinance No. 1236. While not conclusive, the following factors can be considered in determining whether surrounding uses are being utilized for farm/forest use: parcel size, tax deferral, and other factual

information. However, the determination of whether a property is in “commercial” farm or forest use is weighed against a higher set of standards.

47. The County has interpreted Policy 15 as being “crafted as a means to distinguish large-scale industrial forest land from small-scale non-industrial forest land.” Ordinance 1236
48. *“Forest lands less than 80 acres in size and developed with residential uses or other nonforest uses, generally received Impacted Forest land (F2) [zoning]. Public forested lands and larger commercially managed forest lands, forest lands that were not impacted by nonforest uses, particularly in the ownership of industrial forest operators, were [zoned] as Nonimpacted Forest Lands (F-1).”* Ordinance 1236, Page 9.
49. Based on the above, commercial forest management leans toward public lands and lands that are large scale and in industrial forest operator control and ownership. Examples of lands that fall squarely under the umbrella of “large scale industrial forest land” include lands owned by Rosboro Lumber Co. (292 holdings and more than 2,000 acres of land in forest use in Lane County); Weyerhaeuser (1668 holdings and more than a 100 thousand acres of land in forest use in Lane County); Davidson Industries (200 holdings and more than 2,000 acres of land in forest use in Lane County); Seneca Lumber (168 holdings and more than 1,000 acres of land in forest use in Lane County); and McDougal Bros (92 holdings and more than 1,000 acres of land in forest use in Lane County). See Exhibit TT of applicant’s submission. This is just a sample. There are hundreds of similar industrial forest land companies holding property in Lane County.
50. The Oregon Department of Revenue keeps a yearly list of large-scale industrial timber owners. Neither Ravin Ventures, LLC nor Ravin Ventures/Ramon Fisher is on the list.
51. Being on the Department of Revenue’s list and having large holdings is an indicator that a parcel is in commercial forest management.
52. The above interpretation of “commercial” is supported by the Circuit Court’s holding in *CJK v. Lane County* (No. 160911508), which is incorporated herein by this reference.
53. Having commercial farm/forest uses on the subject property is a characteristic of F-1 zoning.
54. The east property is approximately 78 acres owned by Ravin Ventures, LLC and Ramon Fisher. That ownership, owns no other parcels in Lane County. Ravin Venture, LLC, alone, only owns four parcel in Lane County totaling 200 acres. Ravin Ventures and Ramon Fisher does not appear on the Department of Revenues list.
55. Because Ravin Ventures, LLC/Ramon Fisher and Ravin Ventures, LLC have limited holdings in Lane County and because they do not appear on the state’s list, neither property is in commercial forestry.

56. Neither the east 78-acre parcel nor the west 52-acre parcel meet this F-1 characteristic

**F-1 Characteristics Summary**

57. In summary, the East 78-acre parcel meets 0 of the 5 (0%) characteristics for being zoned F-1, and the west 52-acre parcel meets 3 of the 5 (60%) characteristics for being zoned F-1.

Summary Table for the East 78-acre parcel

Non-impacted Forest Land Zone (F-1, RCP) Characteristics	Does the 78-acre Parcel Meet this Element?
<i>1. Predominantly Ownerships not developed by residences or nonforest uses</i>	No. The property is developed with a residence.
<i>2. Predominantly contiguous, ownerships of 80 acres or larger in size</i>	No. The property is less than 80 acres
<i>3. Predominantly ownership contiguous, to other lands utilized for commercial forest or commercial farm uses.</i>	No. Only one contiguous ownership out of seven are utilized for commercial forest or farm uses
<i>4. Accessed by arterial roads or roads intended primarily for forest management.</i>	No. Adjacent to Marcola Road, a local county road.
<i>5. Primarily under commercial forest management.</i>	No. The property is small-scale nonindustrial land and is therefore not in <u>commercial</u> forest use.
<b>CONCLUSION</b>	<b>Should not be zoned F-1 because it none of the characteristics (0 of 5)</b>

**(c) Impacted Forest Zone characteristics: \*\*\*”**

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

58. The County Board has determined that this provision focuses on the subject property itself (not surrounding property) and whether it is developed with residences or nonforest uses. Ordinance 1236. A property developed with residence or other nonforest use is a characteristic of F-2 zoning.

59. The east 78-acre parcel is developed with a residence constructed in approximately 1920. It is currently occupied. Therefore, the property meets this F-2 characteristic.

60. The west 52-acre parcel is not developed with a residence. Therefore, the property does not meet this F-2 characteristic.

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

60. The County has determined that this provision focuses on the subject property itself (not

surrounding property) and its size. Ordinance 1236.

61. Property containing 80 acres or less is a characteristic of F-2 zoning.
62. The east 78-acre parcel is 78 acres and the west 52-acre parcel is 52 acres. Each are in independent ownership, and smaller than the 80 acre threshold. Therefore, both properties meet this F-2 characteristic.

*“(3) Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.”*
63. The County has determined that the focus of this criterion is on contiguous properties and properties in the “general area.” (Ord. PA 1236, pg. 10).
64. In Ordinance 1236, the Board interprets “generally contiguous” to mean in the general area. See page 10 of the Ordinance. The distance can be pushed in some or all directions and can cross roads, streams and other barriers. (Ord. PA 1236, pg. 10). How wide and how far is determined on a case by case basis. (Ord. PA 1236, pg. 10). This provision is two fold: F-2 should be applied (1) where adjacent and nearby properties are less than 80-acres and developed, or (2) where adjacent or nearby properties are within a developed or committed exception area.
65. Ordinance 1236 interprets “adjacent” to mean general vicinity. The term adjacent looks,

*“even further beyond the nearby tracts or across intervening right of way to acknowledge the impact of development within developed and committed exception areas in the general vicinity of the land being proposed for rezoning. It is a broader look at the complete tapestry of uses and development, particularly nonresource uses, in the general area. It does not depend on contiguity for that consideration.”* Ordinance 1236, Page 10.
66. Generally Contiguous Tracts: There are 34 tracts that are “generally contiguous,” as defined by the applicant. These tracts are included in Table A of the application narrative, which is hereby incorporated. Except for the flip-flop of the subject properties, the 78-acre parcel and the 52-acre parcel have the same “generally contiguous” tracts.
67. Twenty four of the 34 generally contiguous tracts (71%) are less than 80 acres and contain a dwelling. This supports a finding that both properties meet this F-2 characteristic.
68. Developed and Committed Tracts: The east 78-acre parcel is adjacent to a developed and committed exception area to the northeast, east and southeast.
69. There are 34 tracts in the ‘general vicinity’ of both properties, as defined by the applicant.

Of the 34 tracts, 24 (71%) are in developed and committed exception areas.

70. Based on the above, both parcels meet this F-2 characteristic.

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

71. The County Board has determined that this provision focuses on the subject property itself (not surrounding property) and access to services. Ord. 1236. In Lane County, rural services typically include: power, road access, telephone, police, ambulance, fire, and schools. Not typically included are public stormwater, public water or public sewer.

72. The 78-acre parcel has direct access onto Marcola Road, a local county road. Power and telephone services are already connected to the site to serve the existing dwelling. The site is served by the Mohawk Rural Fire Protection District, the Lane County Sheriff’s Department, the State police department, Mohawk ambulance services and the Marcola School district. See discussion under Goal 11. In summary, the 78-acre property is already developed with a residence which has access to power, transportation facilities, telephone, police, ambulance, fire and schools. Therefore, the east 78-acre parcel meets this F-2 characteristic.

73. The west 52-acre parcel has no access or frontage on a public road. It has no easement for public facilities. As such, it cannot be provided with a level of public facilities and services or access that could serve a rural residence. The property does not meet this F-2 characteristic.

**F-2 Summary**

73. Based on the above, the 78-acre parcel meets four of the four (100%) characteristics for being zoned F-2.

74. Based on the above, the 52-acre parcel meets two of the four (50%) characteristics for being zoned F-2.

Summary table for 78-acre property.

F-2 Zoning Criteria	Does the 78-acre Parcel Meet this Element?
Predominantly ownerships developed by residences or nonforest uses.	Yes. Property is developed with a residence
Predominantly ownerships 80 acres or less in size.	Yes. Parcel is 78 acres in size.
Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.”	Yes. Of the 34 “generally contiguous” tracts, 24 are less than 80 acres with a dwelling; 24 are in developed and committed exception areas.
Provided with a level of public facilities and services, and	Yes. The area is highly

roads, intended primarily for direct services to rural residences.	developed. The property is adjacent to Marcola Road with access to power, cable, DSL, police, fire and emergencies services. And is near the communities of Marcola and Mabel.
<b>CONCLUSION</b>	<b>The subject property should be zoned F-2 because it meets four of the four F-2 characteristics (4 of 4)</b>

**Summary Analysis of Policy 15**

74. Based on the above analysis, the *“characteristics of the land correspond more closely to the characteristic of the proposed zoning [F-2] than the characteristics of the other forest zone [F-1].”* The 78-acre parcel meets none of the five F-1 characteristics (0%), and meets four of the four F-2 characteristics (100%). Therefore, F-2 zoning is supported for the east 78-acre parcel. The 52-acre parcel meets three of the five F-1 characteristics (60%), and meets two of the four F-2 characteristics (50%). Therefore, F-1 zoning is supported for the west 52-acre parcel.

**Goal Five: Opens Spaces, Scenic and Historic Areas and Natural Resources**

**Flora and Fauna Policy 7:**

**Because of incomplete County coverage by, and interpretation of, the National Wetlands Inventory, wetland resources are to be considered “significant” in terms of OAR 660-16-000/025 and placed in “1B” and “1C” categories. Major wetlands designated “1C” resources shall be protected per the “3C” option through a combination of existing County Coastal and Greenway zoning regulations, and federal/state ownership; where these do not occur, an appropriate wetlands zoning district shall be developed and applied. Other wetlands from the National Wetlands Inventory shall be evaluated per “1B” requirements within two years of the date of Plan adoption, and decisions made on the protection or use of the resource. The County shall consider enlarging the list of protected per Goal 5 requirements if it is clearly demonstrated that an unprotected significant wetland(s) is likely to be significantly impacted by a land use action over which the County has jurisdiction.**

75. See discussion of wetlands resources under Statewide Planning Goal 5. Forest practices on the land are governed by the Forest Practices Act.
76. No other Comprehensive Plan policies apply.

**IV. COMPLIANCE WITH LANE CODE CRITERIA FOR PLAN CHANGES**

1. LC 16.400(6)(h) sets out the criteria for amending the county plan designation. Each of the criteria is addressed here. Where a criterion incorporates a Statewide Planning Goal, LCDC Rule, or Rural Plan Policy, reference is made the relevant part of the narrative above so as to avoid repetition.

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

**(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings”**

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

2. This criterion makes general reference to other sources of standards that apply to plan changes. Those other standards are addressed elsewhere in this narrative.

**(bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:**

**(i-i) necessary to correct an identified error in the application of the Plan; OR**

**(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR**

**(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; OR**

**(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; OR**

**(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.**

3. This criterion offers a smorgasbord of policy choices from which the county may select to justify initiating the plan change. At least two are relevant to this application. Item (iv-iv) allows the plan change if it implements the Rural Plan Policies. Goal Four, Policy 1 of the Rural Plan Policies anticipates the preservation of Forest lands by maintaining a forest land base. This proposal implements that policy because the subject property qualifies as forest land under the Goal 4 definition.

4. Item (v-v) invites the county to make plan changes that are desirable, appropriate or proper. This proposal also meets that criterion. Where lands qualify as both farm and forest lands, OAR 660-006-0015(2) states,



*When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*

5. Furthermore, the Lane County Rural Comprehensive Plan Agricultural Lands working paper, page 6, provides:

*“Agricultural/Forestry Goal Interrelationship*

*“In an inventory of agricultural lands and forest lands there will by many instances where land will meet Goal definition for both categories. According to [LCDC’s] policy, farm and forest uses are compatible and either designation may be made without taking an exception to the other goal. The factors used to select a designation need to be documented in the Plan. The policies within the Plan will support one designation over another depending on the situation. The county should consider the following items in addressing overlapping lands: \*\*\*.”*

6. Those items and the analysis are discussed in detail under Sections II and III, above. The analysis shows that a plan change to Forest is desirable, appropriate and proper based on the review set forth.

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

7. Compliance with individual policies in the Rural Plan Policies is discussed in Section III above.

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

8. The existing structure of the plan anticipates Resource plan designations. As discussed in Section III above, this designation is also consistent with relevant policies in the Rural Plan Policies.

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

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

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

9. This is a minor amendment to the plan which requests a change to the Plan Diagram for the subject property – from Agriculture to Forest. No goal exceptions are requested. This application demonstrates that the subject property is not Agricultural land, but Forest land.

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

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

10. This description has been provided throughout this decision.

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

11. The required analysis is provided above.

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

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

12. See detailed discussion in Sections I and II, above. To summarize, the subject property is located in a sea of Forest land. Furthermore, it is adjacent to an RR exception area. Some of these uses are on land planned and zoned for resource use, and others are on land that is planned and zoned for Nonresource uses.

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

13. The public facilities and services available or to be provided to the site are discussed in detail above. For a discussion of each facility and service, see the Goal 11 discussion above. For a further discussion of transportation facilities, see the Goal 12 discussion above. In summary, because the site is already developed with a residence, because it is in a highly developed area, and because it is close to the rural communities of Marcola and Mable, all facilities and services are available to the site. However, because the

property is proposed for resource zoning, the availability of public and private facilities does not preclude resource zoning.

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

14. This discussion appears in detail in other parts of this document. The proximate natural resources to consider are those that are identified as Goal 5 resources in the comprehensive plan. The impact on these resources is discussed as part of the Goal 5 analysis above.
15. This proposal will have no adverse impact on proximate resource lands because the subject property will remain in resource designation and zoning.

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

16. As discussed in connection with Goal 7, the subject property neither contains nor is threatened by any natural hazards.

**V. COMPLIANCE WITH LANE CODE CRITERIA FOR ZONE CHANGES**

1. This proposal requests a change from E-40 zoning to F-1 zoning. LC 16.252 sets out standards for zone changes. The facts relevant to the zone change standards are largely redundant with the facts relevant to plan policies and the Statewide Planning Goals. The LC 16.252 standards are stated here and addressed, with appropriate references to other parts of this narrative.

**LC 16.252(2): Criteria.**

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

**General purposes of Chapter 16:**

2. LC 16.003 sets forth 14 broadly-worded purpose statements that include a provision to

ensure that development is commensurate with the character and physical limitations of the land. Rezoning from E-40 to F-1 and F-2 implements the proposed plan amendment to Forest land. The public interest is served by recognizing that the land is Forest land rather than Agricultural land.

**Purpose of F-1 and F-2 Zone:**

3. The purpose statements of F-1 and F-2 zones are similar in that both are meant to implement the Comprehensive Plan and the forest policies, and to conserve forest land for uses allowed by Goal 4. This will remain unchanged.

**Rural Comprehensive Plan Criteria:**

4. The Rural Plan Policies provide the policy basis for comprehensive plan and implementing regulations, provide direction for land use decisions, and fulfill LCDC planning requirements. Compliance with relevant Comprehensive Plan policies is addressed in Section III, above.

**Lane Code Criteria:**

**LC 16.004(4):**

**Prior to any rezoning, that will result in the potential for additional parcelization, subdivision or water demands or intensification of uses beyond normal single-family residential water usage, all requirements to affirmatively demonstrate adequacy of long-term water supply must be met as described in LC 13.050(13)(a)-(d).**

5. The request is a rezone from E-40 to F-1 and F-2. No additional parcels will be created as a result of this proposal. No subdivision, water demands, or intensifications beyond normal single family dwelling useage is enabled by this proposal.

**LAW OFFICE OF BILL KLOOS, PC**

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August 28, 2012

Lane County Commissioners  
Lane County PSB  
125 E 8<sup>th</sup> Ave.  
Eugene, OR 97401

Re: Ravin Ventures Plan Change and Zone Change Application  
Map 16-01-08, Tax lot 700; PA 06-5888

Dear Members of the Board:

I hope this letter will summarize and clarify the mountain of paper related to this application. The "Attachments" referenced herein will be distributed at the hearing tomorrow.

This is a requested plan change from Agriculture to Forest and a zone change from E-40 to F-1/F-2. The proposal is to: (1) change the plan designation for two contiguous properties from Agriculture to Forest, (2) change the zoning for the eastern 78-acre parcel from E-40 to F-2, and (3) change in zoning for the western 52-acre parcel from E-40 to F-1.

**HISTORY:**

The 2006 application originally requested a plan change from Agriculture to Forest and a zone change from E-40 to F-2 for the entire property (about 130 acres). In preparing that application we relied on existing Board and hearings official interpretations of Policy 15. However, while the application was pending, the *Symbiotics* decision (PA Ord. No. 1236) was issued. *Symbiotics* reinterpreted the Policy 16 F-1/F-2 zone change criteria. Based on the new interpretation, we amended the application, and then put it on hold for a while.

We understand *Symbiotics* to say that Policy 15 allows a property owner to rezone a portion of a property, regardless of the legal lot status. Based on that we filed a supplemental narrative and exhibits on September 18, 2008 (letter dated September 9, 2008), requesting a plan change from Agriculture to Forest and a zone change from E-40 to F-2 for only the eastern-most 78 acres of the tract. For the western 52-acres, the proposal remained the same: F/F-1.

Our assigned planner, Jerry Kendall, did not agree with our reading of the *Symbiotics* decision with regard to partial rezoning (split zoning a single tract of land). Neither did

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-62p.

some of the Planning Commission members<sup>1</sup>. Staff also took issue with the applicant's definition of "commercial forest use," although no one offered a clearer definition. In a gesture of good faith and cooperation, the applicant acknowledged that there was room for interpretation and that it would not object to rezoning the entire property to F-1. The reason for this was to ensure that the end result of the application was at least to get Forest designation and zoning, rather than EFU. The County attorney confirmed that such a minor amendment to the proposal was allowed because additional notice would be provided for the Board hearing.

Several things have happened while the application was on hold. First, the applicant recorded a property line adjustment that legally separated the eastern 78 acres from the balance. See Attachment C. Each is a discrete legal lot. In addition, each parcel was put in a separate ownership, with the west 51 acres owned by Ravin Ventures, LLC and the east 78 acres owned by Ramon Fisher and Ravin Ventures, LLC. See Attachment C. This resolves the conflict between staff and the applicant surrounding the *Symbiotics* case and split zoning for a single tract of land, as discussed above. The eastern 78 acres and west 51 acres are no longer in exactly the same ownership.

Also, in 2011 the Circuit Court issued a decision (*CJK, LLC v. Lane County*, No. 16-09-11508), which was a mandamus proceeding rezoning land from F-1 to F-2. That decision affirmed our meaning of the phrase "commercial forest uses" in the rezoning standards. The Court noted that our meaning of the phrase "commercial forest uses" is the same as the previous County Board interpretation in *Symbiotics*. The circuit court order said:

"Specifically, the Court rejects the hearing officer's interpretation of the term 'commercial' for the simple reason that it does not provide any basis for distinguishing between F1 and F2 land. Both zoning designations embrace the growing of trees, harvesting trees and their subsequent sale presumably for profit. That being the case the Court is persuaded that previous interpretations by the County Board that 'commercial' forest use distinguishes large scale industrial forest operations from small-scale nonindustrial forest operations is the meaning that was intended for this term."

The Board carefully considered the term "commercial forest uses" in *Symbiotics*. See

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<sup>1</sup> Given the staff report presented at the Board's first reading on this matter, it should be noted that the applicant fully briefed a split zone of F-1/F-2 to the Planning Commission. At the planning commission hearing, the split zone was discussed and debated. See record. It wasn't until the applicant realized that neither the planning commission members nor staff would accept the applicant's interpretation of "commercial" or the "split zone" concept that the applicant altered the request to F-1 zoning for the entire parcel.

pages 8 and 9 of the *Symbiotics* decision (PA Ord. No. 1236), which is in the record. The Board held that the phrase was:

“crafted as a means to distinguish large-scale industrial forest land from small-scale non-industrial forestland,” and “larger commercially managed forest lands \*\*\* particularly in the ownership of industrial forest operators were [zoned] as Nonimpacted Forest Lands (F-1). \*\*\* Forest lands less than 80 acres in size and developed with residential uses or other nonforest uses, generally received Impacted Forest land (F2) [zoning]. Public forested lands and larger commercially managed forest lands, forest lands that were not impacted by nonforest uses, particularly in the ownership of industrial forest operators, were [zoned] as Nonimpacted Forest Lands (F-1).”

With the applicant in this proceeding, and the circuit court in *CJK* mandamus, and the County Board in *Symbiotics* all giving the same meaning to the phrase “commercial forest uses,” our assigned planning staff is suggesting that you should reconsider the meaning of the phrase, and even send the matter back to the Planning Commission for its thoughts.

It is clear to us that our assigned staff opposes this application. However, he is alone in his opposition.

Our assigned planning staff suggests that our summary of the *CJK* litigation is not correct. This office litigated the *CJK* matter. To better document the circuit court decision, we are attaching a Summary Table showing the position of the parties and the court in *CJK*. We have included excerpts from the parties’ briefs to the court as further documentation. The Summary Table and brief excerpts show that the court understood the issue and decided it squarely. The Hearing Official had decided that both F-1 and F-2 land meet the “commercial use” standard. The county attorney and intervenor LandWatch supported the Hearing Official position in court. The court’s opinion sided with *CJK*, as quoted above. In order for the “commercial use” to meaningfully distinguish between what should be F-1 versus F-2, “commercial use” must refer to large scale forest operations versus small scale nonindustrial forest operations.

In short, the *CJK* decision was an affirmation of the County Board’s previous interpretation of the term “commercial forest use,” which was based on language in the comprehensive plan.

The applicant has relied on the State’s list of industrial forest operators, the number of holdings the property owner has, and the number of acres the property owner owns to determine whether or not the parcel is in “commercial forestry.” See Attachment B.

This reflects the rationale used in *CJK* and is consistent with the County Board's interpretation in Ordinance 1236 (*Symbiotics*).

**Plan Change:** Everyone (the applicant, staff and the Planning Commission) agreed that the property (both in part and in whole) is more appropriately designated Forest than Agriculture. This finding is supported by: the applicant's original narrative statement and exhibits submitted May 18, 2006 (dated May 16); the applicant's supplemental narrative statement and exhibits submitted September 18, 2008 (dated September 9); and the draft Board of Commissioners Findings submitted to staff May 21, 2009. The tract is located in a sea of forestland and has no history of being used for farming or farm related activities.

**Zone Change:** Assuming that the Board also agrees that the property is more appropriately designated Forest, the only question that remains is whether the zoning designation should be F-1 or F-2 or both.

The applicant has provided supplemental findings in support. However, the current proposal (Ag to F and EFU to F1/F2) is substantially the same as the proposal of September 18, 2008 (dated September 9). The only two substantive differences are: (1) in the current proposal, the eastern 78 acres is a discrete legal lot held in different ownership, and (2) the *CJK* case interpreted "commercial" forestry and forest use to mean "large scale industrial forest operations," accepting the applicant's evidence as sufficient proof (number of holdings, amount of acres, state industrial operators list, etc). See Attachments B and D.

**FINDINGS IN SUPPORT:**

**East 78 acres to be zoned F-2; remainder to be zoned F-1**

The applicant prepared draft findings in support of the proposal in cooperation with Staff. Those findings were submitted to Staff on February 2, 2012. In the findings, Policy 16 F-1/F-2 characteristics are addressed in light of the amended proposal. The applicant requests that the Board consider the draft findings as submitted to staff by the applicant as our statement in support of the proposal.

Below is a summary table of Findings for the East F-2 portion of the property (East 78 acres). Because the 52-acre west portion of the property is proposed for the more restrictive F-1 zoning, no summary is provided.

F-1 Zoning Criteria	Does the Subject Property Meet this F-1 Element?
---------------------	--



1. <i>Predominantly Ownerships not developed by residences or nonforest uses</i>	No. The 78-acre parcel is developed with a residence.
2. <i>Predominantly contiguous, ownerships of 80 acres or larger in size</i>	No. At 78 acres, is less than 80 acres.
3. <i>Predominantly ownership contiguous, to other lands utilized for commercial forest or commercial farm uses.</i>	No. Only one contiguous ownership out of seven is utilized for <u>commercial</u> forest or farm uses. See Attachment B.
4. <i>Accessed by arterial roads or roads intended primarily for forest management.</i>	No. Adjacent to Marcola Road, a local county road.
5. <i>Primarily under commercial forest management.</i>	No. The property is small-scale nonindustrial land and is therefore not in <u>commercial</u> forest use. See Attachment B.
<b>CONCLUSION</b>	<b>Should not be zoned F-1 because it has none of the characteristics. (0 of 5)</b>

<b>F-2 Zoning Criteria</b>	<b>Does the Subject Property Meet this Element?</b>
<i>Predominantly ownerships developed by residences or nonforest uses.</i>	Yes. The 78-acre parcel is developed with a residence.
<i>Predominantly ownerships 80 acres or less in size.</i>	Yes. The 78-acre parcel is less than 80 acres in size.
<i>Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan."</i>	Yes. Of the 34 "generally contiguous" tracts, 24 are less than 80 acres with a dwelling; 24 are in developed and committed exception areas adjacent to the site. Because this is an "and/or" provision, the fact that the property is adjacent to a developed and committed area is sufficient to determine that it meets this standard. See Attachment B.
<i>Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.</i>	Yes. The area is highly developed. The property is adjacent to Marcola Road with access to power, cable, DSL, police, fire and emergencies services. And is near the communities of Marcola and Mabel.
<b>CONCLUSION</b>	<b>The subject property should be zoned F-2 because it meets all four of the F-2 characteristics. (4 of 4)</b>

(The County Board, as part of the *Symbiotics* decision, has already interpreted the terms "contiguous," "generally contiguous" and "adjacent." A summary of this interpretation is included as Attachment E.)

It is worth noting that even if the Board disagrees with the *CJK* holding regarding the term “commercial,” and finds that the property and surrounding properties are in commercial use, the 78-acre portion still qualifies to be zoned F-2, as it meets only 60% of the criteria for being zoned F-1 and 100% of the criteria for being zoned F-2.

If for some reason the Board still cannot find in favor of F-2 zoning for the Eastern 78 acres and F-1 zoning for the western remaining acreage, the applicant asks that the Board approve F-1 zoning for the entire property so that the Designation and Zoning are consistent, as required by state law.

#### **SUPPLEMENTAL STAFF REPORT DATED AUGUST 27, 2012**

Staff makes the following statement on page 2 of the supplemental staff report:

*“The applicant relies upon the previous CJK case \*\*\*. In the writ situation, the court has to interpret policy 15 and the burden of proof is upon the county. In a Plan/Zone change situation, the Board can interpret policy 15, and the burden of proof is upon the applicant. In the latter case the Board has the opportunity to interpret policy 15 in its own manner, suited to the specifics of the subject property and its surroundings. The Board is not limited by the CJK ruling. The Circuit Court order contains no language compelling the county to follow the logic filed by the Plaintiffs in that case.”*

The glaring problem with staff’s summary is that the “logic filed by the plaintiffs in that case,” was rooted in and arose out of the County Board’s previous interpretation of “commercial” in the *Symbiotics* case. See discussion above. That interpretation was, in turn, based on language in the County’s comprehensive plan. As such, this Board should be very much guided by the *CJK* case.

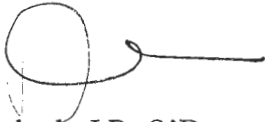
On page 3 and page 4, staff mischaracterizes the applicant’s position and analysis. “*By the applicant’s reading, this High Mountain owned property is not to be considered commercial forest land, because High Mountain is not listed with the Department of Revenue \*\*\*.*” This is not the applicant’s position. See Tables B and C attached, as well as previous written statements. The applicant relies on the number of holdings, the number of acres in the holding and the state’s list as indicators. All three indicators are relevant.

Staff then reverts back to an interpretation of “commercial” that was specifically rejected by the judge in *CJK*. Staff states, “*While having forest tax deferral is not a guarantee of commercial timber management, it is a good indicator of such \*\*\*. Staff finds this logic, used in past decisions, more compelling as to what is actually occurring on the ground.*”

This is the same position staff took in *CJK*. The court struck down this position, finding that tax deferral does not provide a basis for distinguishing between F-1 and F-2 lands, as the growing of trees (in deferral status) is allowed and encouraged in both zones. A quick read of the County's forest policies, found the in the Lane County Comprehensive Plan, establishes this fact.

Staff has conveniently forgotten that the task at hand is to find a way to differentiate between F-1 and F-2 land. Staff's method does nothing to further that task.

Thank you,

A handwritten signature in black ink, consisting of a large, stylized 'K' followed by a horizontal line extending to the right.

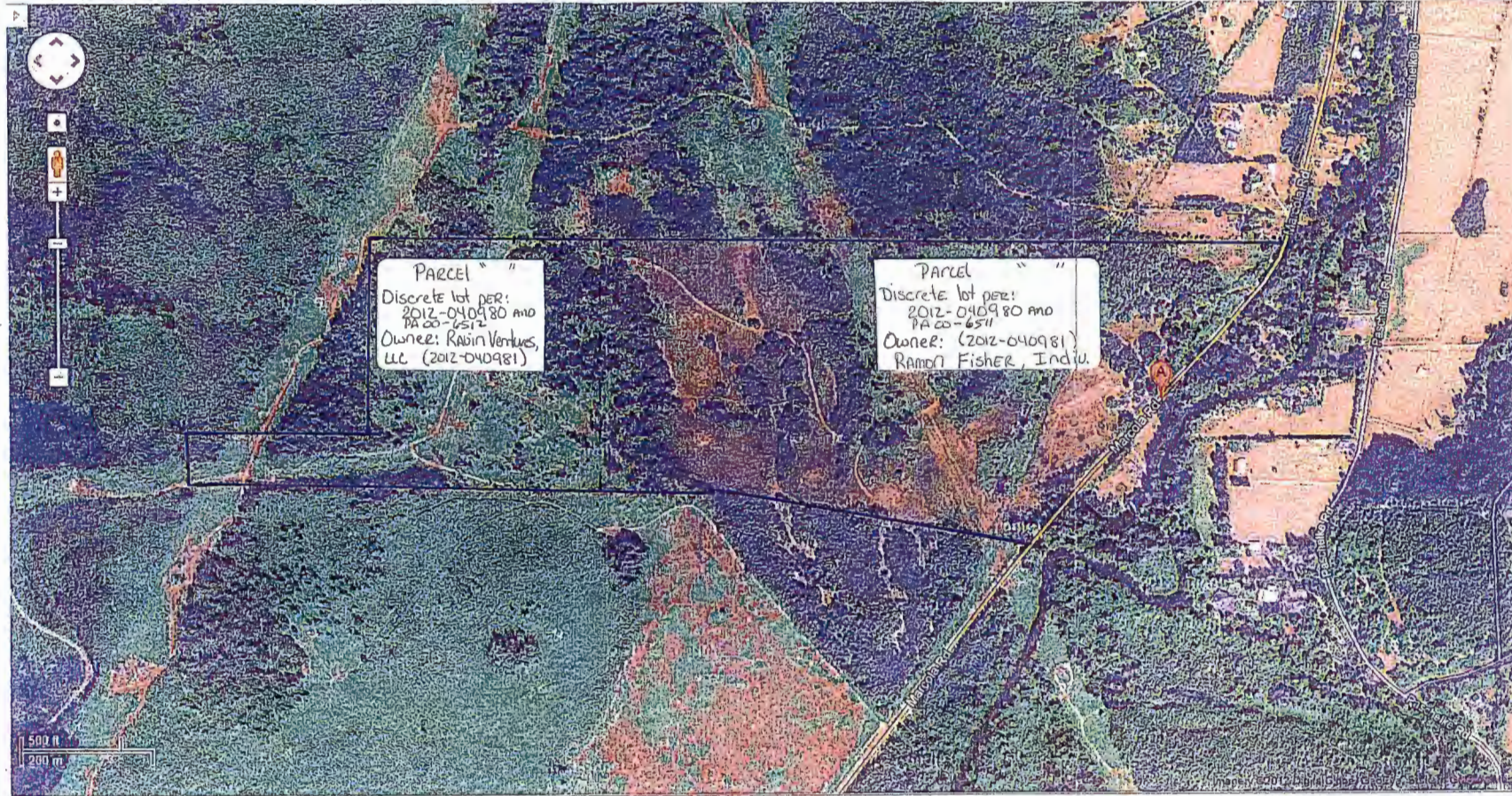
Kimberly J.R. O'Dea

- Attachment A: Aerial photograph with comments
- Attachment B: Surrounding and adjacent land tables with supporting material
- Attachment C: Bargain and Sale Deed and Property Line Adjustment Deed
- Attachment D: *CJK* decision and summary table.
- Attachment E: September 9 narrative excerpts.

2012

Google

92922 Marcola Road, Marcola, OR



Attachment A

**TABLE A  
ADJACENT AND NEARBY LAND**

Map & Tax Lot Ex. C	Location In relation to subject property Ex. EE	Zoning/ Desig Ex. D	Acreage Exs. C & I	Dwelling? Exs. I & O	Use <sup>1</sup>	Comments <sup>2</sup> Ex. I	Parcel/ Owners hip count	Tract count
16-01-07, TL 200	North (adjacent)	F-2/F	64.27	No	Timberlands/ Forestry (F)	Owned by Rosboro Lumber Company and in Forest Tax Deferral (sold to High Mountain Investment Grp). <u>TL 200 and 400 are a tract</u>	1	1
16-01-07, TL 201	North and West	F-1/F	51.10	No	Publicly Owned Property/ Forestland (F)	Owned by US Government. No special tax assessment.	2	2
16-01-07, TL 202	North and West	F-1/F	48.31	No	Timberlands/ Forestry (F)	Owned by Weyerhaeuser Company. In Forest Tax Deferral. <u>TLs 202, 400, 299 and 800 are a tract.</u>	3	3
16-01-08, TL 700 (west portion)	West (adjacent)	E-40/EFU	48.00	No	Timberlands/Forestry (F)	Ravin Ventures, LLC. In Forest Tax Deferral	4	4
16-01-07, TL 300	West	F-1/F	159.54	No	Publicly Owned Property/ Forestland (F)	Owned by BLM. No special tax assessment.	5	5
16-01-07, TL 400	West	F-2/F	102.80	No	Timberlands/ Forestry (F)	Owned by Weyerhaeuser Company. In Forest Tax Deferral. <u>TLs 202, 400, 299 and 800 are a tract.</u>	6	
16-01-07, TL 299	West	F-1/F	.57	No	Forestry (F)	Owned by Weyerhaeuser. In Forest Tax Deferral. <u>TLs 202, 400, 299 and 800 are a tract.</u>	7	
16-01-07, TL 800	West and South	F-1/F	1.08	No	Forestry (F)	Owned by Weyerhaeuser. Part of larger tract. <u>TLs 202, 400, 299 and 800 are a tract.</u>	8	
16-01-07, TL 500	South (adjacent)	F-2/ E-40 F/Ag	87.31 (60 in F-2)	No	Forestry (F)	Paschelke/Ranch & 120, LLC. In Small Tract Forestland (STFO <sup>3</sup> ) tax deferral. <u>TLs 500, 601 and 700 are a tract.</u>	9	6
16-01-07, TL 501	South	E-40 /AG	30.46	No	Brush; vacant idle property <sup>4</sup> (O)	BPA owned. No special tax assessment.	10	7
16-01-07, TL 601	South	E-40 /AG	.68	No	Brush; vacant idle property, vacated railroad right-of-way (O)	Paschelke/Ranch & 120, LLC. No special tax assessment. <u>TLs 500, 601 and 700 are a tract.</u>	11	
16-01-07, TL 700	South	E-40 /AG	12.01	No	Brush; Forestry (F)	Paschelke/Ranch & 120, LLC. In STFO Forest Tax deferral. <u>TLs 500, 601 and 700 are a tract.</u>	12	
16-01-08,	Subject	E-40	(78)	Yes	Forestry (SP)	In Forest Deferral and		

<sup>1</sup> Use of the site was determined by Assessment and Taxation data (including ownership, land use category, property classification and tax deferral status); aerial photos and site visits (including photos). Where Assessment and Taxation showed tax deferral, the classification of the deferral was used to determine overall use. A summary of tax deferrals classifications is included with Exhibit I. RLID data sheets, which include Assessment and Taxation data, are included as Exhibit I. ( ) indicates the use category given to each property for calculation purposes; (F) Forestry; (A) Agriculture/farm use; (R) Residential; (O) Other.

<sup>2</sup> For Tax Deferral data and ownership, see Exhibit I. For explanation of the "too far removed" comment, see Table Summary below. In summary, these properties, despite their proximity to the subject property, are too far removed to be part of the character of the 'surrounding area' and are therefore not included in calculations.

<sup>3</sup> Small Tract Forestland Option Deferral (a second type of forest deferral for growing timber)

<sup>4</sup> RLID says "pasture, cows, sheep, cattle." No special tax assessment. Aerial Photo shows parcel in some sort of natural regeneration. Site in portion and photos show the parcel as brush and trees. It appears to be in forest regeneration, but it is hard to tell. However, there is no pasture or farming.

*Attachment B*

TL 700 (east portion)	Property	/AG				STFO deferral.		
16-01-08, TL 400	North	F-2 /F	41.74	No	Timberlands/ Forestry (F)	Rosboro Lumber Co/High Mountain Investment Grp. In Forest Tax Deferral. TLs 200 and 400 are a tract.	13	
16-01-08, TL 402	North	F-2 /F	23.60	Yes	Forestry with Residential development (F)	Jeffers. In Forest Tax Deferral.	14	8
16-01-08, TL 501	North	RR5 /RR	5.95	Yes (2)	Residential (R)	No special tax assessment.	15	9
16-01-08, TL 503	North	RR5 /RR	4.12	Yes	Residential (R)	No special tax assessment.	16	10
16-01-08, TL 504	North	RR5 /RR	3.03	Yes	Residential (R)	No special tax assessment.	17	11
16-01-08, TL 600	North (adjacent)	RR5 /RR	1.96	Yes	Residential (R)	No special tax assessment.	18	12
16-01-08, TL 200	Northeast	RR5 /RR	1.90	Yes (2)	Residential (R)	No special tax assessment.	19	13
16-01-08, TL 500	Northeast	RR5 /RR	2.73	Yes	Residential (R)	No special tax assessment.	20	14
16-01-08, TL 502	Northeast	RR5 /RR	1.19	Yes	Residential (R)	No special tax assessment.	21	15
16-01-08, TL 900	Northeast	RR5 /RR	1.29	Yes	Residential (R)	No special tax assessment.	22	16
16-01-08, TL 106	Northeast	RR5 /RR	2.80	Yes	Residential (R)	No special tax assessment.	23	17
16-01-08, TL 100	Northeast	E-40/ RR5 Ag/RR	168.13 (all counted as EFL)	Yes (2)	Agriculture (A)	Too Far Removed. In Farm deferral.		
16-01-08, TL 801	East (Adjacent)	RR-5 /RR	2.56	Yes	Residential (R)	No special tax assessment.	24	18
16-01-08, TL 802	East (Adjacent)	RR-5 /RR	.81	Yes	Residential (R)	No special tax assessment.	25	19
16-01-08, TL 803	East (Adjacent)	RR-5 /RR	.88	Yes	Residential (R)	No special tax assessment.	26	20
16-01-08, TL 804	East (Adjacent)	RR-5 /RR	1.08	Yes	Residential (R)	No special tax assessment.	27	21
16-01-08, TL 800	East (Adjacent)	RR-5 /RR	7.65	Yes	Residential (R)	No special tax assessment.	28	22
16-01-08, TL 901	East	RR-5 /RR	1.57	Yes	Residential (R)	No special tax assessment.	29	23
16-01-08, TL 1000	East	RR-5 /RR	2.63	Yes	Residential (R)	No special tax assessment.	30	24
16-01-08, TL 1001	East	RR-5 /RR	.87	Yes	Residential (R)	No special tax assessment.	31	25
16-01-08, TL 1002	East	RR-5 /RR	.87	Yes	Residential (R)	No special tax assessment.	32	26
16-01-08, TL 1003	East	RR-5 /RR	.86	Yes	Residential (R)	No special tax assessment.	33	27
16-01-08, TL 1004	East	RR-5 /RR	3.20	No	Vacant, idle land. (O)	No special tax assessment.	34	28
16-01-08, TL 1100	East	RR-5 /RR	2.75	Yes (2)	Residential (R)	No special tax assessment.	35	29
16-01-08, TL 1101	East	RR-5 /RR	1.42	Yes (2)	Residential (R)	No special tax assessment.	36	30
16-01-08, TL 1200	East	RR-5 /RR	7.25	Yes	Residential (R)	No special tax assessment.	37	31
16-01-08, TL 101	East	RR-5 /RR	3.91	Yes	Residential (R)	Too far removed. No special tax assessment.		
16-01-08, TL 102	East	RR-5 /RR	8.04	No	Timber and open land (F)	Too far removed. In Forest Deferral		
16-01-08, TL 103	East	RR-5 /RR	4.70	Yes	Residential (R)	Too far removed. No special tax assessment.		
16-01-08,	East	E-40	0.83	No	Agriculture (A)	Too far removed. In Farm		

<i>TL 105</i>		<i>/AG</i>				<i>deferral.</i>		
16-01-08, TL 107	Southeast	RR-5 /RR	7.89	Yes (3)	Forest with dwelling (F)	In Forest Deferral.	38	32
16-01-08, TL 1300	Southeast	E-40 /AG	79.84	No	Forest Production and open land (F)	In Forest Deferral.	39	33
Marcola Road	East (adjacent)	N/A		N/A	N/A	Road	40	34
BPA Marion- Alvey Transmission Line Easement	Through	N/A		N/A	N/A			
BPA Main Transmission Line Easement	West and Through	N/A		N/A	N/A			
Mohawk River	East	N/A		N/A	N/A	River		
Paschelke Road	East	N/A		N/A	N/A	Road		

**TABLE B  
SUMMARY OF SURROUNDING AREA BY ACRES AND PERCENTAGE**

	Including all properties within 1,000 feet. (This column is included only to show that even if all lands are included, the surrounding area is still predominantly forest and residential)  Exs. C & I	Properties within 1,000 feet excluding those five properties separated from the subject property by two county roads and the Mohawk River  Exs C & I
<b>LOTS AND PARCELS ADJACENT AND NEARBY</b>		
Number of adjacent and nearby properties as defined by the applicant	43	40
Number and percentage of the adjacent and nearby properties that are in each Comprehensive Plan designation	9 2/3 (22%) Forest 6 1/3 (15%) Ag 27 (63%) RR	9 2/3 (25%) Forest 4 1/3 (11%) Ag 24 (63%) RR
Number and percentage of the adjacent and nearby properties that are in each general use category	14 (33%) Forestry or heavily treed  2 (5%) Agricultural (as defined by statute)  24 (55%) Residential  3 (7%) Other	13 (34%) Forestry or h.t.  0 (0%) Agric.  22 (58%) Res.  3 (8%) Other
<b>ACREAGE ADJACENT AND NEARBY</b>		
Total number of acres in adjacent and nearby properties	965.18 acres	Approx. 800.00 acres
Number of acres in and percentage of adjacent and nearby properties that are in each Comprehensive Plan designation	553.01 (57%) Forest 328.26 (34%) Ag 83.91 (9%) RR	553.01 (72%) F 180.30 (22%) Ag 67.27 (9%) RR
Number of acres in and percentage of adjacent and nearby properties that are in each general use category	688.10 (71%) Forestry or heavily treed  277.08 (29%) Agricultural (as defined by statute)	710.00 (88%) Forestry or h.t.  77.00 (10%) Agric.

	statute)	
	64.78 (7%) Residential	56.17 (7%) Res.
	34.34 (5%) Other	34.34 (5%) Other

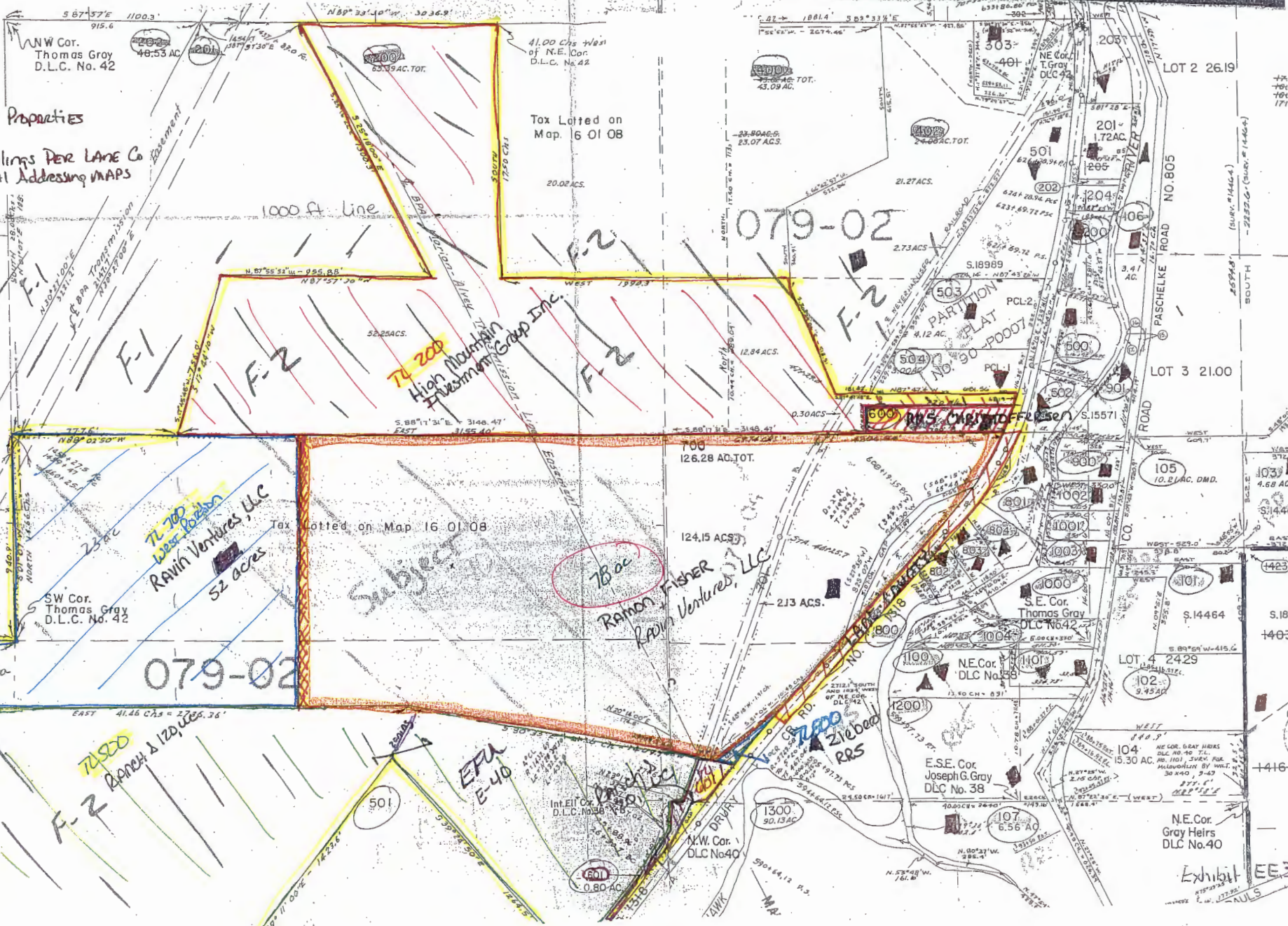
**TABLE # F**  
Contiguous Property and Commercial Use

Tax Lot	Ownership	Parcel size	Holdings in Lane County Parcels/acres  Ex. TT	Comments
TL 200	Rosboro Lumber Co. sold to High Mountain Investment Group since filing.	65 acres	292 parcels/more than 2,000 acres (Rosoboro)  42 holdings/roughly 2500 acres (High Mountain)	Given the number of holdings and amount of land in forest production in Lane County, and given the fact that Rosboro is included on the state's list (though High Mountain is not), this property could be considered part of a large scale industrial operation and could be considered to be in commercial forest use.
TL 700 (west portion)	Ravin Ventures, LLC	40 acres	4 parcels/200 acres.	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This property owner is not on the state's list. This is a small-scale, non industrial use.
TL 500	J. Paschelke, sold into Ranch & 120, LLC since filing.	85 acres	5 parcels/217 acres (Pashcelke)  4 parcels/220 acres (Ranch & 120)	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This property owner is not on the state's list. This is a small-scale, non-industrial use.
TL 601	J. Paschelke, sold into Ranch & 120, LLC since filing.	.68 acres	5 parcels/217 acres (Pashcelke)  4 parcels/220 acres (Ranch & 120)	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This property owner is not on the state's list. Furthermore, this parcel is too small to be in commercial forest use.
800(west portion)	Dustrude, sold to Ziebert since filing.	8.19 (mostly on other side of road)	1 parcel/8 acres	Zoned RR5; developed with a residence. No forest use.
Marcola Road	Lane County			Road. No forest use.
TL 600	Christoffersen	1.86	1 parcel/1.86 acre	Zoned RR5; developed with a residence. No forest use.

**TABLE # G**  
Subject Property

TL 700 (east portion)	Ravin Ventures, LLC/Ramon Fisher, individual	78 acres	1 parcels/78 acres.	Given the limited number of holdings and amount of land owned and in forest production and given that neither Raven Ventures, Ramon Fisher nor Ravin Ventures/Ramon Fisher is included on the state's list, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This is a small-scale, non-industrial use.
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**Adjacent Properties**

▲ = Dwellings PER LANE Co Rural Addressing MAPS

32.00

29.00

11.46

43.0

NW Cor. Thomas Gray D.L.C. No. 42  
48.53 AC

41.00 Chs West of N.E. Cor. D.L.C. No. 42

71700 West Robinson  
Rainbow Ventures, LLC  
52 acres

71200 High Mountain Investments Group Inc.

78 ac  
Rainbow Fisher, LLC  
Rainbow Ventures, LLC

71500 Ranch & 120, LLC

EPA E-40

71800 Ziebeck RBS

N.E. Cor. Gray Heirs DLC No. 40

Exhibit EE3

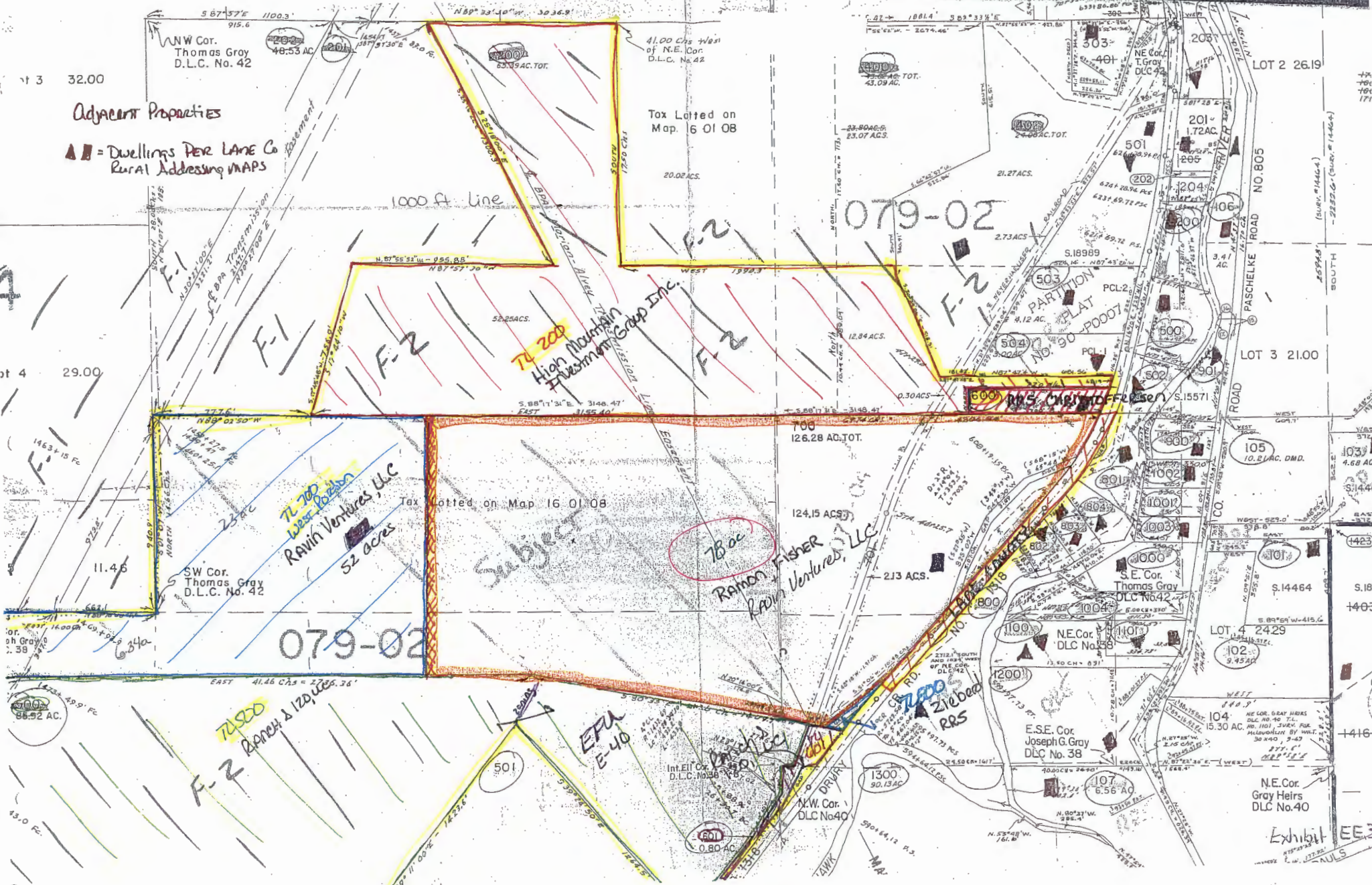
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SUBJECT

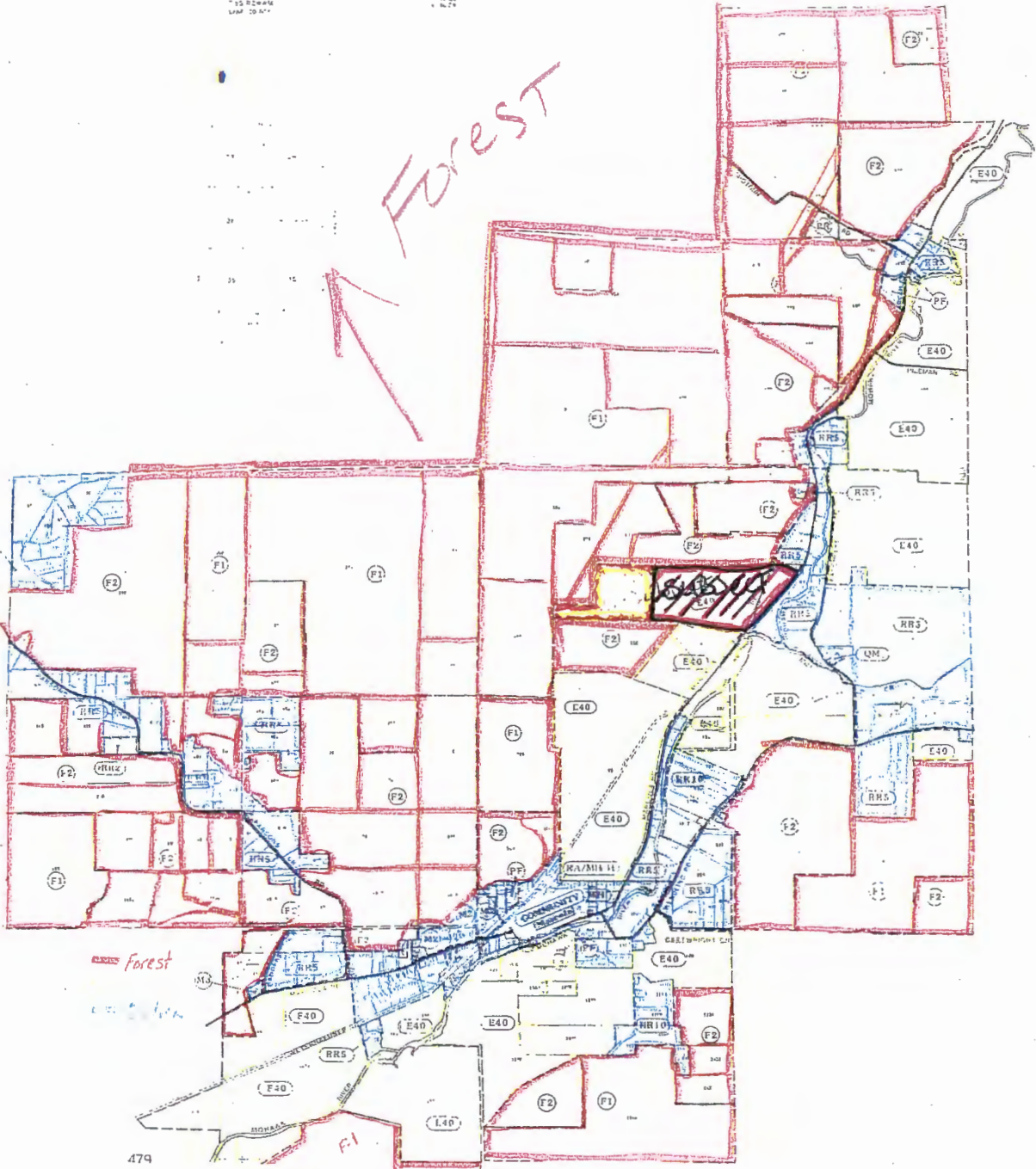
Tax Lotted on Map 16 01 08

Tax Lotted on Map 16 01 08



Forest

466



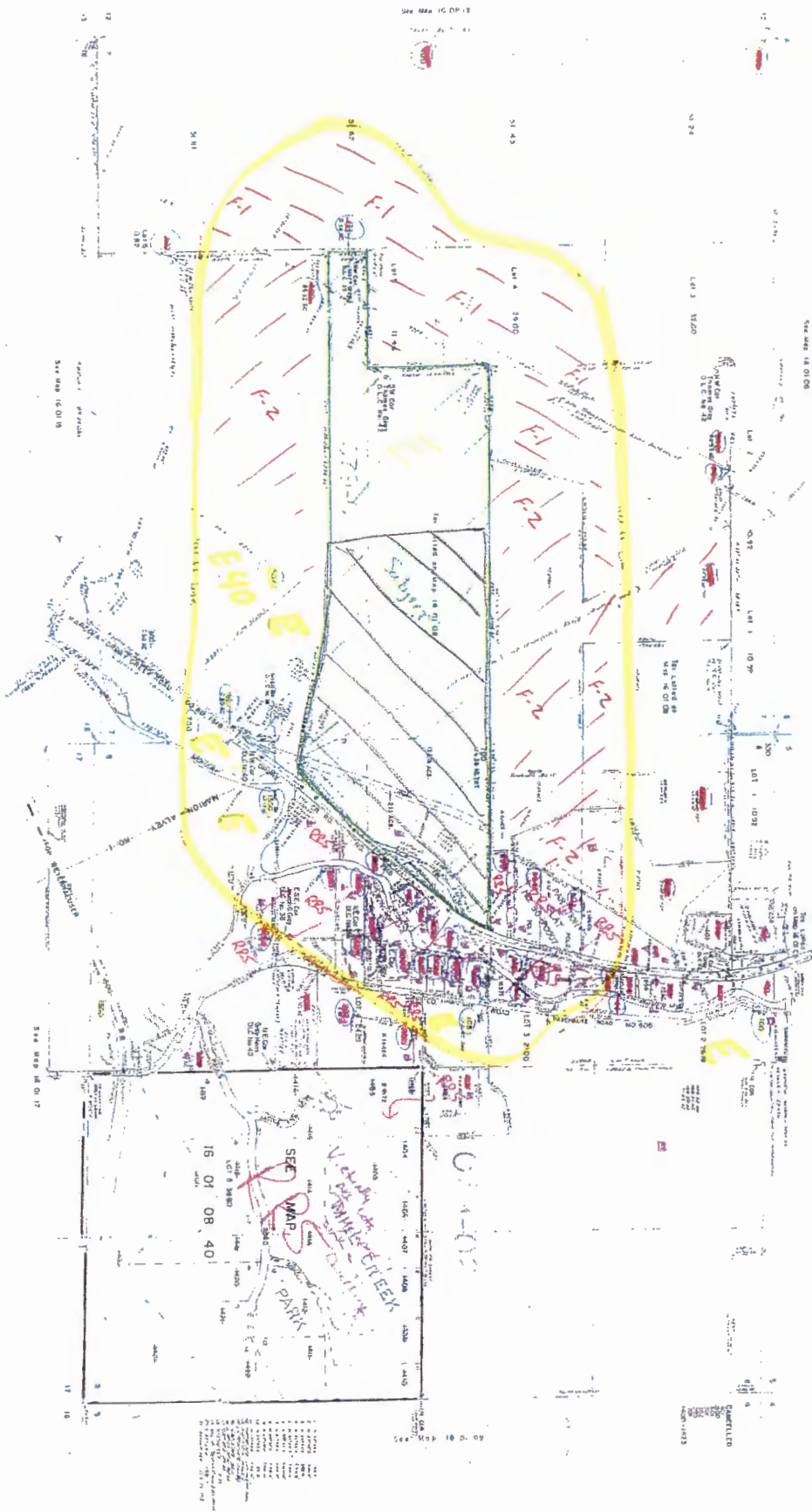
Forest

479

See Oversized Exhibit

Supplemental  
EXHIBIT EE1  
Amended

See Oversized Exhibit



Section 7 T16S, R1W, WMM  
LANE COUNTY  
1:400'

Section 8 T16S, R1W, WMM.  
LANE COUNTY  
1:400'

16 01 08

EXHIBIT EE2

Oregon Dept of Revenue  
 List of large scale-Industrial timber Owners in Oregon.  
 5,000 Acre Owners in Oregon as of April 1, 2008

OWNER	COMPANY NAMES	ADDRESS	CITY	STATE	ZIP
1	AL PEIRCE CO APCO CURRY PROPERTIES LLC APCO COOS PROPERTIES LLC AL PEIRCE LUMBER CO.	PO BOX 300	COOS BAY	OR	97420
2	ATTWOOD THOMAS G	PO BOX 1516	COLMA	CA	94014
3	BASCOM PACIFIC LLC	51 MAIN STREET	NORTH EASTON	MA	02356
4	BOISE NE OREGON LAND & TIMBER GALLATIN NE ORE LAND & TIMBER MERIWETHER NW OR LAND & TIMBER LLC MERIWETHER SOUTHERN OREGON LAND & TIMBER LLC LAMINORA PROPERTIES INC GALLATIN NE OREGON LAND & TIMBER LLC COLTER RIDGE PROPERTIES, INC	6500 MINERAL DR STE 101 450 PACIFIC AVE N 450 PACIFIC AVE N 450 PACIFIC AVE N 6500 MINERAL DR STE 101 6500 MINERAL DR STE 102	COEUR D'ALENE MONMOUTH MONMOUTH MONMOUTH COEUR D'ALENE COEUR D'ALENE	ID OR OR OR ID ID	83815 97361 97361 97361 83815 83815
5	CLARUTH INC WILLNA INC FRANBEA INC EA1/3 CLARUTH INC FRANBEA INC WILLNA INC EVENSON LOGGING CO SDS PROPERITES LIMITED PARTNERSHIP	PO BOX 127	CLATSKANIE	OR	97016
6	COLLINS TIMBER COMPANY LLC COLLINS PINE COMPANY	PO BOX 1340	LAKEVIEW	OR	97630
7	CROOK TIMBERLANDS LLC ET AL	PO BOX 1304	COOS BAY	OR	97420
8	CASCADE TIMBERLANDS OREGON LLC CASCADE TIMBERLANDS LLC	19245 TENTH AVE NE	POULSBO	WA	98370
9	DAVIDSON INDUSTRIES INC DAVIDSON LUMBER CO DAVIDSON PHILIP S GRANT SCHRUM PROPERTIES POPO PROPERTIES LTD PTRSHP PORTAGE PROPERTIES LIMITED PTRSHP RIVER RANCH LLC SAUSE HEIDI N SIUSLAW FOREST PROPERTIES INC SIUSLAW PROPERTIES INC	PO BOX 7	MAPLETON	OR	97453
10	D R JOHNSON LUMBER CO D R JOHNSON TIMBER CO JOHNSON LUMBER CO 5-J LIMITED PARTNERSHIP JOHNSON DONALD R PRAIRIE WOOD PRODUCTS INC RUDIO MTN LIMITED PARTNERSHIP SOUTHERN OREGON PROPERTY MANAGEMENT LLC WALLOWA FOREST PRODUCTS LLC GRANT WESTERN LUMBER CO	PO BOX 66	RIDDLE	OR	97469
11	FOLLANSBEE, ROGERS V	707 SW WASHINGTON ST STE 1300	PORTLAND	OR	97205
12	FRANK TIMBER RESOURCES INC	PO BOX 79	MILL CITY	OR	97360
13	FRERES TIMBER INC FRERES PARTNERSHIP LLC FRERES LUMBER CO INC	PO BOX 276	LYONS	OR	97358
14	FRUIT GROWERS SUPPLY CO INC	PO BOX 10352	VAN NUYS	CA	91409
15	GIUSTINA LAND & TIMBER CO GIUSTINA LAND & TIMBER CO LIMITED PARTNERSHIP GIUSTINA RESOURCES LIMITED PARTNERSHIP GIUSTINA WOODLANDS LIMITED PARTNERSHIP LOST CREEK TIMBER CADORE TIMBER CO	PO BOX 989    PO BOX 529	EUGENE    EUGENE	OR    OR	97440    97440
16	GOOSE LAKE TIMBER CO	6000 HARVARD AVE	CLEVELAND	OH	44105
17	GREEN DIAMOND RESOURCE COMPANY SIMPSON TIMBER COMPANY	PO BOX 9001	SHELTON	WA	98584

18	HAMPTON RESOURCES INC HAMPTON TREE FARM INC AGENCY CREEK MANAGEMENT CO MID-VALLEY RESOURCES INC WILLAMINA LUMBER COMPANY FORT HILL LUMBER CO	9600 SW BARNES RD SUITE 200	PORTLAND	OR	97225
19	HARRIS FAMILY TRUST	13617 WHITTIER BLVD	WHITTIER	CA	90605
20	HOOD RIVER COUNTY OF	601 STATE ST	HOOD RIVER	OR	97031
21	HULL OAKES LUMBER CO HULL RALPH W	PO BOX 40	MONROE	OR	97456
22	INDIAN HILL LLC PERPETUA FORESTS COMPANY ROUGH & READY TIMBER COMPANY INC BUTTE GINGER LLC GINGER CREEK TIMBER CO OAK FLAT LLC S & J LAND CO LLC QUAIL VALLEY LLC	200 CORPORATE WAY PO BOX 519 200 CORPORATE WAY	GRANTS PASS CAVE JUNCTION GRANTS PASS	OR OR OR	97526 97523 97526
23	JELD WEN INC JELD WEN TIMBER HOLDINGS INC JWTR LLC MOEN OLIVER E & BONNIE J &	3250 LAKEPORT BLVD 401 HARBOR ISLES BLVD 6400 HIGHWAY 66	KLAMATH FALLS KLAMATH FALLS KLAMATH FALLS	OR OR OR	97601 97601 97601
24	JOHN HANCOCK MUTUAL LIFE INS CO JOHN HANCOCK LIFE INSURANCE COMPANY FORESTREE GM LLC FORESTREE WASHINGTON LTD PARTNERSHIP	1499 SE TECH CENTER PLACE #250	VANCOUVER	WA	98683
25	J SPEAR RANCH CO SHAW THOMAS J TRUSTEE &	PO BOX 257	KLAMATH FALLS	OR	97601
26	K & C BUCKAROO RANCH, LLC	9825 WILLOWS RD NE #STE 140	REDMOND	WA	98052
27	LONE ROCK TIMBERLAND CO COAST RANGE RESOURCES LLC JUNIPER PROPERTIES LTD PARTNERSHIP DESAH LLC NARALTO LLC	PO BOX 1127 PO BOX 1001	ROSEBURG ROSEBURG	OR OR	97470 97470
28	LONGVIEW FIBRE COMPANY LONGVIEW TIMBERLANDS LLC LONGVIEW TIMBER CORP LONGTIMBER CO OF OREGON	PO BOX 667 PO BOX 3000	LONGVIEW LONGVIEW	WA WA	98632 98632
29	MENASHA FOREST PRODUCTS CORPORATION MENASHA DEVELOPMENT CORPORATION	PO BOX 588	NORTH BEND	OR	97459
30	MIAMI CORPORATION	410 N MICHIGAN AVE #STE 590	CHICAGO	IL	60611
31	MOORE MILL & LUMBER CO	PO BOX 277	BANDON	OR	97411
32	NORTON FEEDLOT LLC	PO BOX 728	MADRAS	OR	97741
33	NYE MARTIN N & CHERIE C	3815 NW CREEKSIDE DR	VANCOUVER	WA	98685
34	OCHOCO LUMBER COMPANY MALHEUR LUMBER COMPANY	PO BOX 668	PRIVEVILLE	OR	97754
35	PENDLETON RANCHES INC CUNNINGHAM SHEEP & LAND CO CUNNINGHAM SHEEP CO	PO BOX 1186	PENDLETON	OR	97801
36	P H TIMBER LLC MATOAKA FORESTS LLC	15 PIEDMONT CENTER #1250	ATLANTA	GA	30305
37	PLUM CREEK TIMBERLANDS LP PLUM CREEK LAND COMPANY EPC HOLDINGS 745 LLC	999 THIRD AVE #4300 PO BOX 1990	SEATTLE COLUMBIA FALLS	WA MT	98104 59912
38	PONDEROSA LAND & CATTLE CO II-IX PONDEROSA LAND & CATTLE CO. LLC	2250 MCGILCHRIST ST SE	SALEM	OR	97302
39	PORT BLAKELY TREE FARMS	1325 FOURTH AVE 10TH FLOOR	SEATTLE	WA	98101

40	POWERS RANCH CO POWERS ALBERT H & RUTH M	5800 40TH AVENUE WEST	SEATTLE	WA	98199
41	R F WILSON COASTAL FIBRE INC WILSON PROPERTY INVESTMENT LLC WILSON PROPERTIES	PO BOX 99	LYONS	OR	97358
42	ROCKING C RANCH LLC WHIPPLE CAROL A	21755 HIGHWAY 138 WEST	ELKTON	OR	97436
43	ROSBORO LLC ROSBORO LUMBER CO ROSBORO LUMBER CO LLC USR COMPANY LLC	PO BOX 20	SPRINGFIELD	OR	97477
44	ROSEBURG RESOURCES CO FORD ALLYN C FORD HALLIE E MOUNT SCOTT HOLDING CO LLC ROSEBURG FOREST PRODUCTS CO RIVER BEND RESOURCES CO WEST COAST FOREST RESOURCES	PO BOX 1088	ROSEBURG	OR	97470
45	SDS CO LLC	PO BOX 266	BINGEN	WA	98605
46	SENECA JONES TIMBER COMPANY SENECA TIMBER COMPANY SENECA TIMBER COMPANY LIMITED PARTNERSHIP SENECA JONES TIMBER COMPANY LTD PTRSHP	PO BOX 10265	EUGENE	OR	97440
47	SILVER BUTTE TIMBER CO	PO BOX 4	RIDDLE	OR	97469
48	SMEJKAL JAMES A	42142 NW PALACE DR	BANKS	OR	97106
49	SOUTH COAST LUMBER CO SOUTH COAST TIMBER CO CLR TIMBER HOLDINGS INC FALLERT RONALD T	PO BOX 670	BROOKINGS	OR	97415
50	STARKER FORESTS INC STARKER PROPERTIES LLC	PO BOX 809	CORVALLIS	OR	97339
51	STIMSON LUMBER COMPANY FOREST FIBER PRODUCTS CO	PO BOX 68	FOREST GROVE	OR	97116
52	SUPERIOR LUMBER CO INC SUPERIOR VENEER CO SWANSON GROUP INC SWANSON-SUPERIOR LLC	PO BOX 250	GLENDALE	OR	97442
53	THOMPSON TREE FARM INC	6860 SW WINDING WAY	CORVALLIS	OR	97333
54	TIMBER SERVICE CO INC	PO BOX 446	SWEET HOME	OR	97386
55	THREE VALLEYS RANCH HAMMOND RANCH # 26 HAMMOND RANCH # 27 HAMMOND RANCH # 28	5151 CORPORATE DRIVE	TROY	MI	97848
56	VANECK FRED M FOR FND ORE LLC	2380 NW KINGS BLVD #103	CORVALLIS	OR	97330
57	WASSER & WINTERS COMPANY	PO BOX 396	LONGVIEW	WA	98632
58	WEYERHAEUSER COMPANY WEYERHAEUSER REAL ESTATE DEVELOPMENT CO OREGON TIMBER COMPANY	PO BOX 9777	FEDERAL WAY	WA	98063
59	WOODWARD STUCKART LLC	PO BOX 663	PRINEVILLE	OR	97754

After Recording Return To:  
Ravin Ventures, LLC  
9570 SW Barber Blvd. Ste. 315 PO BOX 751  
Portland, OR 97219 OAKRIDGE OR 97463

Lane County Clerk  
Lane County Deeds and Records

2012-040980



\$102.00

08/14/2012 10:38:44 AM  
RPR-DEED Cnt=1 Stn=9 CASHIER 11  
\$45.00 \$20.00 \$11.00 \$16.00 \$10.00

Send Tax Statements To:  
No change.

PROPERTY LINE ADJUSTMENT DEED

The parties to this property line adjustment deed are: Ravin Ventures, LLC, PO BOX 751, OAKRIDGE OR 97463

WHEREAS:

- A. The true consideration for this conveyance and adjustment is \$0.00. This consideration statement is located on the first page of this document.
- B. Ravin Ventures, LLC is the owner of two contiguous parcels located in Section 8 of Township 16 South, Range 1 West of the Willamette Meridian, hereafter referred to as Parcel A and Parcel B.
- C. The owner referenced in Recital B intends to reconfigure the boundary between Parcels A and B using a property line adjustment.
- D. To accomplish the desired reconfiguration, one property line adjustment deed will be recorded.
- E. The purpose of the subject deed is to adjust the boundary between Parcel A and Parcel B.
- F. Parcel A is shown on Assessor's Map 16-01-08 as the portion of Tax Lot 700 lying west of the abandoned railroad. The legal description for Parcel A prior to the property line adjustment is included as Exhibit B, attached hereto.
- G. Parcel B is shown on Assessor's Map 16-01-08 as the portion of Tax Lot 700 lying within the abandoned railroad right-of-way. The legal description for Parcel B prior to this adjustment is included as Exhibit C, attached hereto.
- H. The owner referenced in Recitals B intends to decrease the size of Parcel A by roughly 55 acres. The result will be to increase the size of Parcel B by roughly 55 acres.
- I. As a result of this property line adjustment deed, the boundary described in Exhibit A, attached hereto, will be adjusted.
- J. Lane County determined that Parcel A is a legal lot by County Planning Action No. PA00-6512. Lane County determined that Parcel B is a legal lot by County Planning Action No. PA00-6511.
- K. The proposed property line adjustment will be accomplish in accordance with ORS 92.010(7)(b); ORS 92.010(11); ORS 92.060(7) through (10); ORS 92.190(4); and all other applicable statutes.

NOW, THEREFORE:

- 1. Ravin Ventures, LLC, owner of Parcels A and B, declares, conveys, and executes the following property line adjustment:
  - a. The legal description for Parcel A prior to this adjustment is included as Exhibit B to this deed.

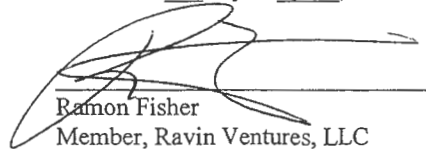
Attachment C

- b. The legal description for Parcel B prior to this adjustment is included as Exhibit C to this deed.
- c. A legal description of Parcel A after this property line adjustment is included as Exhibit D to this deed.
- d. A legal description of Parcel B after this property line adjustment is included as Exhibit E to this deed.
- e. A description of the newly adjusted line between Parcel A and Parcel B is:
  - (i) Underlined in Exhibit "A".
- f. The diagram representing the configuration of the subject properties, after the property line adjustment, is attached hereto as Exhibit F.

2. Disclosure required by ORS 93.040(1) and (2)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007." \*\*\*\*"THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007."

Dated this 9th day of June, 2009.

  
 Ramon Fisher  
 Member, Ravin Ventures, LLC

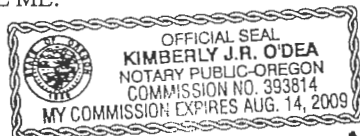
STATE OF OREGON            )

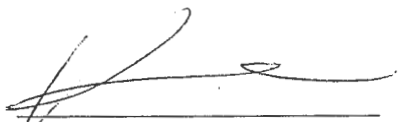


County of Lane ) ss.  
)

On this 9 day of June 2009, personally appeared the above-named Ramon Fisher, member of Ravin Ventures, LLC, before me and acknowledged the foregoing instrument to be his voluntary act and deed.

BEFORE ME:



  
Notary Public for Oregon  
My Commission Expires 8/14/09

Attachments: Exhibits A through F

- Exhibit A: Description of property line being adjusted
- Exhibit B: Description of Parcel A prior to property line adjustment
- Exhibit C: Description of Parcel B prior to property line adjustment
- Exhibit D: Description of Parcel A after property line adjustment
- Exhibit E: Description of Parcel B after property line adjustment
- Exhibit F: Diagram showing configuration after property line adjustment

EXHIBIT A

LEGAL DESCRIPTION OF THE LINE BEING ADJUSTED

The underlined portion of the following description:

Beginning at a point on the West line of the Joseph G. Gray Donation Land Claim No. 38, Notification No. 7500, in Township 16 South, Range 1 West of the Willamette Meridian, 45.07 chains (2,974.62 feet) NORTH of the Southwest corner of said claim as depicted in County Survey File 5170 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence EAST 2525.44 feet to the **True Point of Beginning**; thence NORTH 1253.34 feet; thence EAST 3061.16 feet to a point thirty foot westerly from and perpendicular to the centerline alignment of Marcola Road as depicted in County Survey File 40892 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence on a line running thirty feet westerly from and parallel with said centerline alignment of Marcola Road, along the arc of a 1176.23 foot radius curve right (the chord of which bears South 33°33'30" West 447.08 feet) a distance of 449.82 feet to Station 66+61.13 PC; thence South 44°30'50" West 1158.72 feet to Station 595+02.41 PT; thence along the arc of a 5759.58 foot radius curve left (the chord of which bears South 42°31'51" West 398.76 feet) a distance of 398.84 feet; thence leaving said line North 80°45'00" West 132.08 feet to a point 2.92 chains (192.72 feet) North and 2.66 chains (175.56 feet) East of the Northwest corner of the heirs of Samuel Gray Donation Land Claim; thence continuing North 80°45'00" West 1356.88 feet; thence WEST 262.51 feet to the **True Point of Beginning**, all in Lane County, Oregon.

Containing 78 acres, more or less.

EXHIBIT B

LEGAL DESCRIPTION OF PARCEL A PRIOR TO PROPERTY LINE ADJUSTMENT

Beginning at a point on the West line of the Joseph G. Gray Donation Land Claim No. 38, Notification No. 7500, in Township 16 South, Range 1 West of the Willamette Meridian, 45.07 chains (2,974.62 feet) NORTH of the Southwest corner of said claim as depicted in County Survey File 5170 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence continuing NORTH 4.33 chains (285.78 feet) to the Northwest corner of said claim; thence EAST 14.09 chains (929.94 feet) to the Southwest corner of the Thomas Gray Donation Land Claim No. 42, of the same Township; thence NORTH 14.66 chains (967.56 feet); thence EAST 4656.66 feet to a point thirty foot westerly from and perpendicular to the centerline alignment of Marcola Road as depicted in County Survey File 40892 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence on a line running thirty feet westerly from and parallel with said centerline alignment of Marcola Road along the arc of a 1176.23 foot radius curve right (the chord of which bears South 33°33'30" West 447.08 feet) a distance of 449.82 feet to Station 66+61.13 PC; thence South 44°30'50" West 1158.72 feet to Station 595+02.41 PT; thence along the arc of a 5759.58 foot radius curve left (the chord of which bears South 42°31'51" West 398.76 feet) a distance of 398.84 feet; thence leaving said line bearing North 80°45'00" West 132.08 feet to a point 2.92 chains (192.72 feet) North and 2.66 chains (175.56 feet) East of the Northwest corner of the heirs of Samuel Gray Donation Land Claim; thence continuing North 80°45'00" West 1356.88 feet; thence WEST 2787.95 feet to the point of beginning, all in Lane County, Oregon.

Containing 130 acres, more or less.

EXCEPT:

PARCEL B described as follows:

That portion of Thomas Gray Donation Land Claim No. 42 and of Joseph E. Gray Donation Land Claim No. 38, both being in Township Sixteen (16) South, Range One (1) West, W.M., described as follows:

The Easterly Five (5) feet of even width of said DLC No. 42 and of said DLC No. 38 lying Westerly of and abutting the Westerly margin of that certain Sixty (60) foot strip of land heretofore conveyed by Deed dated May 19, 1960, on Reel 153 '60D under File NO. 228, Lane County Official Records, containing approximately 0.18 acres, of which 0.12 acres are in said DLC No. 42 and 0.06 acres are in said DLC No. 38.

ALSO  
AND EXCEPT:

all that land lying East of Parcel B (as Parcel B is described above)

EXHIBIT C

LEGAL DESCRIPTION OF PARCEL B PRIOR TO PROPERTY LINE ADJUSTMENT

That portion of Thomas Gray Donation Land Claim No. 42 and of Joseph E. Gray Donation Land Claim No. 38, both being in Township Sixteen (16) South, Range One (1) West, W.M., described as follows:

The Easterly Five (5) feet of even width of said DLC No. 42 and of said DLC No. 38 lying Westerly of and abutting the Westerly margin of that certain Sixty (60) foot strip of land heretofore conveyed by Deed dated May 19, 1960, on Reel 153 '60D under File NO. 228, Lane County Official Records, containing approximately 0.18 acres, of which 0.12 acres are in said DLC No. 42 and 0.06 acres are in said DLC No. 38.

EXHIBIT D

LEGAL DESCRIPTION OF PARCEL A AFTER ADJUSTMENT

Beginning at a point on the West line of the Joseph G. Gray Donation Land Claim No. 38, Notification No. 7500, in Township 16 South, Range 1 West of the Willamette Meridian, 45.07 chains (2,974.62 feet) NORTH of the Southwest corner of said claim as depicted in County Survey File 5170 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence continuing NORTH 4.33 chains (285.78 feet) to the Northwest corner of said claim; thence EAST 14.09 chains (929.94 feet) to the Southwest corner of the Thomas Gray Donation Land Claim No. 42, of the same Township; thence NORTH 14.66 chains (967.56 feet); thence EAST 4656.66 feet to a point thirty foot westerly from and perpendicular to the centerline alignment of Marcola Road as depicted in County Survey File 40892 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence on a line running thirty feet westerly from and parallel with said centerline alignment of Marcola Road along the arc of a 1176.23 foot radius curve right (the chord of which bears South 33°33'30" West 447.08 feet) a distance of 449.82 feet to Station 66+61.13 PC; thence South 44°30'50" West 1158.72 feet to Station 595+02.41 PT; thence along the arc of a 5759.58 foot radius curve left (the chord of which bears South 42°31'51" West 398.76 feet) a distance of 398.84 feet; thence leaving said line bearing North 80°45'00" West 132.08 feet to a point 2.92 chains (192.72 feet) North and 2.66 chains (175.56 feet) East of the Northwest corner of the heirs of Samuel Gray Donation Land Claim; thence continuing North 80°45'00" West 1356.88 feet; thence WEST 2787.95 feet to the point of beginning, all in Lane County, Oregon.

Containing 130 acres, more or less.

EXCEPT:

Beginning at a point on the West line of the Joseph G. Gray Donation Land Claim No. 38, Notification No. 7500, in Township 16 South, Range 1 West of the Willamette Meridian, 45.07 chains (2,974.62 feet) NORTH of the Southwest corner of said claim as depicted in County Survey File 5170 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence EAST 2525.44 feet to the **True Point of Beginning**; thence NORTH 1253.34 feet; thence EAST 3061.16 feet to a point thirty foot westerly from and perpendicular to the centerline alignment of Marcola Road as depicted in County Survey File 40892 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence on a line running thirty feet westerly from and parallel with said centerline alignment of Marcola Road, along the arc of a 1176.23 foot radius curve right (the chord of which bears South 33°33'30" West 447.08 feet) a distance of 449.82 feet to Station 66+61.13 PC; thence South 44°30'50" West 1158.72 feet to Station 595+02.41 PT; thence along the arc of a 5759.58 foot radius curve left (the chord of which bears South 42°31'51" West 398.76 feet) a distance of 398.84 feet; thence leaving said line North 80°45'00" West 132.08 feet to a point 2.92 chains (192.72 feet) North and 2.66 chains (175.56 feet) East of the Northwest corner of the heirs of Samuel Gray Donation Land Claim; thence continuing North 80°45'00" West 1356.88 feet; thence WEST 262.51 feet to the **True Point of Beginning**, all in Lane County, Oregon.

Containing 78 acres, more or less.

EXHIBIT E

LEGAL DESCRIPTION OF PARCEL B AFTER ADJUSTMENT

Beginning at a point on the West line of the Joseph G. Gray Donation Land Claim No. 38, Notification No. 7500, in Township 16 South, Range 1 West of the Willamette Meridian, 45.07 chains (2,974.62 feet) NORTH of the Southwest corner of said claim as depicted in County Survey File 5170 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence EAST 2525.44 feet to the **True Point of Beginning**; thence NORTH 1253.34 feet; thence EAST 3061.16 feet to a point thirty foot westerly from and perpendicular to the centerline alignment of Marcola Road as depicted in County Survey File 40892 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence on a line running thirty feet westerly from and parallel with said centerline alignment of Marcola Road, along the arc of a 1176.23 foot radius curve right (the chord of which bears South 33°33'30" West 447.08 feet) a distance of 449.82 feet to Station 66+61.13 PC; thence South 44°30'50" West 1158.72 feet to Station 595+02.41 PT; thence along the arc of a 5759.58 foot radius curve left (the chord of which bears South 42°31'51" West 398.76 feet) a distance of 398.84 feet; thence leaving said line North 80°45'00" West 132.08 feet to a point 2.92 chains (192.72 feet) North and 2.66 chains (175.56 feet) East of the Northwest corner of the heirs of Samuel Gray Donation Land Claim; thence continuing North 80°45'00" West 1356.88 feet; thence WEST 262.51 feet to the **True Point of Beginning**, all in Lane County, Oregon.

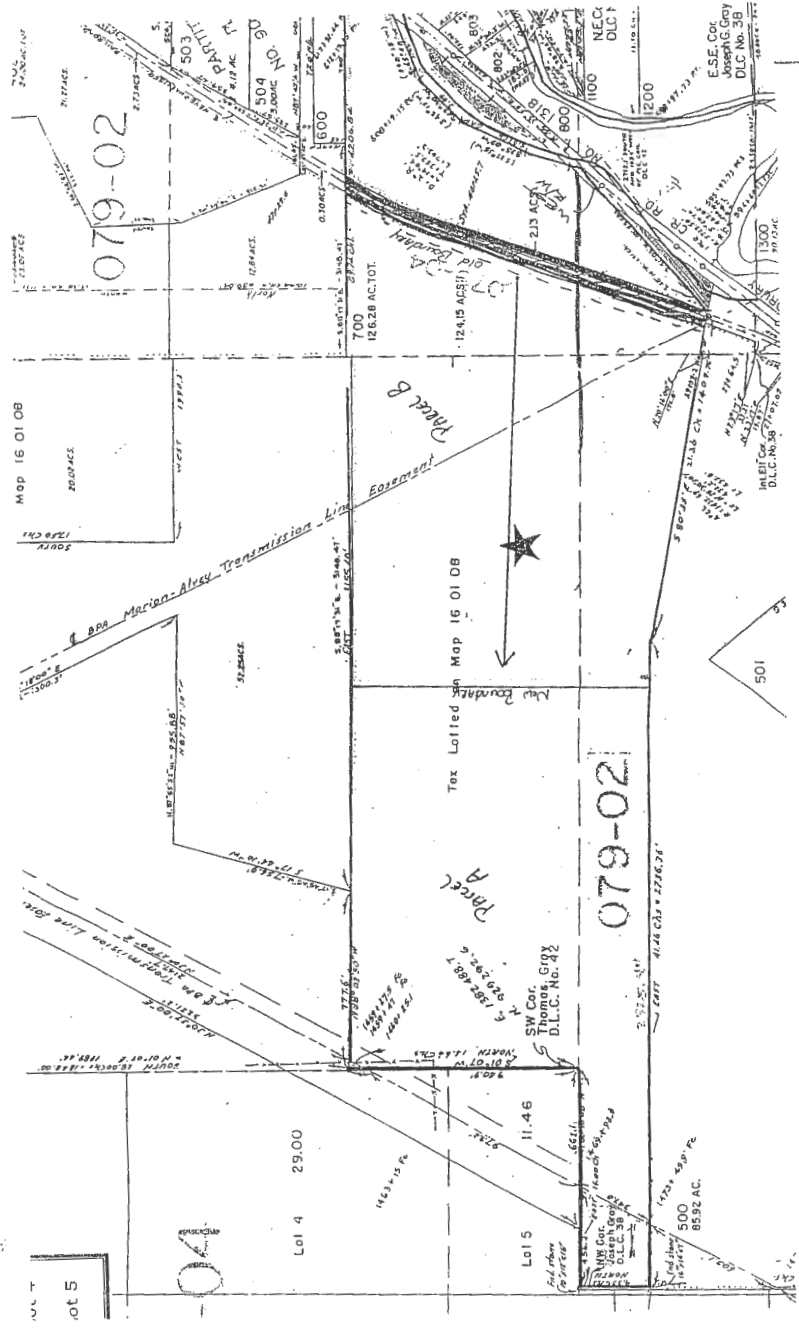
Containing 78 acres, more or less.

EXCEPT:

All that land lying east of the following described tract of land:

That portion of Thomas Gray Donation Land Claim No. 42 and of Joseph E. Gray Donation Land Claim No. 38, both being in Township Sixteen (16) South, Range One (1) West, W.M., described as follows:

The Easterly Five (5) feet of even width of said DLC No. 42 and of said DLC No. 38 lying Westerly of and abutting the Westerly margin of that certain Sixty (60) foot strip of land heretofore conveyed by Deed dated May 19, 1960, on Reel 153 '60D under File NO. 228, Lane County Official Records, containing approximately 0.18 acres, of which 0.12 acres are in said DLC No. 42 and 0.06 acres are in said DLC No. 38.



079-02

079-02

MAP 16 01 DB

Tax Lotted on Map 16 01 DB

Parcel B

Parcel A

SW Cor. Thomas, Gray D.L.C. No. 42

Lot 4 29.00

Lot 5 11.46

500 8836 AC

ot 5

04

501

1000 NECA DCLC

1000 NECA DCLC

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Lane County Clerk  
Lane County Deeds and Records

2012-040981

\$47.00



08/14/2012 10:38:44 AM  
RPR-DEED Cnt=1 Stn=9 CASHIER 11  
\$10.00 \$11.00 \$16.00 \$10.00

Send Tax Statements to:  
Same as previous

After recording return to:  
Ramon Fisher  
c/o Law Office of Bill Kloos, PC  
375 W. 4<sup>th</sup> Ave, Ste. 204  
Eugene, OR 97401

BARGAIN AND SALE DEED

(PO Box 751 CARLEIDGE OR 97463)

Ravin Ventures, LLC, Grantor, does hereby grant, bargain, sell, and convey to Ramon Fisher, an individual, Grantee, a one percent interest in the following property:  
(9570 SW Barber Blvd. Ste 315, Portland OR 97219)

See Attached Exhibit A

True consideration for this conveyance is none. Disclosure required by ORS 93.040(1):

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007." \*\*\*"THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007."

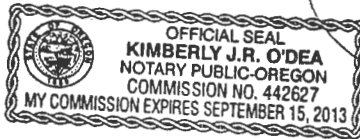
Dated this 5 day of October, 2011.

Ramon Fisher  
Member, Ravin Ventures, LLC

STATE OF OREGON            )  
  )        ss.  
County of Lane             )

Personally appeared Ramon Fisher this 5 day of October, 2011, who, being first duly sworn, acknowledged the foregoing instrument to be his voluntary act and deed. Before me:

Signed and sworn to before me this 5 day of October, 2011.



Notary Public of Oregon  
My Commission Expires: \_\_\_\_\_



## EXHIBIT A

Beginning at a point on the West line of the Joseph G. Gray Donation Land Claim No. 38, Notification No. 7500, in Township 16 South, Range 1 West of the Willamette Meridian, 45.07 chains (2,974.62 feet) NORTH of the Southwest corner of said claim as depicted in County Survey File 5170 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence EAST 2525.44 feet to the **True Point of Beginning**; thence NORTH 1253.34 feet; thence EAST 3061.16 feet to a point thirty foot westerly from and perpendicular to the centerline alignment of Marcola Road as depicted in County Survey File 40892 on file in the office of the Lane County Surveyor, in Lane County, Oregon; thence on a line running thirty feet westerly from and parallel with said centerline alignment of Marcola Road, along the arc of a 1176.23 foot radius curve right (the chord of which bears South 33°33'30" West 447.08 feet) a distance of 449.82 feet to Station 66+61.13 PC; thence South 44°30'50" West 1158.72 feet to Station 595+02.41 PT; thence along the arc of a 5759.58 foot radius curve left (the chord of which bears South 42°31'51" West 398.76 feet) a distance of 398.84 feet; thence leaving said line North 80°45'00" West 132.08 feet to a point 2.92 chains (192.72 feet) North and 2.66 chains (175.56 feet) East of the Northwest corner of the heirs of Samuel Gray Donation Land Claim; thence continuing North 80°45'00" West 1356.88 feet; thence WEST 262.51 feet to the **True Point of Beginning**, all in Lane County, Oregon.

Containing 78 acres, more or less.

**Summary of positions taken in *CJK LLC v. Lane County*, No. 16-09-11508**

**Re: "Commercial Forest or Commercial Farm Uses" standard:**

Plan Policy 15(b): "Non-impacted Forest Land Zone characteristics: \* \* \* \* (3) predominantly ownership contiguous to other land utilized for commercial forest or commercial farm uses."

<b>Hearing Official Decision</b>	Page 9	"I believe that the term 'commercial' means managing the land primarily for purposes of making a profit."
<b>CJK Opening Mem</b>	Pages 13-15	Explanation above is not a basis for distinguishing btwn F-1 and F-2, as both try to make a profit.  "Commercial forest use leans toward public lands and lands that are large scale and in industrial forest operator control and ownership," as distinguished by the Or Dept Revenue "list of large-scale industrial timber land owners."
<b>Intervenors Brown/LandWatch Responding Mem</b>	Pages 9-12	Hearing Official got it right.
<b>County Responding Mem</b>	Pages 4-5	Hearing Official got it right.
<b>Court Order (3/16/2011)</b>	Page 2	"Specifically, the Court rejects the hearing officer's interpretation of the term 'commercial' for the simple reason that it does not provide any basis for distinguishing between F1 and F2 land. Both zoning designations embrace the growing of trees, harvesting trees and their subsequent sale presumably for profit. That being the case the Court is persuaded that previous interpretations by the County Board that 'commercial' forest use distinguishes large scale industrial forest operations from small-scale nonindustrial forest operations is the meaning that was intended for this term."

*Attachment D*

BEFORE THE HEARINGS OFFICIAL OF LANE COUNTY, OREGON

Final Order in PA 08-5928  
Denying a Rezoning of Property Zoned F-1 and F-2

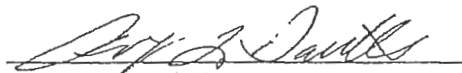
The Lane County Hearings Official finds as follows:

1. The following application for a change of zone was accepted by the Lane County Land Management Division on June 30, 2008:  
  
CJK, LLC (PA 08-5928)  
Tax lot 4200, Assessor's Map 19-01-08 and Tax Lot 1800, Assessor's Map 19-01-17  
Request for F-1 to F-2 zoning
2. The application was initiated and submitted in accordance with Lane Code 14.050. Timely and sufficient notice of the zone change hearings under Chapter 14 of the Lane Code has been provided.
3. On December 18, 2008 a public hearing on the zone change request was held. The planning department staff notes and recommendation together with the testimony and submittals of persons testifying at the hearing have been considered and are a part of the record of this proceeding.
4. Further consideration has been given to and administrative notice taken of the provisions of the Lane County Rural Comprehensive Plan and all applicable special purpose/functional plans, planning related policies and refinement plans.
5. On the basis of this record, the requested zone change was found not to be consistent with the applicable criteria set forth in the Lane County Rural Comprehensive Plan and Section 16.252 of the Lane Code. This general finding is supported by the specific findings of fact and the conclusions of law set out in Exhibit A, adopted May 15, 2009, to this order.

NOW, THEREFORE, based upon the above findings and the record in this proceeding, IT IS HEREBY ORDERED THAT:

The application for rezoning is denied on this date, the 15th day of May, 2009.

This action will become final and effective on the 10th day following the approval date above.

  
\_\_\_\_\_  
Gary L. Darnielle  
Lane County Hearings Official

# EXHIBIT A

## LANE COUNTY HEARINGS OFFICIAL

### REQUEST FOR A REZONING FROM NONIMPACTED FOREST LAND (F-1) TO IMPACTED FOREST LAND (F-2)

#### Application Summary

CJK, LLC, 81428 Gilham Road, Eugene, Or. 97401. Tax lot 4200, Assessor's Map 19-01-08 and tax lot 1800, Assessor's Map 19-01-17. Request to change the zoning of 50 acres of land from Non-Impacted Forest Lands (F-1/RCP) to Impacted Forest Lands (F-2/RCP).

#### Parties of Record

CJK, LLC  
Gweyn Farnsworth

Jim Just, Goal 1  
Merle Brown

Kim O'Dea

#### Application History

Hearing Date: December 18, 2008  
(Record Held Open Until December 19, 2008)

Decision Date: May 15, 2009

#### Appeal Deadline

An appeal must be filed within 10 days of the issuance of a final order on this rezoning request, using the form provided by the Lane County Land Management Division. The appeal will be considered by the Lane County Board of Commissioners.

#### Statement of Criteria

LC 15.010  
LC 16.211  
LC 16.252  
Rural Comprehensive Plan (RCP)

#### Findings of Fact

1. The property subject to this application, hereinafter referred to as the "subject property," can be identified as tax lot 4200, assessor's map 19-01-08 and tax lot 1800, assessor's map 19-01-17. The subject property is zoned F-1 Non-impacted Forest Lands, is 50 acres in size, and is comprised of sloping topography ranging from 2% to over 30%. It is undeveloped and is located about 1.4 mile south of

Highway 58, between the communities of Trent and Dexter. Timber on the property was harvested between 1993 and 2000. The property has been reforested.

No designated Class I streams are located on or adjacent to the subject property. No wetlands or flood hazard areas are identified on the subject property by the National Wetlands Inventory and the Flood Insurance Rate Map (FIRM) respectively.

2. Properties to the north and south are zoned F-1, Non-Impacted Forest Lands. Property to the northwest is zoned E-40, Exclusive Farm Use. Property to the southwest, southeast, and northeast are zoned F-2, Impacted Forest Land. Property to the west is zoned Impacted Forest Lands (F-2). Property east of the centerline of the Southern Pacific Railroad right-of-way is zoned RI, Rural Industrial.
3. The subject property receives police protection from the Lane County Sheriff and Oregon State Police. It lies within the Pleasant Hill School District, Emerald People's Utility District and Dexter Rural Fire Protection District service boundaries and can be provided telephone service by U.S. West.<sup>1</sup> An on-site well and septic tank are proposed.
4. The average forest productivity for the entire property to be 77.3 cu.ft./ac./yr.

TABLE 1		RLID %s	acres	cuft/ac/yr*	cuft/yr
Tax Lot 4200			24		
43E	DIXONVILLE-PHILOMATH-HAZELAIR COMPLEX, 12 TO 35 PERCENT SLOPES	43.0%	10.32	63	650.16
43C	DIXONVILLE-PHILOMATH-HAZELAIR COMPLEX, 3 TO 12 PERCENT SLOPES	30.0%	7.2	54	388.8
113C	RITNER COBBLY SILTY CLAY LOAM, 2 TO 12 PERCENT SLOPES	23.0%	5.52	149	822.48
41F	DIXONVILLE SILTY CLAY LOAM, 30 TO 50 PERCENT SLOPES	4.0%	0.96	152	145.92
	total	100.0%	24		2007.36
Tax Lot 1800			26		
43C	DIXONVILLE-PHILOMATH-HAZELAIR COMPLEX, 3 TO 12 PERCENT SLOPES	47.0%	12.22	54	659.88
43E	DIXONVILLE-PHILOMATH-HAZELAIR COMPLEX, 12 TO 35 PERCENT SLOPES	27.0%	7.02	63	442.26
41F	DIXONVILLE SILTY CLAY LOAM, 30 TO 50 PERCENT SLOPES	16.0%	4.16	152	632.32
102C	PANTHER SILTY CLAY LOAM, 2 TO 12 PERCENT SLOPES	9.0%	2.34	45	105.3
	total	99.0%	25.74		1839.76
Combined total for both parcels			49.74	77.3	3847.12

\* From Lane County Soil Ratings for Forestry and Agriculture document (LCOG, August 1997)

<sup>1</sup> Information obtained from Land Use Application PA 00-6495, contained in the applicant's submission.

5. The subject property was zoned in 1984. At that time, it was part of Tax Lot 400, a 400-acre tract that lay on both sides of the Southern Pacific Railroad right-of-way. A series of land sales and property line adjustments in 2002 resulted in the current configuration of four tax lots: 4100, 4200, 1800, and 401. In deeds dated July 28, 2004 and recorded March 14, 2005, Mr. Darren Kronberger conveyed three of the four subject tax lots to MLK LLC; CJK LLC; and AJK Ventures. No monetary consideration was listed in these transfers. The owner of tax lots 4100 and 401 is AJK Ventures LLC and tax lots 4200 and 1800 are owned by CJK LLC. Combined, these three parcels consist of 83.58 acres. The Secretary of State Corporation Division Business Registry identifies Darren Kronberger as principle agent with Darren and Alisa Kronberger listed as members of both AJK Ventures, LLC and CJK, LLC.

The four parcels described above were the subject of a previous rezoning application (PA 04-5276) that resulted in the Lane County Board of Commissioners approving a rezoning from F-1 to F-2 through Ordinance PA 1212, enacted June 15, 2005. This rezoning decision was subsequently remanded by LUBA in *Brown v. Lane County*, 51 Or LUBA 689 (2006).

6. The subject property is bordered on the north by tax lot 4100, assessor's map 19-01-08. This parcel is zoned F-1, is vacant, is owned by AJK Ventures LLC and is 15.69 acres in size. It was commercially harvested in 1993 and has been reforested. Further north is tax lot 2202, a 16.9 acre parcel F-2 zoned parcel occupied with a residence. This property was presumed to be a small woodland operation by the Board of Commissioners in its findings supporting Ordinance PA 1236 because it was on forest tax deferral and appeared to be growing trees. Further north is tax lot 2100, a 9-acre tax lot zoned F-2 and developed with a residence.

Adjacent to the east of the subject property are tax lots 2600, assessor's map 19-01-07 and tax lot 101, assessor's map 19-01-18. Tax lot 2600 is zoned E-40 and is about 97 acres in size. It is primarily in farm use, consisting of raising purebred sheep, but it is under both farm and forest tax deferral. Tax lot 101 has been logged in the past and is currently growing a new crop of trees. It is 127 acres in size, is vacant and is zoned F-2. The owners, Merle Brown and Gwendolyn Farnsworth have testified that the property is part of a 250-acre tract devoted to commercial forest management. Adjacent and to the south of tax lot 1400 is tax lot 1500, a 197 acre parcel zoned F-1.

To the south, the subject property is bordered by tax lot 401, assessor's map 19-01-17. This tax lot is owned by AJK Ventures LLC and is zoned F-1. It is 18.48 acres in size, is vacant and was commercially harvested in 1993 and has been since reforested. Further south is tax lot 1400, assessor's map 19-01-17. This vacant tax lot is zoned F-1 and is about 138 acres in size. It was also logged in

1993 and has since been replanted. Located further south is tax lot 1500, an F-1 zoned parcel that is almost 200 acres in size.

The subject property is bordered on the east by the Southern Pacific Railroad right-of-way. Across the Southern Pacific Railroad right-of-way and Lost Creek, is the Community of Dexter. This community is comprised of several "developed and committed" areas that contain residential, commercial and industrial uses. In general, these uses are 300 feet or more from the subject property and most are located on the east side of Lost Creek.

The subject property abuts 1,386 feet of commercial farm use and about 60 feet of F-2 property (tax lot 101) on the east. It borders a total of 3,060 feet of F-1 property on its northern and southern perimeter. The subject property borders about 1,930 feet of the Southern Pacific Railroad right-of-way on its eastern perimeter. Thus, 4,506 lineal feet or 70 percent of the subject property's 6,436 foot perimeter is adjacent to either commercial farm or forest land.

### Decision

THE MJK, LLC REQUEST (PA 08-5928) FOR THE REZONING OF TAX LOT 4200, ASSESSOR'S MAP 19-01-08 AND TAX LOT 1800, ASSESSOR'S MAP 19-01-17 FROM F-1 TO F-2 IS DENIED.

### Justification for the Decision (Conclusion)

**Lane Code 16.252(2)** This section of the Code establishes the basic requirements for the proposed rezoning. Section 16.252(2) requires that rezoning be consistent with the general purposes of Chapter 16, not be contrary to the public interest, and be consistent with the purposes of the proposed zoning classifications and the Lane County Rural Comprehensive Plan elements.

#### **A. Consistency with the general purposes of Chapter 16 of the Lane Code.**

Lane Code 16.003 sets out 14 purposes of Chapter 16. Arguably, the only relevant purpose statements found in Lane Code 16.003(4) are as follows:

- (4) *Conserve farm and forest lands for the production of crops, livestock and timber products.*

The subject property is zoned F-1 and its timber stock was largely harvested in 1993. It has since been restocked. It is bordered on the north and south by parcels zoned F-1 and its rezoning will increase the likelihood that these two adjacent parcels will be impacted by residential development on the subject property, precipitating their rezoning to F-2.

I cannot conclude that the proposed rezoning is consistent with applicable purposes of Chapter 16 of the Lane Code.

**B. Not be contrary to the public interest.**

The public interest is best expressed by a showing of consistency with the Rural Comprehensive Plan (RCP). The overall intent of the Forest Land policies of the RCP is to encourage the preservation of forestland, to properly characterize F-1 lands and to protect those lands through accurate zoning and through the consolidation of ownerships. The best determinate of the public interest is therefore a showing of consistency with Forest Lands Policy #15 of the Rural Comprehensive Plan, addressed below in "D."

**C. Consistent with Sections 16.210 and 16.211 of the Lane Code.**

The joint purpose of the F-2 and F-1 Districts is to implement the forest land policies of the Lane County Rural Comprehensive Plan and to conserve forest land for forest uses consistent with Statewide Planning Goal #4, OAR 660-006 and ORS 215.700 through .755. Consistency with the Lane County Rural Comprehensive Plan is addressed in "D," below.

OAR 660-006-0000(1) states that the purpose of the Forest Lands Goal is to conserve forestlands and to carry out the legislative policy of ORS 215.700. ORS 215.700 states a policy to provide certain owners of less productive land an opportunity to build a dwelling on their land and to limit the future division of and the siting of dwellings upon the state's more productive resource land.

Twenty percent of the soils on the subject property can be considered to have a high forest productivity (in the range of 150 cu. ft./ac./yr.) but less than five percent qualify for the lowest productivity standard in OAR 660-006-0027(1)(f)(A) for a template forest dwelling. The average forest productivity level for the tract is 77.3 cu. ft./ac./yr. and, when applied to the overall acreage of the subject property, does not equal the minimum amount of productive soil to qualify for a lot of record as authorized by OAR 660-006-0027(1)(a) & (c)(A). In summary, the soils on the subject property can be considered to be "average" and certainly not so productive as to support a conclusion, based solely on soil productivity, that they can be categorized as being the state's more productive resource land.

For the above-described reasons, the proposed rezoning is consistent with Sections 16.210 and 16.211 of the Lane Code.



**D. Conformity with the Rural Comprehensive Plan.**

The subject property is designated "Forest Lands" by the Rural Comprehensive Plan. Goal #4 Policies #15(b) and (c) describe the characteristics of F-1 and F-2 properties, respectively. Policy #15(a) implies that the zoning should reflect a conclusion that the characteristics of the land correspond more closely to the characteristics of the proposed zoning (F-2) than the characteristics of the other forest zone (F-2).

The Lane County Rural Comprehensive Plan contains several policies in the Goal Four element that apply to the proposed rezoning.

**Policy 1 Conserve forest land by maintaining the forest land base and protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.**

This policy appears to be advisory in nature and not directly applicable to the rezoning at hand.

**Policy 2 Forest lands will be segregated into two categories, Non-Impacted and Impacted and these categories shall be defined and mapped by the general characteristics specified in the Non-Impacted and Impacted Forest Land Zones General Characteristics.**

This policy refers to the policies set forth in Policy 15.

**Policy 15 Lands designated within the Rural Comprehensive Plan as forest land shall be zoned Non-Impacted (F-1/RCP) or Impacted Forest Land (F-2/RCP). A decision to apply one of the above zones or both in a split zone fashion shall be based upon:**

- a. A conclusion that characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. The zoning characteristics referred to are specified below in subsections b and c. This conclusion shall be supported by a statement of reasons explaining why the facts support the conclusion.
- b. Non-impacted Forest Land Zone characteristics:
  - (1) Predominantly ownerships not developed by residences or non-forest uses.

In its application of RCP Goal 4 Policy 15 in Ordinance No. PA 1236, the Board of County Commissioners interpreted the use the term "ownerships" to apply only to the property subject to the rezoning. In the present case, the subject property is the only tract owned by CJK, LLC that is zoned F-1. The applicants' concede that the subject property is not developed with a residence or other non-forest use. The application is consistent with this characteristic of non-impacted forestlands.

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

The property subject to this rezoning request is about 50 acres in size. The appellants suggest, however, that RCP Goal 4, Policy 15(b) requires that the decision-maker look beyond the fiction of corporate title to the identity of those who actually control the contiguous property. In this case, the appellants point out that tax lot 4100, located adjacent to and north of tax lot 4200, and tax lot 401, located adjacent to and south of tax lot 1800, are owned by AJK Ventures, LLC and that the principle agent for both the applicant MJK, LLC and AJK Ventures, LLC is Darren Kronberger and that Darren and Alisa Kronberger are the listed members of both corporations. Combined, the four tax lots exceed 83 acres in size and therefore comprise a tract that is consistent with this size-related characteristic of non-impacted forestlands. Additionally, the appellants point out that the above-identified four tax lots were the subject of a previous application (PA 04-5276) for a rezoning from F-1 to F-2 that was approved by the Board of Commissioners but remanded by LUBA in the above-cited *Brown* decision.

Whether this rezoning request is consistent with this criterion is, in part, determined by the definition of the term "ownerships." This issue was the subject of a previous remand from LUBA on a similar rezoning request<sup>2</sup> where the petitioner interpreted the term to mean "tract" and Lane County apparently used the term to mean "legal lot or parcel." The applicants in that matter and in the case involving the subject property chose not to pursue further processing of these rezoning requests and no resolution of this RCP Goal 4, Policy 15(b) issue has occurred.

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<sup>2</sup> *Just v. Lane County*, 50 Or LUBA 399 (2005)

The position of Lane County regarding the definition of the term "ownerships" as it applies to RCP Goal 4, Policy 15(b) appears to be that it relates to legal lot status. Thus, the criterion can be read as "Predominantly contiguous, legal lots of 80 acres or larger in size." This reading is consistent with a philosophy that larger acreages of forestland lend itself more easily to efficient forest management and that multiple ownerships of adjacent forestlands make this goal more difficult. A corollary to this premise is that if a person or entity owns adjacent legal lots of forestland, there is nothing that prevents that person or entity from selling those lots, thus making it more difficult to manage that land, collectively, for commercial or industrial forest purposes. The interpretation of the term "ownerships" as being synonymous with legal lot status is a practical recognition of this fact and is consistent with a characteristic that more accurately represents impacted forestlands than non-impacted forestlands. This interpretation does not give any traction to the appellant's argument, which is based upon an a definition of "ownerships" that is synonymous with a "tract."

The County's interpretation of the term "ownerships" in RCP Goal 4, Policy 15(b)(2) is awkward and contrary to the common usage and understanding of that term. I personally find that it makes more sense to equate that term with "tract," which has a definition in the Lane Code, statute, and common usage. But as pointed out by LUBA in its decision, the County could have used this term but choose not to. Because I cannot say definitively that the use of the term "ownerships" is incorrect I must therefore defer to what I believe was the policy interpretation of the Board of Commissioners.

The subject property does not meet this characteristic of Non-Impacted Forest Lands.

**(3) Predominantly ownerships contiguous to other land utilized for commercial forest or commercial farm uses.**

The applicant argues that "commercial forest uses" be considered to be synonymous with industrial forest operations. I must categorically reject this interpretation. Nowhere in the policies of RCP Goal 4 is the term "industrial forest land" mentioned let alone discussed in a manner to suggest that the plain meaning of the term "commercial" is somehow intended to morph into the term "industrial" when the zoning of forestland is being considered. If the Board of Commissioners, in the policy guidance provided by Policy 15, had intended to change the plain meaning of "commercial" or to preclude F-1 zoning of parcels subject to

Small Tract Forest tax deferral it would have been a very easy thing to do. There were a lot of factors that went into the zoning of forest land in Lane County and historical happenstance as well as the tax status and ownership size were just some of the factors. The applicant overemphasizes the reference to industrial forest operators that appears in Ordinance 1236.

The mere presence of commercial tree species does not make property subject to a commercial forest use and by the same token a parcel less than 80 acres in size does not eliminate that property from consideration as being a commercial operation. The test of whether a parcel is under commercial forest use is best determined by the actual use of the property not just a paper analysis of its size, deferral status and the size of its owner's timber holdings.

As used in the context of this criterion, I believe that the term "commercial" means managing the land primarily for purposes of making a profit. That is, there must be a primary intent to harvest and sell trees or to farm and that intent must be divined from the actions of the landowner as well as the characteristics of the forestland. RCP Goal 4, Policy 1 emphasizes the protection of the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species. Surely this policy is not limited by practice or intent to large "industrial" forest ownerships but is also intended to encourage commercial operations that do not rise to this scale.

In Ordinance No. PA 1212, the Board of Commissioners explicitly found that commercial farm or forest uses predominate on parcels adjacent to the subject property.<sup>3</sup> Specifically, the Board found that tax lots 2600 and 101, adjacent to the east, and tax lot 1400, adjacent to the south, were in commercial farm or forest use. Further, the Board found that tax lot 2202 adjacent to the north, contained a forest-related dwelling and was a small woodland operation. Tax lot 4100, adjacent to the north, is zoned F-1 and has been commercially harvested and replanted. The same is true of tax lot 401, adjacent to the south.

The Board considered properties to the east, across the railroad right-of-way and Lost Creek and also considered a larger area that included two unincorporated communities, 65 dwellings outside of these communities, and a mixture of commercial industrial and public uses. However, there was no discussion as to why these uses, which are located one-quarter mile or more from the subject

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<sup>3</sup> Exhibit B, Findings of Fact and Conclusions of Law, to Ordinance No. PA 1212 pg. 9.

property and are not directly accessible to the subject property, would make commercial forest management impractical. That is, the subject property does not have access to properties to the east because of the creek and railroad right-of-way and is otherwise surrounded by F-1 zoned land and commercial farm and forestry operations. Therefore, I must conclude that the subject property is well insulated from rural residential development and the proximity of a major road, two factors that historically can exert negative pressure on the management of forestland.

The subject property meets this characteristic of Non-Impacted Forest Lands.

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

Primary transportation access to properties in the area adjacent to and nearby the subject property is via Rattlesnake Road, a local collector. The subject property does not abut Rattlesnake Road but initially takes access through a half-mile long, private 30-foot wide road (easement) that enters tax lot 2100, several tax lots away from the subject property. This road was created in 1993 for timber management purposes. The applicant then has a one-third mile long, 60-foot wide easement through tax lots 2100 and 2202 and ultimately through the center of tax lot 4100 to access the subject property.

The applicant argues that, for purposes of this criterion, that Rattlesnake Road is the road that must be considered, pointing out that "a single-use logging access is not a road." However, Lane Code 15.010(18)(e) defines a "local road or street" as a road intended solely for the purpose of providing access to adjacent properties. This provision explicitly provides that a road need not be County-maintained or even accepted by the Board of Commissioners as a local access road or a county road. Indeed, Lane Code Section 15.010(35)(e)(vi) uses the terms "easements" and "private roads" interchangeably and makes it clear that they are considered as "roads" under Chapter 15 of the Code.

Clearly, the access easement utilized by the applicant was initially intended to provide forest management access to the subject property and other properties in the immediate area. Subsequently, a limited amount of development has occurred along this easement and it now provides primary access to residential development on tax lot 2100 and forest management access to tax lots 2202, 4100, 4200, 1800 and 401. With the exception of the residential use on

tax lot 2100, I must conclude that this access primarily serves forest-related uses.

Because the road (easement) that provides access to the subject property primarily serves forest management uses this characteristic of Non-Impacted Forest Lands has been met.

**(5) Primarily under commercial forest management.**

The subject property was mostly logged in 1993 and has been replanted at a stocking rate of 200 trees per acre. The subject property has been used primarily for commercial forest management.

In summary, the subject property exhibits at least four of the five characteristics of property that characterize land that should properly be zoned non-impacted forest land.

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

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

The applicants' concede that the subject property is not developed with a residence or other non-forest use. The application is therefore inconsistent with this characteristic of impacted forestlands.

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

As explained above, the ownership of the subject property is consistent with this characteristic as well as Policy 15.b.(2), above.

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

The subject property abuts four tracts; tax lot 401, a 18.7 acre tract owned by AJK, LLC; tax lot 2600, a 98 acre tract owned by the Stoteras; tax lots 101 and 301, a 139-acre tract owned by Brown/Farnsworth; and the Southern Pacific Railroad right-of-way. The latter tract borders the subject property on the east and has a minimum width of 200 feet in the area near the subject property. An "eyeball" estimate of the length of the western perimeter of that right-of-way, from the southern edge of tax lot

1800 to the northern edge of tax lot 2100 is about 4,500 feet. This would make the area of the right-of-way in this area at about 900,000 square feet or over 20.5 acres. As the right-of-way extends for an unknown number of miles, it can be assumed that this tract represents an excess of 80 acres in area.

An area "generally contiguous" to the subject property can be defined by an area bounded on the north by the curve of the Southern Pacific Railroad right-of-way, on the east by Highway 58, on the west by Rattlesnake Road and on the south by the southern boundary of Section 17, Township 19, Range 01. The area that is characterized as being "generally contiguous" to the subject property, excluding those tracts that are adjacent, varies greatly in character. Within this area to the south of the subject property is tax lot 1500, assessor's map 19-01-17. This parcel is 198 acres in size and is zoned F-1. Also to the south and southeast, is a tract comprised of tax lot 1400, assessor's map 19-01-17 and tax lot 1400, assessor's map 19-01-18 owned by Merle Brown. The former tax lot is 139 acres in size and is zoned F-1 and the latter is 171 acres in size and is zoned F-2. To the west, along Rattlesnake Road, are tax lots 1302, 1200, 200, 100, and 102, assessor's map 19-01-18. These tax lots are 20 acres in size or less and are zoned F-2.

To the northwest are tax lots 2500, 2400, 2300, 2301, 2302, 2303, 2304 and 2305, assessor's map 19-01-07. Tax lots 2500 and 2400 are 99 and 65 acres in size respectively, and are zoned E-40. The remaining tax lots are less than 6 acres in size and are zoned RR-5. North of the subject property are tax lots 2202 and 2100. These tax lots are less than 20 acres in size and are zoned F-2.

To the east of the subject property, across the Southern Pacific Railroad right-of-way and Lost Creek, is the Community of Dexter. This community is comprised of several "developed and committed" areas that contain residential, commercial and industrial uses. In general, these uses are 300 feet or more from the subject property and most are located on the east side of Lost Creek.

After applying the "generally contiguous" standard, I must conclude that the subject property meets this characteristic of Impacted Forest Lands.

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

The question of whether the subject property is provided with a level of public facilities, services and roads that are intended primarily for direct services to rural residences was addressed in a prior hearings official decision of mine that was affirmed by the Oregon Land Use Board of Appeals.<sup>4</sup> In this decision, I opined that the term "provided" meant that the services and facilities were reasonably accessible. I also found that in that decision that the character of the area and the County's classification of the road in question that the road was intended to primarily provide facilities and services to rural residences.

Policy #6 of the RCP's Goal Eleven: Public Facilities and Services chapter describes minimum service levels for various land designations but no description is provided for Impacted Forest Land. A reading of descriptions for other designations reveals that the phrase "public facilities and services" includes schools, electrical service, telephone service, a rural level of fire and police protection, and reasonable access to a solid waste facility.

The question then is whether the public facilities, services and the private road/easement are intended primarily for direct services to rural residences. The subject property lies within the Pleasant Hill School District, Emerald People's Utility District and Dexter Rural Fire Protection District service boundaries. The property is also can be provided telephone service by U.S. West.

The subject property, as well as the other properties in the area that have access to a full range of services normally available to a rural residence, including police and fire coverage, school, electricity, telephone, and solid waste disposal. These facilities and services, however, are only available if extended through the private road/easement that provides access to the subject property and adjacent parcels. At the present, the road only serves one residential use, one forest-management dwelling, and four parcels that have been used for commercial forest management operations. For this reason, I believe that the subject property does not meet this characteristic of Impacted Forest Lands.

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<sup>4</sup> *Application of Tom Lininger/Merle Weiner*, Lane County Hearings Official Decision in PA 06-6170 (July 16, 2007 (rev.)); *Hermanson v. Lane County*, 56 Or LUBA 433 (2008)



The subject property has two of the four characteristics that the RCP has ascribed to Impacted Forest Lands.

Policy 15 requires a conclusion that the characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. In the present case, the subject property exhibits four of the five characteristics of Non-Impacted Forest Land and two of the four characteristics that would denote Impacted Forest Land. On this basis of this analysis, the request for the rezoning of the subject property to F-2 Impacted Forest Land is inconsistent with RCP Forest Land Policy 15 and must be denied.

**Conclusion**

The proposed rezoning is not consistent with applicable criteria of the Lane Code and the Rural Comprehensive Plan.

**Respectfully Submitted,**



**Gary Darnielle**  
**Lane County Hearings Official**

1 *“b. Non-impacted Forest Land Zone characteristics: \* \* \* \* (2) Predominantly*  
2 *contiguous, ownerships of 80 acres or larger in size.”*

3  
4 Under this characteristic the property should be F-2, not F-1. The application  
5 materials show that the subject properties consist of two tax lots owned by CJK, LLC  
6 totaling about 50 acres. There is no adjacent land in the same ownership. Exhibit S,  
7 Bates 350-351. The Hearing Official concurred in his decision. Exhibit AA, Bates 614-  
8 615.

9 *“b. Non-impacted Forest Land Zone characteristics: \* \* \* \* (3) Predominantly*  
10 *ownership contiguous to other land utilized for commercial forest or commercial farm*  
11 *uses.”*

12  
13 Under this characteristic the property should be F-2, not F-1. The application  
14 materials document in great detail each piece of property that is contiguous to the subject  
15 property, explaining why none of the contiguous properties is in “commercial” use.  
16 Exhibit S, Bates 351-354. Information is summarized in Table F, Bates 353-354.  
17 Information provided includes Tax Lot Number, Owner, Parcel Size, Other Holding by  
18 the same owner elsewhere in Lane County, and tax deferral status.

19 The critical issue in applying this standard turns on the meaning of the term  
20 “commercial.” The term is not explicitly defined in the zoning code or the plan. A  
21 meaning is needed that allows the decision maker to distinguish between “commercial”  
22 types of forest use and “noncommercial” types of forest use.

23 The Plaintiff suggested a distinction between “commercial” and  
24 “noncommercial.” Exhibit S, Bates 351-354. The distinction drawn by the Plaintiff was  
25 reflected the County Board’s previous interpretation of Policy 15 as being “crafted as a  
26 means to distinguish large-scale industrial forest land from small-scale non-industrial  
27 forest land.” Exhibit S, Bates 351, quoting Ordinance No. 1236 page 8. Similarly, the

CJK

1 County Board's 2005 rezoning decision for the subject property included language  
2 indicating that the F-1/F-2 dichotomy as attempting to distinguish between "large-acreage  
3 industrial forestry" and "smaller-scale woodland operation." Exhibit S, Bates 137.

4 Plaintiff, therefore, suggested that "commercial forest use leans toward public  
5 lands and lands that are large scale and in industrial forest operator control and  
6 ownership." Exhibit S, Bates 351. Plaintiff explained that the Oregon Department of  
7 Revenue (ODR) maintains a list of large-scale industrial timber land owners, and  
8 provided a copy of that list. Exhibit S, Bates 352. These large-scale owners do not  
9 qualify for the Small Tract Forest (STFO) tax deferral. *Id.* In summary, Plaintiff  
10 suggested that "commercial" forest uses are those conducted by the large-scale, industrial  
11 forest operators, as listed by the ODR. None of the forest land contiguous to the subject  
12 property is owned by one of the listed large-scale owners. Therefore, although the  
13 subject property is in forest use, it is not in "commercial forest use" in the meaning of this  
14 standard.

15 The Hearing Official applied a different meaning to the term "commercial." He  
16 said: [Exhibit AA, Bates 616 para 3]

17 "As used in the context of this criterion, I believe that the term  
18 "commercial" means managing the land primarily for purposes of making  
19 a profit. That is, there must be a primary intent to harvest and sell trees or  
20 farm and that intent must be divined from the actions of the landowner as  
21 well as the characteristics of the forestland."  
22

23 The fundamental shortcoming of this definition is that it does not provide a basis  
24 for distinguishing between F-1 and F-2 land. Both F-1 and F-2 lands are Forest lands,  
25 and they both allow for the harvesting of timber. The zoning code establishes an  
26 identical purpose for each zone.

CJK

1           “The purposes of the \* \* \* [zone] are: (a) To implement the forest land  
2           policies of the Lane County Rural Comprehensive Plan and the forest land  
3           policies of the Eugene/Springfield Metro Area General Plan; and (b) To  
4           conserve forest land for uses consistent with Statewide Planning Goal #4  
5           \* \* \* \*”

6           In each zone, some owners will be managing their property with the intent to make a  
7           profit, while other owners will not. Furthermore, an owner in the F-1 zone might manage  
8           his property to make a profit one year, but not in the next. The same could be true for an  
9           owner in F-2 zone.

10           Picking a zoning classification based on the intent of the owners of adjacent lands  
11           about whether they want to make a profit from their own uses is not a workable way to  
12           distinguish between F-1 and F-2 zones.

13           This standard is troublesome one, in view of the fact that forest land owners  
14           zoned F-1 and owners zoned F-2 are the same in terms of growing trees, harvesting trees,  
15           and selling the product for money, presumably to make a profit. So, how is one to sort  
16           out “commercial” operators from non-commercial? Plaintiff has relied on county plan  
17           documents to suggest separating the industrial scale operators from the others. Under that  
18           typology, there are no contiguous commercial forest ownerships.

19           ***“b. Non-impacted Forest Land Zone characteristics: \* \* \* \*“(4) Accessed by arterial***  
20           ***roads or roads intended primarily for forest management.***

21           Under this characteristic the zoning should be F-2, not F-1. The property is not  
22           accessed by an arterial road. The closest public road is Rattlesnake Road. It is shown on  
23           Exhibit Z, Bates 604, attached to this memorandum. The Hearing Official confirmed  
24           what the Lane County Transportation Plan shows: Rattlesnake Road is a “collector” road,  
25           not an arterial. In its 2005 decision rezoning this property to F-2, the County Board  
26           applied this standard to Rattlesnake Road, noted its status as a collector, noted its status  
27           applied this standard to Rattlesnake Road, noted its status as a collector, noted its status

CJK

1           3.       Policy 15(b)(2), (c)(2) (predominantly contiguous ownerships 80  
2                    acres or larger);

3           The hearings official concluded that this characteristic weighed in favor of zoning the  
4 property F-2. Relator concurs with the hearings official. Intervenors rely on the argument  
5 presented in their Opening Memorandum.

6           4.       Policy 15(b)(3) (predominantly ownerships contiguous to other  
7                    land utilized for commercial forest or commercial farm uses).

8           This characteristic calls upon the decision maker to determine the uses on contiguous  
9 lands and to determine whether commercial farm or forest uses exist on those contiguous  
10 properties. In its application, Relator asserted that the term "commercial forest use" should be  
11 interpreted to be synonymous with industrial forest operations. In other words, Relator contends  
12 that unless there is a large, industrial-sized forestry operation occurring on most of the  
13 contiguous properties, this characteristic weighs in favor of an F-2 zoning. The hearings official  
14 decidedly rejected that assertion. The hearings officer's analysis is succinct and reasonable and  
15 is therefore recited here *verbatim*:  
16

17           "The applicant argues that "commercial forest uses" be considered to be synonymous  
18 with industrial forest operations. I must categorically reject this interpretation. Nowhere  
19 in the policies of RCP Goal 4 is the term "industrial forest land" mentioned let alone  
20 discussed in a manner to suggest that the plain meaning of the term "commercial" is  
21 somehow intended to morph into the term "industrial" when the zoning of forestland is  
22 being considered. If the Board of Commissioners, in the policy guidance provided by  
23 Policy 15, had intended to change the plain meaning of "commercial" or to preclude F-1  
24 zoning of parcels subject to Small Tract Forest tax deferral it would have been a very  
25 easy thing to do. There were a lot of factors that went into the zoning of forest land in  
26 Lane County and historical happenstance as well as the tax status and ownership size  
were just some of the factors. The applicant overemphasizes the reference to industrial  
forest operators that appears in Ordinance 1236.

24           "The mere presence of commercial tree species does not make property subject to a  
25 commercial forest use and by the same token a parcel less than 80 acres in size does not  
26 eliminate that property from consideration as being a commercial operation. The test of  
whether a parcel is under commercial forest use is best determined by the actual use of

1 the property not just a paper analysis of its size, deferral status and the size of its owner's  
2 timber holdings.

3 “As used in the context of this criterion, I believe that the term "commercial" means  
4 managing the land primarily for purposes of making a profit. That is, there must be a  
5 primary intent to harvest and sell trees or to farm and that intent must be divined from  
6 the actions of the landowner as well as the characteristics of the forestland. RCP Goal 4,  
7 Policy 1 emphasizes the protection of the state's forest economy by making possible  
8 economically efficient forest practices that assure the continuous growing and harvesting  
9 of forest tree species. Surely this policy is not limited by practice or intent to large  
10 "industrial" forest ownerships but is also intended to encourage commercial operations  
11 that do not rise to this scale.

12 “In Ordinance No. PA 1212, the Board of Commissioners explicitly found that  
13 commercial farm or forest uses predominate on parcels adjacent to the subject property.  
14 Specifically, the Board found that tax lots 2600 and 101, adjacent to the east, and tax lot  
15 1400, adjacent to the south, were in commercial farm or forest use. Further, the Board  
16 found that tax lot 2202 adjacent to the north, contained a forest-related dwelling and was  
17 a small woodland operation. Tax lot 4100, adjacent to the north, is zoned F-1 and has  
18 been commercially harvested and replanted. The same is true of tax lot 401, adjacent to  
19 the south.

20 “The Board considered properties to the east, across the railroad right-of-way and Lost  
21 Creek and also considered a larger area that included two unincorporated communities,  
22 65 dwellings outside of these communities, and a mixture of commercial industrial and  
23 public uses. However, there was no discussion as to why these uses, which are located  
24 one-quarter mile or more from the subject property and are not directly accessible to the  
25 subject property, would make commercial forest management impractical. That is, the  
26 subject property does not have access to properties to the east because of the creek and  
railroad -right-of-way and is otherwise surrounded by F-1 zoned land and commercial  
farm and forestry operations. Therefore, I must conclude that the subject property is well  
insulated from rural residential development and the proximity of a major road, two  
factors that historically can exert negative pressure on the management of forestland.

“The subject property meets this characteristic of Non-Impacted Forest Lands.”  
Record 615-17 (footnote omitted).

Relator reasserts its narrow interpretation of the term “commercial forest use” to refer  
only to large industrial-scale forest operations. It rejects the hearings official’s interpretation that  
"commercial" means managing the land primarily for purposes of making a profit. It argues that the  
hearings official’s interpretation fails to distinguish between F-1 and F-2 lands. Plaintiff’s Opening  
Memorandum at 14. Relator appears to misunderstand the purpose of the characteristic. The

1 characteristic seeks to determine what types of uses are occurring on lands contiguous to the land  
2 proposed to be rezoned. It does not matter whether that contiguous land is zoned F-1, F-2, EFU or  
3 rural residential. If the surrounding uses are predominantly non-resource uses or mere hobby farms,  
4 then the F-2 zoning could be appropriate. However, if the uses on contiguous properties are  
5 “commercial” farm or forest uses, then the F-1 zone is appropriate.

6 The dictionary definition of the term “commercial” includes: “of, pertaining to, or  
7 characteristic of commerce;” “prepared, done, or acting with sole or chief emphasis on salability,  
8 profit, or success;” and “able to yield or make a profit.” Random House Webster’s Unabridged  
9 Dictionary, Second Edition. The hearings official’s interpretation is entirely consistent with the  
10 dictionary definition of the term “commercial.”  
11

12 Relator also contends that the “for profit” definition proposed by the hearings official is  
13 unworkable. Plaintiff’s Opening Memorandum at 15. It asserts that the correct zoning of a particular  
14 property should not turn on the intentions of the owners of adjacent properties. Land use in Oregon,  
15 especially with regard to forest and farm lands, is entirely dependent on the business or commercial  
16 nature of the resource uses in question. The very definition of forest lands under Statewide Planning  
17 Goal 4, for instance, addresses the commercial capability of those lands. Goal 4 defines “forest  
18 lands” broadly to include “lands which are suitable for commercial forest uses including adjacent  
19 or nearby lands which are necessary to permit forest operations or practices and other forested  
20 lands that maintain soil, air, water and fish and wildlife resources.” Further, Statewide Planning  
21 Goal 3 (Agricultural Lands), is to preserve and maintain the state’s agricultural lands. Under the  
22 language of the Goal, “agricultural lands” are defined as lands with certain productive soils and  
23 “other lands which are suitable for *farm use* . . .” The term “farm use” means “the current  
24 employment of land for the primary purpose of obtaining a profit in money . . .” ORS  
25

26 215.203(2)(a). The statewide land use framework with regard to farm and forest lands and uses

1 turn on the profitability (large and small) of the resource land and uses on those lands. Clearly,  
2 the use of the term “commercial forest uses” is intended to include all commercial forestry  
3 operations--not only those that are able to turn a huge profit, but also those that obtain a modest  
4 profit as well.

- 5  
6 6. Policy 15(c)(3) (ownerships generally contiguous to tracts less than 80  
acres and residences and/or adjacent to developed and committed areas)

7 Intervenor's rely on their discussion of this characteristic set forth in their Opening Brief.

- 8  
9 7. Policy 15(b)(4) (accessed by arterial roads or roads intended primarily for  
forest management)

10 As Relator explains, in 2005, the applicant had urged the County Board to consider  
11 Rattlesnake Road as the relevant road under this characteristic. The County Board followed  
12 Relator's analysis, and considered Rattlesnake Road, a county collector that is not intended  
13 primarily for forest management. The County Board therefore concluded that this characteristic  
14 for F-1 property was not satisfied. However, when Relator made the same assertion in this  
15 application, the hearings official concluded just the opposite.

16  
17 The hearings official understood the error in Relator's and the County Board's analysis.  
18 Any property, whether appropriately zoned F-1 or F-2, is ultimately accessed via a main county  
19 or public road that is not intended for forest management. Under Relator's and the County  
20 Board's analysis, no property would ever be considered appropriate for F-1 zoning. The  
21 hearings official provided the following analysis of this characteristic:  
22

23 “Primary transportation access to properties in the area adjacent to and nearby the  
24 subject property is via Rattlesnake Road, a local collector. The subject property does not  
25 abut Rattlesnake Road but initially takes access through a half-mile long, private 30-foot  
26 wide road (easement) that enters tax lot 2100, several tax lots away from the subject  
property. This road was created in 1993 for timber management purposes. The applicant  
then has a one-third mile long, 60-foot wide easement through tax lots 2100 and 2202  
and ultimately through the center of tax lot 4100 to access the subject property.



1 accepted by the Board of Commissioners as a local access road or a county road.  
2 Indeed, Lane Code Section 15.010(35)(e)(vi) uses the terms 'easements' and  
3 'private roads' interchangeably and makes it clear that they are considered as 'roads'  
4 under Chapter 15 of the Code.

5 "Clearly, the access easement utilized by the applicant was initially intended to  
6 provide forest management access to the subject property and other properties in  
7 the immediate area. Subsequently, a limited amount of development has occurred,  
8 along this easement and it now provides primary access to residential development  
9 on tax lot 2100 and forest management access to tax lots 2202, 4100, 4200, 1800  
10 and 401. With the exception of the residential use on tax lot 2100, I must conclude  
11 that this access primarily serves forest-related uses.

12 "Because the road (easement) that provides access to the subject property primarily  
13 serves forest management uses this characteristic of Non-Impacted Forest Lands  
14 has been met." Record 617-618.

15 In looking at the easements that connect the subject property to Rattlesnake Road, the Hearings  
16 Official took note the initial easement was created in 1993 for forest management of all the  
17 property to which it ran, including the subject property. Record 175-180, 681-685. The rest of the  
18 easements depend upon this one and the existence of forestland dwellings does not turn those  
19 easements into access roads intended primarily for non forest management uses.<sup>2</sup> The two forest-  
20 related residences on forestlands (tax lots 2100 and 2202) do not change the nature of the forest  
21 use on those properties into something other than forest management. In light of all that, the  
22 Hearings Official correctly concluded access is provided by a road intended primarily for forest  
23 management and not primarily for direct services to rural residences. Record 617-618, 620-621.

24 The Hearings Official appropriately focused the commercial forest management analysis on  
25 a reasonable interpretation of "commercial" and consideration of several factors to determine  
whether properties were utilized for "commercial" farm or forest uses. Record 607-621. He gave  
little credibility to the same argument plaintiff-relator makes to this court, that somehow  
"commercial" forest management should only include large-scale industrial forest operations rather  
than looking at the actions of the property owner to see if they were directed at growing, harvesting

---

<sup>2</sup> Efforts by a current owner to prohibit use of a portion of the easement from serving forest uses should not be considered significant in the analysis of the nature of the entire roadway.

1 and selling trees with the primary purpose of making a profit. Specific findings and interpretations  
2 of the Hearings Official indicated his analysis, as follows:

3 "The applicant argues that 'commercial forest uses' be considered to be synonymous  
4 with industrial forest operations. I must categorically reject this interpretation.  
5 Nowhere in the policies of RCP Goal 4 is the term 'industrial forest land' mentioned  
6 let alone discussed in a manner to suggest that the plain meaning of the term  
7 'commercial' is somehow intended to morph into the term 'industrial' when the zoning  
8 of forestland is being considered. If the Board of Commissioners, in the policy  
9 guidance provided to Policy 15, had intended to change the plain meaning of  
10 'commercial' or preclude F-1 zoning of parcels subject to Small Tract Forest tax  
11 deferral it would have been a very easy thing to do. There were a lot of factors that  
12 went into the zoning of forest land in Lane County and historical happenstance as  
13 well as the tax status and ownership size were just some of the factors. The  
14 applicant overemphasizes the reference to industrial forest operators that appears in  
15 Ordinance 1236.

16 "The mere presence of commercial tree species does not make property subject to a  
17 commercial forest use and by the same token a parcel less than 80 acres in size  
18 does not eliminate that property from consideration as being a commercial operation.  
19 The test of whether a parcel is under commercial forest use is best determined by  
20 the actual use of the property not just a paper analysis of its size, deferral status and  
21 the size of its owner's timber holdings.

22 "As used in the context of this criterion, I believe that the term 'commercial' means  
23 managing the land primarily for the purpose s of making a profit. That is, there must  
24 be a primary intent to harvest and sell trees or to farm and that intent must be divined  
25 from the actions of the landowner as well as the characteristics of the forestland.  
RCP Goal 4, Policy 1 emphasizes the protection of the state's forest economy by  
making possible economically efficient forest practice that assure the continuous  
growing and harvesting of forest tree species. Surely this policy is not limited by  
practice or intent to large 'industrial' forest ownerships but is also intended to  
encourage commercial operations that do not rise to this scale.

26 "In Ordinance No. PA 1212, the Board of Commissioners explicitly found that  
27 commercial farm or forest uses predominate on parcels adjacent to the subject  
28 property. [footnote omitted] Specifically, the Board found that tax lots 2600 and 101,  
29 adjacent to the east, and tax lot 1400, adjacent to the south, were in commercial  
30 farm or forest use. Further, the Board found that tax lot 2202 adjacent to the north,  
31 contained a forest-related dwelling and was a small woodland operation. Tax lot  
32 4100, adjacent to the north, is zoned F-1 and has been commercially harvested and  
33 replanted. The same is true of tax lot 401, adjacent to the south." Record 615-616.

34 The Hearings Official made short work of the analysis as it related to the subject property, noting it  
35 was mostly logged in 1993 and was replanted at a stocking rate of 200 trees per acre. Record  
618. In essence, commercial forest management is not limited to large-scale, industrial forest land

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR LANE  
COUNTY

STATE OF OREGON, ex rel CJK, LLC

Plaintiff-Relator,

vs.

LANE COUNTY, an Oregon local  
government

Defendant.

and

MERLE BROWN, GWENDOLYN  
FARNSWORTH, and LAND WATCH  
COUNT,

Intervenor-Defendants,

Case No. 16-09-11508

ORDER

FILED  
AT 5:00 O'CLOCK P.M.  
MAR 16 2011  
Circuit Court For Lane County, Oregon  
BY

THIS MATTER came before the Court for a hearing on January 21, 2011 based upon a stipulated record of almost 700 pages. The Court received argument and briefing from Plaintiff, Defendant, and Intervenor-Defendants and took the matter advertisement. The Court having now completed a review of the record and the authorities cited by Counsel, is fully advised to the premises whereof and rules as follows:

This matter is properly before the Court pursuant to the jurisdiction conferred upon the Court by ORS 215.429 and 34.130. All parties to this proceeding concur that subsection (5) of ORS 215.429 reverses the preponderance of the evidence burden of proof from the applicant to the governing body and Intervenor. The parties further stipulated to certain portions of the record that establish the subject property is a 50 acre parcel zoned F-1 (non-impacted forest lands) and is comprised primarily of sloping land ranging from 2% to over 30%. The parcel is currently undeveloped and is located approximately 1.4 miles south of Highway 58 between the communities of Trent and Dexter. Timber on the property was harvested between 1993 and 2000 and was replanted. No designated class I streams are located on the property or adjacent to the subject property and no wetlands or flood hazard areas are on the subject property.

The Plaintiff's application for a zoning change seeks to rezone the 50 acre tract from F-1 to F-2 (impacted forest lands). All parties further agreed, as does the Court, that this zoning application turns on an analysis of whether the subject parcel meets a majority of the respective plan characteristics for F-1 or F-2. Stated another way, if a majority of the five plan characteristics for F-1 are not met in the property should be zoned F-2 by default. Alternatively, if a majority of the four plan characteristics for F-2 are met the property should also be re-zoned F-2.

Based upon the record and the burden of proof the Court concludes that only the first listed characteristic for F-1 lands has been satisfied. Specifically the Court rejects the hearing officer's interpretation of the term "commercial" for the simple reason that does not provide any basis for distinguishing between F1 and F2 land. Both zoning classifications embrace the growing of trees, harvesting trees and their subsequent sale presumably for profit. That being the case the Court is persuaded that previous interpretations by the County Board that "commercial" forest use distinguishes large scale industrial forest operations from small-scale nonindustrial forest use operations is the meaning that was intended for this term. Regarding the road access characteristics the Court concludes that whether a proper focus should be on the nearest public roadway (which is not an arterial road) or roadway easements directly serving the subject property this characteristic has not been met because the various easements were granted either without restriction in the entirety, serve residences on adjacent property or contained restrictions for residential use and precluding forest use.

Turning to the issue of the characteristics of F-2 zoning, the Court finds that characteristics two, three, and four are satisfied. Again, the Court finds that the hearing officer was factually in error with regard to services provided to residences on adjacent property. A residence duly authorized on F-2 property constitutes a rural residence for purpose of this characteristic dealing with public facilities, services, and roads, now therefore;

IT IS HEREBY ORDERED the Court finds that the Plaintiff's application to rezone subject property from F-1 to F-2 is consistent with the general purpose statement of Chapter 16 of the Lane Code, the standard set forth above, and should be approved. The Court directs Plaintiff to submit an appropriate general judgment to the Court consistent with the findings above.

DATED this 16 day of March 2011.

  
\_\_\_\_\_  
CHARLES D. CARLSON  
CIRCUIT COURT JUDGE

Prepared by M Smith

Except

**Policy 3:**

**Prohibit residence on Non-Impacted Forest Lands except for the maintenance, repair or replacement of existing dwellings.**

Because the subject property is already developed with a residence, this policy further supports a zoning of F-2 Impacted Forestlands.

**Policy 16:**

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

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

Characteristics of the land, not the ownership of it, control the analysis. (See Exhibit S - Ord. PA 1236, pg. 8). Focus is on the subject property and the land in the immediate vicinity. Legal lot status is irrelevant. Ownership means, 'land being proposed for rezoning.' This can be an entire property or a portion of it. Where it is a portion of a larger lot, analysis is limited to the portion under consideration for rezone. See Ord. PA 1236, page 9 – 10. The critical focus of the analysis is on the property proposed for rezoning and the characteristics that property has that mitigate toward consideration of applying F-1 or F-2. See Ord PA 1236, page 9.

The analysis under Goal Four, Policy 15 does not required a precise mathematical computation since the focus is on all the characteristics and whether, on balance, the land proposed for rezoning more closely corresponds to the F-1 or F-2 characteristics. (See Exhibit S - Ord. PA 1236, pg. 10)

- b. **Non-impacted Forest Land Zone characteristics:**

**(1) Predominantly ownerships not developed by residences or non forest uses."**

The County has determined that this provision focuses on the subject property itself (not

Attachment E

except

surrounding property) and whether it is developed with residences or nonforest uses. See Exhibit P and S. The absence of residential development or other nonforest use is a characteristic of F-1 zoning.

The subject property is developed with a homestead dwelling constructed in 1900. Therefore, the subject property does not meet this F-1 characteristic.

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

Response: Under Ordinance PA 1236 (Exhibit S), the focus is on the subject property and any underlying contiguously held properties. Contiguous is defined as,

“Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street \*\*\* shall not be considered contiguous. \*\*\* The intent of this provision is to look within the land being proposed for rezoning to determine whether or not that land being proposed for rezoning consists of contiguous land owned by the applicant that is 80-acres or larger in sizes.” (Ord. PA 1236, pg. 10).

In other words, if the property being proposed for rezoning contained within it four parcels all owned by the same owner, and each of the parcels was 21 acres, then the land proposed for rezoning would contain 84 acres. But if the property proposed for rezoning was a 40-acre portion of a larger 160 acres parcel or a 40 acre lot contiguous to four 20-acre parcels owned by the applicant, review is restricted to the 40-acre subject property.

Being a large, contiguously held property is a characteristic of F-1 zoning.

The subject property is 78 acres of contiguous ownership. Therefore, the subject property does not meet this F-1 characteristic.

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

Response: The County has determined that this provision focuses on property adjacent to (contiguous to) the subject property, and whether it is utilized for commercial forest/farm uses. See Exhibit P and S. While not conclusive, the following factors can be considered in determining whether surrounding uses are being utilized for farm/forest use: parcel size, tax deferral, and other factual information. However, the determination of whether a property is in “commercial” farm or forest use is weighed against a different set of standards.

*except*

The County has interpreted Policy 15 as being “crafted as a means to distinguish large-scale industrial forest land from small-scale non-industrial forest land.” Ordinance 1236, page 8.

*“Forest lands less than 80 acres in size and developed with residential uses or other nonforest uses, generally received Impacted Forest land (F2) [zoning]. Public forested lands and larger commercially managed forest lands, forest lands that were not impacted by nonforest uses, particularly in the ownership of industrial forest operators, were [zoned] as Nonimpacted Forest Lands (F-1).”* Ordinance 1236, Page 9. Emphasis added.

Based on the above, commercial forest use leans toward public lands and lands that are large scale and in industrial forest operator control and ownership. Examples of lands that fall squarely under the umbrella of “large scale industrial forest land” include lands owned by Rosboro Lumber Co. (292 holdings and more than 2,000 acres of land in forest use in Lane County); Weyerhaeuser (1668 holdings and more than a 100 thousand acres of land in forest use in Lane County); Davidson Industries (200 holdings and more than 2,000 acres of land in forest use in Lane County); Seneca Lumber (168 holdings and more than 1,000 acres of land in forest use in Lane County); and McDougal Bros (92 holdings and more than 1,000 acres of land in forest use in Lane County). See Exhibit TT. This is just a sample. There are hundreds of similar industrial forest land companies holding property in Lane County.

The Oregon Department of Revenue keeps a yearly list of large-scale industrial timber owners. That list is included as Exhibit TT. Of the adjacent property owners, only Rosboro is on the list. See Exhibit TT.

Having commercial farm/forest uses on property adjacent to the subject property is a characteristic of F-1 zoning.

There are seven properties adjacent to the subject property. See Exhibits EE and Table A, above. The details are set out in Table F below. Only one of the contiguous properties is in commercial forest use. None are in commercial farm use.

Table F  
 Contiguous Property and Commercial Use

Tax Lot	Ownership	Parcel size	Holdings in Lane County Parcels/acres  Ex. TT	Comments

Excerpt

Based on the above, of the seven contiguous properties, one is in commercial forest use and six are not.

Therefore, the subject property does not meet this F-1 characteristic.

It is worth noting that even if TLs 700 (west) and 500 are considered to be in commercial forest use, the subject property still does not meet this F-1 characteristic because, even then, only three of the seven are in commercial forest use.

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

Response: The County has determined that this provision focuses on the subject property and the type of access to it. See Exhibit PP. Access by an arterial road or forest management road is a characteristic of F-1 zoning. ord 1236

The subject property has direct access to Marcola Road, a local collector. The purpose of Marcola road is to move traffic from Hwy 228 to Springfield and to support local residential transportation. Therefore, the subject property does not meet this F-1 characteristic.

*“(5) Primarily under commercial forest management.”*

Response: The County has determined that this provision focuses on the subject property and whether it is utilized for commercial forest/farm uses. See Exhibit PP. While not conclusive, the following factors can be considered in determining whether surrounding uses are being utilized for farm/forest use: parcel size, tax deferral, and other factual information. However, the determination of whether a property is in “commercial” farm or forest use is weighed against a different set of standards. ord 1236

The County has interpreted Policy 15 as being “crafted as a means to distinguish large-scale industrial forest land from small-scale non-industrial forest land.” Ordinance 1236, page 8.

*“Forest lands less than 80 acres in size and developed with residential uses or other nonforest uses, generally received Impacted Forest land (F2) [zoning]. Public forested lands and larger commercially managed forest lands, forest lands that were not impacted by nonforest uses, particularly in the ownership of industrial forest operators, were [zoned] as Nonimpacted Forest Lands (F-1).” Ordinance 1236, Page 9. Emphasis added.*



*except*

<i>larger in size</i>	80 acres
<i>3. Predominantly ownership contiguous, to other lands utilized for commercial forest or commercial farm uses.</i>	No. Only one contiguous ownership out of seven are utilized for commercial forest or farm uses
<i>4. Accessed by arterial roads or roads intended primarily for forest management.</i>	No. Adjacent to Marcola Road, a local county road.
<i>5. Primarily under commercial forest management.</i>	No. The property is small-scale nonindustrial land and is therefore not in commercial forest use.
<b>CONCLUSION</b>	<b>Should not be zoned F-1 because it none of the characteristics (0 of 5)</b>

**(c) Impacted Forest Zone characteristics: \*\*\*”**

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

Response: The County has determined that this provision focuses on the subject property itself (not surrounding property) and whether it is developed with residences or nonforest uses. See Exhibits PP. A property developed with residence or other nonforest use is a characteristic of F-2 zoning. This criterion is a mirror of Policy 16(b)(1).

The subject property is developed with a residence constructed in 1900. See Exhibits GG and I. It is currently occupied. Therefore, the subject property meets this F-2 characteristic.

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

Response: The County has determined that this provision focuses on the subject property itself (not surrounding property) and its size. See Exhibit PP. Property containing 80 acres or less is a characteristic of F-2 zoning.

The subject property is 78 acres, smaller than 80 acre threshold. Therefore, the subject property meets this F-2 characteristic.

Please note that the Board of County Commissioners has already determined that portions of property can be rezoned. Ordinance 1236, Pages 9-10 and 14, attached as Exhibit PP.

*Excerpt*

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

Response: The County has determined that the focus of this criterion is on contiguous properties and properties in the “general area.” (Ord. PA 1236, pg. 10).

Ordinance 1236 interprets “generally contiguous” to mean in the general area. See page 10 of the Ordinance. Exhibit PP. The distance can be pushed in some or all directions and can cross roads, streams and other barriers. (Ord. PA 1236, pg. 10). How wide and how far is determined on a case by case basis. (Ord. PA 1236, pg. 10). This provision is two fold: F-2 should be applied (1) where adjacent and nearby properties are less than 80-acres and developed, or (2) where adjacent or nearby properties are within a developed or committed exception area.

Ordinance 1236 interprets “adjacent” to mean general vicinity. The term adjacent looks,

*“even further beyond the nearby tracts or across intervening right of way to acknowledge the impact of development within developed and committed exception areas in the general vicinity of the land being proposed for rezoning. It is a broader look at the complete tapestry of uses and development, particularly nonresource uses, in the general area. It does not depend on contiguity for that consideration.”* Ordinance 1236, Page 10.

Generally Contiguous Tracts: There are 34 tracts that are “generally contiguous,” as the term is addressed in Section I.D, page 5 above. These tracts are included in Table A, above. Of the 34 generally contiguous tracts, 24 (71%) are less than 80 acres and contain a dwelling.

Developed and Committed Tracts: The subject property is adjacent to a developed and committed exception area to the northeast, east and southeast. There are 34 tracts in the “general vicinity,” as the term is address in Section I.D, page 5 above. Of the 34 tracts, 24 (71%) are in developed and committed exception areas.

In summary, of 34 “generally” contiguous tracts, 71 percent are less than 80 acres and contain a dwelling and 71 percent are in a developed and committed exception areas. Therefore, the subject property meets this F-2 characteristic.

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



Jerry,

Please place into the record of PA 06-5888,  
Lavin Ventures, UC Plan Change/Zone Change.

Thank you,  
Kiri

### Standard Property Search Results

1 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Map = 160107; Lot = 00500;

Maplot	SIC	Account #	Site Address	Mail City	Zip	Owner	City Limits	UGB
16-01-07-00-00500		0028504				RANCH & 120 LLC		

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### Standard Property Search Results

1 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Map = 160107; Lot = 00400;

Maplot	SIC	Account #	Site Address	Mail City	Zip	Owner	City Limits	UGB
16-01-07-00-00400		0028496				WEYERHAEUSER COMPANY		

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**Standard Property Search Results**

1 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Map = 160107; Lot = 00201;

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16-01-07-00-00201		0981413				U S GOVERNMENT		

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### Standard Property Search Results

1 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Map = 160107; Lot = 00202;

Maplot	SIC	Account #	Site Address	Mail City	Zip	Owner	City Limits	UGB
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**Standard Property Search Results**

1 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Map = 160107; Lot = 00299;

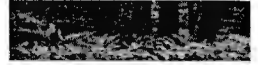
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## Oregon Department of Forestry



Oregon Department of Forestry

### Welcome to Oregon's State Forests



- About Us
- Contact Us
- Newsroom
- Oregon Board of Forestry
- Jobs with ODF
- Public Involvement
- Rules and Laws
- Wildfires
- State Forests
- Private Forests
- Forest Health
- Urban Forests
- Resource Planning
- Publications
- Indicators of Sustainable Forest Management
- Geospatial Information/GIS
- ODF Home

- [General Information](#)
- [Recreation and Education](#)
- [Public Use](#)
- [Public Participation](#)
- [Timber and Land Assets](#)
- [Forest Management and Planning](#)

- [Forest Research and Monitoring Wildlife and Streams Annual Reports County Revenue Distributions](#)

- Employee Resources (log -in required)
  - [Outlook Web Access \(E-mail, Calendar, etc.\)](#)
  - [ODFnet \(Intranet\)](#)

#### General Information An Overview of Oregon's State Forest Lands

The Oregon Department of Forestry manages about 821,000 acres of forestlands. There are four regional management plans to guide operations.

ODF-managed lands are mostly concentrated in six large state forests:

- [Clatsop State Forest](#)
- [Elliott State Forest](#)
- [Gilchrist State Forest](#)
- [Santiam State Forest](#)
- [Sun Pass State Forest](#), and
- [Tillamook State Forest](#)

There also are a number of smaller forest tracts, scattered mostly in western Oregon's Coast Range. Nine ODF districts manage state-owned forests.

All state forest lands are actively managed under adopted forest management plans to provide economic, environmental, and social benefits to Oregonians. Most of the revenue from timber sales goes to county governments and local public districts, and from Common School Forest Lands to benefit schools throughout the state.

Read more about the [history and legal mandates](#) for the state forests, and the laws and administrative rules that dictate how state forests are managed.

## Oregon's State Forests



- Lands owned by the Oregon Board of Forestry
- Common School Fund lands owned by the State Land Board and managed by the Oregon Department of Forestry

About half of Oregon's 61 million acre land base is forestlands. State-owned forestlands represent about three percent of [Oregon's forest ownership](#). The largest owner of forestland in Oregon is the federal government with 59 percent. Private ownership accounts for 35 percent.

#### Salem Headquarters

Address 2600 State Street, Salem, OR 97310  
 Location Building D (Main Floor)  
 Office Hours 8:00 a.m. to 5:00 p.m., Monday through Friday  
 Phone 503-945-7357  
 Fax 503-945-7376  
 Web [http://www.oregon.gov/ODF/STATE\\_FORESTS/state\\_forests.shtml](http://www.oregon.gov/ODF/STATE_FORESTS/state_forests.shtml)

#### Contact Information

Position	Name	Telephone Number
Division Deputy Chief	<a href="#">Liz Dent</a>	503-945-7351
Resource Specialists Manager	<a href="#">Rosemary Mannix</a>	503-945-7347
Asset Management Manager	<a href="#">Ed Deblander</a>	503-945-7348
Planning and Policy Specialist	<a href="#">John Barnes</a>	503-945-7481
Research and Monitoring Specialist	<a href="#">Jeff Brandt</a>	503-945-7228
Office Manager	<a href="#">Berta Bodi</a>	503-945-7486

#### Recreation and Education

[Tillamook Forest Center website](#)

[Recreation](#)

[Forest Tours](#)

#### Public Use

[Firewood Cutting](#)

[Special Forest Products](#)

#### Public Participation

The Oregon Department of Forestry relies on two advisory committees to provide informed input about issues facing management of state forests.

The [Forest Trust Land Advisory Committee](#) is an advisory group of elected County Commissioners mandated by statute that advise the Oregon Board of Forestry and Department of Forestry on matters related to state forestland managed by ODF. Counties depend on revenue generated from management activities on these lands. The committee meets about six times per year. Time is set aside at each meeting for public comment.

The [State Forests Advisory Committee](#) represents diverse interests and provides input to the

department and the board on state-managed forestland in northwest Oregon. Committee membership includes environmental, recreational and timber industry groups, revenue-receiving counties, as well as general public members not affiliated to a specific interest group. The committee meets four to five times per year with time scheduled at each meeting for public comment.

Want to help Oregon's state forests and be out amongst the trees? ODF welcomes the assistance of [volunteers](#).

#### **Timber and Land Assets**

[Timber Sales](#)

[Reforestation Contracts](#)

#### **Forest Management and Planning**

[Draft Fiscal Year 2013 Annual Operations Plans](#)

[2012 Approved Implementation Plans - North Cascade District and West Oregon District](#)

[Forest Management Plans](#)

[District Implementation Plans](#)

[Annual Operations Plans](#)

[Forest Roads](#)

[Historical Site Preservation](#)

#### **Forest Research and Monitoring**

[Reports and Research](#)

[Monitoring](#)

[Western Oregon State Forests Monitoring Plan project](#)

#### **Wildlife and Streams**

[Threatened or Endangered Species](#)

[Habitat Development](#)

[Stream Protection](#)

[Restoration Projects](#)[Watershed Analysis](#)**Annual Reports**

Several weeks following the conclusion of the Fiscal Year on June 30th, Oregon Department of Forestry staff provide a report on the achievements, performance measures and economic outputs of state forest land to the 15 Oregon counties that benefit from Board of Forestry lands, and report to the State Land Board on the performance of Common School Lands that are managed by ODF through agreement with the Department of State Lands.

These annual reports provide many detailed statistics regarding the performance of state-owned forests and revenues transferred back to local communities, either to general government or to schools.

**Report to the Council of Forest Trust Land Counties**

[2011 Annual Report - Fiscal Year July 2010-June 2011](#) [PDF 3.24 Mb]

[2010 Annual Report - Fiscal Year July 2009-June 2010](#) [PDF 12 Mb]

[2009 Annual Report - Fiscal Year July 2008-June 2009](#) [PDF 1.46 Mb]

[2008 Annual Report - Fiscal Year July 2007-June 2008](#) [PDF 5 Mb]

[2007 Annual Report - Fiscal Year July 2006-June 2007](#) [PDF 6 Mb]

**Status of Common School Forest Land Management - State Land Board**

[2011 Annual Report - Fiscal Year July 2010-June 2011](#) [PDF 1.24 Mb]

[2010 Annual Report - Fiscal Year July 2009-June 2010](#) [PDF 9 Mb]

[2009 Annual Report - Fiscal Year July 2008-June 2009](#) [PDF 1.4 Mb]

[2008 Annual Report - Fiscal Year July 2007-June 2008](#) [PDF 4 Mb]

[2007 Annual Report - Fiscal Year July 2006-June 2007](#) [PDF 3.24 Mb]

**County Revenue Distributions****Oregon Department of Forestry County Revenue Distributions**State Forests Revenue to Counties 2009 - 2012

- [March 2009](#) [Excel; 118 KB]
- [June 2009](#) [Excel; 229 KB]
- [September 2009](#) [Excel; 221 KB]
- [December 2009](#) [Excel; 174 KB]
- [April 2010](#) [Excel; 526 KB]
- [June 2010](#) [Excel; 165 KB]
- [September 2010](#) [Excel; 205 KB]
- [December 2010](#) [Excel; 182 KB]
- [March 2011](#) [Excel; 96 KB]
- [June 2011](#) [Excel; 133 KB]
- [Sept 2011](#) [Excel; 179 KB]
- [Dec 2011](#) [Excel; 200 KB]
- [March 2012](#) [Excel; 115 KB]
- [June 2012](#) [Excel; 156 KB]

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907 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Owner match type = contains; Name = "us government";

Page 1 [2](#) [3](#) [4](#) [5](#)

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<a href="#">15-01-32-00-00602</a>		0001717				<a href="#">US GOVERNMENT</a>		
<a href="#">16-01-05-00-00803</a>		0028199				<a href="#">US GOVERNMENT</a>		
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<a href="#">16-01-07-00-00501</a>		0028512				<a href="#">US GOVERNMENT</a>		
<a href="#">16-06-17-00-00100</a>		1229028				<a href="#">US GOVERNMENT</a>		
<a href="#">16-06-25-00-00300</a>		0066306				<a href="#">US GOVERNMENT</a>		
<a href="#">16-45-27-00-01200</a>		0086452				<a href="#">US GOVERNMENT</a>		
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<u>15-06-00-00-01500</u>	0021566				US GOVERNMENT DEPT OF INTERIOR BLM O&C		
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**Standard Property Search Results**

907 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Owner match type = contains; Name = "us government";

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Maplot	SIC	Account #	Site Address	Mail City	Zip	Owner	City Limits	UGB
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[Refine Results](#) [Start Over](#)

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**Standard Property Search Results**

907 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Owner match type = contains; Name = "us government";

Page [1](#) [2](#) [3](#) [4](#) [5](#)

Maplot	SIC	Account #	Site Address	Mail City	Zip	Owner	City Limits	UGB
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<a href="#">18-08-00-00-00800</a>		0758589				US GOVERNMENT DEPT OF INTERIOR BLM O&C		
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20-01-00-00-05100	0877454			US GOVERNMENT DEPT OF INTERIOR BLM O&C		

[Refine Results](#) [Start Over](#)

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**Standard Property Search Results**

907 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Owner match type = contains; Name = "us government";

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Maplot	SIC	Account #	Site Address	Mail City	Zip	Owner	City Limits	UGB
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20-01-11-00-00100		0878833				US GOVERNMENT DEPT OF INTERIOR BLM O&C		
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22-02-00-00-01900	0968352			US GOVERNMENT DEPT OF INTERIOR BLM O&C		

[Refine Results](#) [Start Over](#)

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**Standard Property Search Results**

907 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Owner match type = contains; Name = "us government";

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Maplot	SIC	Account #	Site Address	Mail City	Zip	Owner	City Limits	UGB
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22-02-00-00-02600		0968469				US GOVERNMENT DEPT OF INTERIOR BLM O&C		
22-02-00-00-02700		0968477				US GOVERNMENT DEPT OF INTERIOR BLM O&C		
22-02-00-00-03500		0968592				US GOVERNMENT DEPT OF INTERIOR BLM O&C		
22-02-00-00-03600		0968600				US GOVERNMENT DEPT OF INTERIOR BLM O&C		
22-02-00-00-03900		0968634				US GOVERNMENT DEPT OF INTERIOR BLM O&C		
22-02-00-00-04900		0968782				US GOVERNMENT DEPT OF INTERIOR BLM O&C		
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22-02-00-00-05600		0968857				US GOVERNMENT DEPT OF INTERIOR BLM O&C		
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22-03-00-00-02700		0969160				US GOVERNMENT DEPT OF INTERIOR BLM O&C		
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22-03-19-00-00200		0970366				US GOVERNMENT DEPT OF INTERIOR BLM O&C		

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16-06-07-00-00100	0064384	22377 HWY 36	CHESHIRE	97419		US GOVERNMENT DEPT OF INTERIOR BLM O&C		
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17-05-24-00-02500	1666948					US GOVERNMENT DEPT OF INTERIOR/BLM		
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18-08-00-00-02900	0758803					US GOVERNMENT DEPT OF INTERIOR/BLM		
18-12-23-00-00902	1459567					US GOVERNMENT IN TRUST	FLO	FLO

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**Standard Property Search Results**

1565 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Owner match type = contains; Name = "weyerhaeuser";

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Maplot	SIC	Account #	Site Address	Mail City	Zip	Owner	City Limits	UGB
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		5303357				WEYERHAEUSER CO INC		
		5479850				WEYERHAEUSER CO INC		
		4108526				WEYERHAEUSER COMPANY		
		5441405				WEYERHAEUSER COMPANY		
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Refine Results

Start Over

Log Off

**Standard Property Search Results**

1565 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Owner match type = contains; Name = "weyerhaeuser";

Page [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#)

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16-15-00-00-02801	0076784			WEYERHAEUSER COMPANY
16-15-00-00-03000	0076826			WEYERHAEUSER COMPANY
16-15-00-00-03001	0076818			WEYERHAEUSER COMPANY
<b>16-15-00-00-03100</b>	0076834			WEYERHAEUSER COMPANY
<b>16-15-00-00-03100</b>	0076842			WEYERHAEUSER COMPANY
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16-15-00-00-03900	0076925			WEYERHAEUSER COMPANY
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<b>16-15-00-00-04300</b>	0076982			WEYERHAEUSER COMPANY
<b>16-15-00-00-04400</b>	0076990			WEYERHAEUSER COMPANY
<b>16-15-00-00-04400</b>	0077006			WEYERHAEUSER COMPANY

**Standard Property Search Results**

1565 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Owner match type = contains; Name = "weyerhaeuser";

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Maplot	SIC	Account #	Site Address	Mail City	Zip	Owner	City Limits	UGB
16-15-00-00-04600		0077022				WEYERHAEUSER COMPANY		
16-15-00-00-04700		0077030				WEYERHAEUSER COMPANY		
16-15-00-00-04900		0077055				WEYERHAEUSER COMPANY		
16-25-00-00-00100		0077105				WEYERHAEUSER COMPANY		
16-25-00-00-00200		0077113				WEYERHAEUSER COMPANY		
16-25-00-00-00300		0077121				WEYERHAEUSER COMPANY		
16-25-00-00-00400		0077139				WEYERHAEUSER COMPANY		
16-25-00-00-00500		0077147				WEYERHAEUSER COMPANY		
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16-25-00-00-00700		0077162				WEYERHAEUSER COMPANY		
16-25-00-00-00800		0077170				WEYERHAEUSER COMPANY		
16-25-00-00-00900		0077188				WEYERHAEUSER COMPANY		
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16-25-00-00-01100		0077204				WEYERHAEUSER COMPANY		
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17-25-00-00-04400	0551539			WEYERHAEUSER COMPANY	
17-25-00-00-04500	0551547			WEYERHAEUSER COMPANY	

[Refine Results](#) [Start Over](#)

[Log Off](#)

**Standard Property Search Results**

1565 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Owner match type = contains; Name = "weyerhaeuser";

Page [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#)

Maplot	SIC	Account #	Site Address	Mail City	Zip	Owner	City Limits	UGB
17-25-00-00-04600		0551554				WEYERHAEUSER COMPANY		
17-25-00-00-04700		0551562				WEYERHAEUSER COMPANY		
17-25-00-00-04800		0551570				WEYERHAEUSER COMPANY		
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17-25-00-00-05000		0551596				WEYERHAEUSER COMPANY		
17-25-00-00-05100		0551604				WEYERHAEUSER COMPANY		
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17-25-02-00-00400		0551661				WEYERHAEUSER COMPANY		
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19-05-35-00-00300	0850410	WEYERHAEUSER COMPANY
19-06-00-00-06700	0851293	WEYERHAEUSER COMPANY
19-06-00-00-06800	0851301	WEYERHAEUSER COMPANY
19-06-00-00-07300	0851350	WEYERHAEUSER COMPANY

[Refine Results](#) [Start Over](#)

[Log Off](#)

**Standard Property Search Results**

1565 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Owner match type = contains; Name = "weyerhaeuser";

Page [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#)

Maplot	SIC	Account #	Site Address	Mail City	Zip	Owner	City Limits	UGB
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21-01-00-00-01501	1140977			WEYERHAEUSER COMPANY	
21-01-00-00-01502	1140985			WEYERHAEUSER COMPANY	
21-01-00-00-01700	0928570			WEYERHAEUSER COMPANY	
21-01-00-00-01800	0928596			WEYERHAEUSER COMPANY	
21-01-00-00-01900	0928604			WEYERHAEUSER COMPANY	

[Refine Results](#)

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**Standard Property Search Results**

1565 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Owner match type = contains; Name = "weyerhaeuser";

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Maplot	SIC	Account #	Site Address	Mail City	Zip	Owner	City Limits	UGB
21-01-00-00-02100		0928612				WEYERHAEUSER COMPANY		
21-01-00-00-02200		0928620				WEYERHAEUSER COMPANY		
21-01-00-00-02600		0928661				WEYERHAEUSER COMPANY		
21-01-00-00-02700		0928679				WEYERHAEUSER COMPANY		
21-01-00-00-02800		0928687				WEYERHAEUSER COMPANY		
21-01-00-00-03000		0928703				WEYERHAEUSER COMPANY		
21-01-00-00-03001		1141074				WEYERHAEUSER COMPANY		
21-01-00-00-03100		0928711				WEYERHAEUSER COMPANY		
21-01-00-00-03200		0928729				WEYERHAEUSER COMPANY		
21-01-00-00-03300		0928737				WEYERHAEUSER COMPANY		
21-01-00-00-03400		0928745				WEYERHAEUSER COMPANY		
21-01-00-00-03500		0928752				WEYERHAEUSER COMPANY		
21-01-00-00-03600		0928760				WEYERHAEUSER COMPANY		
21-01-00-00-04200		0928844				WEYERHAEUSER COMPANY		
21-01-00-00-04300		0928851				WEYERHAEUSER COMPANY		
21-01-00-00-04400		0928869				WEYERHAEUSER COMPANY		
21-01-00-00-04401		1141132				WEYERHAEUSER COMPANY		
21-01-00-00-04500		0928877				WEYERHAEUSER COMPANY		
21-01-00-00-04700		0928893				WEYERHAEUSER COMPANY		
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21-01-30-00-00302		1806783				WEYERHAEUSER COMPANY		
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21-01-31-00-00604		1007804				WEYERHAEUSER COMPANY		
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22-01-00-00-01600	0966638			WEYERHAEUSER COMPANY
22-01-00-00-01800	0966653			WEYERHAEUSER COMPANY

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Generated by Law Office of Bill Kloos, PC on Aug 30, 2012 at 12:03pm using RLID, <http://www.rlid.org/>

### Standard Property Search Results

1565 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Owner match type = contains; Name = "weyerhaeuser";

Page [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#)

Maplot	SIC	Account #	Site Address	Mail City	Zip	Owner	City Limits	UGB
22-01-00-00-02100		0966687				WEYERHAEUSER COMPANY		
22-01-00-00-02300		0966703				WEYERHAEUSER COMPANY		
22-01-00-00-02301		0966711				WEYERHAEUSER COMPANY		
22-01-00-00-02800		0966836				WEYERHAEUSER COMPANY		
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22-01-00-00-03200		0966877				WEYERHAEUSER COMPANY		
22-01-00-00-04100		0966968				WEYERHAEUSER COMPANY		
22-01-00-00-04200		0966976				WEYERHAEUSER COMPANY		
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23-01-00-00-04500	0973410			WEYERHAEUSER COMPANY		
23-01-00-00-04600	0973428			WEYERHAEUSER COMPANY		
23-01-00-00-04601	1141777			WEYERHAEUSER COMPANY		

[Refine Results](#) [Start Over](#)

[Log Off](#)

**Standard Property Search Results**

1565 data row(s). Click the "Refine Search" button if property of interest is not found.

Current search parameters: Owner match type = contains; Name = "weyerhaeuser";

Page [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#)

Maplot	SIC	Account #	Site Address	Mail City	Zip	Owner	City Limits	UGB
23-02-00-00-00100		0973436				WEYERHAEUSER COMPANY		
23-02-00-00-00101		1141793				WEYERHAEUSER COMPANY		
23-02-00-00-00102		1141801				WEYERHAEUSER COMPANY		
23-02-00-00-00300		0973451				WEYERHAEUSER COMPANY		
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23-02-00-00-01700		0973600				WEYERHAEUSER COMPANY		
23-02-00-00-01701		1141819				WEYERHAEUSER COMPANY		
23-02-00-00-01800		0973626				WEYERHAEUSER COMPANY		
23-02-00-00-02000		0973642				WEYERHAEUSER COMPANY		
23-02-00-00-02100		0973667				WEYERHAEUSER COMPANY		
23-02-00-00-02300		0973683				WEYERHAEUSER COMPANY		
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23-02-00-00-03300		0973782				WEYERHAEUSER COMPANY		
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23-03-17-00-00200	901	0974806				WEYERHAEUSER COMPANY		
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18-15-00-00-00601		1411659	80700 BOOTH KELLY RD	SPRINGFIELD	97478	WEYERHAEUSER COMPANY		
16-01-18-00-00700		0029841	92430 CARSON ST	MARCOLA	97454	WEYERHAEUSER COMPANY		
19-04-31-00-00600		0847887	81572 CASSIDY LN	EUGENE	97405	WEYERHAEUSER COMPANY		

22-03-06-00-01500		0969756	31576 CEDAR CREEK RD	COTTAGE GROVE	97424	WEYERHAEUSER COMPANY		
22-03-06-00-00200		0969608	31587 CEDAR CREEK RD	COTTAGE GROVE	97424	WEYERHAEUSER COMPANY		
17-09-30-00-00201		1294428	89042 CLEVELAND CREEK RD	SWISSHOME	97480	WEYERHAEUSER COMPANY		
17-09-30-00-00201		1294428	89060 CLEVELAND CREEK RD	SWISSHOME	97480	WEYERHAEUSER COMPANY		
15-07-34-00-00200		1394152	20710 CONGDON CREEK RD	BLACHLY	97412	WEYERHAEUSER COMPANY		
17-15-00-00-00602		0545523	41608 DEERHORN RD	SPRINGFIELD	97478	WEYERHAEUSER COMPANY		
21-03-06-00-01000		0939130	77474 DUGAN LN	COTTAGE GROVE	97424	WEYERHAEUSER COMPANY		
17-25-00-00-00600		0551133	45546 GOODPASTURE RD	VIDA	97488	WEYERHAEUSER COMPANY		
20-04-32-00-00100		1387305	28784 GOWDYVILLE RD	LORANE	97451	WEYERHAEUSER COMPANY		
17-02-28-00-00300		0112399	5500 HIGH BANKS RD	SPRINGFIELD	97478	WEYERHAEUSER COMPANY	SPR	SPR
17-08-04-00-00400		0525954	16851 HWY 36	DEADWOOD	97430	WEYERHAEUSER COMPANY		
15-07-35-00-00300		1394186	94731 LAKE CREEK RD	BLACHLY	97412	WEYERHAEUSER COMPANY		
21-03-20-00-00100		0942472	76166 LONDON RD	COTTAGE GROVE	97424	WEYERHAEUSER COMPANY		
17-02-30-00-02400		0114106	3300 MARCOLA RD	SPRINGFIELD	97477	WEYERHAEUSER COMPANY	SPR	SPR
15-01-16-00-00100		0000461	95618 MARCOLA RD	MARCOLA	97454	WEYERHAEUSER COMPANY		
16-03-12-00-00100		0038313	34700 MCGOWAN CREEK RD	SPRINGFIELD	97478	WEYERHAEUSER COMPANY		
21-02-31-00-01000		0935351	74974 MOSBY CREEK RD	COTTAGE GROVE	97424	WEYERHAEUSER COMPANY		
21-03-10-00-00100		0940898	77300 QUAGLIA RD	COTTAGE GROVE	97424	WEYERHAEUSER COMPANY		
21-02-14-00-01700		1083896	36829 ROW RIVER RD	COTTAGE GROVE	97424	WEYERHAEUSER COMPANY		
21-02-14-00-01700		1083896	36833 ROW RIVER RD	COTTAGE GROVE	97424	WEYERHAEUSER COMPANY		
21-01-31-00-00700		0929826	37802 ROW RIVER RD	DORENA	97434	WEYERHAEUSER COMPANY		
21-01-31-00-00700		0929826	37807 ROW RIVER RD	DORENA	97434	WEYERHAEUSER COMPANY		
22-01-05-00-01000		0967867	74540 SHARPS CREEK RD	DORENA	97434	WEYERHAEUSER COMPANY		
21-01-31-00-00700		0929826	74804 SHARPS CREEK RD	DORENA	97434	WEYERHAEUSER COMPANY		
		5158371				WEYERHAEUSER NR COMPANY		
		5636839				WEYERHAEUSER NR COMPANY		
16-04-31-00-01100	901	1772621				WEYERHAEUSER NR COMPANY		
17-04-27-23-01100		0458479				WEYERHAEUSER NR COMPANY	EUG	EUG
17-04-27-30-00501		1306115				WEYERHAEUSER NR COMPANY	EUG	EUG
17-04-27-30-00800		0458883				WEYERHAEUSER NR COMPANY	EUG	EUG

<u>17-04-27-30-01400</u>	901	1850914				WEYERHAEUSER NR COMPANY	EUG	EUG
18-03-23-10-05403		1075710				WEYERHAEUSER NR COMPANY		
18-03-23-10-05404		1075728				WEYERHAEUSER NR COMPANY		
<u>18-03-23-10-05405</u>		1075736				WEYERHAEUSER NR COMPANY		
21-03-05-00-01600		0938645				WEYERHAEUSER NR COMPANY		COT
<u>21-03-05-00-01701</u>	902	1850864				WEYERHAEUSER NR COMPANY		COT
21-03-05-00-02300		0938710				WEYERHAEUSER NR COMPANY		
21-03-07-00-00100		0939189				WEYERHAEUSER NR COMPANY		
21-03-09-00-02400		1108123				WEYERHAEUSER NR COMPANY		
17-04-27-30-01600		0458966	192 N BERTELSEN RD	EUGENE	97402	WEYERHAEUSER NR COMPANY	EUG	EUG
<u>17-04-27-30-01400</u>		0458941	195 N BERTELSEN RD	EUGENE	97402	WEYERHAEUSER NR COMPANY	EUG	EUG
<u>17-04-27-30-00700</u>		0458875	3890 CROSS ST	EUGENE	97402	WEYERHAEUSER NR COMPANY	EUG	EUG
<u>17-04-27-30-00700</u>		0458875	3900 CROSS ST	EUGENE	97402	WEYERHAEUSER NR COMPANY	EUG	EUG
17-04-27-30-00900		0458891	3950 CROSS ST	EUGENE	97402	WEYERHAEUSER NR COMPANY	EUG	EUG
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17-04-27-30-01100		0458917	3990 CROSS ST	EUGENE	97402	WEYERHAEUSER NR COMPANY	EUG	EUG
<u>21-03-05-00-01701</u>		1531035	77629 HWY 99	COTTAGE GROVE	97424	WEYERHAEUSER NR COMPANY		COT
18-03-23-10-05500		0689057	85647 HWY 99S	EUGENE	97405	WEYERHAEUSER NR COMPANY		
<u>18-03-23-10-05405</u>		1316387	85677 HWY 99S	EUGENE	97405	WEYERHAEUSER NR COMPANY		
21-03-08-00-01500		0940005	31763 KOSEY RD	COTTAGE GROVE	97424	WEYERHAEUSER NR COMPANY		
21-03-08-00-02500		0940096	31788 KOSEY RD	COTTAGE GROVE	97424	WEYERHAEUSER NR COMPANY		
<u>21-03-05-00-01701</u>		1531035	32041 LATHAM RD	COTTAGE GROVE	97424	WEYERHAEUSER NR COMPANY		COT
		5093727				WEYERHAEUSER NR COMPANY INC		
15-01-23-00-00501		0001048				WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
15-01-28-00-00100		0001428				WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
15-01-28-00-00801		0001584				WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
16-02-13-00-01000		0034114				WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
16-02-13-00-01401		0034163						

					WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
<u>16-02-13-00-01402</u>		1854924			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
<u>16-02-13-00-01402</u>		1854932			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
16-02-13-00-02400		1854874			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
16-02-14-00-01400		0034395			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
16-02-14-00-01404		1854916			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
<u>16-02-24-00-01300</u>		0034999			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
<u>16-02-24-00-01300</u>		1854940			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
17-01-18-00-00700		0095834			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
17-02-32-00-00100		0126084			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO	SPR	SPR
18-01-35-00-02100		0559441			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
<u>18-02-03-00-00700</u>		0560787			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO	SPR	SPR
<u>18-02-03-00-00700</u>		1408614			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO	SPR	SPR
<u>18-02-03-00-00700</u>		1408622			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO	SPR	SPR
<u>18-02-03-00-00700</u>		1408630			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO	SPR	SPR
18-02-04-00-03100		0561223			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO	SPR	SPR
18-02-05-11-00200		0126233			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO	SPR	SPR
18-02-10-00-01600		0567626			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		SPR
18-02-11-00-01700		0567865			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
19-01-01-00-00101		0810562			WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
19-01-02-00-00100		0810653					

						WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
21-01-34- 00-00404		1411667				WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		
21-01-34- 00-00701		1851615				WEYERHAEUSER REAL ESTATE DEVELOPMENT CO		

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300  
156.51 AC

LOT 2

LOT 1 10.92

51.24

LOT 3 32

079-04

NW COR  
THOMAS GRAY  
DLC NO 42

202  
48.53 AC

201  
19.06 AC

200  
22.24 AC

US Government

High Mountain

52.25 AC.S.

SEE MAP  
16021000

51.43

LOT 4

Weyerhaeuser

400  
103.43 AC

Weyerhaeuser

LOT 6

11.46

West 52  
acres  
Ranch Ventures

East 78 acres  
Ranch Ventures, LLC

SW COR  
THOMAS GRAY  
DLC NO 42

SEE MAP  
10010600

299  
8.56 AC

Weyerhaeuser

NW COR  
JOSEPH GRAY  
DLC 38

500  
95.92 AC

Ranch 8120, LLC

079-02

079-04

501  
31.59 AC

INT  
JOSEPH GRAY

51.81

26.46 CH NORTH  
OF SW COR  
DLC 38

500  
0.82 AC

LOT 5  
0.82

7

SEE MAP  
16011600



# Anne C. Davies

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Attorney at Law

September 5, 2012

Lane County Board of Commissioners  
Public Services Building  
125 E. 8<sup>th</sup> Ave.  
Eugene, OR 97401

Re: Raven Ventures Plan and Zone Change; PA 06-5888

Dear Members of the Board:

My office represents Goal One Coalition in this matter. I submit this letter on behalf of Goal One to clarify several legal issues for the Board.

On August 28, 2012, the applicant submitted a letter that urged the Board to rely on past interpretations and a circuit court decision addressing Policies 15 and 16 of Goal 4 of the Lane County Comprehensive Plan. I will not reiterate here the content of those policies or the detailed history the Board has had involving those policies. I assume the Board is intimately familiar with both.

## **Circuit Courts do not provide legal precedent**

First, with regard to the applicant's position that the Board should rely on the Lane County Circuit Court's decision in CJK, the applicant misapplies the law. In its August 28<sup>th</sup> letter, Raven Ventures outlined the holding of the circuit court's decision in a different case, *CJK, LLC v. Lane County*, No. 16-09-11508. In that case, the court concluded that "'commercial' forest use distinguishes large scale industrial forest operations from small-scale nonindustrial forest operations."

Case law from LUBA and the Oregon Court of Appeals make clear that decisions from the circuit court are not binding on LUBA or the Board. *See Skydive Oregon v. Clackamas County*, 25 Or LUBA 294 (1993); *see also Reeves v. Yamhill County*, 55 Or LUBA 452 (2007); *Reeder v. Clackamas County*, 20 Or LUBA 238 (1992); *Sterling Mine Properties v. Jackson County*, 23 Or LUBA 18 (1992). The case law is clear that circuit court decisions are not a higher authority. *Skydive*, 25 Or LUBA 294, slip op. at 5 ("as it relates to the review of local land use decisions, the circuit court is not a superior

authority"). The Board of Commissioners is called upon to make the right decision in each case.

That is especially true in this case. My office represented the intervenor, LandWatch Lane County, in the *CJK* case. The following factors provide further support to the clear legal precedent precluding reliance on circuit court precedence. First, *CJK* was a completely different case and involved different facts. Second, the court in *CJK* made a decision that contradicted the position taken by the hearings officer and the position taken by the county counsel, who appeared and presented the county's position before the court. Both the hearings officer and the county counsel agreed with LandWatch's interpretation of the comprehensive plan policy at issue despite the board's previous contrary interpretation.

Finally, because of the procedural posture of the case, a mandamus case that was litigated in circuit court because the county had missed the 150-day statutory deadline for issuing a decision, the usual deference standard did not apply. In mandamus cases under ORS 215.429, the burden of proof is switched. While normally the applicant has the burden of demonstrating that each and every approval criterion can be complied with, in a mandamus action, the circuit court is directed by statute to approve the application unless the county (and/or intervenor) can demonstrate that the application should *not* be approved. This switching of the burden of proof gives the applicant a tremendous advantage in a circuit court mandamus proceeding under ORS 215.429. This is yet another reason that supports our contention that circuit court decisions do not provide legal precedent in later county proceedings.

Yet one more policy reason not to rely on the circuit court decision in *CJK* is that circuit courts are not the experts in land use. Because LUBA has exclusive jurisdiction over the review of all "land use decisions" in the state, circuit court judges are not familiar with the land use system or the policies that underlie the statewide planning goals. In this case, that inexperience was apparent. Properties zoned F-1 and F-2 in Lane County both represent commercial forest operations. The F-1 properties were initially zoned F-1 because they were located in and among very large holdings of forest land. Properties that consisted of smaller acreages, but were still managed for commercial forestry, were given the F-2 zone, because they were more "impacted" by nearby development. Both F-1 and F-2 lands were and continue to be owned and managed by industrial forest operators. As the hearings officer, county counsel and intervenor in *CJK* understood, this was the obvious distinction between F-1 and F-2 zoned lands. The circuit court's distinction between large-scale industrial forest operations and small-scale nonindustrial forest operations is simply

not supported by the history of zoning in Lane County. It is not required or advisable for the county board to rely on bad precedent in its future decisionmaking.

### **Board is not bound by previous board interpretations**

Perhaps more important than the legal position that the board is not required to rely on circuit court decisions in different cases is the settled principle that the board is not required to rely on its own past interpretations.

“The issue here is whether [the challenged decision] meets all the applicable criteria based upon the facts in the record. There is no requirement local government actions must be consistent with past decisions, but only that a decision must be correct when made. Indeed, to require consistency for that sake alone would run the risk of perpetuating error. \* \* \*.” *Okeson v. Union County*, 10 Or LUBA 1, 5 (1983).

To the extent the board is tempted to simply rely on its past interpretation from the *Symbiotics* case, it should resist the urge. The board must determine the correct interpretation of the policy at issue. In doing so, it should carefully review and consider the position taken by the hearings officer in the *CJK* case:

“The applicant argues that ‘commercial forest uses’ be considered to be synonymous with industrial forest operations. I must categorically reject this interpretation. Nowhere in the policies of RCP Goal 4 is the term ‘industrial forest land’ mentioned let alone discussed in a manner to suggest that the plain meaning of the term ‘commercial’ is somehow intended to morph into the term ‘industrial’ when the zoning of forestland is being considered. If the Board of Commissioners, in the policy guidance provided by Policy 15, had intended to change the plain meaning of ‘commercial’ or to preclude F-1 zoning of parcels subject to Small Tract Forest tax deferral it would have been a very easy thing to do.” Hearings Officer appeal decision in *CJK* case, pp 8-9.

The hearings officer goes on to explain his rationale in further detail. A copy of the pertinent pages of his decision are attached to this letter. The hearings officer’s analysis employs the correct maxims of interpreting county code and comprehensive plan provisions and correctly considers

the historical context of zoning in Lane County. My client urges the board to adopt that well reasons approach here.

Sincerely,

A handwritten signature in cursive script that reads "Anne C. Davies".

Anne C. Davies

cc: client  
Jerry Kendall  
Kim O'Dea

**(3) Predominantly ownerships contiguous to other land utilized for commercial forest or commercial farm uses.**

The applicant argues that “commercial forest uses” be considered to be synonymous with industrial forest operations. I must categorically reject this interpretation. Nowhere in the policies of RCP Goal 4 is the term “industrial forest land” mentioned let alone discussed in a manner to suggest that the plain meaning of the term “commercial” is somehow intended to morph into the term “industrial” when the zoning of forestland is being considered. If the Board of Commissioners, in the policy guidance provided by Policy 15, had intended to change the plain meaning of “commercial” or to preclude F-1 zoning of parcels subject to

Small Tract Forest tax deferral it would have been a very easy thing to do. There were a lot of factors that went into the zoning of forest land in Lane County and historical happenstance as well as the tax status and ownership size were just some of the factors. The applicant overemphasizes the reference to industrial forest operators that appears in Ordinance 1236.

The mere presence of commercial tree species does not make property subject to a commercial forest use and by the same token a parcel less than 80 acres in size does not eliminate that property from consideration as being a commercial operation. The test of whether a parcel is under commercial forest use is best determined by the actual use of the property not just a paper analysis of its size, deferral status and the size of its owner's timber holdings.

As used in the context of this criterion, I believe that the term "commercial" means managing the land primarily for purposes of making a profit. That is, there must be a primary intent to harvest and sell trees or to farm and that intent must be divined from the actions of the landowner as well as the characteristics of the forestland. RCP Goal 4, Policy 1 emphasizes the protection of the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species. Surely this policy is not limited by practice or intent to large "industrial" forest ownerships but is also intended to encourage commercial operations that do not rise to this scale.

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In Ordinance No. PA 1212, the Board of Commissioners explicitly found that commercial farm or forest uses predominate on parcels adjacent to the subject property.<sup>3</sup> Specifically, the Board found that tax lots 2600 and 101, adjacent to the east, and tax lot 1400, adjacent to the south, were in commercial farm or forest use. Further, the Board found that tax lot 2202 adjacent to the north, contained a forest-related dwelling and was a small woodland operation. Tax lot 4100, adjacent to the north, is zoned F-1 and has been commercially harvested and replanted. The same is true of tax lot 401, adjacent to the south.

The Board considered properties to the east, across the railroad right-of-way and Lost Creek and also considered a larger area that included two unincorporated communities, 65 dwellings outside of these communities, and a mixture of commercial industrial and public uses. However, there was no discussion as to why these uses, which are located one-quarter mile or more from the subject

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<sup>3</sup> Exhibit B, Findings of Fact and Conclusions of Law, to Ordinance No. PA 1212 pg. 9.

*Packet 1st Read*



# AGENDA CHECKLIST

Account Code 131 3628 010

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

**One Title Memo**  
(See APM CH.1, Sec. 2) (Photocopy 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: **FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/ORDINANCE NO PA 1266 -- IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "AGRICULTURAL" TO "FOREST" AND REZONING THAT LAND FROM "E-40/EXCLUSIVE FARM USE" TO "F-1/NONIMPACTED FOREST LANDS" (western 48 acres) AND TO "F-2/IMPACTED FOREST LANDS" (eastern 78 acres); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (FILE PA 06-5888; Ravin Ventures LLC)**

DEPARTMENT	<i>Public Works</i>	
CONTACT	<i>Jerry Kendall</i>	EXT <i>4057</i>
PRESENTER	<i>Jerry Kendall</i>	EXT <i>4057</i>
AGENDA DATE:	<i>1<sup>st</sup> read: 8-15-12; 2<sup>nd</sup> read/hearing: 8-29-12 (1:30 P.M.)</i>	

#### THIS ITEM WILL INVOLVE:

- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Consent Calendar | <input type="checkbox"/> Report              | <input type="checkbox"/> Appointments                       | <input type="checkbox"/> Committee Reports |
| <input type="checkbox"/> ORDER/Resolution | <input type="checkbox"/> Discussion & Action | <input type="checkbox"/> Discussion Only                    |  |
| X Ordinance/Public Hearing                | X 1st Reading                                | X 2nd Reading   | <input type="checkbox"/> 3rd Reading       |
| Public Comment Anticipated?               | X Yes <input type="checkbox"/> No            | Estimated Time <i>30 min. (2<sup>nd</sup> read/hearing)</i> |  |

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

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

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

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

Human Resources-Review by (if required): \_\_\_\_\_ Date \_\_\_\_\_

- |  |  |
|--|--|
| <input type="checkbox"/> Yes <input type="checkbox"/> No | File Note Attached?                            |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | Information for Agenda Setting Committee Only? |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | To be Distributed with Packets                 |

INDICATE OTHER DIVISIONS/DEPARTMENTS THAT REQUIRE COPIES OF APPROVED ORDER

\_\_\_\_\_



AGENDA COVER MEMO



LAND MANAGEMENT DIVISION  
http://www.LaneCounty.org/PW\_LMD/

DATE: July 30, 2012 (Date of Memo)  
August 15, 2012 (Date of First Reading)  
August 29, 2012 (Date of Second Reading/Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: Public Works Department/Land Management Division JK

PRESENTED BY: Jerry Kendall/Land Management Division

AGENDA ITEM TITLE: FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/ORDINANCE NO PA 1266 -- IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "AGRICULTURAL" TO "FOREST" AND REZONING THAT LAND FROM "E-40/EXCLUSIVE FARM USE" TO "F-1/NONIMPACTED FOREST LANDS" (western 48 acres) AND TO "F-2/IMPACTED FOREST LANDS" (eastern 78 acres); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (FILE PA 06-5888; Ravin Ventures LLC)

I. MOTION

1. August 15, 2012: ALTERNATIVE MOTIONS PRIOR TO THE FIRST READING AND SETTING THE SECOND READING AND PUBLIC HEARING:

A. I MOVE THE PROPOSED ORDINANCE NO. PA 1266 BE REFERRED BACK TO THE LANE COUNTY PLANNING COMMISSION (LCPC) FOR REVIEW OF THE CURRENT VERSION OF THE PLAN AMENDMENT/ZONECHANGE RECENTLY PREPARED BY APPLICANT WHICH MODIFIES THE CHANGES RECOMMENDED BY THE LCPC BASED ON INFORMATION NOT INCLUDED IN THE PROCEEDINGS BEFORE THE LCPC WHEN THE RECOMMENDATION WAS MADE.

OR

B. I MOVE APPROVAL OF THE FIRST READING OF ORDINANCE NO. PA 1266 AND SETTING THE SECOND READING AND PUBLIC READING FOR AUGUST 29, 2012, AT 1:30 P.M. IN HARRIS HALL, PUBLIC SERVICE BUILDING.

2. August 29, 2012: ALTERNATIVE MOTIONS AFTER THE SECOND READING/PUBLIC HEARING.

A. I MOVE TO APPROVE THE APPLICATION AND ENACT ORDINANCE NO. PA 1266 BASED ON THE PROPOSED FINDINGS.

**OR**

B. I MOVE TO SET A THIRD READING AND DIRECT STAFF TO REVISE THE PROPOSED FINDINGS TO ADDRESS APPLICABLE APPROVAL CRITERIA PER THE BOARD'S DIRECTION, AND DIRECT STAFF TO RETURN WITH A REVISED ORDINANCE FOR THE BOARD'S CONSIDERATION AND ACTION.

**OR**

C. I MOVE TO TENTATIVELY DENY THE APPLICATION AND DIRECT STAFF TO PREPARE AN ORDER WITH FINDINGS FOR FINAL ACTION, SETTING FORTH THE BOARD'S REASONS FOR DENYING THE APPLICATION.

## **II. ISSUE OR PROBLEM**

A privately-initiated minor amendment to the Rural Comprehensive Plan (RCP), and companion rezoning request. A previous version with a zone change to F-1 for the entire 126 acres has been recommended for approval by the Laue County Planning Commission. This Ordinance sets a revised proposal for a split F-1/F-2 zone designation before the Board for adoption or denial.

## **III. DISCUSSION**

### **A. Background**

This application has been revised several times. In May of 2006, the original application proposal was made to redesignate a 126 acre parcel of land, located at 92922 Marcola Road, Marcola, from "Agricultural" to "Forest" land, and rezone it from "E-40/Exclusive Farm Use" to "F-2/Impacted Forest Lands". The parcel is identified as tax lot 700 of Map 16-01-08. A hearing with the Planning Commission was scheduled for April 17, 2007, but the Applicant withdrew the proposal the day before the hearing. The withdrawal was based on the Applicant's need to address the Board's interpretation of RCP Goal 4, policy 15, as per Board Ordinance No. PA 1236, *Symbiotics*, which was enacted in August, 2006. Policy 15 outlines the characteristics of F-1 versus F-2 zoned land, and has been the primary issue in this application.

A revised application was submitted in September, 2008. Of note was the revision of the proposal to include only the easternmost 78 acres of the subject parcel. The remaining 48 westernmost acres were to retain the Agriculture/E-40 designation. The Planning Commission conducted a public hearing on February 17, 2009. Before the record closed on March 31, the Applicant agreed with staff that the creation of a split Plan designation of Agriculture/Forest

was not ideal<sup>1</sup>. In addition, in their submittal of March 3, 2009, the Applicant stated that “...the applicant is not opposed to F-1 zoning for the entire 126 acre parcel”.

On April 21, 2009, the Planning Commission unanimously (8-0) recommended approval of the modified request, recommending a Forest plan designation, with an F-1 zone designation, for the entire 126 acre parcel. **Note: The proposed ordinance does not reflect the Planning Commission recommendation of approval, instead, it includes split zoning of F-1/F-2 for the 126 acre parcel as described below.**

Since the above action by the Planning Commission, the property has been placed under two separate ownerships, with Ravin Ventures owning the westernmost 48 acres, and Ramon Fisher owning the easternmost 78 acres. This split was apparently achieved via a property line adjustment utilizing one of the six legal lots that are within tax lot 1700. The applicant has been requested to provide a copy of the recorded adjustment prior to the hearing date.

Additionally, since the Planning Commission last heard the item, a Circuit Court Order (*CJK v. Lane County*, No. 160911508) was issued on March 16, 2011. This ruling was the result of a writ of mandamus filed by the present agent’s law firm in PA 08-5928, a zone change from F-1 to F-2. This Order concluded the zone change should be approved and applicant’s agent has asserted the court agreed with the Plaintiff’s approach regarding the interpretation of RCP Goal 4, policy 15 as applied to that zone change and that agreement should be followed in this case. The Order may negate some of the previous disagreements between staff and the applicant in the present application over administration of policy 15. The change in ownership may also affect analysis under that policy. The Order may simplify the analysis under policy 15, and the applicant now asserts that a Plan and Zone change to Forest land and a split zoning of F-1 and F-2 is justified. With the Circuit Court ruling, the debate over policy 15 in the report to the Planning Commission may become largely historic and could be less relevant to the current situation.

It is worth mentioning that the past practice of the Board has been for the Planning Commission to thoroughly evaluate and vote on any proposal which comes before the Board. In that regard, the Board could decide to remand this item back to the Planning Commission for a hearing under the current proposed version, including new factual and legal analysis now provided by the applicant. Staff’s recommendation is to do so, unless the Board determines the Circuit Court Order in the *CJK* case makes the necessary Goal 4, Policy 15 analysis straightforward and referral back to the Planning Commission is unnecessary.

## **B. Analysis**

The application is being made pursuant to Lane Code 16.400, which governs amendments to the RCP, and LC 16.252, which governs rezoning actions. The proposal is also subject to compliance with the Statewide Planning Goals, RCP Goals and policies, the General Purpose Statements of LC 16.003, as well as the purpose of the F-1 and F-2 ordinances, LC 16.210 and LC 16.211 respectively. Since the proposal replaces one resource designation for another, no exceptions to any of the statewide goals is required.

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<sup>1</sup> At that time, the entire 126 acres was under singular ownership.

This current request proposes to convert the entire 126 acres to a Forest land Plan designation. In addition, the current proposal calls for a rezone of the westernmost 48 acre parcel to F-1, and the easternmost 78 acres to F-2. As mentioned previously, this proposal and the basis for approval asserted by the applicant has not been reviewed or recommend for approval by the Planning Commission. If the Board approves the request, development of the western, F-1 zoned parcel would be subject to those uses allowable in the F-1 zone, LC 16.210. That parcel is vacant, and no new dwellings are allowed in the F-1 zone. The easternmost 78 acre F-2 zoned parcel would be subject to the uses allowed by LC 16.211. This parcel contains an existing dwelling. While not part of the current proposal before the Board, staff notes that the eastern 78 acres contains (at least as of the last verification in October of 2009) five separate legal lots. This allows for subsequent property line adjustments and the application for multiple single family dwellings under the “template test” of LC 16.211(5).

#### RCP Goal 4, policy 15

The original findings for the current proposal provided by the applicant have been reviewed and edited slightly by staff, and are found as Exhibit C to the attached ordinance.

In the findings, the applicant notes that since there have been no disagreement that the entire 126 acre property deserves a Plan designation to Forest land, the remaining task is to assign the proper forest zone designation to the two parcels. The applicant has taken the position that, assuming the Board agrees with a Plan designation of Forest land, the analysis under policy 15 need only be taken for the easternmost 78 acre parcel, as an F-1 designation is more stringent and can be considered the default designation. While there may be little harm in this approach, there is some risk in not making any finding of compliance or consistency with Goal 4, Policy 15 for the westernmost 48 acres of the property. Should it be determined that the westernmost parcel also needs to formally undergo an analysis under policy 15, the findings can be supplemented by the applicant.

As stated earlier, the Circuit Court Order in the *CJK* case which took effect after the Planning Commission’s vote may simplify any analysis under RCP Goal 4, policy 15. This policy describes the characteristics of F-1 and F-2 zoned land. Subsection 15.b. of the policy lists five characteristics of F-1 zoned land. Subsection 15.c lists four characteristics of F-2 zoned land. The Circuit Court ruled that if a majority of the F-1 characteristics are not met, then the property should be zoned F-2. Alternatively, if a majority of the four F-2 characteristics are met, the property should also be zoned F-2.

The findings for Policy 15 start on page 24 of the findings. They result in a conclusion that all five of the F-1 characteristics do not apply to the 78 acre parcel, and that all four of the F-2 characteristics have been met by that parcel.

Policy 15 is cited in **boldface** type below, with staff comments following. The comments are meant as a summary of how the Circuit Court Order in the *CJK* case ruled based on a perfunctory review of the Order and assertions of the applicant's agent. Please consult the actual findings for a more complete accounting.

Remember, the following analysis pertains only to the 78 acre eastern parcel being proposed for a zone designation of F-2.

This analysis covers policy 15 only, the highlight of the application. Please refer to the proposed findings for responses to other state and local laws pertinent to this application.

**Policy 15 Lands designated within the Rural Comprehensive Plan as forest land shall be zoned Non-Impacted (F-1/RCP) or Impacted Forest Land (F-2/RCP). A decision to apply one of the above zones or both in a split zone fashion shall be based upon:**

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

**(F-1)**

**b. Non-impacted Forest Land Zone (F-1/RCP) characteristics:**

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

The 78 acre parcel contains a dwelling near Marcola Road, apparently built in the early 1900's. This may favor an F-2 zone designation.

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

At 78 acres, the parcel is below the 80 acre threshold. This is not a characteristic of F-1 zoned land and may favor an F-2 designation of the parcel.

**(3) Predominantly ownerships contiguous to other land utilized for commercial forest or commercial farm uses.**

It seems undisputed that no commercial farm use occurs on contiguous land.

While this standard was the focus of much debate prior to the Circuit Court Order, the aspect of what constitutes commercial forest land may have been simplified as a result of the Order. Basically stated, the court supported a previous interpretation by the Board that "commercial" forest uses distinguishes large scale industrial forest operations from small-scale nonindustrial forest use operations. According to applicant's agent, the court accepted the plaintiff's approach of utilizing a list of

industrial forest operators generated by the Oregon Department of Revenue, although the connection is not apparent on the face of the Order. This list is found as exhibit TT in the original submittal (found within Attachment #3, page 125). Only one of the contiguous properties is on the list, tax lot 200, Roseboro Timber. Under that analysis, the subject parcel is predominantly contiguous to non commercial forest land. This may favor an F-2 designation.

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

The Circuit Court took a literal view of this standard, reasoning that the classification of the road is key. Marcola Road is classified as a Rural Minor Collector and not an arterial road. It is not a road intended primarily for forest management. This may favor an F-2 designation.

**(5) Primarily under commercial forest management.**

This standard refers to the subject property. Neither the current owner of the eastern parcel, Ramon Fisher, nor the former, Ravin Ventures, is on the aforementioned Department of Revenue list. Therefore, according to applicant's agent, the 78 acre parcel is not considered as commercial forest land. This may favor an F-2 designation.

**In summary, the subject property seems to exhibit none of the characteristics of F-1 property.**

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

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

Since the subject property contains a dwelling, this standard may favor an F-2 zone designation.

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

At 78 acres, the subject parcel appears to meet this characteristic, warranting an F-2 designation under this standard.

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

The proposal meets both portions of this "and/or" standard. The findings show that the "generally contiguous" tracts are less than 80 acres. A developed and Committed area is found adjacent to the west. This may favor an F-2 designation.

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

The subject property has access to a full range of services normally available to a rural residence, including police and fire coverage, school, electricity, telephone, access, and solid waste disposal. This may favor an F-2 zone designation.

**In summary**, the 78 acre eastern parcel does not appear to meet any of the five characteristics of F-1 land and seems to meet all four of the F-2 characteristics. If so, a designation of F-2 is warranted.

Lane County Planning Commission Action

The LCPC deliberated on April 21, 2009, and unanimously (8-0) recommended approval of the previous version for a plan change to Forest land, with a concurrent zone change to F-1 for the 126 acre parcel. Their reasoning is described in the attached minutes of that meeting. **Note: The proposed ordinance does not reflect the Planning Commission recommendation, instead, it includes split zoning of F-1/F-2 for the 126 acre parcel as described above.**

In addition to the description offered in the minutes, the CD recording of the Planning Commission deliberation is available to the Board of Commissioners upon request (please call J. Kendall at x4057).

The Applicant's agent is expected to be on hand at the Board hearing to present the proposal and respond to questions, if the Board does not refer the proposal back to the Planning Commission. Should additional written materials or testimony be produced concerning this item, it will be delivered to the Board in a supplement or delivered at the hearing.

**C. Alternatives/Options**

1. Refer the proposed ordinance and analysis of the applicant for split zoning back to the Planning Commission for consideration and recommendation based on the new information and analysis.
2. Approve the application based on the proposed findings as presented.
3. Direct staff to revise the proposed findings to address the applicable approval criteria as so directed by the Board, and for staff to return with the revised ordinance for the Board's adoption, once the findings have been determined to be satisfactory.
4. Tentatively deny the application and direct staff to prepare an Order with findings for final action, setting forth the Board's reasons for denying the application.

**D. Recommendation**

Staff recommends option 1 above.

**E. Timing**

The Ordinance does not contain an emergency clause.

**IV. IMPLEMENTATION/FOLLOW-UP**

Notice of action will be provided to DLCD and the Applicant.

**V. ATTACHMENTS**

1. Ordinance No. PA 1266 – 2 pages (note: the ordinance is in Draft form, pending provision of the legal description of the two parcels by the applicant)  
  
Exhibit A: Existing/Proposed Plan Map—1 page  
  
Exhibit B: Existing/Proposed Zone Map—1 page  
  
Exhibit C: Proposed Findings—37pages
2. LCPC minutes of 2-17-09 and 4-21-09—18 pages
3. LCPC Staff Report dated 2-17-09 (includes original submittal)—546 pages



BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE NO. PA 1266 ) IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE  
 ) PLAN TO REDESIGNATE LAND FROM "AGRICULTURAL"  
 ) TO "FOREST" AND REZONING THAT LAND FROM "E-  
 ) 40/EXCLUSIVE FARM USE" TO "F-1/NONIMPACTED FOREST  
 ) LANDS" (western 48 acres) AND TO "F-2/IMPACTED FOREST  
 ) LANDS" (eastern 78 acres); AND ADOPTING SAVINGS AND  
 ) SEVERABILITY CLAUSES (FILE PA 06-5888; RAVIN  
 ) VENTURES, LLC)

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

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

WHEREAS, in May 2006, application no. PA 06-5888 was made for a minor amendment to redesignate tax lot 700, Map 16-01-08, from "Agriculture" to "Forest" land, with a concurrent request to rezone the property from "E-40/Exclusive Farm Use" to "F-2/Impacted Forest Lands;" and

WHEREAS, in March 2009, the above application was revised to request a minor amendment to redesignate all of tax lot 700, Map 16-01-08, from "Agriculture" to Forest, with a concurrent request to rezone the property from "E-40/Exclusive Farm Use" to "F-1/NonImpacted Forest Use;" and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearings on February 7, 2009, and April 21, 2009, and recommended approval of the proposed amendment and rezoning as requested; and

WHEREAS, in February 2012, the application was again revised, to request a minor amendment to redesignate all of tax lot 700, Map 16-01-08, from "Agriculture" to "Forest" land, with a concurrent rezone of the westernmost 48 acres of the property from "E-40/Exclusive Farm Use" to "F-1/NonImpacted Forest Use;" and to rezone the easternmost 78 acres from "E-40/Exclusive Farm Use" to "F-2/Impacted Forest Use;" and

WHEREAS, the evidence in the record indicates that the latest proposal meets the requirements of Lane Code Chapter 16, and other requirements of state and local law;

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

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

Section 1. The Lane County Rural Comprehensive Plan is amended by the redesignation of tax lot 700, Map 16-01-08, from "Agriculture" to "Forest," more particularly described as that property conveyed in Instrument No. 98-78231, Lane County Official Records, such area being depicted on Official Lane County Plan Map 1601 and further identified on a portion of that map in Exhibit "A" attached and incorporated

ORDINANCE NO. PA 1266/IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "AGRICULTURAL" TO "FOREST" AND REZONING THAT LAND FROM "E-40/EXCLUSIVE FARM USE" TO "F-1/NONIMPACTED FOREST LANDS" (western 48 acres) AND TO "F-2/IMPACTED FOREST LANDS" (eastern 78 acres); AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (FILE PA 06-5888; RAVIN VENTURES, LLC)

herein.

Section 2. The westernmost 48 acre portion of Tax lot 700, Map 16-01-08, is rezoned from "E-40/Exclusive Farm Use" (Lane Code 16.212), to "F-1/NonImpacted Forest Use" (Lane Code 16.210), more particularly described as that property conveyed in Instrument No. ^, Lane County Official Records. In addition, the easternmost 78 acre portion of Tax lot 700, Map 16-01-08, is rezoned from "E-40/Exclusive Farm Use (Lane Code 16.212), to "F-2/Impacted Forest Use" (Lane Code 16.211), more particularly described as that property conveyed in Instrument No. ^, Lane County Official Records, both areas being depicted on Official Lane County Zoning Map 1601 and further identified on a portion of that map in Exhibit "B" attached and incorporated herein.

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

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

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

**ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2012.

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

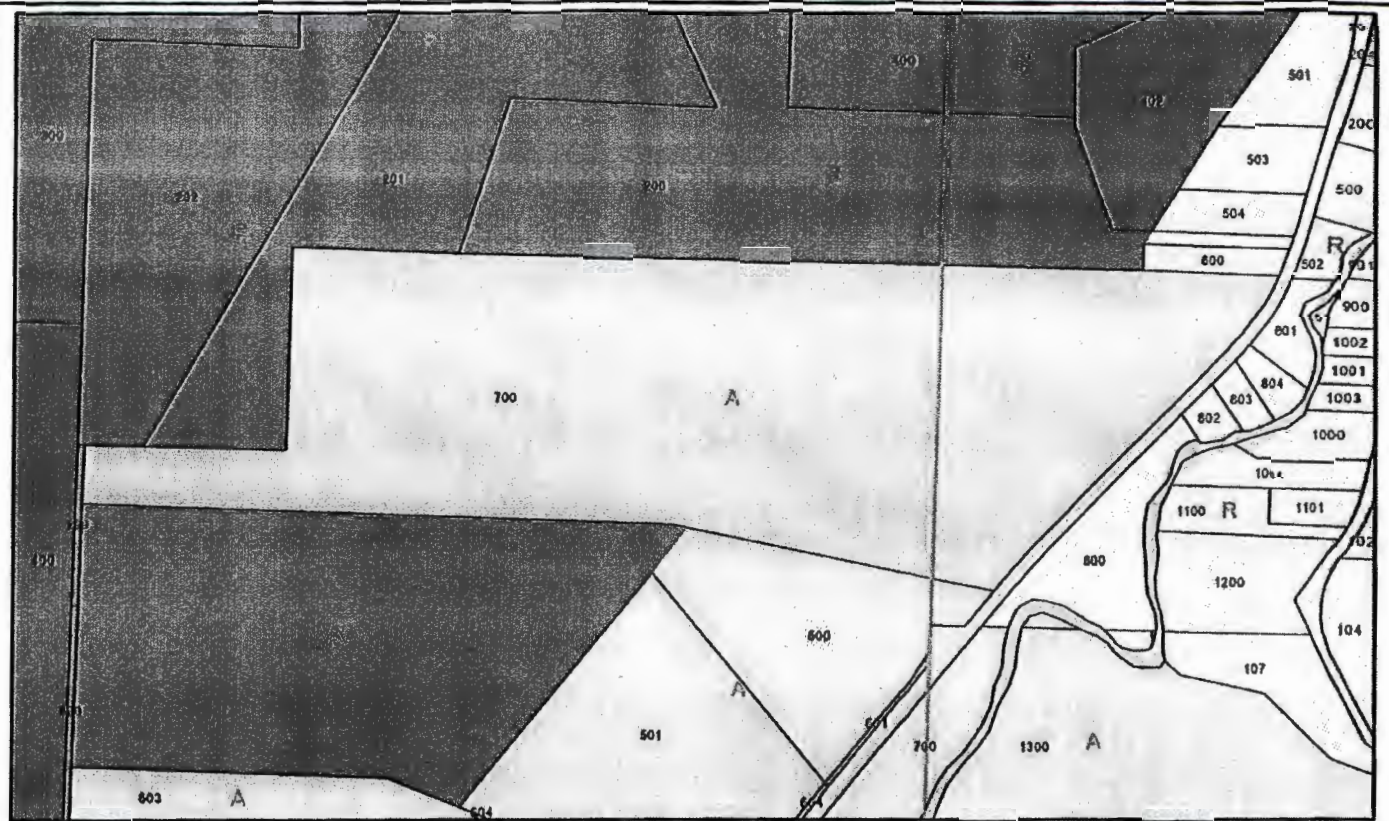
\_\_\_\_\_  
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

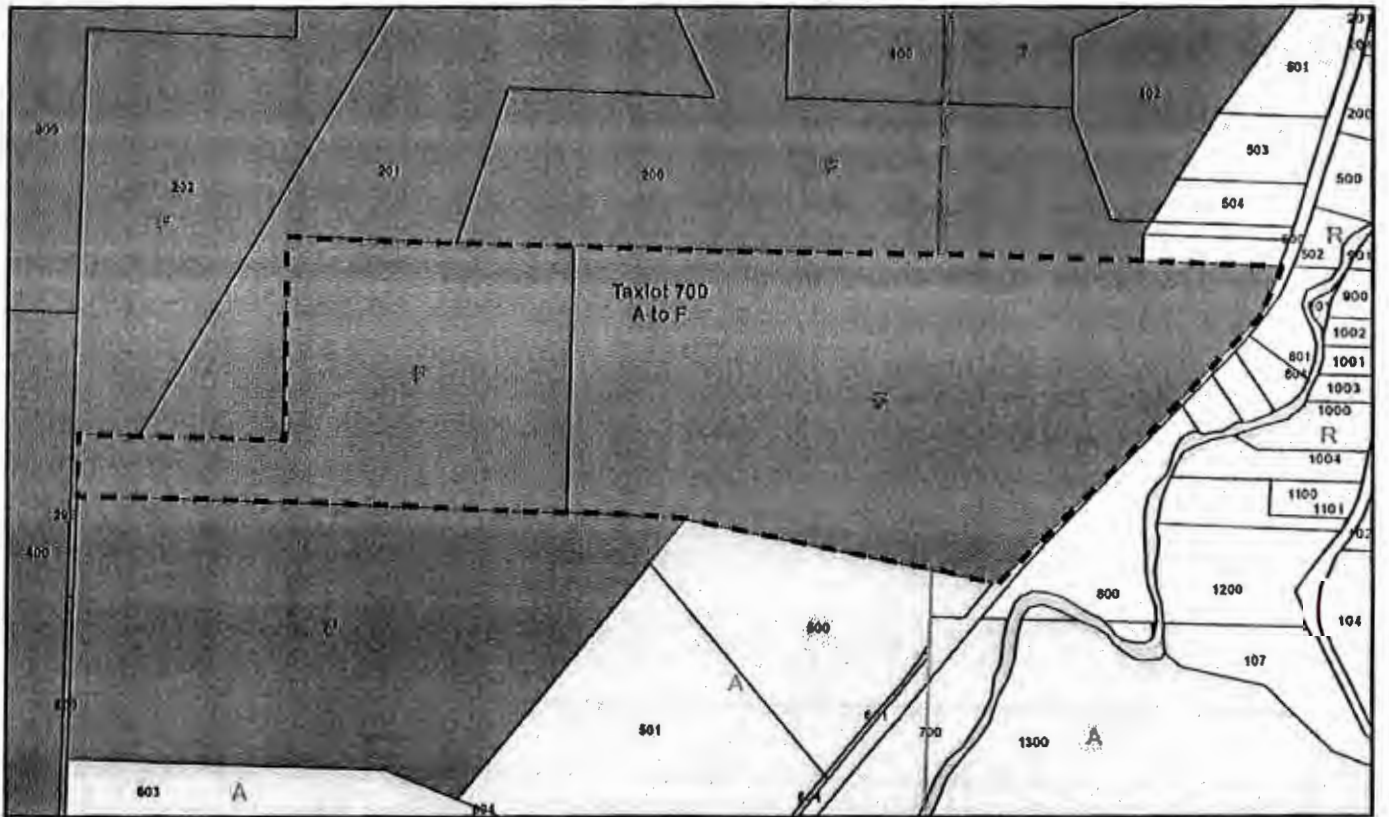
Date \_\_\_\_\_ Lane County

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

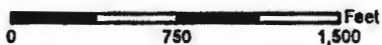
ORDINANCE NO. PA 1266 - EXHIBIT 'A'



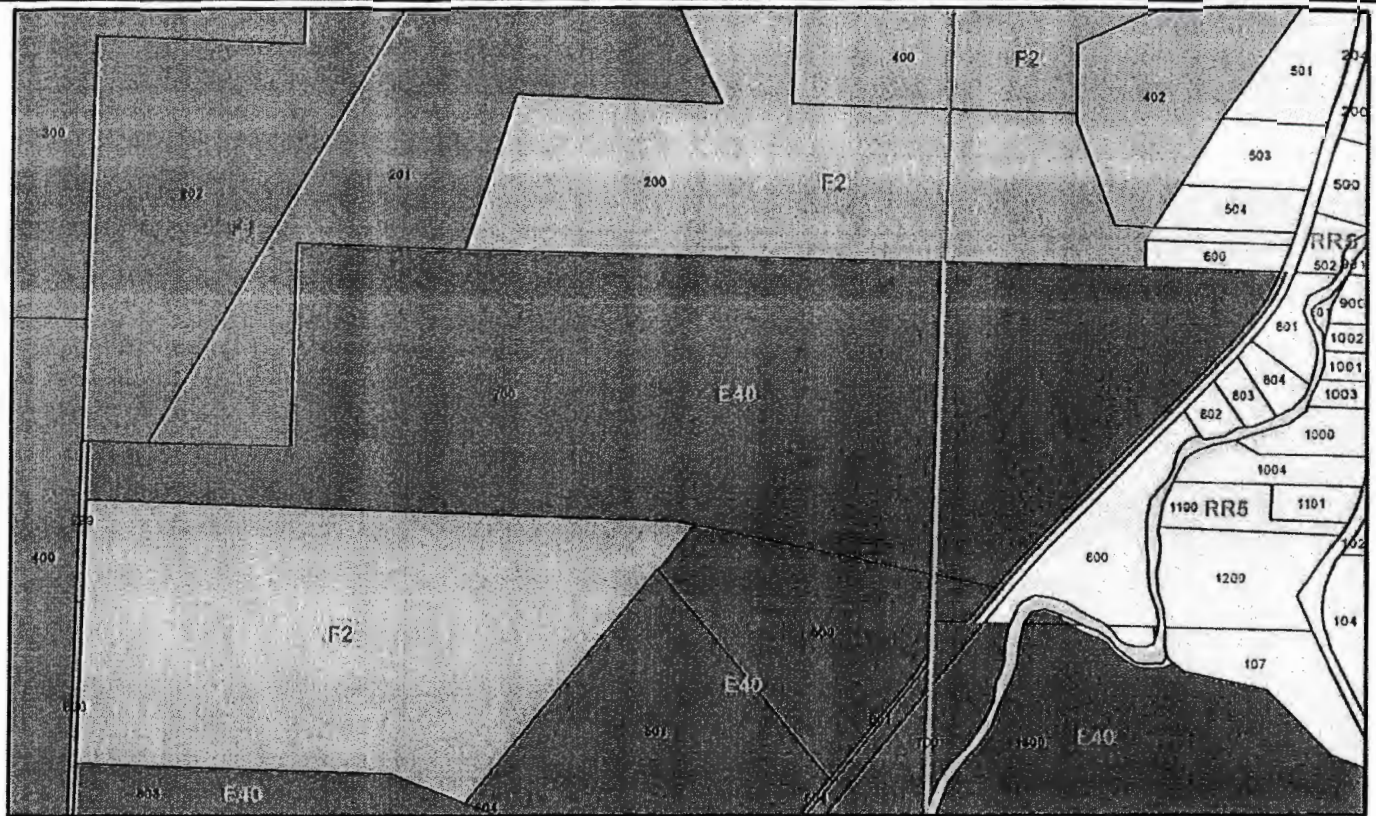
Existing Plan Designation



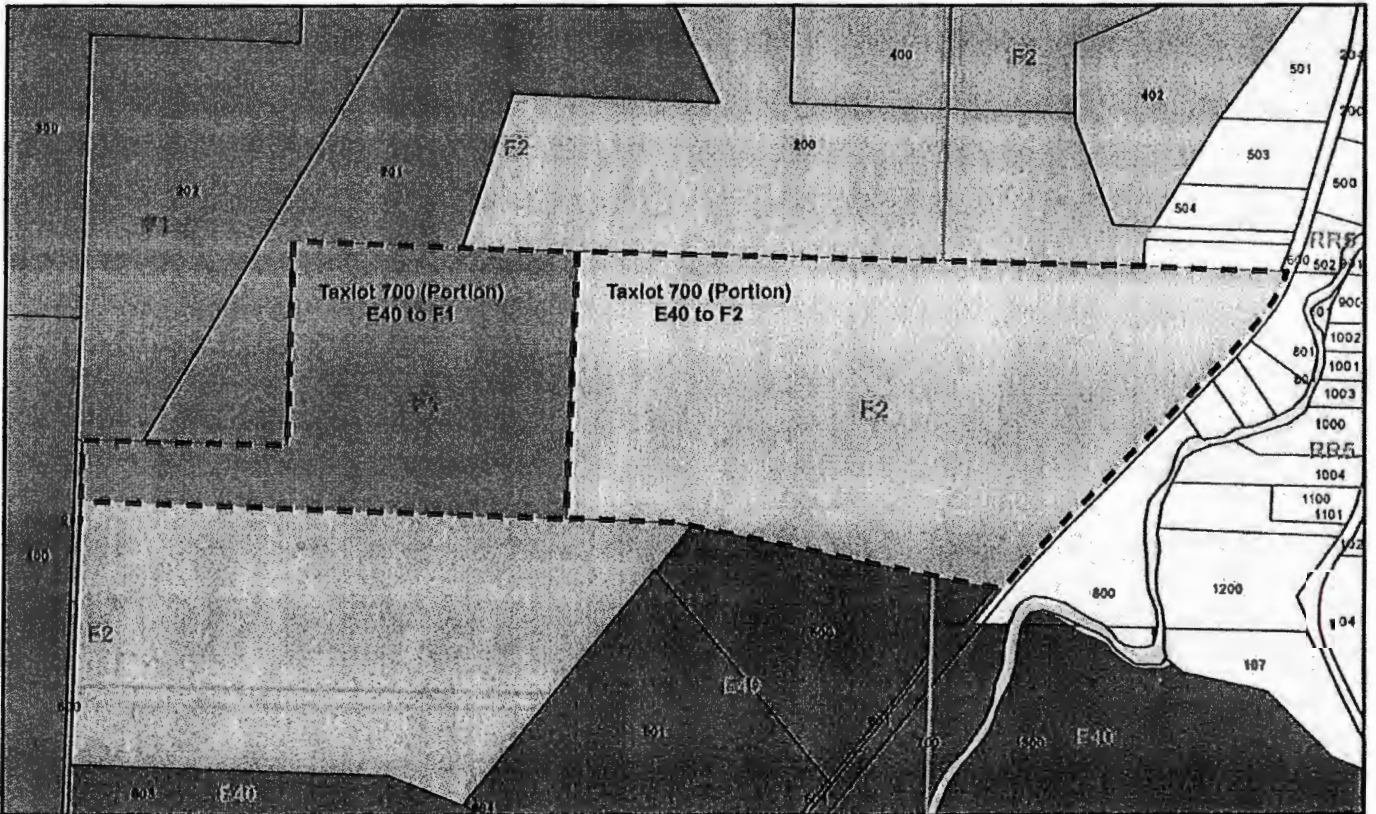
Change being enacted by No. PA 08-5873 on Official Plan Map 2003



ORDINANCE NO. PA 1266 - EXHIBIT 'B'



Existing Zoning



Change being enacted by No. PA 08-5837 on Official Zone Map 2003



0 750 1,500 Feet



## EXHIBIT C

### FINDINGS AND CONCLUSIONS IN SUPPORT OF RAVIN VENTURES, LLC PLAN CHANGE FROM AGRICULTURE TO FOREST ZONE CHANGE FROM EFU-40 TO F-2 (Parcel B) and F-1 (Parcel A)

#### I. INTRODUCTION

1. This decision approves a plan change from Agriculture to Forest, and a zone change from E-40 to F-2 (eastern 78-acre Parcel B) and F-1 (western 48-acre Parcel A) for about 126 acres of land in the Mohawk Valley just north of the community of Marcola. The property is identified as Map 16-01-08, tax lot 700. The property is roughly rectangular in shape. It lies adjacent to the west of Marcola Road.
2. In these findings the full text of the relevant standards appears in **bold** face font without quotation marks. The findings and conclusions addressing the standards appear in regular font.
3. These findings make reference to supporting materials in the record.
4. The balance of Part I. addresses the subject property and surrounding property in general, as these facts are relevant to all of the following sections.
5. Part II. addresses the Statewide Planning Goals. These are the most general standards that apply to plan and zone amendments. Hence, the findings are most extensive here. Where possible, to reduce redundancy, the findings that address nongoal standards refer back to the relevant goal findings.
6. Part III. addresses the *Rural Comprehensive Plan Policies*.
7. Part IV. addresses the Lane Code criteria for Plan amendments.
8. Part V. addresses the Lane Code criteria for zone changes.

#### **Summary of Proposal:**

9. The applicant request a plan change from Farm land to Forest land on the theory that land has historically been and is currently in forest use. No farming has ever taken place on the parcel. A concurrent zone change is also requested from E-40 to F-1/F-2.
10. The subject property consists of two parcels. Parcel A is approximately 48 acres of the westerly portion of the property. Parcel B is approximately 78 acres of the eastern

portion of the property. Parcel B is owned by Ravin Ventures, LLC. Parcel A is owned by Ravin Ventures, LLC and Ramon Fisher, an individual. Pursuant to state law, the parcels are held in separate ownership.

11. Parcel B is developed with one single-family residence constructed in approximately the 1920's. Both parcels been used for forestry throughout their history.
12. Requests for plan change to Forest must comply with the Statewide Planning Goals, the Rural Comprehensive Plan, and the county zoning code. The standards in the goals, the plan, and the code are diverse. They overlap somewhat. These findings address each relevant standard with support from maps, air photos, documents, and other materials.
13. This property qualifies for a Forest designation based on current and historic use.

#### **Legal Authority for Forest Designation and Related NonImpacted Forest Zoning.**

14. Goal 3 and the Goal 3 Rule define "Agricultural Land" and require that it be preserved for farm use. Goal 4 and the Goal 4 Rule define "Forest Lands," require it to be conserved, and allow it to be put to the limited range of uses stated in the Rule.
15. The Lane County Rural Comprehensive Plan Policies ("*Rural Plan Policies*") recognize that resource land should be given the same weight and that use should determine whether the lands are Forest or Farm. The plan provisions generally track the authorization in the LCDC Rules. RCP Goal 4, Policy 16 says that lands that qualify for Forest designation shall be zoned either F-1 or F-2, based on consideration of a list of factors and other plan policies.

#### **Description of Subject Property and Adjacent and Nearby Area.**

16. This section describes the subject property in summary terms and the adjacent and nearby land in more detail. The purpose is to provide a factual context for the balance of the findings. Reference is made to plan and zone designations, parcelization, and land uses.
17. In general terms, this area is in the foothills on the east side of the Coburg Hills near the rural unincorporated community of Marcola. The site has soils that qualify it as both forest and farm land.
18. "Adjacent and nearby" as used in the Comp Plan and OARs with respect to designation is not defined in the statute, rules or local code. The Board defines it to mean lands with a boundary line common to the subject property (if the common line is a road, then the lands across the road are considered adjacent) and lands within 1,000 feet of the subject property. However, there are several properties within 1,000 feet of the subject property that are separated from the subject property by two county roads and the Marcola River. The Board believes that these properties do little to influence or represent the character of

the surrounding area because they are separated from the subject property by too many barriers. These properties are not included as “adjacent and nearby.”

19. With respect to F-1/F-2 zoning, Ordinance No. PA 1236 (*Symbiotics*) defines “contiguous” to mean “having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street \*\*\* shall not be considered contiguous.” The ordinance goes on to clarify that “generally contiguous” means general area, which goes beyond “contiguous” and looks to the “general area of the land being proposed \*\*\* The analysis is intended to venture beyond the only contiguous properties with common property lines.
20. Ordinance 1236 defines “adjacent” to mean general vicinity, stating that the term adjacent looks *“even further beyond the nearby tracts or across intervening right of way to acknowledge the impact of development within developed and committed exception areas in the general vicinity of the land being proposed for rezoning. It is a broader look at the complete tapestry of uses and development, particularly nonresource uses, in the general area. It does not depend on contiguity for that consideration.”*
21. Based on these interpretations and definitions, the 1,000 foot perimeter used for “adjacent and nearby” with respect to “designation” is also consistent with “adjacent” and “generally contiguous” with respect to zoning.
22. The subject property is approximately 126 acres of reforested timberland. It is developed with a homestead (pre-land use regulation) dwelling that is located near Marcola Road. The property has a history of being logged. It was most recently logged by the applicant in 2002. It is currently in forest regeneration. Prior to that, it was logged in approximately 1955-1960 (based on 2002 tree stump and site conditions). There is no evidence that the property has ever been in “agricultural use” as defined by the statute.
23. The property is roughly rectangular in shape. It rises from about 700 feet in elevation at the east to about 750 feet at the west. It is traversed by a BPA power line and an abandoned railroad right-of-way. There is a well and septic system on the site to serve the existing dwelling on Parcel B.
24. As discussed more fully in connection with Goals 3 and 4, a majority of the soils on the site have an Agricultural Capability rating of I through IV and therefore the property qualifies as Agricultural Land. The subject site also meets the county’s acknowledged definition of forest lands by containing soils capable of producing more than 50 cu/ft/acre of wood fiber.
25. Table A of the applicant’s submission, which is hereby incorporated, identifies uses, designation, and zoning in the general area/vicinity (which includes “adjacent and nearby,” “generally contiguous” and “adjacent”). The table also includes the subject property. In summary, Table A establishes that there are 38 properties that are adjacent

and nearby. Of those 38 properties, 25% are designated Forest, 11% are designated Agriculture, and 63% are designated Residential. Of those 38 properties, 34% are in forestry use, none are in agricultural use, 58% are in residential use and 8% are in “other” use. The 38 adjacent and nearby properties include approximately 771 acres. Of the 771 acres, 72% are in Forest designation, 22% are in Agricultural designation and 9% are in Residential designation. Of the 800 acres, 88% are in forestry use, none are in agricultural use, 7% are in residential use and 5% are in “other” use.

26. RLID shows that the subject property is in Forest Tax Deferral and in Small Tract Forestland Option Deferral. Both deferrals require the property to be in forest use. RLID also describes the subject property as Timber and Timberlands. The site photographs and aerial photographs confirm that the property is in forest management and that there is no farming. The owner has confirmed that the small field is not in “farm use,” as defined by the statute.

## II. COMPLIANCE WITH STATEWIDE PLANNING GOALS.

1. Amendments to local plans and code must comply with the Statewide Planning Goals. ORS 197.175(2)(A). For individual applications like this, compliance with relevant goals must be addressed by the County. This Part addresses each relevant goal and explains why the proposal complies. This decision complies with the goals; no goal exceptions are taken.

### **Goal 1: Citizen Involvement**

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

2. Goal 1 is a process goal. This proposal complies with Goal 1 because it will be processed as a quasi-judicial application through the county’s acknowledged public process for individual plan and zone changes. This process includes public hearings before the Planning Commission and the County Board.

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

3. Part I of Goal 2 requires local governments to establish processes and policies for land use decisions.

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

4. Part II of Goal 2 authorizes exceptions to the goals – land use decisions that are not in compliance with the goals under certain circumstances. Statutes also describe when



exceptions are authorized. See ORS 197.732.

5. This application complies with Goal 2 because it is being processed under the county plan and code and because no exception to any resource goal is proposed. The application is simply trading one resource designation for another because the land better fits one category based on use and capability.

#### **Goals 3 and Goal 4: The Relationship Between Goals 3 and 4.**

6. OAR 660-006-0015(2) states,  
*When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*
7. The “agricultural land” designation and the “forest land” designation are both resource designations. The designations have equal weight and importance to the State of Oregon. Through the above Rule, LCDC has acknowledged that many lands will qualify as both Forest and Ag land. For lands that qualify as both, LCDC will support either designation so long as the factors used to determine designation are identified. This issue is further discussed under Section III, below, where the designation policies are reviewed specifically.
8. As discussed more specifically under Goals 3 and 4 below, the subject property meets the definition of both forest land and agricultural land. The Lane County Rural Comprehensive Plan Agricultural Working Paper documents the factors used to select Farm or Forest designation on land that meets the definition of both. Each of those factors is discussed in detail in Section III, below. Based on those factors, the subject property should be designated Forest land.
9. Because the subject property qualifies as both Ag and Forest land under Goal 3 and Goal 4, many of the RCP policies addressing Goal 3 are met by the subject property and many of the Goal 4 RCP policies are met by the subject property. It is inherent in the property’s dual qualification. However, when determining whether a property should be designated Forest or Ag, the key is not whether the property meets or furthers the policies under the RCP, but whether the property meets the factors established in the Plan for being Forest or Ag. These factors are discussed in Section III, below.

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

**To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the State's agricultural land use policy expressed in ORS 215.243 and 215.700.**

10. Goal 3 defines “Agricultural Land” as follows:

**Agricultural Land -- in western Oregon is land of predominantly Class I, II, III and IV soils and in eastern Oregon is land of predominantly Class I, II, III, IV, V and VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event.**

**More detailed soil data to define agricultural land may be utilized by local governments if such data permits achievement of this goal.**

11. The LCDC has elaborated on the definition of Agricultural Land in its rules. OAR 660-033-0020. There are four parts to the relevant definition in the rule. Each part of the definition is addressed separately here.

**OAR 660-033-0020(1)(a): [Predominant Soil Types]**

**"Agricultural Land" as defined in Goal 3 includes:**

**Lands classified by the U.S. Soil Conservation Service (SCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon;**

12. Goal 3 requires that SCS soils data be used to classify the soils, but it allows soils data in the published maps to be refined with more detailed onsite investigation. OAR 660-033-0030(6). The applicant is relying on SCS soils data.
13. The published SCS soils maps show nine types of soil on this site. The soils are included in Table C, below. Based on Table C, the site qualifies as Agricultural Land under this part of the test because 99% of the soils on the site are in soil Classes I-IV.

**TABLE C  
SOILS  
AGRICULTURAL CAPABILITY CLASS**

SOIL TYPE	ACRES	PERCENT	AG. CAPABIL. CLASS	FOREST PRODUCTIVITY

				LMD <sup>1</sup>	Dept. of Forestry <sup>2</sup> By soil type/by acreage <sup>3</sup>	
					By soil type (cu.ft./acre/ yr)	By acreage (cu.ft/yr)
102 C Panther SCL, 2% to 12% slopes	1.7	1.326	VI	No info. <sup>4</sup>	45	76.5
52D Hazelair SCL, 7% to 20% slopes	65	51.089	IV	No info.	40	2600
89E Nekia SCL, 20% to 30% slopes	14	11.289	IV	160	159	2226
89C Nekia SCL, 2% to 12% slopes	13	9.856	III	160	159	2067
78 McAlpin SCL	13	10.572	II	No Info.	169	2197
89D Neckia SCL, 12% to 20% slopes	.2	.129	III	160	159	31.8
1A Abiqua SCL, 0% to 3% slopes	19	14.958	I	203	161	3059
29 Cloquato SL	.9	.697	II	No Info.	120	108
125D Steiwer L, 12% to 20% slopes	.12	.086	IV	No Info.	30	3.6
	126.92	100%	99% Class I-IV		<b>Site Productivity Approx. 97.45 cu.ft/acre/yr</b>	

**OAR 660-033-0020(1)(a): [Other Suitable Lands]:**

**(B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices;**

14. This part of the test focuses on lands, which have predominantly nonagricultural soils,

<sup>1</sup> Lane County Soil Ratings for Forestry and Agriculture (based on NRCS data).

<sup>2</sup> Department of Forestry Forest Lands Soils Ratings (1990 revisions).

<sup>3</sup> The first number is the Forest Productivity for the soil type per acre per year (cu.ft./acre/year). The second number is the Forest Productivity for the soil type based on the number of acres of the soil (cu.ft/year).

<sup>4</sup> "No Info." corresponds with the "none" designation on the Lane County Soils Rating data sheets. It indicates that map units lack site index information on Douglas fir. No site index has been collected by the NRCS due to lack of suitable sties or lack of time and/or funds.

and inquires into whether they are nevertheless suitable for farm use. It is commonly called the “other suitable lands” test. A list of seven factors must be considered. The suitability for farm use must consider the potential for use in conjunction with adjacent or nearby land.<sup>5</sup> The history of the site in farm use would be relevant to its current suitability,<sup>6</sup> but not determinative.<sup>7</sup>

15. It has been established that the subject property qualifies as Agricultural land under the “soils test,” above. Therefore, it is not necessary to address this standard.

**OAR 660-033-0020(1)(a)(C): [Land needed to permit farming practices on adjacent/nearby agricultural lands]**

**Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.**

16. This part of the test focuses on adjacent and nearby agricultural lands. However, it has been established that the subject property qualifies as Agricultural land under the “soils test,” above. It is not necessary to address this standard.
17. It is worth noting that the subject property is not necessary to permit farm practices to be undertaken on adjacent property. First, the adjacent property to the south is largely in timber production. Second, even if it were to be farmed, designation of the site as forest lands, another resource designation, would not have any impact on the ability to farm the adjacent land. The two uses have been defined to be compatible. See OAR 660-006-0015(2).

**OAR 660-033-0020(1)(b): [Farm unit test]:**

**Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed;**

18. This part of the test focuses on lands which are predominantly nonagricultural soils, and inquires into whether they are adjacent to or intermingled with better lands within a “farm unit.” It is commonly called the “farm unit” test. If the subject property is not a part of a “farm unit,” then this test does not apply.

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<sup>5</sup> See DLCD v. Curry County, 28 Or LUBA 205, 208-09 (1994), aff'd 132 Or App 393 (1995); Kaye/DLCD v. Marion County, supra, 23 Or LUBA at 481-62 (interpreting identically worded previous Goal 3 administrative rule OAR 660-05-005(1)(b)).

<sup>6</sup> See Clark v. Jackson County, 17 Or LUBA 594, 606 (1990)(past use of the property for grazing as part of larger operation is relevant to its current suitability for farm use).

<sup>7</sup> See 1000 Friends of Oregon v. WASCO County Court, 80 Or App 525, 531, 723 P2d 1039 (1986) (Affirming decision that former grazing lands proposed for annexation are not suitable for farm use. “Also, there is no presumption that the land is agricultural land simply because of its previous agricultural use. Previous use is merely one factor for the county to consider in reaching its conclusion about the land’s current condition.”).

19. It has already been determined that the subject property meets the definition of farm land under the “soils test,” above. Therefore, this standard need not be addressed.
20. It is worth noting that the subject property is not part of a farm unit because: the subject property is not adjacent to any other land in the same ownership; it is not jointly managed for farm use with any adjacent land; and it has not been so managed in its history.

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

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

**Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.**

21. The second paragraph of Goal 4 defines “Forest Lands.” Because a plan amendment is proposed, the second sentence of paragraph two is the operable definition. There are three parts to the definition: (1) Lands suitable for commercial forest uses; (2) adjacent and nearby lands necessary to permit forest operations or practices; and (3) other forested lands that maintain certain natural resources. Each part of the definition is addressed below.

**[F]orest land shall include lands which are suitable for commercial forest uses.**

22. The term “commercial forest uses” is not defined in any statute, goal, or rule. However, Lane County adopted a definition for the term in its plan, and the plan was acknowledged by the LCDC. Forest land is land that is capable of producing crops of industrial wood in excess of 50 cubic feet per acre of annual growth. Commercial forest types of trees include: Douglas fir, hemlock/cedar/spruce, other conifers, and deciduous trees.<sup>8</sup>

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<sup>8</sup> Lane County’s definition of “commercial forest uses” was the central issue and the subject of extensive discussion in Holland v. Lane County, 16 Or LUBA 583 (1988). LUBA summarized the relevant provisions of the acknowledged county plan as follows:

The county adopted the following definition of “commercial forest land” as part of its “Working Paper: Forest Lands; March, 1982” (Forest Lands Paper) and “Addendum to Working Paper: Forest Lands; November, 1983” (Forest Lands Addendum) documents.

“‘Commercial’ forest land [is] land capable of producing crops of industrial wood in excess of 50

23. Productivity data for wood fiber is available from a number of sources. The Lane County Soil Ratings, published by the Lane County Land Management Division in 1997, summarizes federal data on wood productivity by soil types, but only for Douglas fir. Productivity data for the full range of commercial forest trees recognized by Lane County has been published by the Oregon Dep't of Forestry in its 1990 Forestry Dep't Ratings. Both sources of data are summarized in Table D, below. The data from 1990 Forestry Dep't Ratings is the more useful because it addresses all commercial tree species.
24. For each soil type shown in the Soils Map in the record as being present on subject property, Table D displays the acreage data and the commercial tree species productivity, based on the 1990 Forestry Dep't Ratings and the LMD ratings. Of the nine types of soil present on the property, six are capable of producing substantially more than 50 cubic feet of wood fiber per acre annually. Based on soils, the subject property is capable of producing 97.45 cu.ft./acre/year of timber. The subject property, therefore, qualifies as Forest Land under this part of the test.

**TABLE D  
SOILS  
FOREST PRODUCTIVITY**

SOIL TYPE	ACRES	PERCENT	FOREST PRODUCTIVITY		
			LMD <sup>9</sup>	Dept. of Forestry <sup>10</sup> By soil type/by acreage <sup>11</sup>	
				By soil type (cu.ft./acre/ yr)	By acreage (cu.ft./yr)
102 C Panther SCL, 2% to 12% slopes	1.7	1.326	No info. <sup>12</sup>	45	76.5
52D Hazelair SCL,	65	51.089	No	40	2600

cubic feet per acre of annual growth.”

Ordinance No. 889, Ex. C. The Forest Lands Paper, at 10, contains an inventory of “Acres of Commercial Forest Land by Cubic Foot Site Class, Forest Type and Ownership.” This table recognizes the following commercial forest types – “Douglas fir,” “hemlock/cedar/spruce,” “other conifers” and “deciduous.”

16 Or LUBA at 586 [footnotes omitted].

<sup>9</sup> Lane County Soil Ratings for Forestry and Agriculture (based on NRCS data)

<sup>10</sup> Department of Forestry Forest Lands Soils Ratings (1990 revisions)

<sup>11</sup> The first number is the Forest Productivity for the soil type per acre per year (cu.ft./acre/year). The second number is the Forest Productivity for the soil type based on the number of acres of the soil (cu.ft./year)

<sup>12</sup> “No Info.” Corresponds with the “none” designation on the Lane County Soils Rating data sheets. It indicates that map units lack site index information on Douglas fir. No site index has been collected by the NRCS due to lack of suitable sties or lack of time and/or funds.

7% to 20% slopes			info.		
89E Nekia SCL, 20% to 30% slopes	14	11.289	160	159	2226
89C Nekia SCL, 2% to 12% slopes	13	9.856	160	159	2067
78 McAlpin SCL	13	10.572	No Info.	169	2197
89D Neckia SCL, 12% to 20% slopes	.2	.129	160	159	31.8
1A Abiqua SCL, 0% to 3% slopes	19	14.958	203	161	3059
29 Cloquato SL	.9	.697	No Info.	120	108
125D Steiwer L, 12% to 20% slopes	.12	.086	No Info.	30	3.6
	126.92	100%		<b>Site Productivity Approx. 97.45 cu.ft/acre/yr</b>	

**(2) [A]djacent or nearby lands which are necessary to permit forest operations or practices.**

25. This part of the test inquires into whether the subject property must be kept in a resource designation in order to allow forest operations or practices to continue on adjacent or nearby lands.
26. There are approximately 771 nearby and adjacent acres consisting of 38 nearby and adjacent parcels. Approximately 72 % of those acres are designated Forestland and 88% of those acres are in forest use. See Finding 24 of Section I, above. The subject property is in a sea of nearby land designated Forest. Thus, not only does the subject property's soils qualify for the Forest designation, but the subject property, though perhaps not "necessary," is highly desirable to enable adjacent and nearby lands to continue forest operations.

**(3) [O]ther forested lands that maintain soil, air, water and fish and wildlife resources.**

27. The targeted resources (soil, air, water and fish and wildlife resources) are generally not present on the subject property. There are no perennial streams or permanent water bodies. There is some relationship between the tree cover and air quality. The soil resources on the site have been exhaustively described. The existing tree cover (and root systems) are helpful in maintaining soil on site because of slope. The wildlife resources are similar throughout the area in terms of range of species and occurrence, without respect to whether the land is vacant or developed.

**Goal 5: Open spaces, scenic and historic areas, and natural resources.**

**To conserve open space and protect natural and scenic resources.**

28. Goal 5 requires the county to inventory the locations, quality and quantity of certain natural resources. Where no conflicting uses are identified, the inventoried resources shall be preserved. Where conflicting uses are identified, the economic, social, environmental and energy consequences of the conflicting uses shall be determined and programs developed to achieve the goal.
29. Where a county is amending acknowledged plan and zoning designations, as here, the county must address Goal 5 if any of the area proposed for change encompasses lands included on the county's inventory of Goal 5 resources.<sup>13</sup> The county need not go through the Goal 5 conflict resolution process for alleged Goal 5 resources that are not on the acknowledged Goal 5 inventory.<sup>14</sup> The initial Goal 5 question, therefore, is whether the subject property includes any Goal 5 resources inventoried in the acknowledged county plan.

**Goal 5 Resources on the Subject Property.**

30. The paragraphs below address the acknowledged Goal 5 resource inventories.

**Historic Resources:**

31. The acknowledged list of historic resources is listed as "Historic Sites or Sites." The subject property is not on the list.

**Mineral and Aggregate Resources:**

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

**Energy:**

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

**Water Resources:**

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<sup>13</sup> See Urquhart v. Lane Council of Governments, 80 Or App 176, 721 P2d 870 (1986); Plotkin v. Washington County, 165 Or App 246, 997 P2d 226 (2000); Waugh v. Coos County, 26 Or LUBA 300, 310-12 (1993); 1000 Friends of Oregon v. Yamhill County, 27 Or LUBA 508, 522 (1994).

<sup>14</sup> Davenport v. City of Tigard, 23 Or LUBA 565 (1992).



34. The *Water Resources Working Paper (1982)* inventories the following water resources which include or potentially include the subject property: Watersheds (specifically the Mohawk River watershed, a tributary to the McKenzie River and Willamette Basin); Surface Waters, including the Mohawk River, which lies, at its closest point, approximately 150 to 200 feet to the east of the subject property's most eastern boundary (across Marcola Road); and Groundwater.
35. The proposed redesignation and rezoning does not, by itself, create additional development on the subject property. As discussed above, the subject property is already developed with a residence. Under F-1 zoning for the west 48 acres, the applicant is not entitled to any additional dwellings. The east 78 acres of proposed F-2 zoning does contain multiple legal lots with a potential for future development. However, if such subsequent development occurs, impacts on the watershed, surface waters or groundwater resources in the area will be evaluated.
36. Keeping the area in Forest use, rather than clearing and plowing for agriculture, protects water resources by minimizing runoff; minimizing agricultural water needs; and minimizing agricultural chemical migration into the watershed.

**Riparian Resources:**

37. The Flora & Fauna Working Paper (1982) and Addendum (1983) inventories Riparian resources. Riparian areas are inventoried to include all land within 100 feet of the banks of a Class 1 stream. There are no Class I streams on the subject property. The Mohawk River, a Class I stream, is approximately 125 to 200 feet from the subject property at its closest point. Furthermore, Marcola Road separates the subject property from the river. The proposed redesignation and rezoning does not, by itself, create additional development on the subject property. As discussed above, the subject property is already developed with a residence. Under F-1 zoning, the applicant is not entitled to any additional dwellings. Any potential for development on the F-2 zoned eastern portion is not anticipated to have any impact on the Mohawk River or its riparian resources, as defined.
38. Keeping the area in Forest use, rather than clearing and plowing for agriculture, protects riparian resources by minimizing runoff; minimizing agricultural water needs; maintaining flora and fauna cover and habitat, and minimizing agricultural chemical migration into the watershed.

**Wetland Resources:**

39. National Wetlands Inventory ("NWI") map indicates the presence of three minor wetland areas on the subject property. Any future development proximate to these wetlands will require a referral and response from the Oregon Division of State Lands.

**Sensitive Fish and Waterfowl Areas:**

- 40. The inventory of these sites appears in the Flora & Fauna Working Paper Addendum at 1-4. The subject property is not included on the inventory.

**Natural Areas:**

- 41. The inventory of these sites appears in the Flora & Fauna Working Paper at 26-32. The subject property is not included on the inventory.

**Big Game Range:**

- 42. The plan classifies the entire county into three categories of Big Game Range: Major, Peripheral, and Impacted. Flora & Fauna Working Paper at 23-25, Addendum at 14.

This application would affect Big Game Range because the entire county is mapped as some form of big game habitat. In practical terms, however, no conflict from this proposal is apparent. The proposed redesignation and rezoning does not, by itself, create additional development on the subject property.

- 43. Keeping the area in Forest use, rather than clearing and plowing for agriculture, protects game resources by minimizing water and wetland pollution from runoff and agricultural water while maintaining flora and fauna cover and habitat.

**Goal 5 Program to Meet the Goal for Resources Present.**

- 44. As described above, the following Goal 5 resources inventoried by the county are present on the subject property: Water Resources, including watersheds, surface water, and groundwater; and Big Game Range. This application includes a Goal 5 ESEE analysis for each of these resources. The Goal 5 analysis for each resource tracks, as closely as possible, the county's acknowledged Goal 5 analysis for each resource included in working papers. What is summarized here, for each resource, is the applicant's proposed "program to achieve the Goal," which is the end product anticipated by the goal and the Goal 5 Rule. See OAR Chapter 660, Division 23.

**Water Resources:**

- 45. The proposed program to achieve the goal is to allow the use because it is not conflicting. The proposed redesignation from Ag to Forest maintains the property in a Resource designation. Therefore, there are no conflicts.

**Big Game Range:**

- 46. The proposed program to achieve the goal is to allow the use because it is not conflicting.

The proposed redesignation from Ag to Forest maintains the property in a Resource designation. Therefore, there are no conflicts.

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

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

**All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.**

47. Goal 6 protects the quality of land, air and water resources. The focus is on discharges from future development in combination with discharges from existing development. State and federal environmental standards are the benchmark for protection. Where there are state or federal standards for quality in air sheds or river basins, then the carrying capacity, nondegradation, and continued availability of the resources are standards.
48. The subject property is currently developed with a single residence and managed in forestry. Historically it has been used for forestry, a permitted use under the existing Ag designation. Because the proposed designation of Forest matches the existing and historic use, there will be no impacts to land, water or air quality.

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

**To protect life and property from natural disasters and hazards.**

**Developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safeguards. Plans shall be based on an inventory of known areas of natural disaster and hazards.**

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

### **Goal 8: Recreational Needs**

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

50. The overriding purpose of Goal 8 is to address all recreational needs, but its primary focus is on siting and developing destination resorts, defined in Goal 8 as "self-contained development[s] providing visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities."
51. Goal 8 is not directly applicable to this proposal.

### **Goal 9: Economic Development**

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

52. Goal 9 is focused on commercial and industrial development. The Goal 9 Rule, OAR 660-09, is explicitly limited to areas within urban growth boundaries. This goal is not directly applicable to this proposal.

### **Goal 10: Housing**

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

**Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.**

53. Goal 10, like its implementing rule, is geared primarily to housing issues inside urban growth boundaries. The goal's definition of "buildable lands," for example, is limited to lands in urban and urbanizable areas. This site is outside any UGB. This goal is not applicable to this proposal.

### **Goal 11: Public Facilities and Services**

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

**Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A**

provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan. In accordance with ORS 197.180 and Goal 2, state agencies that provide funding for transportation, water supply, sewage and solid waste facilities shall identify in their coordination programs how they will coordinate that funding with other state agencies and with the public facility plans of cities and counties.

- 54. "Public facilities and services" is defined in the Statewide Planning Goals to include: "[p]rojects, activities and facilities which the planning agency determines to be necessary for the public health, safety and welfare." The Goal 11 Rule defines a "public facility." "A public facility includes water, sewer, and transportation facilities, but does not include buildings, structures or equipment incidental to the direct operation of those facilities." OAR 660-11- 005(5).
- 55. Goal 11 addresses facilities and services in urban and rural areas. The subject property is "resource" land and will remain rural after this approval. The subject proposal does not provide for any rural or urban development. Therefore, Goal 11 does not apply.
- 56. Resource designations have no required minimum level of services. However, Table E lists the services now available to the subject property.

**Table E**  
**Rural Public Facilities, Existing or Proposed**

Service	Provider
Fire	Marcola Rural Fire Protection District
Police	Lane County Sheriff and State Police
Schools	Marcola School District
Access	Marcola Road, a County Minor Arterial
Electric	Emerald People's Utility District
Telephone	Qwest Communications
Solid Waste	Sanipac

Sewer	Individual Septic System for existing dwelling
Water	Well for existing dwelling

**Goal 12: Transportation**

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

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services, (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

57. Goal 12 is implemented through the Goal 12 Rule (OAR 660-12) adopted in 1991. The Rule has a section that specifically addresses proposals such as this – amendments to acknowledged comprehensive plans and implementing regulations. OAR 660-12-060(1) provides that any such amendments that “significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.”
58. The proposed redesignation and rezoning does not, by itself, create additional development on the subject property. As discussed above, the subject property is already developed with a residence. The applicant is not entitled to any additional dwellings based on the redesignation and rezoning alone. Therefore, the application will not affect a transportation facility. The rule spells out clearly what constitutes a “significant affect.” OAR 660-12-060(2) states:

**A plan or land use regulation amendment significantly affects a transportation facility if it:**

- (a) **Changes the functional classification of an existing or planned transportation facility;**
- (b) **Changes standards implementing a functional classification system;**
- (c) **Allows types or levels of land uses which would result in levels of travel or**

**access which are inconsistent with the functional classification of a transportation facility; or**

- (d) **Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.**

The proposed redesignation/rezone will not trigger this section of the rule because the proposed redesignation and rezoning does not, by itself, create additional development on the subject property.

**Goal 13: Energy Conservation**

**To conserve energy.**

**Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.**

59. This goal is not directly applicable to individual land use decisions. Rather, its focus is on the adoption and the amendment of land use regulations.<sup>15</sup>

**Goal 14: Urbanization**

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

60. The subject proposal keeps the parcel in Resource designation. Therefore, there is no transition. This goal does not apply.

**Goal 15: Willamette River Greenway**

**Goal 16: Estuarine Resources**

**Goal 17: Coastal Shorelands**

**Goal 18: Beaches and Dunes**

**Goal 19: Ocean Resources**

61. These five goals are not applicable as they deal with resources that are not present on the subject property.

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

1. Any plan and zone change must comply with the relevant *Rural Plan Policies*. This requirement is based in statutes (ORS 197.175(2)), the *Rural Plan Policies* themselves (see, e.g. *Rural Plan Policies* at page 6), and the *Lane Code* (see, e.g., LC 16.400(6)(h)). This

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<sup>15</sup> See *Brandt v. Marion County*, 22 Or LUBA 473, 484 (1991), *aff'd in part, rev'd in part*, 112 Or App 30 (1992).

section, therefore, addresses the relevant elements of the *Rural Plan Policies*. It is organized by Goal. Again, where possible to avoid duplicative discussion, reference is made to the findings made under the Statewide Planning Goals.

2. Any plan and zone change must comply with the relevant Rural Plan Policies. This requirement is based in statutes (ORS 197.175(2)), the Rural Plan Policies themselves (see, e.g. Rural Plan Policies at page 6), and the Lane Code (see, e.g., LC 16.400(6)(h)). This section, therefore, addresses the apparently relevant elements of the Rural Plan Policies. It is organized by Goal. Where possible to avoid duplicative discussion, reference is made to the discussion under the Statewide Planning Goals. However, the following discussion regarding the relationship between Goals 3 and 4 bears repeating.

3. **OAR 660-006-0015(2) states,**

*When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*

4. The “agricultural land” designation and the “forest land” designation are both resource designations. The designations have equal weight and importance to the state of Oregon. Through the above Rule, LCDC has acknowledged that many lands will qualify as both Forest and Ag land. The proper resource designation for the “duel” lands is left up to the local jurisdiction so long as the factors underlying the designation choice are identified.

5. As discussed more specifically under Goals 3 and 4 above, the subject property meets the definition of both forest land and agricultural land. The Lane County Rural Comprehensive Plan Agricultural Working Paper documents the factors used to select Farm or Forest designation on land that meets the definition of both. Each of those factors is discussed in detail below. Based on those factors, the subject property should be designated Forest land.

6. Because the subject property qualifies as both Ag and Forest land under Goal 3 and Goal 4, many of the RCP policies addressing Goal 3 are met by the subject property and many of the Goal 4 RCP policies are met by the subject property. It is inherent in the property’s duel qualification. However, when determining whether a property should be designated Forest or Ag, the key is not whether the property meets or furthers the policies under the RCP, but whether the property meets the factors established in the Plan for choosing between Forest or Ag.

7. The Agricultural Land Working Paper states,

*“Agricultural/Forestry Goal Interrelationship*



*In an inventory of agricultural lands and forest lands there will by many instances where land will meet Goal definition for both categories. According to [Led's] policy, farm and forest uses are compatible and either designation may be made without taking an exception to the other goal. The factors used to select a designation need to be documented in the Plan. The policies within the Plan will support one designation over another depending on the situation. The county should consider the following items in addressing overlapping lands:*

- a. Identify Agricultural and Forest Lands Goal definitions and inventories*
- b. Segregate overlapping lands from single resource lands*
- c. Apply evaluations of local circumstances and Goal factors to overlapping land to determine appropriate designation*
- d. Designate overlapping lands as agricultural, forest or agricultural/forest through Plan policies and diagrams*
- e. Protect designated lands for appropriate uses through the zoning ordinance and other implementing measures.*

*It is intended that agricultural and forest practices be able to coexist without mutual interference while conserving those resource lands.*

8. Identify: The applicant has identified and addressed the proper definitions of farm and forest lands. In short, farm land is land consisting predominantly of Class I through IV soils. Forest land is land capable of producing 50 cu.ft./acre/year of timber fiber. As shown in Tables C and D above, the subject property meets both definitions.
9. Segregate: By filing this application, the applicant is separating the subject property from single resource property for consideration.
10. Evaluate Goal Factors: Goal 3 and 4 factors are thoroughly addressed in Section II, above. The analysis of Goal 3 factors shows that while the subject property meets the “soils” test of Ag land, it does not meet the “other suitable lands,” “necessary lands,” or “farm unit” tests. The analysis of Goal 4 factors shows that the subject property meets the “productivity” test for Forest lands and likely the “necessary lands” and the “other resource” tests. Just viewing the Goals 3 and 4 factors alone shows that the subject property is more appropriately designated Forest land.
11. Evaluate Local Circumstances: There is no exact definition of “local circumstances” in the Lane County RCP. The applicant interprets this provision to mean an evaluation of the subject property and surrounding designations, uses and land use patterns. Tables A and B and accompanying text of the applicant’s narrative establish these factors for all properties in the surrounding area. That discussion is hereby incorporated. In summary, the subject parcel is located in a sea of Forest land and RR exception area land.
12. The subject property is currently and has historically been used for timber production. It is

in both Forest and Small Tract Forest Land tax deferral. The property was most recently logged by the applicant in 2002. It is now regenerating for future harvests. Based on 2002 tree stump and site conditions, the site was also logged between 1955 and 1960. There is no evidence that the subject property has ever been in farm use, as defined by the statute.

13. **Designation:** The predominant designation by **lot/parcel** in the surrounding area is Residential (63%) followed by Forest (25%). The predominant designation, **by acreage**, in the surrounding area is Forest (72%). The predominant designation of **adjacent parcels by acreage** is Forest (84%). Tables A and B and accompanying text of the applicant's narrative, hereby incorporated, establish the facts.
14. **Use:** The predominant use by **lot/parcel** in the surrounding area is residential (58%) followed by forestry (34%). The predominant use, **by acreage**, in the surrounding area is forestry (88%). The predominant use of **adjacent parcels by acreage** is forestry (94%). Tables A and B and accompanying text of the applicant's narrative, hereby incorporated, establish the facts.
15. In summary, all evidence indicates that the subject property is currently used for forestry and is surrounded by forestry. Evidence further indicates that the subject property has historically been used for forestry. The property is not suited for farm use. Because the property is in forestry, it would be difficult and expensive to convert the property to farm use. Conversion would require tree removal and major cultivation. Such conversion is generally unfeasible. Furthermore, farm uses are not common in the surrounding area.

### **Goal Three: Agricultural Lands**

#### **Policy 8:**

**Provide maximum protection to agricultural activities by minimizing activities, particularly residential, that conflict with such use. Whenever possible planning goals, policies and regulations should be interpreted in favor of agricultural activities.**

16. This policy has been interpreted by the Board of Commissioners, and the interpretation has been upheld on appeal. This policy addresses only conflicts that will result in a significant change in or a significant increase in the cost of accepted farming practices. When conflicts of this magnitude might result, the proposed rezoning must be conditioned to reduce the potential conflicts below the level that will result in a significant change or significant increase in the cost of accepted agricultural practices.<sup>16</sup>
17. No conflicts are apparent between the proposed rezoning and any adjacent or nearby agricultural activity. There are no farming activities on adjacent land. Land directly south,

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<sup>16</sup> *Gutoski v. Lane County*, 34 Or LUBA 219, 225 n4 (1998), *aff'd* 155 Or App 369, 963 P.2d 145 (1998).

while zoned E-40, is in forest production and in forest tax deferral. See Table B of applicant's narrative, hereby incorporated.

#### **Goal Four: Forest Lands**

##### **Policy 1:**

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

**Forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water, and fish and wildlife resources.**

18. This policy implements Statewide Planning Goal 4 by defining "forest lands" and requiring they be used consistent with the goal. The subject property qualifies as Forestland. See discussion in connection with Statewide Planning Goal 4 above. Therefore, the proposed plan change/zone change from AG/E-40 to Forest/F-1 and /F-2 furthers this policy by adding additional land to the State's forest land base.

##### **Policy 2:**

**Forest lands will be segregated into two categories, Non-impacted and Impacted and these categories shall be defined and mapped by the general characteristic specified in the Non-Impacted and Impacted Forest Land Zones General Characteristics**

19. The proposal is for a designation change from AG to Forest and a zone change from E-40 to F-1 for the west 48 acres and F-2 for the east 78 acres. The F-2 designation of the east 78 acres is supported by the general characteristic specified in Policy 15 below. The F-1 designation for the west 48 acres is gained by default, as F-1 is a more restrictive zone.

##### **Policy 3:**

**Prohibit residence on Non-Impacted Forest Lands except for the maintenance, repair or replacement of existing dwellings.**

20. This policy is not applicable, as no dwellings exist or will be permitted on the proposed F-1 portion.

##### **Policy 15:**

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

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

21. The Board has determined that the characteristics of the land, not the ownership of it, control the analysis. (See Ord. PA 1236). Focus is on the subject property and the land in the immediate vicinity. Legal lot status is irrelevant. Ownership means, ‘land being proposed for rezoning.’ This can be an entire property or a portion of it. Where it is a portion of a larger lot, analysis is limited to the portion under consideration for rezone. The critical focus of the analysis is on the property proposed for rezoning and the characteristics that property has that mitigate toward consideration of applying F-1 or F-2.
22. The Board has determined that the analysis under Goal Four, Policy 15 does not require a precise mathematical computation since the focus is on all the characteristics and whether, on balance, the land proposed for rezoning more closely corresponds to the F-1 or F-2 characteristics. (See Ord. PA 1236)
23. Based on evidence submitted, the Board finds that the entire 126 acres is more appropriately designated Forest. Designation and zoning must be consistent. Both F-1 and F-2 zoning are consistent with Forest designation. Therefore, the property must be zone F-1 or F-2 or a combination of both.
24. The west 48 acre parcel and the east 78 acre parcel are held in separate ownership, as established in other findings.
25. Policy 15 allows split zoning and different zoning on different parcels.
26. F-1 zoning is stricter than F-2 zoning, allowing less non-forestry uses.
27. The applicant has proposed F-1 zoning on the west 48 acre parcel. Because F-1 zoning is stricter, the Board will apply the requested zoning without further analysis under Policy 15.
28. The below Policy 15 analysis is limited to the east 78 acre parcel.

**Non-impacted Forest Land Zone characteristics:**

**(1) Predominantly ownerships not developed by residences or non forest uses.”**

29. The County Board has determined that this provision focuses on the subject property itself (not surrounding property) and whether it is developed with residences or nonforest uses. The absence of residential development or other nonforest use is a characteristic of F-1 zoning.
30. The 78-acre property is developed with a homestead dwelling constructed in approximately the 1920's. Therefore, the property does not meet this F-1 characteristic.

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

31. The Board determined in Ordinance PA 1236 that the focus is on the subject property and any underlying contiguously held properties. Contiguous is defined as,
- “Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street \*\*\* shall not be considered contiguous. \*\*\* The intent of this provision is to look within the land being proposed for rezoning to determine whether or not that land being proposed for rezoning consists of contiguous land owned by the applicant that is 80-acres or larger in sizes.” (Ord. PA 1236, pg. 10).
32. In other words, if the property being proposed for rezoning contained within it four parcels all owned by the same owner, and each of the parcels was 21 acres, then the land proposed for rezoning would contain 84 acres. But if the property proposed for rezoning was a 40-acre portion of a larger 160 acres parcel or a 40 acre lot contiguous to four 20-acre parcels owned by the applicant, review is restricted to the 40-acre subject property.
33. Being a large, contiguously held property is a characteristic of F-1 zoning.
34. The subject property (east 78 acre parcel) is 78 acres of contiguous ownership. Therefore, the east 78-acre parcel does not meet this F-1 characteristic.

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

35. The Board has determined that this provision focuses on property adjacent to (contiguous to) the subject property, and whether it is utilized for commercial forest/farm uses. While not conclusive, the following factors can be considered in determining whether surrounding uses are being utilized for farm/forest use: parcel size, tax deferral, and other factual information. However, the determination of whether a property is in “commercial” farm or forest use is weighed against a different set of standards.

36. The County has interpreted Policy 15 as being “crafted as a means to distinguish large-scale industrial forest land from small-scale non-industrial forest land.” Ordinance 1236, page 8.
37. *“Forest lands less than 80 acres in size and developed with residential uses or other nonforest uses, generally received Impacted Forest land (F2) [zoning]. Public forested lands and larger commercially managed forest lands, forest lands that were not impacted by nonforest uses, particularly in the ownership of industrial forest operators, were [zoned] as Nonimpacted Forest Lands (F-1).”* Ordinance 1236, Page 9. Emphasis added.
38. Based on the above, commercial forest use leans toward public lands and lands that are large scale and in industrial forest operator control and ownership. Examples of lands that fall squarely under the umbrella of “large scale industrial forest land” include lands owned by Rosboro Lumber Co. (292 holdings and more than 2,000 acres of land in forest use in Lane County); Weyerhaeuser (1668 holdings and more than a 100 thousand acres of land in forest use in Lane County); Davidson Industries (200 holdings and more than 2,000 acres of land in forest use in Lane County); Seneca Lumber (168 holdings and more than 1,000 acres of land in forest use in Lane County); and McDougal Bros (92 holdings and more than 1,000 acres of land in forest use in Lane County). See Exhibit TT of applicant’s submission.
39. The Oregon Department of Revenue keeps a yearly list of large-scale industrial timber owners. That list is included as Exhibit TT of applicant’s submission.
40. The above interpretation of “commercial” is supported by the Circuit Court’s holding in *CJK v. Lane County* (No. 160911508), which is incorporated herein by this reference.
41. Having commercial farm/forest uses on property adjacent to the subject property is a characteristic of F-1 zoning.
42. There are seven properties adjacent to the east 78-acre parcel. See Table F below. One of the contiguous properties is in commercial forest use. None of the adjacent parcels are in commercial farm use.
43. Given that one of the seven adjacent parcels (14%) are in commercial forest use, the subject property (east 78-acre parcel) does not meet this F-1 characteristic.

Table F  
Contiguous Property and Commercial Use

Tax Lot	Ownership	Parcel size	Holdings in Lane County Parcels/acres	Comments

			<b>Ex. TT</b>	
TL 200	Rosboro Lumber Co.	65 acres	292 parcels/more than 2,000 acres	Given the number of holdings and amount of land in forest production in Lane County, and given the fact that Rosboro is included on the state's list, this property is part of a large scale industrial operation and should be considered to be in commercial forest use.
TL 700 (west portion)	Ravin Ventures, LLC	48 acres	4 parcels/200 acres.	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This is a small-scale, non industrial use.
TL 500	J. Paschelke	85 acres	5 parcels/217 acres	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This is a small-scale, non industrial use.
TL 601	J. Paschelke	.68 acres	5 parcels/217 acres	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. Furthermore, this parcel is too small to be in commercial forest use.
800(west portion)	Dustrude	8.19 (mostly on other side of road)	1 parcel/8 acres	Zoned RR5; developed with a residence. No forest use.
Marcola Road	Lane County			Road. No forest use.
TL 600	Christoffersen	1.86	1 parcel/1.86 acre	Zoned RR5; developed with a residence. No forest use.

**“(4) Accessed by arterial roads or roads intended primarily for forest management.”**

44. The County Board has determined that this provision focuses on the subject property and the type of access to it. Ordinance No. 1236. Access by an arterial road or forest management road is a characteristic of F-1 zoning.
45. The subject property has direct access to Marcola Road, a local collector. The purpose of Marcola road is to move traffic from Hwy 228 to Springfield and to support local residential transportation. Therefore, the subject property (east 78-acre parcel) does not meet this F-1 characteristic.

**“(5) Primarily under commercial forest management.”**

46. The County Board has determined that this provision focuses on the subject property and whether it is utilized for commercial forest/farm uses. Ordinance No. 1236. While not conclusive, the following factors can be considered in determining whether surrounding uses are being utilized for farm/forest use: parcel size, tax deferral, and other factual information. However, the determination of whether a property is in “commercial” farm or forest use is weighed against a higher set of standards.
47. The County has interpreted Policy 15 as being “crafted as a means to distinguish large-scale industrial forest land from small-scale non-industrial forest land.” Ordinance 1236
48. *“Forest lands less than 80 acres in size and developed with residential uses or other nonforest uses, generally received Impacted Forest land (F2) [zoning]. Public forested lands and larger commercially managed forest lands, forest lands that were not impacted by nonforest uses, particularly in the ownership of industrial forest operators, were [zoned] as Nonimpacted Forest Lands (F-1).”* Ordinance 1236, Page 9.
49. Based on the above, commercial forest management leans toward public lands and lands that are large scale and in industrial forest operator control and ownership. Examples of lands that fall squarely under the umbrella of “large scale industrial forest land” include lands owned by Rosboro Lumber Co. (292 holdings and more than 2,000 acres of land in forest use in Lane County); Weyerhaeuser (1668 holdings and more than a 100 thousand acres of land in forest use in Lane County); Davidson Industries (200 holdings and more than 2,000 acres of land in forest use in Lane County); Seneca Lumber (168 holdings and more than 1,000 acres of land in forest use in Lane County); and McDougal Bros (92 holdings and more than 1,000 acres of land in forest use in Lane County). See Exhibit TT of applicant’s submission. This is just a sample. There are hundreds of similar industrial forest land companies holding property in Lane County.
50. The Oregon Department of Revenue keeps a yearly list of large-scale industrial timber owners. Ravin Ventures is not on the list.
51. Being on the Department of Revenue’s list and having large holdings is an indicator that a parcel is in commercial forest management.
52. The above interpretation of “commercial” is supported by the Circuit Court’s holding in *CJK v. Lane County* (No. 160911508), which is incorporated herein by this reference.
53. Having commercial farm/forest uses on the subject property is a characteristic of F-1 zoning.
54. The east property is approximately 78 acres owned by Ravin Ventures, LLC and Ramon Fisher. That ownership, owns no other parcels in Lane County. Ravin Venture, alone, only owns four parcel in Lane County totaling 200 acres. Ravin Ventures and Ramon



Fisher does not appear on the Department of Revenues list.

- 55. Because Ravin Ventures, LLC and Ramon Fisher, has limited holdings in Lane County and because it does not appear on the state’s list, the property’s commercial forestry status is not obvious.
- 56. The subject property (east 78-acre parcel) does not meet this F-1 characteristic

**F-1 Characteristics Summary**

- 57. In summary, the subject property meets 0 of the 5 characteristics for being zoned F-1.

<b>Non-impacted Forest Land Zone (F-1, RCP) Characteristics</b>	<b>Does the Subject Property Meet this Element?</b>
<i>1. Predominantly Ownerships not developed by residences or nonforest uses</i>	No. The property is developed with a residence.
<i>2. Predominantly contiguous, ownerships of 80 acres or larger in size</i>	No. The property is less than 80 acres
<i>3. Predominantly ownership contiguous, to other lands utilized for commercial forest or commercial farm uses.</i>	No. Only one contiguous ownership out of seven are utilized for commercial forest or farm uses
<i>4. Accessed by arterial roads or roads intended primarily for forest management.</i>	No. Adjacent to Marcola Road, a local county road.
<i>5. Primarily under commercial forest management.</i>	No. The property is small-scale nonindustrial land and is therefore not in <u>commercial forest</u> use.
<b>CONCLUSION</b>	<b>Should not be zoned F-1 because it none of the characteristics (0 of 5)</b>

**(c) Impacted Forest Zone characteristics: \*\*\*”**

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

- 58. The County Board has determined that this provision focuses on the subject property itself (not surrounding property) and whether it is developed with residences or nonforest uses. Ordinance 1236. A property developed with residence or other nonforest use is a characteristic of F-2 zoning.
- 59. The subject property (east 78-acre parcel) is developed with a residence constructed in approximately 1920. It is currently occupied. Therefore, the subject property meets this F-2 characteristic.

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

- 60. The County has determined that this provision focuses on the subject property itself (not

surrounding property) and its size. Ordinance 1236.

61. Property containing 80 acres or less is a characteristic of F-2 zoning.
62. The subject property (east 78-acre parcel) is 78 acres in independent ownership, smaller than 80 acre threshold. Therefore, the subject property does not meet this F-2 characteristic.  
  
*“(3) Ownerships generally contiguous to tracts containing less th[a]n 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.”*
63. The County has determined that the focus of this criterion is on contiguous properties and properties in the “general area.” (Ord. PA 1236, pg. 10).
64. In Ordinance 1236, the Board interprets “generally contiguous” to mean in the general area. See page 10 of the Ordinance. The distance can be pushed in some or all directions and can cross roads, streams and other barriers. (Ord. PA 1236, pg. 10). How wide and how far is determined on a case by case basis. (Ord. PA 1236, pg. 10). This provision is two fold: F-2 should be applied (1) where adjacent and nearby properties are less than 80-acres and developed, or (2) where adjacent or nearby properties are within a developed or committed exception area.
65. Ordinance 1236 interprets “adjacent” to mean general vicinity. The term adjacent looks,  
  
*“even further beyond the nearby tracts or across intervening right of way to acknowledge the impact of development within developed and committed exception areas in the general vicinity of the land being proposed for rezoning. It is a broader look at the complete tapestry of uses and development, particularly nonresource uses, in the general area. It does not depend on contiguity for that consideration.”* Ordinance 1236, Page 10.
66. Generally Contiguous Tracts: There are 34 tracts that are “generally contiguous,” as defined by the applicant. These tracts are included in Table A of the application narrative, which is hereby incorporated.
67. Twenty four of the 34 generally contiguous tracts (71%) are less than 80 acres and contain a dwelling. This supports a finding that the property meets this F-2 characteristic.
68. Developed and Committed Tracts: The subject property (east 78-acre parcel) is adjacent to a developed and committed exception area to the northeast, east and southeast.
69. There are 34 tracts in the ‘general vicinity,’ as defined by the applicant. Of the 34 tracts, 24 (71%) are in developed and committed exception areas.

70. Based on the above, the subject property (east 78 acre parcel) meets this F-2 characteristic.

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

71. The County Board has determined that this provision focuses on the subject property itself (not surrounding property) and access to services. Ord. 1236. In Lane County, rural services typically include: power, road access, telephone, police, ambulance, fire, and schools. Not typically included are public stormwater, public water or public sewer.

72. The subject property has direct access onto Marcola Road, a local county road. Power and telephone services are already connected to the site to serve the existing dwelling. The site is served by the Mohawk Rural Fire Protection District, the Lane County Sheriff’s Department, the State police department, Mohawk ambulance services and the Marcola School district. See discussion under Goal 11. In summary, the subject property is already developed with a residence which has access to power, transportation facilities, telephone, police, ambulance, fire and schools. Therefore, the subject property (east 78-acre parcel) meets this F-2 characteristic.

**F-2 Summary**

73. Based on the above, the subject property meets four of the four characteristics for being zoned F-2

F-2 Zoning Criteria	Does the Subject Property Meet this Element?
Predominantly ownerships developed by residences or nonforest uses.	Yes. Property is developed with a residence
Predominantly ownerships 80 acres or less in size.	Yes. Parcel is 78 acres in size.
Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.”	Yes. Of the 34 “generally contiguous” tracts, 24 are less than 80 acres with a dwelling; 24 are in developed and committed exception areas.
Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.	Yes. The area is highly developed. The property is adjacent to Marcola Road with access to power, cable, DSL, police, fire and emergency services. And is near the communities of Marcola and Mabel.
<b>CONCLUSION</b>	<b>The subject property should be zoned F-2 because it meets four of the four F-2 characteristics (4 of 4)</b>

**Summary Analysis of Policy 15**

74. Based on the above analysis, the *“characteristics of the land correspond more closely to the characteristic of the proposed zoning [F-2] than the characteristics of the other forest zone [F-1].”* The subject property meets none of the five F-1 characteristics, and meets four of the four F-2 characteristics. Therefore, F-2 zoning is supported for the east 78-acre parcel.

**Goal Five: Opens Spaces, Scenic and Historic Areas and Natural Resources**

**Flora and Fauna Policy 7:**

**Because of incomplete County coverage by, and interpretation of, the National Wetlands Inventory, wetland resources are to be considered “significant” in terms of OAR 660-16-000/025 and placed in “1B” and “1C” categories. Major wetlands designated “1C” resources shall be protected per the “3C” option through a combination of existing County Coastal and Greenway zoning regulations, and federal/state ownership; where these do not occur, an appropriate wetlands zoning district shall be developed and applied. Other wetlands from the National Wetlands Inventory shall be evaluated per “1B” requirements within two years of the date of Plan adoption, and decisions made on the protection or use of the resource. The County shall consider enlarging the list of protected per Goal 5 requirements if it is clearly demonstrated that an unprotected significant wetland(s) is likely to be significantly impacted by a land use action over which the County has jurisdiction.**

75. See discussion of wetlands resources under Statewide Planning Goal 5. Forest practices on the land are governed by the Forest Practices Act.
76. No other Comprehensive Plan policies apply.

**IV. COMPLIANCE WITH LANE CODE CRITERIA FOR PLAN CHANGES**

1. LC 16.400(6)(h) sets out the criteria for amending the county plan designation. Each of the criteria is addressed here. Where a criterion incorporates a Statewide Planning Goal, LCDC Rule, or Rural Plan Policy, reference is made the relevant part of the narrative above so as to avoid repetition.

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

**(iii) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings”**

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

2. This criterion makes general reference to other sources of standards that apply to plan changes. Those other standards are addressed elsewhere in this narrative.

**(bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:**

**(i-i) necessary to correct an identified error in the application of the Plan; OR**

**(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR**

**(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; OR**

**(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; OR**

**(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.**

3. This criterion offers a smorgasbord of policy choices from which the county may select to justify initiating the plan change. At least two are relevant to this application. Item (iv-iv) allows the plan change if it implements the Rural Plan Policies. Goal Four, Policy 1 of the Rural Plan Policies anticipates the preservation of Forest lands by maintaining a forest land base. This proposal implements that policy because the subject property qualifies as forest land under the Goal 4 definition.

4. Item (v-v) invites the county to make plan changes that are desirable, appropriate or proper. This proposal also meets that criterion. Where lands qualify as both farm and forest lands, OAR 660-006-0015(2) states,

*When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*

5. Furthermore, the Lane County Rural Comprehensive Plan Agricultural Lands working paper, page 6, provides:

*“Agricultural/Forestry Goal Interrelationship*

*“In an inventory of agricultural lands and forest lands there will by many instances where land will meet Goal definition for both categories. According to [LCDC’s] policy,*

*farm and forest uses are compatible and either designation may be made without taking an exception to the other goal. The factors used to select a designation need to be documented in the Plan. The policies within the Plan will support one designation over another depending on the situation. The county should consider the following items in addressing overlapping lands: \*\*\*.”*

6. Those items and the analysis are discussed in detail under Sections II and III, above. The analysis shows that a plan change to Forest is desirable, appropriate and proper based on the review set forth.

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

7. Compliance with individual policies in the Rural Plan Policies is discussed in Section III above.

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

8. The existing structure of the plan anticipates Resource plan designations. As discussed in Section III above, this designation is also consistent with relevant policies in the Rural Plan Policies.

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

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

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

9. This is a minor amendment to the plan which requests a change to the Plan Diagram for the subject property – from Agriculture to Forest. No goal exceptions are requested. This application demonstrates that the subject property is not Agricultural land, but Forest land.

**(c) Minor amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the findings required by LC 16.400(6)(h)(iii) above can be affirmatively made. Unless**

planning requirements. Compliance with relevant Comprehensive Plan policies is addressed in Section III, above.

**Lane Code Criteria:**

**LC 16.004(4):**

**Prior to any rezoning, that will result in the potential for additional parcelization, subdivision or water demands or intensification of uses beyond normal single-family residential water usage, all requirements to affirmatively demonstrate adequacy of long-term water supply must be met as described in LC 13.050(13)(a)-(d).**

5. The request is a rezone from E-40 to F-1 and F-2. No additional parcels will be created as a result of this proposal. No subdivision, water demands, or intensifications beyond normal single family dwelling useage is enabled by this proposal.

**waived in writing by the Planning Director, the applicant shall supply documentation concerning the following:**

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

10. This description has been provided throughout this decision.

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

11. The required analysis is provided above.

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

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

12. See detailed discussion in Sections I and II, above. To summarize, the subject property is located in a sea of Forest land. Furthermore, it is adjacent to an RR exception area. Some of these uses are on land planned and zoned for resource use, and others are on land that is planned and zoned for Nonresource uses.

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

13. The public facilities and services available or to be provided to the site are discussed in detail above. For a discussion of each facility and service, see the Goal 11 discussion above. For a further discussion of transportation facilities, see the Goal 12 discussion above. In summary, because the site is already developed with a residence, because it is in a highly developed area, and because it is close to the rural communities of Marcola and Mable, all facilities and services are available to the site.

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

14. This discussion appears in detail in other parts of this document. The proximate natural resources to consider are those that are identified as Goal 5 resources in the comprehensive plan. The impact on these resources is discussed as part of the Goal 5 analysis above.

15. This proposal will have no adverse impact on proximate resource lands because the subject property will remain in resource designation and zoning.



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

16. As discussed in connection with Goal 7, the subject property neither contains nor is threatened by any natural hazards.

**V. COMPLIANCE WITH LANE CODE CRITERIA FOR ZONE CHANGES**

1. This proposal requests a change from E-40 zoning to F-1 zoning. LC 16.252 sets out standards for zone changes. The facts relevant to the zone change standards are largely redundant with the facts relevant to plan policies and the Statewide Planning Goals. The LC 16.252 standards are stated here and addressed, with appropriate references to other parts of this narrative.

**LC 16.252(2): Criteria.**

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

**General purposes of Chapter 16:**

2. LC 16.003 sets forth 14 broadly-worded purpose statements that include a provision to ensure that development is commensurate with the character and physical limitations of the land. Rezoning from E-40 to F-1 and F-2 implements the proposed plan amendment to Forest land. The public interest is served by recognizing that the land is Forest land rather than Agricultural land.

**Purpose of F-1 and F-2 Zone:**

3. The purpose statements of F-1 and F-2 zones are similar in that both are meant to implement the Comprehensive Plan and the forest policies, and to conserve forest land for uses allowed by Goal 4. This will remain unchanged.

**Rural Comprehensive Plan Criteria:**

4. The Rural Plan Policies provide the policy basis for comprehensive plan and implementing regulations, provide direction for land use decisions, and fulfill LCDC

planning requirements. Compliance with relevant Comprehensive Plan policies is addressed in Section III, above.

**Lane Code Criteria:**

**LC 16.004(4):**

**Prior to any rezoning, that will result in the potential for additional parcelization, subdivision or water demands or intensification of uses beyond normal single-family residential water usage, all requirements to affirmatively demonstrate adequacy of long-term water supply must be met as described in LC 13.050(13)(a)-(d).**

5. The request is a rezone from E-40 to F-1 and F-2. No additional parcels will be created as a result of this proposal. No subdivision, water demands, or intensifications beyond normal single family dwelling useage is enabled by this proposal.

OK  
adopted  
5-5-09

# MINUTES

Lane County Planning Commission  
Board of Commissioners Conference Room—125 East 8th Avenue  
Eugene, Oregon

February 17, 2009  
5:30 p.m.

**PRESENT:** Lisa Arkin, Chair; Steve Dignam, Todd Johnston, Tony McCown, Nancy Nichols, Howard Shapiro, Jozef Siekiel-Zdzienicki, John Sullivan, Lane County Planning Commissioners; Kent Howe, Stephanie Schulz, Jerry Kendall, Lane County Land Management Division;

**ABSENT:** Robert Noble, Vice Chair, Lane County Planning Commissioner.

Ms. Arkin convened the work session of the Lane County Planning Commission (LCPC) at 5:35 p.m. Staff and Commissioners introduced themselves.

Public Comment—There was no public comment offered.

## WORK SESSION

- 1. Ordinance No. 7-08—DELIBERATION: Lane Code Chapter 10 Amendments and Additional Policy Amendments to the Florence Realization 2020 Comprehensive Plan Prior to Board Co-Adoption of the Plan Under Florence's Periodic Review Work Program. File No. PA 08-5363 and Ordinance No. PA 1249 (Previous Planning Commission Hearing June 17, 2008, Previous Board of County Commissioners Hearing December 10, 2008).**

Ms. Arkin said Sandra Belson had come from the City of Florence to address the Commission and provide the Commission an opportunity to ask questions prior to deliberations.

Mr. Sullivan stated he had not listened to the recording of the previous Planning Commission discussion on this agenda item. Since it was a legislative matter, he would participate in the discussion if the Planning Commission agreed. He would defer to Planning Commission regarding whether or not he should vote on the matter.

No opposition to his participation was expressed.

Ms. Belson reviewed the project highlights identified in her February 6, 2009 staff memorandum included in the agenda packet for tonight's meeting.

BCC ATTACH. 2 - 1 B...

Mr. McCown arrived at 5:40 p.m.

Ms. Belson said the Florence City Council most recently met on January 26, 2009 to discuss potential amendments to Chapters 6 and 14 of the Florence Realization 2020 Comprehensive Plan. Staff recommended a different approach to protection of the North Florence Dual Aquifer at that meeting. The change was a result of comments from the public, the Lane County Planning Commission, and the Board of County Commissioners (BCC). There would be no policy change limiting septic system installation, but rather the focus would be on developing a joint testing and monitoring program. With recent concerns raised by contamination at Heceta Beach, the testing and monitoring program would include the groundwater aquifer as well as surface water that drained toward the beach. Staff had identified those undeveloped properties within the urbanizable area (that area within the urban growth boundary [UGB] that was outside the city limits), and was able to quantify the number of undeveloped tax lots and their general locations. Maps showing these tax lots were provided to the LCPC.

Ms. Belson said Oregon Administrative Rules (OARs) prohibited installation of new septic systems for single-family homes if there was a sanitary sewer system available within 300 feet of the property. There was the potential for approximately an additional 300 new septic systems within the urbanizable area without further land divisions. The City Council was focusing on getting testing requirements in place and setting up a monitoring system. Staff proposed policies that would allow septic systems on the 300 lots unless a problem was identified through the testing system.

Mr. Shapiro noted there had been problems with the Kla-ha-nee development, and asked why it had not been included.

Ms. Belson responded Kla-ha-nee had not been included in the mapping because they were not allowed to install new septic systems, and construction would not be allowed on most of the lots until they hooked up to city sewer. She added Driftwood Shores hooked up to the city sewer because they were concerned and had conducted tests.

Ms. Belson reviewed the City's approach to the urbanizable area, the testing program and housekeeping amendments as outlined in the staff memorandum. The proposed policies would result in fewer code amendments. On January 26, 2008, the City Council directed staff to develop an intergovernmental agreement (IGA) with Lane County Administration and funding of the testing and monitoring program. When the agreement was in place, the City Council would hold a public hearing on the amendments. She recommended that the Planning Commission recommend the Comprehensive Plan Amendments and corresponding Lane Code changes to the BCC. She further recommended that the BCC not make a final decision until the IGA was in place.

Ms. Arkin opened the floor to questions from Commissioners.

Ms. Nichols said caffeine had originally been included in the revised language as a surrogate for prescription drugs, but noted it had been dropped and asked why that had happened.

Ms. Belson agreed to research the issue.

Mr. Johnston opined specific substances would be identified in the IGA.

Responding to a question from Mr. Johnston, Ms. Nichols asked that caffeine specifically be cited in the adopted language as requiring testing.

Ms. Arkin asked what the relationship of the technical memorandum in the LCPC packet was to the policy amendments and to the IGA. She asked if it was merely informative.

Ms. Belson responded the technical memorandum was a recommendation from GSI, consultant to the City Council, as a starting point of the development of the IGA. Although it was intended to be informative, it was not required. She added the City of Florence welcomed suggestions from Lane County on what should be tested for.

Responding to a question from Mr. Dignam regarding the adoption process for the Comprehensive Plan, Ms. Schulz said the public records at both the Lane County Planning Commission and elected officials' levels were closed. The Planning Commission record was held open until February 6, 2009, in order for the City of Florence to complete its work that was now the study proposal that the City Council wanted to implement. Back in December 2008, the BCC held the written record open until March 4, 2009, and scheduled a third reading/fourth reading and deliberations for April 8, 2009. No additional hearings were scheduled. She added the Planning Commission could recommend additional time for a public hearing.

Mr. Dignam asked if Lane County staff felt the requirements for a public hearing had been met, considering the City of Florence's proposed changes.

Ms. Schulz opined the requirements had been met, because although no additional public hearings were scheduled, the LCPC record had been held open for additional time.

Responding to a question from Mr. Siekiel-Zdzienicki, Ms. Belson said the City Council intended to hold another public hearing regarding the monitoring program and study approach.

Mr. Shapiro expressed concern that the water flowing west and south through the aquifer by Clear Lake would contaminate the aquifer. Thus, it was important that the water be tested at the source.

Ms. Belson said Clear Lake was outside the UGB, adding if a site was outside of the UGB it was outside the scope of the Florence Comprehensive Plan. However, the City was developing an application to the federal Environmental Protection Agency (EPA) for a grant that would fund more test wells than were shown on the map. Heceta Water District was a partner in the application and had identified other test well locations in addition to seeking testing of Clear Lake. It was likely Lane County would also be a partner to the grant application. The EPA grant application included \$50,000 to pay for Lane County staff involvement in the testing and monitoring, with no match from the County.

Responding to a question from Mr. Siekiel-Zdzienicki regarding a sewer line on the recently annexed section of Rhododendron Drive, Ms. Belson said there were two pump stations to serve Fawn Ridge. The sewer line continues to Driftwood Shores although a pump station had not yet been built, so Driftwood Shores is not yet connected to Florence's sewer system.

In response to Mr. Siekiel-Zdzienicki, Ms. Belson stated Policy 5 was in response to concerns of the Heceta Water District to ensure they would be included in a review and comment process, and their comments would be considered part of the public record. Policy 4 was in the 1988 Comprehensive Plan and brought forward to the current proposed plan. The two policies said the City would send referrals to Lane County and Heceta Water District on any annexation applications.

Ms. Arkin said Policy 12 addressed sewage and chemicals, and asked why no testing for water level was included in the testing process.

Ms. Belson stated water level had a greater impact on septic systems, noting that when water levels were high, septic systems could not drain. Water level did not impact water quantity available. It was important to know how high the water level was because it affected how quickly contaminants were getting into the aquifer.

Ms. Arkin said the issue of up to approximately 300 septic systems being added to the area, and whether there should be stipulations about the type of septic systems allowed in the aquifer had been discussed by the Planning Commission previously. She asked if the City could stipulate what type of drain fields would be allowed.

Ms. Belson said the City and the County could have those stipulations. Based upon the public comments, some of the alternative systems did a better job and were more expensive. The City had decided to back off from requiring improved on-site treatment or required connections and instead put in place a testing program that could ultimately require alternative septic systems.

Responding to a question from Mr. Shapiro, Ms. Belson said the City of Florence did not currently regulate septic systems.

Responding to a question from Mr. McCown regarding unfunded mandates, Mr. Howe said Lane County staff involvement in the testing and monitoring would occur only if the EPA grant was awarded and provided \$50,000 for Lane County staff participation.

Ms. Belson added the City of Florence would not take on the whole testing and monitoring burden if EPA did not provide grant funding.

Ms. Schulz stated the EPA grant application was to be considered by the BCC this week.

Mr. Dignam, seconded by Ms. Nichols, moved to reopen the record until one week after the Florence City Council met to discuss. Mr. Dignam accepted Ms. Arkin's friendly amendment to reopen the record until one week after the Florence City Council took action on the Comprehensive Plan. The motion passed unanimously, 8:0.

Ms. Arkin asked for closing comments from Commissioners.

Ms. Nichols was happy with the progress and hoped there would be testing that would address caffeine or some other marker for septic tanks.

Mr. McCown was also happy with the progress. He saw policy as a long lasting document, and it was important to have the value of the testing and the practical side of funding mesh.

Mr. Shapiro thought the City was moving in the right direction. Once the IGA was signed, he wanted to see more testing at the source of the aquifer and financed by the City of Florence, Lane County and the Heceta Water District.

Mr. Siekiel-Zdzienicki was glad to see the City of Florence responding to the public and the LCPC. He expressed his appreciation to Ms. Belson for her hard work. He wanted to ensure that the Heceta Water District was of enough importance in the IGA.

Ms. Belson stated the City of Florence had no authority to require the Heceta Water District to enter into the IGA, but hoped they would. The Chair of the Water District's Board of Directors had testified in support of the Comprehensive Plan and the Water District agreed unanimously to participate in the EPA grant application.

Mr. Sullivan supported the work that was submitted for the February 26, 2009 City Council meeting. He hesitated on the other work because he was not present when Mr. Nelson testified with the technical memorandum. He was concerned about surface water monitoring and response actions, and had not realized the City of Florence had E. coli in its water. It was no longer a problem of the future, but was a problem of the present.

Mr. Johnston echoed comments from other Commissioners. He noted progress had been significant and said he appreciated the patience of Florence staff with the various groups they had to work with. It was worthy that Policies 12 and 13 be as specific as possible without compromising flexibility down the road. Getting specific line items for testing as recommended by GSI as well as including caffeine and other chemicals would be useful. It would be worth reaching out to local water watch groups.

Mr. Dignam supported the ordinance as it was presented. The issue had generated a significant amount of public comment and testimony. He echoed Mr. Sullivan's concerns that members of the public did not want to hook up to a sewage system. However, he viewed water quality as a more important issue than the public concern and he was concerned that the LCPC had paid too much attention to the public concerns on this matter. He did not want to see the water quality in one area of the County deteriorate. The system established for testing provided the flexibility to step in if needed. He did not believe reviewing the draft IGA was a role for the LCPC and he had no interest in seeing it.

Ms. Arkin expressed her appreciation for the responsiveness of the staff. She was glad to see the testing program and an IGA that would provide specific language on the criteria and protocols for running the testing program being developed. She agreed with Mr. Dignam's comments regarding the importance of water quality to maintain quality of life and the ability to be healthy. She echoed Mr. Shapiro's comments and recommended to the City of Florence and Lane County that Lane County should require monitoring on county lands that were part of the general aquifer. She also wanted to see testing for pharmaceuticals in the water. She recommended that the City look at the building code and consider requiring a certain quality of septic system for new systems in the area despite the concern that people may consider it an economic burden. There were many things

in the building code that could be considered burdensome but were considered accepted as necessary for safety.

Ms. Arkin closed the work session at 6:50 p.m.

## **PUBLIC HEARING**

- 1. PA08-5888—Minor Plan Amendment and Zone Change from “Agricultural” to “Forest” Lands and from “E-40/Exclusive Farm Use” to “F-2/Impacted Forest Lands” for the east 78 acres of a 126 acre parcel.**

Map 16-01-08, Tax Lot 700  
Address: 92922 Marcola Road, Springfield, Oregon  
Owner: Ravin Ventures, LLC  
Applicant: Ed Fisher  
Agent: Kim O’Dea

Ms. Arkin convened the public hearing of the Lane County Planning Commission (LCPC) at 7:00 p.m. Staff, Commissioners and visitors introduced themselves.

Mr. Johnston stated he had a potential conflict of interest and would not participate in the discussion or deliberation.

Mr. Kendall offered the staff report. The application was originally submitted in May 2006, and scheduled for a public hearing before the LCPC on April 17, 2007. The original proposal included all 126 acres of the parcel. Staff recommended denial of the rezone portion of the request, based on an interpretation of a Goal 4 RCP policy by the Board of County Commissioners (BCC), which the applicant had failed to utilize. The application was withdrawn before the public hearing. In September 2008, a revised application which included only the 78 easternmost acres of the subject parcel was submitted. The remaining 48 westernmost acres were not part of the proposal before the LCPC, and would retain its plan/zone designation of Agricultural Land/E-40. The 78 acres of land which was the subject of the revised proposal was located on the west side of Marcola Road in Springfield. A dwelling was located on the eastern end of the parcel, near Marcola Road.

Mr. Kendall stated the applicant was making two requests. The first request was changing the plan designation from agricultural land to forest land, for which the application met the criteria. The second request was to determine whether the correct zoning was F-1, Non-impacted Forest Lands, or F-2, Impacted Forest Lands. There were three applicable cases, the Symbiotics case, the Dockum case, and the Lininger case, which were described in the staff report. Mr. Kendall reviewed the Policy 15 characteristics as cited in the staff report.

Mr. Kendall said staff recommended approval of the plan change to Forest Land, with a zone designation of F-1, Non-impacted Forest Lands.

Mr. Sullivan said the term “development” was used several times in the staff report, and asked if the LCPC should consider the potential for development in making a decision.



Mr. Kendall stated there were five legal lots on the subject property. If the site was zoned F-2, there was a potential that five additional dwellings could be constructed.

Mr. Dignam noted the staff report indicated the subject property had three of the five characteristics of F-1 land and two of the four characteristics of F-2 land. He asked if a scorecard approach had been used to evaluate those characteristics.

Mr. Kendall explained the methodology, saying it had been past practice that held up on appeal which had never been challenged at the Land Use Board of Appeals (LUBA) and was supported by the BCC. A scorecard approach had not been previously used, but rather the determination was based on a simple majority of meeting the F-1 and F-2 characteristics.

Responding to a question from Ms. Nichols, Mr. Kendall said staff would evaluate a proposal that contained delineation of the site by drawing lot lines. However, the staff analysis had determined the site did not meet the F-2 characteristics.

In response to Ms. Arkin, Mr. Kendall said the property was logged sometime during the late 1950's to mid 1960's, and again during 2004-2006. He stated there were no Oregon Department of Forestry tickets, and the logging date determination was based upon a level of evidence, noting there was no evidence to the contrary.

Kimberly O'Dea provided the applicant's report. She distributed the following documents:

- Letter dated February 17, 2009 to the Lane County Planning Commission and Jerry Kendall, from Kimberly J.R.O'Dea, regarding Fisher Plan change and Zone Change Application Map 16-01-08, portion of tax lot 700.
- Zoning Criteria matrix.

Ms. O'Dea asserted the staff report related to this request was the most flawed she had seen in a long time because it relied on a case rather existing law. She asked that the hearing be moved forward to March 2009, or the record left open for fourteen days to enable her to address the staff report. She provided a history of the case, noting that the application was filed before Ordinance 1236 was enacted, which changed the way the County viewed the F-1 to F-2 characteristics and resulted in the applicant withdrawing their application. She then applied Symbiotics as written to the current case. She acknowledged the past record that dealt with the entire property was still part of the record, but was now less relevant. She said the Planning Commission could recommend that the entire site be zoned F-1 and the applicant would not fight that. The property should never been zoned agricultural land and had never been used for agriculture, as it was very hilly and the soil was rocky.

Ms. O'Dea said she received the staff report on Friday, February 13, 2009, and had not had sufficient time to review it. She wanted to make a written response to the staff report and show why the Dockum decision should not be considered by the Planning Commission in its recommendation to the BCC.

Ms. O'Dea reviewed the following issues:

- Development and transportation—Ms. O'Dea said there was nothing that changed on the property from the current zoning E-40 which contained five legal lots. None of the legal lots were developable because none of them were big enough. Even if the lots were developable, there was no outright permitted use, and this did not change in the F-2 zone. Construction would require property line adjustments, post property line adjustment legal lot verifications, and special use decisions. She asserted plan and zone changes gave the property no more development potential. While there were several ways to get homes in the E-40 and F-2 zones, there was no way to put homes in the F-1 zone. Chapter 15, which addressed transportation, and related road improvements, would only need to be considered when Chapter 16, which addressed land use permits, was raised.
- Dockum case—The Hearings Official ignored the BCC's findings in Ordinance 1236. She said the case should be given no instructive weight, as it was for the BCC to correct its mistakes, if any were made, and not the Hearings Official.
- Forest Designation—Everyone agreed the property should be designated as Forest.
- Zoning Characteristics
  - Residences on site—There were no provisions in F-1 for dwellings even with a special use permit. A zoning designation of F-1 would make the parcel less in compliance with the plan and code that it was currently, and would create a non-conforming use that could not be corrected. In the F-2 zone, the dwelling could be made legal with a special use permit.
  - Subject property and 80 acre threshold—Seventy eight acres were proposed for rezone and which was consistent with the Symbiotics case. In the Dockum case, the Hearings Official altered the BCC's decision without justification, which was overreaching. The Symbiotics case was the only one that applied in this situation.
  - Commercial Forest and Farm use—The staff assertion that the tried and true method of looking to deferral status as the right approach was incorrect. That method conflicted with the purpose of the zoning districts and had been voided by the BCC.
- Generally Contiguous—The staff method conflicted with the Symbiotics case and the language of the Plan. Ordinance 1236 said that “generally contiguous” went beyond “contiguous” and looked at the “general area”. Staff looked to “abutting” property which was not the “general area”, but rather “contiguous”. The applicant's submission looked to the “general area” as required. The review established that the property met the F-2 characteristic because it was impacted by houses and exception areas. The 1,000 foot review area was supported by the Lininger decision and other “vicinity” and “general area” decisions.

Ms. O'Dea urged the Planning Commission to rely on Ordinance 1236 rather than the Hearings Official's decision. She added F-2 was applicable without deciding what “commercial forestry” meant. She stated while the subject application was limited to the 78 acre eastern portion of the property, the applicant acknowledged that, prior to the application being amended to reflect the ordinance, staff and the applicant reviewed the entire tract. The County in the past embraced split zoning. The applicant would not object to the Planning Commission making a Forest designation recommendation for the entire tract and then an F-1/F-2 zoning district recommendation.

Mr. Siekiel-Zdzienicki asked why the applicant was requesting the zone change, since commercial forestry was allowed under the current zoning.

Ms. O'Dea said it was the right of every citizen to look at the zoning of their property to determine whether the zoning was done correctly.

Responding to a question from Mr. Sullivan, Ms. O'Dea reaffirmed the applicant would not argue against a recommendation by the Planning Commission to zone the entire property F-1.

Mr. Kendall clarified Ms. O'Dea intended to include the full 126 acres when she stated entire property, which she affirmed.

Mr. Sullivan noted in Ordinance 1236, the BCC suggested that a road created non-contiguous property. He asked if that narrowed the scope of the argument. He asked if the intent of Ordinance 1236 was to address "contiguous" as ownership rather than "contiguous" as properties.

Ms. O'Dea said Ordinance 1236 spoke to contiguous, which showed up in several other standards. The BCC went beyond its authority with the "generally contiguous" property, which allowed you to jump roads. The ordinance was specific from criteria to criteria.

Mr. Johnston left at 7:00 p.m.

Responding to Ms. Arkin, Mr. Kendall said staff would consult with legal counsel and the Planning Director to determine if a procedural error would be created by changing the proposal, especially in lieu of the fact that staff had been instructed to ignore the original text submittal which considered the entire property. The applicant was now saying that one option was to rezone the entire property F-1 but there was no analysis to support that action.

Ms. O'Dea said her original submittal, which included the analysis, looked at the entire property, and was in the record. Amendment of the application to respond to Symbiotics contained enough information to create a clean process.

Responding to a question from Mr. Dignam regarding Ms. O'Dea's statement that the County embraced split zoning, Mr. Kendall said he would need to research the issue before commenting. He understood split zoning came up more in partitioning law.

Ms. O'Dea said in her experience in Lane County zoning lines had never been a concern with property line adjustments.

In response to Ms. Arkin, Mr. Kendall said property lot line adjustments were a Planning Director decision and only went to the Hearings Official on appeal. He added it would be to the applicant's advantage to rewrite the application. The applicant had said the County could use the old application, which implied for only certain aspects, that had not been identified.

Ms. O'Dea iterated the application before the Commission was for 78 acres, but the applicant would not object if the entire 126 acres was rezoned.

Mr. Dignam averred it was the applicant's responsibility to tell the Commission whether it wanted 78 or 126 acres to be considered.

Ms. O'Dea said the application before the Commission was for 78 acres, which was what the applicant wanted the Commission to look at.

Mr. Siekiel-Zdzienicki noted no one had signed up to speak at the public hearing and no additional written material had been submitted, thus he saw no reason to hold the public hearing open as requested by Ms. O'Dea.

Ms. Arkin found the application confusing because of underlying issues, such as taking 78 acres which was less than 80 acres, what would happen to the back section, and the issue that perhaps there were parts of the property that were closer to the road that were better suited for the kind of rezoning that was being discussed.

Mr. Dignam said the Commission should give consideration to the applicant's request to continue the public hearing. He was uncomfortable as a Planning Commissioner to have conflicting precedents, and asked staff to provide guidance on working through the process.

Ms. O'Dea said she was comfortable with closing the public hearing.

Responding to a question from Ms. Nichols regarding the relationship of the Planning Commission recommendation and the BCC's decision regarding the Symbiotics case, Mr. Kendall said Symbiotics did not have a monopoly on how to instruct one on how to view zone changes as he stated in his staff report. Staff acknowledged there were different fact patterns in the three cases (Symbiotics, Dockum and Lininger) cited, and staff choose the fact pattern that was closest to the current case.

Ms. Arkin asked Mr. Kendall for rebuttal.

Mr. Kendall asked the Planning Commission to affirm that the hearing portion would be closed tonight, the record would be left open for two weeks for the applicant to submit, followed by two weeks for staff to respond to the submittal, followed by two weeks for applicant rebuttal. The Planning Commission would meet on April 21, 2009 for deliberation.

Mr. Sullivan failed to understand the staff position that failure to explain the downsizing was grounds to designate F-1. He asked staff to respond in the written report.

Mr. Dignam, seconded by Mr. McCown, to leave the record open for two weeks, followed by two weeks for staff response, followed by two weeks for applicant's final rebuttal, with all periods measured from 5:00 p.m. February 17, 2009, and deliberation on April 21, 2009. The motion passed unanimously, 7:0.

The meeting adjourned at 9:40 p.m.

(Recorded by Linda Henry)

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Approved  
7-7-09

# MINUTES

Lane County Planning Commission  
Board of Commissioners Conference Room—125 East 8th Avenue  
Eugene, Oregon

April 21, 2009  
5:30 p.m.

## WORK SESSION

**PRESENT:** Lisa Arkin, Chair; Robert Noble, Vice Chair; Steve Dignam, Tony McCown, Nancy Nichols, Howard Shapiro, Jozef Siekiel-Zdzienicki, John Sullivan, Lane County Planning Commissioners; Jerry Kendall, Stephanie Schulz, Lane County Land Management Division; Chuck Davis, Springfield Utility Board; Mark Metzger, City of Springfield; Kim O'Dea, Ravin Ventures LLC agent.

**ABSENT:** Todd Johnston, Lane County Planning Commissioner.

Ms. Arkin convened the work session of the Lane County Planning Commission (LCPC) at 5:35 p.m. Staff and Commissioners introduced themselves.

- 1. PA 06-5888—Minor Plan Amendment and Zone Change from “Agricultural” to “Forest” Lands and from “E-40/Exclusive Farm use” to “F-2/Impacted Forest Lands” for the East 78 Acres of a 126 Acre Parcel (Continued from February 17, 2009 Deliberation Only).**

**Map:** 16-01-08, tax lot 700  
**Address:** 92922 Marcola Road, Springfield, Oregon  
**Owner:** Ravin Ventures, LLC  
**Applicant:** Ed Fisher  
**Agent:** Kim O'Dea

Mr. Noble declared he had read the record and was ready to deliberate.

Mr. Kendall offered the staff report. He stated the record closed on March 31, 2009 and summarized the information provided to Commissioners in the agenda packet. There was no debate between the applicant and staff that the property, which consisted of the entire 126 acre parent parcel, deserved a forest plan designation. The more contentious issue was whether split zoning was applied and if only the eastern 78 acres were considered for an F-1 or F-2 zone. Staff asserted that the Rural Comprehensive Plan (RCP) Goal 4 Policy 15, had the characteristics of F-1 versus F-2 land. There were five characteristics for F-1 land, of which three were met by this property. Additionally, there were four characteristics for F-2 land, of which two were met by this property. The staff analysis indicated there had been no solid justification for drawing the

line and splitting the zoning, entertaining only the eastern 78 acres. Reading from the applicant's rebuttal, he said, "The applicant believed F-2 zoning for the 78 acres was still justified for reasons set out in previous submissions. However, the applicant did not object to staff's recommendation on page 2 and 3 of the supplemental staff report proposing forest designation and F-1 zoning." Mr. Kendall concluded saying the staff recommendation was F-1 on the entire 126 acres. He opened the floor to questions from Commissioners.

Responding to a question from Mr. Siekiel-Zdzienicki, Mr. Kendall opined a second public hearing would be held before the Lane County Board of County Commissioners (BCC) at which time it would be clarified that the entire 126 acre site was being considered for F-1 zoning.

Responding to Mr. Dignam, Mr. Kendall understood the term "non-specially assessment" was probably a neutral tax deferral status. He concurred there nothing in the record that the 78 acre portion was not involved in logging and replanting.

Responding to a question from Ms. Arkin, Mr. Kendall stated since one of the standards stated that F-1 was generally 80 acres or larger, zoning 48 acres as F-1 and 78 acres as F-2 was contrary to the accepted standards.

In response to Mr. Siekiel-Zdzienicki, Mr. Kendall saw a minimum of five legal lots and there was a potential to adjust the lines and put dwellings on each of the lots. He opined it was disingenuous of the applicant to state there was no development potential on the property.

Mr. Noble asked if the existing dwelling on property would become a non-conforming use if the property was zoned F-2 and what the implications of a non-conforming use were.

Mr. Kendall said the issue had been debated over the years by the BCC, and recalled former County Commissioner Steve Cornacchia saying he did not want to burden people with onerous non-conforming use status in resource zones. Thus, Lane County did not take issue with the size of dwellings.

Mr. Shapiro arrived at 5:55 p.m.

Responding to Mr. Kendall, Mr. Shapiro declared he sat in on previous meetings on this topic.

Mr. Dignam stated Mr. Shapiro should be allowed to vote since no new information had been entered into the record this evening.

Mr. Sullivan, seconded by Mr. Siekiel-Zdzienicki, moved to recommend to the Board of County Commissioners a minor amendment to the Rural Comprehensive Plan of a 78 acre portion of a 126 acre parcel from agricultural land designation to resource forest land and to rezone from EF-40 exclusive farm use to F-1 non-impacted as outlined in PA 06-5888.

Ms. Nichols offered a friendly amendment: "...moved to recommend to the Board of County Commissioners a minor amendment to the Rural Comprehensive Plan of a 78-acre portion of a 126 acre parcel from

agricultural land designation to resource forest land and to rezone from EF-40 exclusive farm use to F-1 non-impacted as outlined in PA 06-5888.”

Mr. Sullivan and Mr. Siekiel-Zdzienicki accepted the friendly amendment.

Mr. Sullivan restated the motion previously seconded by Mr. Siekiel-Zdzienicki. He moved to recommend to the to the Board of County Commissioners a minor amendment to the Rural Comprehensive Plan of a 126 acre parcel from agricultural land designation to resource forest land and to rezone from EF-40 exclusive farm use to F-1 non-impacted as outlined in PA 06-5888.

Mr. Sullivan would vote for the motion because it was consistent with Lane Code Section 12.225 because it was consistent with relevant statewide planning goals. It was a minor plan amendment as outlined in Lane Code Section 14-4 and qualified for forest designation under Goal 4. It was not reducing resource land. Although staff argued that the predominance factor supported F-1 under Policy 16 of the RCP, common sense indicated the argument could be made that the eastern most piece looked more F-2 than F-1. However, having reviewed the predominance issues, he considered applying the predominance factors a common sense move. He did not believe the Planning Commission’s decision could be based on possible future development. After reviewing information in the record, he felt strongly coordinates 1, 2, 3, and 6 should be applied based upon BCC directives.

Mr. Dignam would support the motion although there was little difference between F-1 and F-2 for this case. Based upon the criteria and upon the residence, F-2 applied. The applicant made a strong argument that split zoning was allowed in Policy 15, but the staff argument that there needed to be a logical basis for split zoning was more compelling. The applicant’s argument that the term “predominantly contiguous” allowed flexibility was not specific enough. Mr. Dignam did not agree with the staff argument that only abutting property should be considered, while the applicant argued the general area should be considered, which he supported. When looking at the general area, he saw F-1. Referring to the criteria that predominantly ownerships contiguous to other land utilized for commercial forest or commercial farm uses, he saw no merit in the staff argument that commercial forest use applied only to large users such as Weyerhaeuser or Seneca. He did not agree with the argument that because a site had forest tax deferral it was limited to forest use. While the applicant had raised valid questions regarding the viability of commercial forest use, the applicant had not provided evidence into the record to support a claim of the site not being commercial. Therefore, F-1 was appropriate. F-2 was supported by the criteria of access by arterial roads. Mr. Dignam disagreed with the staff argument that because the site had forest tax deferral it was limited to forest use and did not see that as relevant to the Planning Commission’s decision. Under the commercial forest management criteria, he disagreed with both staff’s and applicant’s argument, but there was nothing else in the record that showed the 78 acres was not under commercial forest management. The only information in the record said that the 78 acres was under commercial forest management. Based upon the evidence in the record he would support the motion.

Mr. Shapiro stated he intended to support the motion.

Mr. Noble agreed with the reasons stated by both Mr. Sullivan and Mr. Dignam, and he would support the motion. The only concern for him was creation of a non-conforming use but staff had allayed those concerns.

Ms. Nichols said she would support the motion, as she saw no logical reason to do otherwise.

Mr. McCown would support the motion, and appreciated the effort of staff and the applicant to make the entire parcel congruent.

Mr. Siekiel-Zdzienicki would support the motion based on F-1 and F-2 criteria. Additionally, the applicant gave no reason for creating the property line they requested, thus creating a 78 acre parcel.

Ms. Arkin would support the motion. She thanked staff for their analysis of the application. She agreed with the points previously raised by Commissioners. She was caught by the request for split zoning that would leave 48 acres "hanging out there" which would set a precedent for small tracts of resource land which had not previously been allowed. She saw no reason to split the lot, opining the choice of where to place the dividing line was arbitrary. Since the land had historically and recently logged, and was currently in forest regeneration, it appeared it was productive forest land. She was troubled about the home since it would be a permitted non-conforming use.

Ms. Arkin called for a vote on the motion.

The motion passed unanimously, 8:0.

Mr. Sullivan encouraged staff to present the dialogue from the motion early in the written presentation to the BCC.

The Planning Commission took a five minute break at 6:15 p.m.

**2. PA 09-5109—Map Amendment to Update the Delineation of the Time of Travel Zones (TOTZ) within the Springfield Utility Board's Willamette Wellfield on the Drinking Water Protection Plan Map.**

**Applicant(s):** Springfield and SUB

**Agent:** Mark Metzger, Springfield Senior Planner

Ms. Schulz introduced Mark Metzger from the City of Springfield and Chuck Davis from the Springfield Utility Board (SUB).

Mr. Metzger offered the staff report which was included in the Staff Memo dated April 14 and 21, 2009, from Stephanie Schulz to the Lane County Planning Commission. He referred to several charts, copies of which were distributed to Planning Commissioners:

- Overview of the Proposed Action:
- Springfield Drinking Water Protection Area Map.



- Willamette Wellfield Protection Area—Former Time of Travel Zones (pre-2008 delineations).
- Willamette Wellfield Protection Area—Amended Time of Travel Zones (Feb 2008 delineations).

Mr. Metzger explained the City of Springfield used wells as the source of the city's drinking water. TOTZ zones are identified in the City's development code. Commercial and industrial developments are required to meet certain criteria regarding certain dangerous chemicals and substances that might pollute ground water. Precautions and restrictions were more stringent for developments closer to the wellfield, and become less stringent in the outer time of travel zones. TOTZ were developed by hydrologists who studied the groundwater. Improvements were made to the Willamette Wellfield in 2007/2008 which changed the hydrology of the wellfield and increased the distance from the well for the one year and five year time of travel zones. The outer boundary of the overlay zone does not change with this proposed amendment.

Mr. Metzger said the Lane County planning commission was reviewing the amendment to make a recommendation to the BCC whether to co-adopt the proposed map amendment to the Springfield Drinking Water Protection Plan by updating the delineation of the Willamette Wellfield in southwest Springfield. The proposal changed the TOTZ for certain properties as described in the Staff Memo. The proposed changes do not usually apply to residential users since they did not use large quantities of highly toxic materials and the proposed changes did not apply to agricultural uses, which by state law, were regulated by the Oregon Department of Agriculture. The Springfield Planning Commission had already taken action to approve the changes. The businesses affected by the changes were primarily within the city limits. Knife River was currently the only industrial user outside of the city limits that was affected by the proposal. The remainder of the land within the Urban Growth Boundary (UGB) was zoned for agricultural use by Lane County. Mr. Metzger said the proposed action was a map change that reflected reality underground regarding the hydrology. The change would affect a portion of the Knife River quarry. SUB had worked with Knife River regarding the impact of the change. There was no opposition offered at Springfield Planning Commission public hearings by Knife River or other entities. The city Planning Commission unanimously approved the proposal.

Mr. Siekiel-Zdzienicki asked if home businesses such as painting contractors, as an example of a business that stored 300 gallons of paint on property in a residential zone, was considered an issue. He asserted this was a practice of some contractors.

Mr. Metzger responded it would become an issue if the City was aware that was happening, but the City was assuming residents were residential dwellers. He added home occupations were allowed in some zones. The purpose of tonight's meeting was not to amend the policy but to amend the map to reflect the changes in hydrology.

Mr. Dignam could find nothing in the record that explained the impact of the proposed action and he could not support the plan unless staff were able to explain the real impact. Even with only one property, there was potential for Goal 9 Economic Development issues if the action precluded further industrial development on impacted properties.

Mr. Metzger asserted *Table 2—Willamette Wellfield TOTZ Amendments Affected Properties and Acreage* in the Staff Memo provided that information. He explained the overlay required that

businesses advise the City on how much hazardous material they had and develop plans for containment, management, and disposal when it became hazardous waste. This did not restrict establishment of any businesses, but it did restrict how they managed their hazardous materials. He reviewed applicable fire code requirements for hazardous materials.

Mr. Dignam stated he would not be able to vote for the proposal until saw a complete list of the restrictions included in Article 17 of the City Code.

Responding to Ms. Nichols, Mr. Davis said existing businesses in the county and outside the city limits were on their own wells, and risked contaminating their own property as well as the City's if they disposed of hazardous materials down their septic tanks. When contamination occurred, it was the responsibility of the Department of Environmental Quality (DEQ) to follow up with the business on managing their clean ups. When the Springfield Planning Commission was developing recommendations for drinking water protections in 1999, they discussed what should be done with existing businesses, but that had not yet been adopted. The City's practices were preventative and focused on education for new and expanding businesses.

Responding to a question from Mr. Noble, Mr. Davis said when the City of Springfield purchased the Willamette Water Company the City acquired the water rights for two wells the company was abandoning. The City moved those water rights to the Willamette Wellfield for justification for use of the well drilled as part of the water treatment plant. By using water from that well, it caused the water to move more quickly in the aquifer. He concurred residential use was not causing any change in the movement of the water. Changes in ground water were caused by the amount pumped by the City for the water treatment plant.

Mr. Noble asked if the sand filtration system extracted any industrial or toxic materials.

Mr. Davis said the purpose of the sand filtration system was to treat the water from the wells.

Noting the Springfield Planning Commission had been involved in the process but the City Council had not been involved in the process, Mr. Sullivan asked what assurances the Lane County Planning Commission would have that the City Council concurred with the Springfield Planning Commission with their recommendation?

Mr. Davis explained there was one process with SUB and one with the Rainbow Water District Board, which included public hearings. The recommendations from those bodies were forwarded to the Springfield Planning Commission.

Mr. Metzger said Springfield ordinances and code gave the authority to make a decision of this type with the Planning Commission. The next higher authority would occur if the decision was appealed. He added there were enforcement provisions in the city code but the City relied heavily on education and the permit process with new development. DEQ became involved in the event of spills.

Mr. Metzger said Knife River wanted to do some new things such as an asphalt batch plant and a cement plant. They engaged SUB and the City early on in the planning process.

Noting the time, Ms. Arkin suspended the work session at 7:00 p.m.

## PUBLIC HEARING

PRESENT: Lisa Arkin, Chair; Robert Noble, Vice Chair; Steve Dignam, Tony McCown, Nancy Nichols, Howard Shapiro, Jozef Siekiel-Zdzienicki, John Sullivan, Lane County Planning Commissioners; Jerry Kendall, Stephanie Schulz, Lane County Land Management Division; Chuck Davis, Springfield Utility Board; Mark Metzger, City of Springfield.

ABSENT: Todd Johnston, Lane County Planning Commissioner.

Ms. Arkin opened the public hearing at 7:00 p.m.

**1. PA 09-5109—Map Amendment to Update the Delineation of the Time of Travel Zones (TOTZ) within the Springfield Utility Board's Willamette Wellfield on the Drinking Water Protection Plan Map.**

**Applicant(s):** Springfield and SUB  
**Agent:** Mark Metzger, Springfield Senior Planner

Ms. Schulz provided the staff report. The City of Springfield and Springfield Utility board (SUB) were requesting consideration of a map amendment to the Springfield Drinking Water Protection Plan which presented the City strategy for providing healthy and safe water to the residents and businesses of Springfield. The proposed map amendment was an update to the plan that revised the delineation of the Willamette Wellfield's "time of travel zones" (TOTZ). The City of Springfield and Lane County had co-adopted the *Springfield Drinking Water Protection Plan (Plan)* in 2004 during the Eugene Springfield Metropolitan Area General Plan (Metro Plan) Periodic Review Process. The Springfield Drinking Water Protection Plan was a refinement plan to the Metro Plan and as such Metro Plan procedures applied. Because the TOTZ of the Wellfield extended beyond the urban growth boundary (UGB), the proposal fell under the two jurisdiction process which included both the City of Springfield and Lane County. She reviewed the notice process. On April 8, 2009, a legal ad was published in the Register Guard notifying interested parties of the upcoming hearing scheduled for this evening. However, notice was not mailed to affected property owners. Therefore, Ms. Schulz recommended that the Planning Commission continue the public hearing to the May 19, 2009 Planning Commission meeting. This would allow time for mailing notice to affected property owners and interested parties, and sending referral to other agencies within the required timeline to provide adequate opportunity for public comment on the proposal.

Mr. Dignam, seconded by Mr. McCown, moved to continue the public hearing to May 19, 2009. The motion passed unanimously, 8:0.

Ms. Arkin reconvened the Planning Commission work session.

Responding to a question from Ms. Arkin, Mr. Metzger said by agreement with Lane County the City of Springfield exercised some planning control and regulation outside of the city limits but

within the UGB. Map amendments and policy changes were first adopted by the City for employment inside the city limits. When applying those same rules outside the city limits in the UGB, the issues were forwarded to the Lane County Planning Commission. Although the Lane County Planning Commission process was different than the City of Springfield's, staff was currently fully able to implement protection measures based on the new map inside the city limits. The permission of the Lane County Planning Commission and BCC was needed to apply those measures outside the city limits.

Ms. Arkin said home businesses were an issue that deserved consideration. She noted pesticide application businesses were allowed in residential areas, which could result in a substantial quantity of water soluble hazardous materials in the one and two year zones. This was an excellent opportunity to consider map amendments, to reassess who may be falling into the new boundary and what kinds of regulatory or educational actions the City of Springfield and SUB could take. She was distressed at the disconnect of the potential of those hazardous materials being put into the drinking water system.

Mr. Davis said those issues had not been ignored. The risk had been assessed when the slow sand filtration treatment process was selected. If a chemical spill got to the plant, SUB needed to be able to respond to that, and did so in several ways which he reviewed. Since there was currently no Lane County process to address the risks, the City was addressing them through education with the Lane County Pollution Prevention Coalition which included the DEQ and Lane County agencies, as well as the cities, the schools, and the watershed councils. The insurance companies worked closely with SUB since it was in everyone's best interests to not spill or leak chemicals which could cause damage to others.

Mr. Siekiel-Zdzienicki noted landscapers were well regulated but homeowners were not.

Ms. Arkin reviewed the Commission's calendar.

The meeting adjourned at 7:30 p.m.

(Recorded by Linda Henry)

LANE COUNTY PLANNING COMMISSION

STAFF REPORT



HEARING DATE: February 17, 2009

FILE No. 06-5888

REPORT DATE: February 10, 2009

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

**I. APPLICATION DESCRIPTION**

**A. Owner/Applicant:**

Ravin Ventures, LLC  
Ramon Fisher, President  
Ed Fisher, interest holder  
P.O. Box 751  
Oakridge, Or. 97463

**Agent:**

Kim O'Dea  
Law Office of Bill Kloos, PC  
375 W. 4<sup>th</sup> St., Suite 204  
Eugene, Or. 97401

**B. Proposal**

Proposed Minor Amendment to the Rural Comprehensive Plan, of a 78 acre portion of a 126 acre parcel, from an Agricultural Land Designation to Forest Land and Rezone from E-40/RCP Exclusive Farm Use Zone to F-2/RCP Impacted Forest Lands Zone.

**II. RECOMMENDATION**

Based on information in the submittal, and this report, staff recommends:

1. Approval of the Plan Amendment from Agricultural Land to Forest Land.
2. Denial of the zone change from E-40/Exclusive Farm Use to F-2/Impacted Forest Lands. The appropriate zone designation appears to be F-1/Nonimpacted Forest Lands.

**III. SITE AND PLANNING PROFILE**

**A. Background**

This application was originally submitted in May of 2006, and scheduled for a hearing before the Planning Commission on April 17, 2007. The original proposal included all 126 acres of the parcel (tax lot 700, Map 16-01-08). The staff report recommended denial of the rezone portion of the request, based on an interpretation of a Goal 4 RCP policy<sup>1</sup> by the Board of Commissioners, which the Applicant had failed to utilize. The application was withdrawn before the hearing.

In September of 2008, a revised application was submitted. Of note was the revision of the proposal to include only the 78 easternmost acres of the subject parcel. The remaining 48

<sup>1</sup> See BCC Ordinance No. PA 1236, Symbiotics, included as Applicant's Exhibit PP.

westernmost acres is not part of this proposal, and will retain its Plan/zone designation of Agricultural Land/E-40.

The 78 acres of land which is the subject of the revised proposal will be referred to as the “subject property” throughout this report. It is located on the west side of Marcola Rd., Springfield. Please refer to the Applicant’s submittal for further details. That submittal includes a location map, zone map, aerial photo, addressing map, etc.

A dwelling is found on the eastern end of the parcel, near Marcola Road.

**B. Zoning**

Located on Plots 499 & 511. Zoned E-40/RCP Exclusive Farm Use Zone.

**C. Site Characteristics**

The site fronts Marcola Road, and rises to the west. The subject property is on the east side of the Coburg Hills and can be described as a foothill thereof. Again, refer to the Applicant’s submittal and exhibits for further background data.

**D. Surrounding Area**

Refer to the color zoning map attached to this report (Attachment #^). The subject parcel is bordered by resource zoned land, except to the east, across Marcola Road, and to the extreme NE, where RR-5 zoned land is found. E-40 zoned land is found adjacent on the south. This differs from the Applicant’s assertion (p.4) that “[t]he subject property is surrounded by Forest designation and exception area”. Also, see page 10 of the submittal; “The subject property is an E-40 parcel [sic] in a sea of Forest and RR Exception area land.”

**E. Services**

Fire: Mohawk RFPD  
Police: County, State  
Water & Sewer: On site septic and well  
School: Marcola School District #79J  
Power: Emerald PUD  
Access: Marcola Rd. (County)

**F. Referral Comments Received:**

No comments on the revised proposal have been received as of the writing of this report.

**IV. APPROVAL CRITERIA & ANALYSES**

**A. Character of the Request**

The proposal is a Minor Amendment pursuant to Lane Code 16.400(6)(h) and involves a rezoning subject to LC 16.252.

Rural Comprehensive Plan policies affecting the proposal, as well as Plan amendment and rezoning criteria, are recited and discussed in the applicant's statements attached to this Staff Report, and so will not be repeated here, except for the RCP Policy discussion below.

No exception to any Goal, resource or otherwise, is necessary. This is simply a proposed change from one resource designation to another.

## **B. Evaluation**

Describing a history of commercial forest use, staff agrees with the Applicant that the subject property should be amended to a Forest Lands designation. However, staff's analysis concludes that the proper zoning designation is F-1 (Nonimpacted Forest Lands), not F-2 (Impacted Forest Lands), as maintained by the Applicant.

This revised application was submitted in September of 2008. In August of 2006, the Lane County Board of Commissioners adopted Ordinance No. 1236 (aka the *Symbiotics* case, Applicant's Exhibit PP). That ordinance states the Board's interpretation and position concerning RCP Goal 4 (Forest), policy 15. Policy 15 describes the characteristics which distinguish F-1 zoned land from F-2 zoned land. This ordinance is critical to an analysis of this application, as it supercedes the previous interpretations of policy 15. Ordinance 1236 is binding upon all rezone requests involving policy 15. The Planning Commissioners are especially advised to read pages 7-16 of the Findings.

Two subsequent rezones from F-1 to F-2 employed Ordinance 1236. The first is PA 06-6054, the *Dockum* case (June 2007). The second is PA 06-6170, the *Lininger* case (affirmed by LUBA, April 2008). Rezones such as these, without the need for a change in Plan designation, are initially reviewed by the Hearings Official. *Dockum* was denied, and *Lininger* approved. Both decisions were appealed to the Board, which elected not to hear either appeal.

In the course of deciding whether or not to hear an appeal, the Board must decide whether to simply affirm the Hearings Official's decision, or, explicitly adopt any and all interpretations made by the Hearings Official (LC 14.600(2)(d))<sup>2</sup>. While the Board chose to simply affirm both decisions, the interpretations and rulings made in those cases can be instructive in reviewing other F-1 to F-2 proposals. The decision for both cases is attached to this report.

Together, Ordinance 1236, PA 06-6054, and PA 06-6170, each with distinctive fact patterns, give insight as to how to evaluate RCP Goal 4, policy 15.

### **Original vs. Revised submittal**

As already stated, the main change between the original and the revised application is the change to include only the easternmost 78 acres of tax lot 700 in the proposal.

The revised submittal includes a five page letter dated September 10, 2008 and titled "Applicant's Response to Staff Report", referring to the original staff report produced on April 10, 2007. This missive criticizes a referral response received from County Transportation Planning on April 3, 2007, requesting that road issues be examined, because the 126 acre parcel contained six legal lots and could potentially add (five) dwellings subsequent to the proposal being approved. Planning

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<sup>2</sup> (d) If the decision of the Board is to not have a hearing, the Board order shall specify whether or not the Board expressly agrees with or is silent regarding any interpretations of the comprehensive plan policies or implementing ordinances made by the Hearings Official in the decision being appealed. The Board order shall affirm the Hearings Official decision.

staff is also cited for "...putting the cart before the horse..." in concern over the Applicant's original assertions that no further development opportunities would result from an approval of the proposal. Those assertions, contained in the original submittal, are as follows:

- p. 3: "Because the parcel already contains a dwelling, it is considered developed and not likely eligible for further development."
- p. 3: "Furthermore, the proposal neither results in any development approvals nor increases development opportunities."
- p. 22: "The subject plan change and zone change do not increase development opportunities on the subject site. As discussed above, the subject property is already developed with a residence. Under F-2 zoning, the applicant is not entitled to any additional dwellings."
- p. 27: "There is no additional residential development allowed by this application."

In the report of April 10, 2007, Planning staff requested that the Applicant "...eliminate staff's confusion as to the accuracy of the statements quoted above, and, if unable to do so, strike them from the record."

The Applicant evidently noted the request, as the wording in the current revision was changed slightly. The changes are noted below, using *italics*.

- p. 3: "Because the parcel already contains a dwelling, it is considered developed and not likely eligible for further *outright* development."
- p. 3: "Furthermore, the proposal neither results in any development approvals nor increases development opportunities." (*This statement was eliminated entirely in the revision*)
- p. 21: "The subject plan change and zone change do not increase *outright* development opportunities on the subject site. As discussed above, the subject property is already developed with a residence. Under F-2 zoning, the applicant is not entitled to any *outright* dwellings."
- p. 26: "There is no additional *outright* residential development allowed by this application."

By the above revisions, the Applicant downplays the potential for additional development (dwellings), using technically correct language. While no new dwellings would be allowed on the subject property outright, the potential still exists to place multiple template dwellings per LC 16.211(5). It is difficult to understand why the Applicant is currently critical of staff for making comments based on the Applicant's own original misleading statements, especially when those statements have been now been revised and staff and the Planning Commission have been instructed to disregard the original text submittal.

In any event, the present focus is on RCP Goal 4, policy 15. This policy lists the characteristics of F-1 and F-2 land. It is customary to designate land to the zone which most matches the characteristics listed in this policy.

**Policy 15 Lands designated within the Rural Comprehensive Plan as forest land shall be zoned Non-Impacted (F-1/RCP) or Impacted Forest Land (F-2/RCP). A decision to apply one of the above zones or both in a split zone fashion shall be based upon:**

- a. A conclusion that characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. The



**zoning characteristics referred to are specified below in subsections b and c. This conclusion shall be supported by a statement of reasons explaining why the facts support the conclusion.**

The Applicant is correct in asserting that *Symbiotics* instructs us to equate the land being proposed with “ownership” as it appears in policy 15. The Applicant has chosen to scale down the proposal from the original 126 acres, to 78 acres. No explanation has been provided, other than to state (p.1) that after reviewing *Symbiotics*, the “...applicant acknowledged that a different scope would be required”. However, the findings in the *Symbiotics* case also acknowledge the need “...to exercise discretion on a case-by-case basis”.

*Symbiotics* was groundbreaking in that prior to that decision, the county required that land proposed for rezoning be a legal lot. In *Symbiotics*, a 37.5 acre portion of a much larger 970.7 acre parcel (legal lot) was proposed for rezoning. However, in that case, the rezoning was requested under a “conformity determination” (RCP Goal 2, policy 27.a.vii) to cure an omission wherein the subject property had no assigned zone. In addition, the other sections of the parcel were distinct from the subject property, containing a reservoir or different facilities. No such distinction has been offered in the present case, to explain why the dividing line between the 78 and 48 acre portions was drawn where it was.

In the *Dockum* case, the Applicant proposed to rezone only a 38 acre portion of a 118 acre parcel. The proposal had been down scaled after an initial attempt to rezone the entire parcel failed meet policy 15, and was denied. While the Applicant appealed the (2<sup>nd</sup>) denial based on *Symbiotics*, the hearings Official noted that no explanation was offered as to why an amount less than the entire parcel was proposed for rezoning. Selection of less than the entire parcel also created conflict with some of the language found in policy 15, such as in 15.b.2. A similar conflict in the present proposal is detailed under that standard below. Barring no explanation by the Applicant as to why the portion of the parcel was selected (failure to carry the burden of proof), the Hearings Official denied the request.

In the *Lininger* case, the subject parcel was split zoned, with an approximate one acre panhandle zoned RR (Rural Residential). However, a finding was made that a Goal 4 policy (forestland) did not pertain to residential land, and the rezoning of the remainder of the parcel was accepted. This case withstood an appeal to LUBA, and was affirmed in its entirety (LUBA No. 2007-189).

Lacking an explanation as to why the present proposal was downscaled to a portion of the property less than the entire parcel, the Planning Commission could recommend denial of the rezone portion of the request using similar logic as in the *Dockum* case. This would result in an F-1 designation for the 78 acres (assuming the Commission agrees that the Plan change portion is acceptable).

Staff proceeds with comments below on the F-1.F-2 “characteristics”, using 78 acres as the subject property. Analysis under an entire 126 acre parcel scenario is not provided, as the proposal does not contain that scenario information to critique.

**(F-1)**

**b. Non-impacted Forest Land Zone (F-1/RCP) characteristics:**

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

The 78 acre subject property contains a dwelling near Marcola Road, apparently built in 1900. Both staff and the Applicant agree that this favors an F-2 zone designation.

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

Ordinance 1236 addresses this policy on page 10 of its Findings:

*“Contiguous”, as defined in Lane Code 16.090 definitions, is used in Policy 15.b. (2) and (3) to look for the different characteristics of F-1 land. The text in LC 16.090 provides: “Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street (local access, public, County, State or Federal street) shall not be considered contiguous.” In the case of 15.b.(2), the intent is to look within the land being proposed for rezoning to determine whether or not that land being proposed for rezoning consists of contiguous land owned by the applicant that is 80 acres or larger in size. In the case of 15.b. (3), the intent is to determine whether other land contiguous to the land being proposed for rezoning is in commercial forest or commercial farm use.*

The Applicant addresses this policy on page 32 of the submittal. The Applicant asserts that the finding in the *Symbiotics* case should apply to this case also, that is, that this standard focuses on the subject (38 acre) property only. The *Dockum* case is instructive here (see p.7 of that decision). The Hearings Official stated as follows:

“Section (a) of Policy 15 requires that the rezoning inquiry examine whether the characteristics of the “land” correspond more closely to the characteristics of the other forest zone. To apply the term ‘contiguous, ownerships’ to a portion of property that is otherwise a stand-alone, legal lot essentially makes the criterion meaningless. That is, there is no initial baseline from which to measure compliance as ‘contiguous ownerships’ would be whatever size (and location) an applicant wishes the rezoned parcel to be. Further, despite the applicant’s intent to carve up an otherwise homogenous parcel, the bisected portions are still under the same ownership and still contiguous.”

“A statement crucial to the application of Policy 15.b.(2) is found on page 8 of the Findings of Fact and Conclusions of Law of Ordinance 1236. This statement is as follows (*emphasis mine*):

‘We find that the term ‘ownerships contained in the criteria of RCP Goal 4 Policy 15 should be considered as including only the land being proposed for rezoning (*unless other qualifiers in a particular characteristic compels a different result*) because of the introductory language in Policy 15 and that the finding constitutes a reasonable interpretation of the term ‘ownerships’ as contained in that policy.’

“Ordinance No. PA 1236 concerned the application of RCP Goal 4 Policy 15 to property that, because of an oversight, had no zoning. Further, the property subject to the rezoning was fundamentally different, both in terms of geography and usage, from the remainder of its contiguous ownership, which was essentially used as a reservoir and supporting facilities (dam). In the present case, tax lot 3800 is homogenous in nature and there is little to distinguish the property subject to the rezoning from the remainder of its parent tax lot.”

“I find that Policy 15.b(2) must be applied to the whole of tax lot 3800 and therefore the characteristics of that property are consistent with this criterion.”

A similar fact pattern as in *Dockum* applies to the present case. The remainder of tax lot 700 is contiguous with and in the same ownership as the subject property. The two portions of tax lot 700

are essentially homogenous. No qualifiers have been offered which distinguish the subject property from the remainder of the parent 116 acre parcel.

As such, this standard favors an F-1 designation.

**(3) Predominantly ownerships contiguous to other land utilized for commercial forest or commercial farm uses.**

Refer to page 33 of the Applicant's submittal for their response to this standard. In addressing this standard, the Applicant takes an approach that up to this point has not been attempted in a forest rezone application. Refer to Table F on page 34 of the submittal. The basic logic of their argument is to draw a distinction between big commercial timber companies with holdings all over the county with individual landowners who do not have large holdings elsewhere in the county. For example, Rosboro Lumber owns 65 acres of land contiguous to the subject property, and 292 other holdings (throughout the county), totaling over 2,000 acres. The logic is that because Rosboro has large holdings in forest production, it is to be considered "commercial forest" per policy 15.b.(3). Conversely, since the other properties contiguous with the subject property do not have extensive holdings throughout the county in forest production, they are not "commercial forest" per this policy. Since, by this logic, Rosboro Lumber is the only large commercial forest holder contiguous to the subject property, the subject property is not *predominantly* contiguous to other lands utilized for commercial forest uses, and an F-2 designation is justified. This logic is flawed. It implies that a very large parcel contiguous to the subject property, conscientiously managed for commercial timber use, but having no holdings elsewhere in the county, would not be considered a commercial forest endeavor. By extension, it also implies that small woodlot owners, which comprise a valuable segment of the Lane County forest holdings and forest economy, are not engaged in commercial forest use.

It is noted that the large timber companies such as Rosboro, Weyerhaeuser, Bohemia, McDougal's etc, have Real Estate sections which are involved with developing their holdings for residential use. According to the Applicant's logic, an abutting residential subdivision owned by the McDougal's would be considered a "commercial forest use" within the context of this standard.

In *Symbiotics*, the subject property was sandwiched between a reservoir and Rural Residential lands. The map of such sufficed to document that no commercial forest uses took place contiguous to the subject property.

In the *Liningier* case, the Applicant documented that statistically, the subject property was abutted by Rural Residential land, or forest zoned land which was not, for reasons explained in the findings (see p. 12 of that decision) engaged in commercial forest use. The few properties that were so engaged were not a majority (predominance), either by parcel count or percent of perimeter of subject property they abutted.

In the *Dockum* case, (p. 8), the Hearings Official relied on a tried and true method... noting if the property in question was receiving some form of forest tax deferral. In the present case, ALL of the properties listed in Applicant's Table F which are contiguous to the subject property are receiving forest tax deferral on ALL of the acreage (information from Dave Evans, Lane County Assessment & Taxation Property Appraiser, see file record email of Feb. 9, 2009). This indicates an F-1 zone characteristic for the subject property.

It is noted that Applicant's Table F is flawed in that Rosboro Lumber sold tax lot 200 to High Mountain Investment on May 2, 2007. Likewise, J. Paschelke formed an LLC and sold his property

to it on December 30, 2008. No documentation of the holdings of High Mountain Investment or Paschelke's LLC (Ranch & 120 LLC) is on record.

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

The subject property is accessed by Marcola Road, an arterial road. The Applicant and staff agree that this standard favors an F-2 designation.

**(5) Primarily under commercial forest management.**

The Applicant uses the same flawed logic as in the 5.b.(3) standard above in determining that the subject property is not involved in commercial forest use.

According to tax records (information from Dave Evans, Lane County Assessment & Taxation Property Appraiser, see file record email of Feb. 10, 2009), 33.0 acres of tax lot 700 is receiving deferred forestland special assessment. Of the remainder, 92.228 acres is in "non-specially" assessment, and one acre in residential assessment for the homesite. In addition, the record reflects that the subject parcel was logged in 2002 and between 1955-1960.

The subject property appears to be managed for commercial forest use, and, under this standard, should have an F-1 designation.

**In summary, the subject property exhibits three of the five characteristics of property that should be zoned non-impacted forest land (F-1).**

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

These F-2 characteristics are mostly the converse of the F-1 characteristics.

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

The Applicant and staff agree that since the subject property contains a dwelling, this standard favors an F-2 zone designation.

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

The ownership of Ravin Ventures LLC consists of 126 acres. No qualifying circumstances differentiating the subject property from the remainder of tax lot 700 is on record. See also the similar *Dockum* decision at page 9. This standard favors an F-1 zone designation for the property.

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

See page 38-39 for the Applicant's response.

In regards to this standard, the findings for *Symbiotics* notes (p.10 of Findings):

*Policy 15.c.(3) does not use the term “contiguous” to determine the same relationship between the land proposed for rezoning and the tapestry of uses and development in the surrounding area. Policy 15.c.(3) uses “generally contiguous” in a broader sense that looks beyond the definition of “contiguous” to determine if “tracts” owned by other property owners in the general area of the land being proposed for rezoning are less than 80 acres in size and developed with residences. The analysis is intended to venture beyond the only contiguous properties with common property lines. In some instances, common sense may push that analysis a distance in some or all directions to fully assess the characteristics of the surrounding uses and development particularly when considering a “tract”.*

*Policy 15.c.(3) also uses the term “adjacent” to look even further beyond the nearby tracts or across intervening right-of-way to acknowledge the impacts of development within developed and committed exception areas in the general vicinity of the land being proposed for rezoning. It is a broader look at the complete tapestry of uses and development, particularly nonresource uses, in the general area. It does not depend on contiguity for that consideration.*

*This interpretation affirms the Lane Code 16.090 definition of “contiguous” as it is used in Policy 15.b.(2) and 15.b.(3) in the assessment of F-1 characteristics. It also makes clear that “generally contiguous” as used in Policy 15.c.(3) is different and broader in meaning and application when assessing the F-2 characteristics. It will remain for the Board of Commissioners to exercise discretion on a case-by-case basis, in making a final determination on how wide and how far that assessment pursuant to Policy 15.c.(3) would need to reach to provide a factual basis in arriving at a decision to approve or deny a request for rezoning. In all cases, the analysis under Goal Four, Policy 15 does not require a precise mathematical computation since the focus is on all the characteristics and whether, on balance, the land proposed for rezoning more closely corresponds to the F-1 or F-2 characteristics.*

Using GIS, staff measured the subject property, and found it to have a perimeter of 8,120'. Of that, 4,281' abut tracts which are over 80 acres in size (such tracts being tax lots 200, 400 abutting on the north, owned by High Mt. Inv., and a minimum of 106 acres. Abutting on the south, tax lot 500, 87 acres owned by Ranch & 120 LLC. Neither of these tracts contains a dwelling). The percent of the perimeter abutted by these tracts equals 52.7% of the perimeter. This methodology is similar to that used in the *Dockum* case (p.9). This calculation favors an F-1 designation.

The ordinance 1236 does not shed precise direction for this standard for the particular situation of the proposal under consideration. As with the other standards, the Planning Commission and in turn the Board of Commissioners will need to make their own conclusion.

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

The subject property has access to a full range of services normally available to a rural residence, including police and fire coverage, school, electricity, telephone, access, and solid waste disposal and therefore meets this characteristic of Impacted Forest Lands (F-2). Both the Applicant and staff agree that this standard favors an F-2 zone designation.

**In summary, the subject property exhibits two of the four characteristics of property that should be zoned non-impacted forest land (F-1).**

Policy 15 requires a conclusion that the characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. In the present case, the subject property represents three of the five characteristics of Non-Impacted Forest Land and half of the characteristics that would denote Impacted Forest Land. This would favor an F-1 designation.

**V. CONCLUSION**

**A. Summary and Recommendation**

While the Plan amendment portion of the proposal to Forest Land appears warranted, overall the proposed rezoning is not consistent with the Lane Code and the Rural Comprehensive Plan. An F-1, Nonimpacted Forest Lands designation appears to be more justified than an F-2 designation.

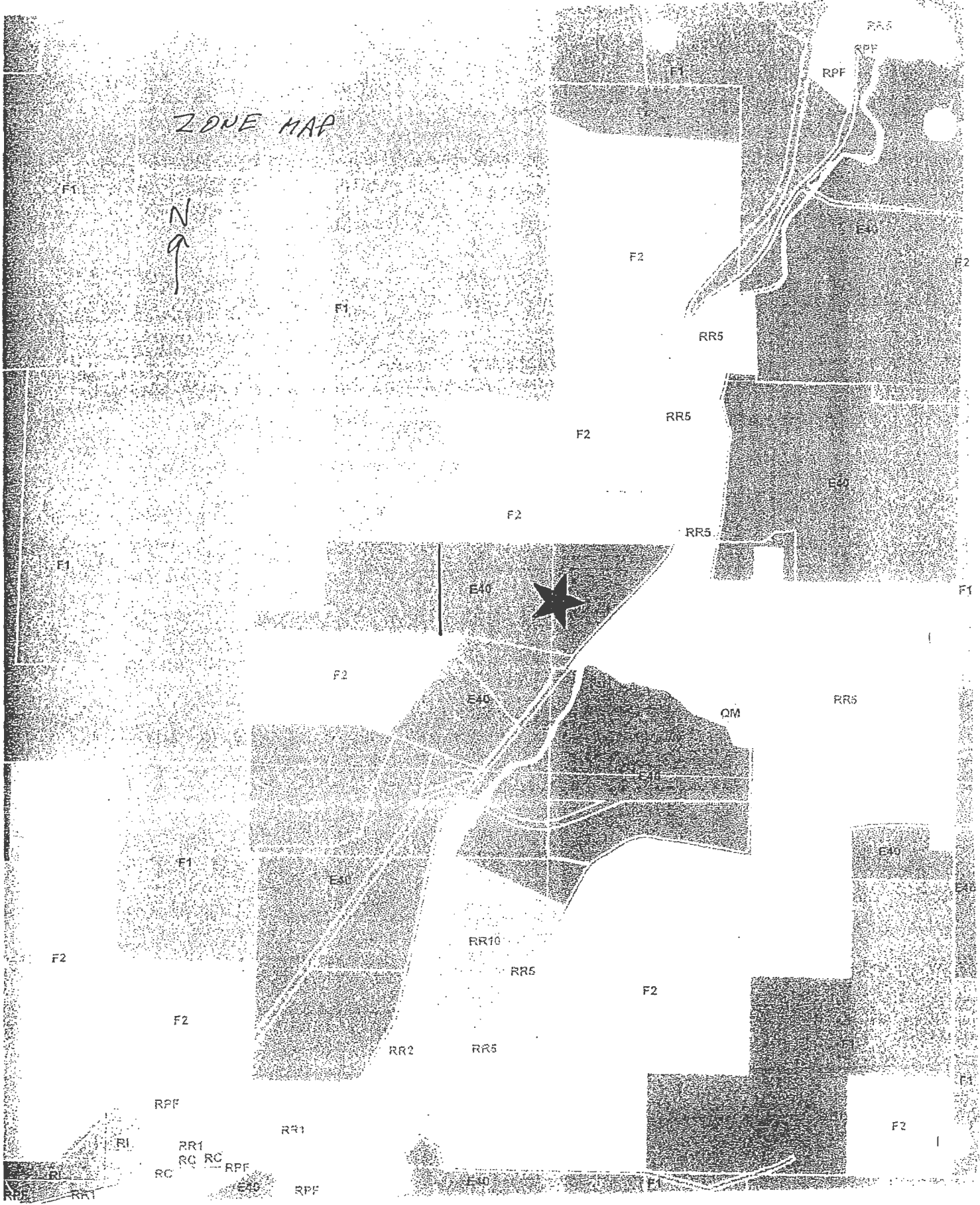
**B. Attachments provided to the Planning Commission:**

1. Applicants Submittal (previously provided)
2. Zone map, color (GIS generated)
3. PA 06-6170 Lininger decision
4. PA 06-6054 Dockum decision

**C. Materials to be Part of the Record**

1. Staff Report and attachments.
2. Applicant's statement with all exhibits.
3. File PA 06-5888
4. Property file for Map 16-01-08, tax lot 700
5. Lane Code Chapter 14 and sections 16.210, 16.211, 16.212, 16.252 and 16.400.

ZONE MAP



PA 06-6170  
LININGER

LANE COUNTY HEARINGS OFFICIAL

REQUEST FOR THE REZONING OF A PORTION OF PARCEL #1 OF  
PARTITION 2006-P2019 FROM NONIMPACTED FOREST LAND (F-1)  
TO IMPACTED FOREST LAND (F-2)

Application Summary

Tom Lininger/Merle Weiner, 930 E. 37<sup>th</sup>, Eugene, Or. 97405. Tax lot 1602 (portion of), Assessor's Map 18-04-33. Request to change the zoning of 80 acres of land from Non-Impacted Forest Lands (F-1/RCP) to Impacted Forest Lands (F-2/RCP).

Parties of Record

See Attachment "A".

Application History

Hearing Date: January 18, 2007  
(Record Held Open Until March 15, 2007)

Decision Date: May 30, 2007 (Revised June 18, 2007; Revised July 16, 2007)

Appeal Deadline

An appeal must be filed within 10 days of the issuance of a final order on this rezoning request, using the form provided by the Lane County Land Management Division. The appeal will be considered by the Lane County Board of Commissioners.

Statement of Criteria

LC 16.210  
LC 16.211  
LC 16.252  
Rural Comprehensive Plan (RCP)

Procedural Issues

Mr. Neal Miller, in a January 22, 2007 electronic message to myself, requested that I recuse myself because of bias. Examples of bias given were the time limitations placed upon speakers testifying in opposition during the January 18, 2007 hearing when none were placed on the applicant, modification of decisions after behind-the-scenes discussion with planning staff, and allegedly previous pro-development zone change decisions. First, Mr. Miller is correct in his allegation that the applicant is treated differently at the public hearing. Because the applicant carries the burden of proof, no time constraints are usually placed their testimony although this is not offered *carte*



*blanche* and exceptions are made in cases of excessively redundant and irrelevant testimony. Most applicants wish to explain why they have submitted their application and the applicant in this case was no different. However, subsequent speakers were encouraged to direct their testimony towards the approval criteria and to avoid allegations going to the motives or character of the applicant. At the January 22 hearing a previous speaker was essentially warned to wind up his testimony as it was becoming redundant and not directed to the approval criteria. This speaker had already spoken for over five minutes. Mr. Miller took umbrage in this action. Mr. Miller mistakes bias for crowd control. The audience was informed that they had the opportunity to request that the record be held open and, in fact, it was held open until March 15, 2007.

Second, I did pull back my May 9, 2005 decision in PA 04-5746 regarding a request for a modification to a riparian setback. The re-issuance, issued on May 12, 2005, was based upon the recognition by myself that the section of the May 9 decision regarding compliance with Lane Code 16.253(3)(b) was erroneous. There was no private meeting regarding the determination to rework this part of the decision and the modification did not change the decision to affirm the Planning Director's decision as I had already found that the application complied with Lane Code 16.253(3)(c). A determination of compliance with (3)(b) was not necessary.

Finally, if Mr. Miller had taken the time to do a little research he would have discovered that there is a published record of all my decisions that is available on request. Had he done his homework Mr. Miller would have discovered that I have heard five requests regarding the rezoning of Nonimpacted Forest Land to Impacted Forest Land. I have approved three applications, including this one, and have denied two.

In conclusion, I deny any bias concerning this or other rezoning hearing that I have participated in. I strive to apply the approval criteria both impartially and consistently and believe that I have done so in this case. Had I not I am sure this decision would have taken far fewer pages to write.

### **Findings of Fact**

1. The property subject to this application, hereinafter referred to as the "subject property," can be identified as tax lot 1602, assessor's map 18-04-33. The subject property lies southwest of Eugene in a neighborhood known as Peaceful Valley and is owned by Merle Weiner, one of the applicants. Prior to Ms. Weiner's ownership, the subject property was part of a 242-acre parcel owned by Roseboro Timber Company. In 2006, after being clear-cut in part, the parcel was partitioned<sup>1</sup> into three parcels: the subject property, Parcel 1, which is 80.6 acres in size; Parcel 2, which is 81.2 acres in size; and Parcel 3, which is 80 acres in size. The ownership of the three parcels is held by different family members and therefore they do not constitute a tract. All but 0.6 acres of Parcel 1 is zoned F-1.

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<sup>1</sup> #2006-P2019.

The 0.6 acres is represented by tax lot 528, which is zoned RR-10 and provides access to the subject property from Laughlin Road.

2. The subject property is not developed by a residence or nonforest use. Preliminary legal lot status for tax lot 1600, assessor's map 18-04-33 and tax lot 401, assessor's map 19-04-04 was verified through PA 05-5498 and PA 04-6236 by the Lane County Planning Director on April 26, 2005. Notice of this decision was mailed to property owners that were entitled to notice and no appeals were filed during the appeal period that ended May 10, 2005.
3. An examination of the assessor's maps of the area surrounding the subject property indicates that there are between 50 and 60 parcels roughly within 2,000 feet of the subject property. Of these properties, 18 parcels share a common boundary with the subject property. Of these 18 properties, eleven are occupied with residences. These eleven parcels constitute 55 percent of the subject property's perimeter. The following is a description of the 18 contiguous parcels, arranged according to orientation to the subject property:

Western boundary (37.7% of total) – all tracts smaller than 80 acres

*Tax lot 400:* The total size of the tract is 40.4 acres, and it is occupied with a residence. The frontage along the subject property is 108.7 feet (1.3% of the subject property's total perimeter) and it is zoned F-2.

*Tax lot 520:* The total size of the tract is 8.94 acres, and it is occupied with a residence. The frontage along the subject property is 115.88 feet (1.3% of the subject property's total perimeter) and it is zoned RR-10.

*Tax lots 524, 525 & 527 (commonly owned):* The total size of the tract is slightly over 10 acres, and tax lot 525 is occupied with a residence that is less than 100 feet from the subject property. The frontage along the subject property is 688.26 feet (8% of the subject property's total perimeter) and all of these tax lots are zoned RR-10.

*Tax lot 521:* The total size of the tract is 4.95 acres and it is occupied with a residence. The frontage along the subject property is 277.26 feet (3.2% of the Subject property's total perimeter) and it is zoned RR-10.

*Tax lot 526:* The total size of the tract is 5 acres, and it is occupied with a residence that is about 150 feet and downhill from the subject property. The frontage along the subject property is 591.17 feet (6.8% of the subject property's total perimeter) and it is zoned RR-10.

*Tax lots 516 & 1601 (commonly owned):* The total size of the tract is 8.74 acres and tax lot 516 is occupied with a residence. The frontage along the subject

property is 1150.83 feet (13.3% of the subject property's total perimeter). Tax lot 516 is zoned RR-10 and tax lot 1601 is zoned F-1. Tax lot 1601 is a 400-foot by 200-foot rectangular-shaped parcel that is 1.84 acres in size. It is appurtenant to the 6.9-acre parcel of RR-10 zoned land on which Marie Matsen and Karla Rice own and reside. Ms. Matsen and Ms. Rice acquired the 1.84-acre piece in exchange for granting driveway access through their property to a prior owner of the subject property. Tax lot 1601 acquired its F-1 zoning due to its origins in tax lot 1600, not due to any commercial forestry activities conducted by Ms. Matsen and Ms. Rice. They acquired tax lot 1601 for the purpose of insulating their residence from the subject property. Ms. Rice and Ms. Matsen "use tax lot 1601 solely as a buffer, not for commercial forestry" and do not intend to harvest any trees on tax lot 1601 for commercial purposes.<sup>2</sup>

*Tax lot 528:* This 0.6-acre driveway is owned by Applicant Merle Weiner and is zoned RR-10. It does not have a residence. The frontage along the subject property is 60.6 feet (0.7% of the subject property's total perimeter).

*Tax lots 503 & 517 (commonly owned):* The total size of the tract is 7.31 acres and tax lot 517 is occupied with a residence. The frontage along the subject property is 269.52 feet (3.1% of the subject property's total perimeter) and the two tax lots are zoned RR-10.

Northern boundary (17.4 % of total) – all tracts smaller than 80 acres

*Tax lot 510:* The total size of the tract is 5.06 acres, it is occupied with a residence, and is zoned RR-10. The frontage along the subject property is 218.19 feet (2.5% of the subject property's total perimeter).

*Tax lot 505:* The total size of the tract is 5.12 acres, it occupied with a residence, and it is zoned RR-10. The frontage along the subject property is 231.89 feet (2.7% of the subject property's total perimeter).

*Tax lot 504:* The total size of the tract is 13.91 acres, it is occupied with a residence, and it is zoned F-2. The frontage along the subject property is 860.25 feet (9.9% of the subject property's total perimeter). The owners of tax lot 504 are Larry and Joan Banfield. Ms. Banfield's affidavit (Appendix "U" to the applicants rezoning application) explains the noncommercial use of this parcel. Ms. Banfield and her husband primarily use the property "for residential purposes."<sup>3</sup> Throughout the 30 years in which they have owned tax lot 504, Mr. and Ms. Banfield "have never sold any trees" nor have they held themselves out to the public as a forestry business. They have never incorporated nor filed business tax returns for a forestry operation and they have never tried to write off the

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<sup>2</sup> See September 23, 2005 affidavit of Karla Rice (Appendix "A" to applicants' submission.)

<sup>3</sup> See January 29, 2007 affidavit of Joan Banfield (Appendix "U" to applicants' submission.)

purchase of forestry-related equipment as a business expense on their tax returns. According to Ms. Banfield, the function of the trees on tax lot 504 is to provide a buffer between the Banfields' residence and the Subject Property to the south. Tax lot 504 is not in forest tax deferral.

*Tax lot 104:* The total size of the tract is 28.5 acres, it is occupied with a residence and it is zoned F-2. The frontage along the subject property is 200 feet (2.3% of the subject property's total perimeter).

Southern boundary (14% of total) – one tract exactly 80 acres in size

*Newly partitioned Parcel 3:* Parcel 3 is 80 acres in size, does not have a residence and is zoned F-2 and has been designated as a State-certified habitat conservation zone where commercial forestry is not allowed. The frontage along the subject property is 1210.12 feet (14% of the subject property's total perimeter).

Eastern boundary (30.9% of total) – one tract exceeding 80 acres in size

*Newly partitioned Parcel 2:* Parcel 2 is 81.2 acres in size, is not occupied with a residence, and is zoned F-1. The frontage along the subject property is 2672.79 feet (30.9% of the subject property's total perimeter).

4. The subject property receives police protection from the Lane County Sheriff and Oregon State Police. Electricity is available from the Lane Electric Coop and telephone service is provided by Qwest. The subject property is located within the boundary of the Eugene School District #4J. An on-site well and septic tank are proposed. Solid waste collection is provided to the area by Countryside Disposal and Ecosystems Transfer and Recycling.

Access to the subject property is via tax lot 528 to Laughlin Road, functionally classified as a rural local road by the Lane County Transportation System Plan (TSP).<sup>4</sup> Lane Code 15.010(18)(e) states that local roads are "intended solely for the purpose of providing access to adjacent properties." An examination of the Lane County Official Zoning Map (Plot #299) indicates that 42 parcels have frontage on Laughlin Road. Three of these 42 parcels are zoned F-2 and the remainder are zoned RR-10. Laughlin Road is 1.26 miles in length and appears to serve about 40 residences.

The subject property receives fire protection from Lane County Fire District #1. The District's Prevention Coordinator inspected the subject property in 2004 and found that the grade of the driveway was within the specifications of Lane Code

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<sup>4</sup> I have taken official notice of Appendix B: County Roads Inventory of the Lane County Transportation System Plan, adopted via Ordinance 1202 on May 5, 2004.

16.211(8)(e)(iv) (grade). The driveway also was found to meet Code standards for width and turn-around requirements.<sup>5</sup>

5. Assessor's Map 18-04-33 is listed in the Lane Manual 13.010(2)(b)(i) as being water quantity limited for "built upon or committed" lands subject to R-1 zoning. The area surrounding the subject property is underlain by the Fisher Formation, which is known for its restricted well yields. The poor permeability of the strata means that water must be removed slowly but also indicates that the aquifer is protected from overdraft. In areas with this type of geology, wells on parcels of five acres in size or larger have little chance of significantly impacting a well on adjacent property or depleting the aquifer.<sup>6</sup>
6. Ms. Wiener has recorded a declaration pledging that she will not pursue commercial forestry on the subject property<sup>7</sup> and the Lane County Department of Assessment and Taxation has agreed to eliminate the subject property's forest tax exemption.<sup>8</sup> Currently, the applicants are growing diverse species of trees, including hardwoods, on the subject property.
7. A large number of residents in the area surrounding the subject property have voiced their concerns regarding the aerial spraying of herbicides on the subject property during its tenure under ownership of Rosboro Lumber. (Appendix "G" to the Applicants' rezoning application.)
8. Parcel #3 abuts the southern border of the subject property and is owned by the applicant Tom Lininger. It is subject to a recorded declaration forbidding commercial forestry use, has been converted to a state-certified Wildlife Habitat Conservation and Management Zone, and has been assessed under this zone beginning in the 2006-2007 tax year. The applicants are planting new trees on Parcel #3 and are managing its existing vegetation in consultation with a wildlife biologist. They are also working to conserve a seasonal creek on this southern parcel.
9. Applicants are the largest-scale private users of mulch mats in Lane County and have extended this practice to all three of the parcels that comprise Partition 2006-P2019. Mulch mats are essentially swatches of mulch manually placed around tree seedlings to protect the seedling from competing grasses and weeds.
10. The subject property and Parcels #2 and #3 have experienced hunting-related incidents of trespass in the past. Signs have not been effective in diminishing this activity and there has been at least one incident of confrontation between the

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<sup>5</sup> See Appendix "n" of the applicants' submission.

<sup>6</sup> See January 30, 2007 letter from Ralph Christensen to Merle Weiner. (Appendix "X" to applicants' submission.)

<sup>7</sup> Appendix "D" to the Applicants' rezoning application.

<sup>8</sup> See Appendices "E" and "F" of the applicants' application for rezoning.

applicants and a hunter. The presence of hunters represents a safety danger that may deter forest crews from commercial forest operations on Parcel #2 as well as non-commercial forest operations the subject property and Parcel #3 during hunting season.

11. About 80 percent of the soil on the subject property is Bellpine Silty Clay Loam, which has a Douglas Fir site index of 115 and a cubic foot/acre/year rating of 163. Lesser amounts of Witzel Very Cobbly Loam and Dixonville-Philomath-Hazelair Complex are also present.

### **Decision**

THE LININGER/WEINER REQUEST (PA 06-6170) FOR THE REZONING OF A PORTION OF PARCEL NO. #1 OF PARTITION 2006-P2019 IS APPROVED.

### **Justification for the Decision (Conclusion)**

**Lane Code 16.252(2)** This section of the Code establishes the basic requirements for the proposed rezoning. Section 16.252(2) requires that rezoning be consistent with the general purposes of Chapter 16, not be contrary to the public interest, and be consistent with the purposes of the proposed zoning classifications and the Lane County Rural Comprehensive Plan elements.

#### **A. Consistency with the general purposes of Chapter 16 of the Lane Code.**

Lane Code 16.003 sets out 14 purposes of Chapter 16. Arguably, the only relevant purpose statements found in Lane Code 16.003(4) are as follows:

- (1) *Insure that the development of property within the County is commensurate with the character and physical limitations of the land and, in general, to promote and protect the public health, safety, convenience and welfare.*

The applicants' proposal is premised upon the limitations placed on the subject property by its adjacency to dense residential development. The close proximity of neighbors has dictated that forest management on the subject property and Parcels #2 and Parcel #3 be conducted through labor-intensive techniques utilizing non-chemical methods. This strategy requires on-site management due to the substantial amount of work required to maintain a sustainable forestry strategy and to protect the public health and safety from such traditional industrial forestry management techniques as aerial herbicide spraying.

- (4) *Conserve farm and forest lands for the production of crops, livestock and timber products.*

The record is clear that traditional industrial methods of timber management on the remaining portions of the Partition 2006–P2019, such as the aerial spraying of herbicides, are impractical because of the proximity of residential use. The applicants have adopted a management strategy on Parcel #2 (as well as on the subject property and Parcel #3 for non-commercial forest management) that emphasizes non-chemical control of competing vegetation and have spent hundreds of hours implementing this strategy. This type of forest management involves labor-intensive techniques such as the use of mulch mats and manual removal of scotch broom and blackberries. The application of low-impact forestry methods also serves as a controlled laboratory experiment for the large-scale use of mulch mats.

The applicants have pointed to examples of trespass by hunters and others that could discourage work crews for safety reasons and that increase fire danger. It is expected that the presence of a dwelling would decrease the threat of trespass and increase access for emergency vehicles through the upgrade to existing logging roads.

- (7) *Provide for the orderly and efficient transition from rural to urban land use.*

There are a number of residences within 100 to 150 feet of the subject property. The Lane Code contemplates a buffer between F-1 land and residences of at least 500 feet. The applicants' rezoning proposal would create a buffer of F-2 land between the residential neighbors to the west and the applicants' F-1 land to the east. In this manner the applicants' proposal would allow for "an orderly and efficient transition" from residential land to forestland.

- (13) *Conserve open space and protect historic, cultural, natural and scenic resources.*

Applicant Lininger owns Parcel #3 that abuts the southern border of the subject property and have converted this parcel to a state-certified Wildlife Habitat Conservation and Management Zone. On this parcel, the applicants are planting new trees and managing existing vegetation in consultation with a wildlife biologist. The applicants are also working to conserve a seasonal creek on this southern parcel. The applicants' residence on the subject property will further their conservation efforts on the southern parcel.

Despite the posting of "no hunting" signs throughout the applicants' property, trespassers continue to hunt on the subject property and on the

adjacent Wildlife Habitat Conservation and Management Zone. Living on the subject property will place the applicants in the best position to protect the wildlife on the property from hunters.

The proposed rezoning is consistent with applicable purposes of Chapter 16 of the Lane Code.

**B. Not be contrary to the public interest.**

The public interest is best expressed by a showing of consistency with the Rural Comprehensive Plan (RCP). The overall intent of the Forest Land policies of the RCP is to encourage the preservation of forest land, to properly characterize F-1 lands and to protect those lands through accurate zoning and through the consolidation of ownerships. The best determinate of the public interest is therefore a showing of consistency with Forest Lands Policy #15 of the Rural Comprehensive Plan, addressed below in "D."

**C. Consistent with Sections 16.210 and 16.211 of the Lane Code.**

The joint purpose of the F-2 and F-1 Districts is to implement the forest land policies of the Lane County Rural Comprehensive Plan and to conserve forest land for forest uses consistent with Statewide Planning Goal #4, OAR 660-006 and ORS 215.700 through .755. Consistency with the Lane County Rural Comprehensive Plan is addressed in "D," below.

OAR 660-006-0000(1) states that the purpose of the Forest Lands Goal is to conserve forest lands and to carry out the legislative policy of ORS 215.700. ORS 215.700 states a policy to provide certain owners of less productive land an opportunity to build a dwelling on their land and to limit the future division of and the siting of dwellings upon the state's more productive resource land.

While the soil characteristics of the subject property appear to be homogeneous to those of Parcels #2 and #3, the purpose of the rezoning is to allow the more intensive commercial forestry management of Parcel #2 and for the non-commercial (wildlife habitat conservation) forestry management of Parcel #3. Oregon Administrative Rule 660-006-0025(1) provides that "[U]ses related to and in support of forest operations" and "[U]ses to conserve soil, air and water quality and to provide for fish and wildlife resources" are general types of uses allowed in a forest environment and, under subsections (2) and (3), are allowed outright on forest land.

For the above-described reasons, the proposed rezoning is consistent with Sections 16.210 and 16.211 of the Lane Code.

**D. Conformity with the Rural Comprehensive Plan.**



The subject property is designated "Forest Lands" by the Rural Comprehensive Plan. Goal #4 Policies #15(b) and (c) describe the characteristics of F-1 and F-2 properties, respectively. Policy #15(a) implies that the zoning should reflect a conclusion that the characteristics of the land correspond more closely to the characteristics of the proposed zoning (F-2) than the characteristics of the other forest zone (F-2).

The Lane County Rural Comprehensive Plan contains several policies in the Goal Four element that apply to the proposed rezoning.

**Policy 1** Conserve forest land by maintaining the forest land base and protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

This policy appears to be advisory in nature and not directly applicable to the rezoning at hand.

**Policy 2** Forest lands will be segregated into two categories, Non-Impacted and Impacted and these categories shall be defined and mapped by the general characteristics specified in the Non-Impacted and Impacted Forest Land Zones General Characteristics.

This policy refers to the policies set forth in Policy 15.

**Policy 15** Lands designated within the Rural Comprehensive Plan as forest land shall be zoned Non-Impacted (F-1/RCP) or Impacted Forest Land (F-2/RCP). A decision to apply one of the above zones or both in a split zone fashion shall be based upon:

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

The opponents argue that tax lot 528, the 0.6-acre driveway owned by Ms. Weiner, should be combined with the subject property in this rezoning because it was created through an illegal lot line adjustment and because the two parcels are under the same ownership.

First, I do not agree with the opponents that *Maxwell v. Lane County*<sup>9</sup> is dispositive in this case. Central to the satisfaction of the rezoning approval standards in *Maxwell* was the counting of qualifying parcels within applicable exception areas. The Court of Appeals, reasoning that the term “parcel” had a legal definition under the Lane Code, then determined that the legality of the creation of those parcels was a relevant consideration in the rezoning process. In the present case, the rezoning criteria of RCP Goal 2, Policy 11 and its implementing Order 88-2-10-14 are not applicable. Second, I do not believe that the criteria of RCP Goal 4, Policy 15 require the consideration of legal lot status. Rather, the primary inquiry is into ownership patterns.

The tract sold to the applicants in 2005 had been previously reconfigured through a property line adjustment. This adjustment did not reduce the parent parcel below 80 acres and it (the adjustment) was subject to a final legal lot determination that was properly noticed per Lane Code 13.020. In addition, the applicants’ 2006 partition of that tract into its current three-parcel configuration was properly noticed. Both of these actions have achieved final land use decision status and there are no approval criteria that allow them to be collaterally attacked in this proceeding.

Second, RCP Goal 4, Policy 15 concerns lands currently designated as forest land by the RCP. It does not concern nor does it include criteria for the conversion of residentially zoned land to forest land. Tax lot 528 is zoned RR-10 and cannot be considered in the analysis of the proposed rezoning of Parcel 1 to F-2 Non-impacted Forest Land.

**b. Non-impacted Forest Land Zone characteristics:**

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

In the application of RCP Goal 4 Policy 15 in Ordinance No. PA 1236, the Board of County Commissioners interpreted the use the term “ownerships” to apply only to the property subject to the rezoning. In the present case, the subject property is the only parcel owned by Ms. Weiner that is zoned F-1. The applicants’ concede that the subject property is not developed with a residence or other non-forest use. The application is consistent with this characteristic of non-impacted forest lands.

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

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<sup>9</sup> *Maxwell v. Lane County*, 178 Or. App. 210 (2001), modified on other grounds, 179 O. App. 409 (2002).

The subject property is 80 acres in size. As discussed above, RCP Forest Lands Policy 15 only applies to property designated as forest lands by the comprehensive plan and therefore even though tax lot 528 is under the same ownership as the subject property it cannot be merged with the subject property for purposes of this criterion.

Whether because of sloppy draftsmanship or careless intent, Policy 15.b.(2) and 15.c.(2) create an incongruity in that a parcel exactly 80 acres in size meets both criterion. The applicants have offered what they term as a “split-zone alternative” where only 79 acres of the subject property would be subject to the rezoning request. For the reasons that I articulated in the *Dockum* case<sup>10</sup> I do not favor this approach nor do I believe this strategy is necessary.

The application is consistent with this characteristic of non-impacted forest lands.

**(3) Predominantly ownerships contiguous to other land utilized for commercial forest or commercial farm uses.**

Some opponents have argued that the growing of a commercial tree species is, *per se*, a commercial forest use. This statement is inconsistent with Statewide Planning Goal 4 and OAR 660-006-0025(1), which specifically recognizes that forest lands include lands that are used to “conserve soil, water fish and wildlife resources, agricultural and recreational opportunities appropriate in a forest environment...” in addition to commercial forest operations. The presence or absence of a commercial tree species is but one component in determining the presence of a commercial forest use. The definition of “commercial” connotes an aspect of profit. Thus, an operation where a landowner plants and nurtures a tree species to create a forest environment but only occasionally sells trees as an incidental aspect of that operation (i.e. after thinning for safety purposes or after the removal of trees subject to windfall or disease) should not be considered as a commercial forest operation. There must be a primary intent to harvest and sell trees and that intent must be divined from the actions of the landowner as well as the characteristics of the forest land.

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<sup>10</sup> Lane County Hearings Official, *Application of Floyd & Connie Dockum* (PA 06-6054) March 29, 2007, pg. 8.

The subject property is bordered by 18 parcels, at least 15 of which are not utilized for commercial forest or commercial farm use. These 15 parcels represent over 60 percent of the perimeter of the subject property.

The subject property does not meet this characteristic of Non-Impacted Forest Lands.

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

The subject property is accessed by Laughlin Road, a public county road. An examination of the county's official zoning map for the area surrounding the subject property shows that about 42 parcels have frontage on Laughlin Road. All but three of these parcels are zoned for residential use (RR-10).

While the record contains no direct evidence regarding a specific "intent" regarding the use of Laughlin Road, Lane Code 15.010(18)(e) makes it clear that local roads are intended to provide access to adjacent properties. The primary intent is therefore is to provide access to whatever uses occur on adjacent properties. In the present case, the overwhelmingly primary use of Laughlin Road is to provide access to residentially-zoned properties.

The property does not meet this characteristic of Non-Impacted Forest Lands.

**(5) Primarily under commercial forest management.**

The subject property has been logged in the recent past and its soils are suitable for the commercial management of trees. However, in past years many adjacent and nearby property owners have raised serious concerns about the proposed application of industrial forest management practices (i.e. aerial herbicide spraying) to the subject property. I believe both the applicants and their neighbors would agree that traditional commercial forest management is impractical on the subject property.

The applicants have taken affirmative steps to manage the subject property for conservation and non-commercial forestry purposes. To this end, non-commercially-viable tree species have been planted and labor-intensive, herbicide-free methods of noxious vegetation control have been employed. In addition, the subject

property is subject to a deed restriction that prohibits commercial forestry and the Lane County Department of Assessment and Taxation has agreed to remove the property from its special assessment program for forest land.

The applicants have gone beyond the utterance of platitudes regarding their intent to remove the subject property from commercial forest management practices. I believe that these affirmative steps demonstrate that the subject property no longer can be considered as being primarily under commercial forest management.

In summary, the subject property only exhibits two of the five characteristics of property that characterize land that should properly be zoned non-impacted forest land.

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

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

The applicants' concede that the subject property is not developed with a residence or other non-forest use. The application is therefore inconsistent with this characteristic of non-impacted forest lands.

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

As explained above, the size of the subject property is consistent with this characteristic as well as Policy 15.b.(2), above.

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

The subject property abuts 13 tracts, 11 of which are under 80 acres in size. These tracts are comprised of 18 parcels, 11 of which are zoned RR-10. Rural residential zoning is applied to exception areas (nonresource land) that are devoted to rural housing.<sup>11</sup> In addition, there are between 50 and 60 parcels within 2,000 feet of the subject property. An "eyeball" assessment of the official zoning map of this area indicates that the vast majority of these

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<sup>11</sup> Lane County Rural Comprehensive Plan, Land Use Policy 11.

parcels are less than 80 acres in size. In addition, a large number of these parcels are zoned RR-10, including Peacefull Valley Estates, a residential subdivision located about 400 feet to the west.

The subject property meets this characteristic of Impacted Forest Lands.

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

One opponent has argued that the term "provided" should be interpreted to mean that the subject property actually has those facilities and services in place rather than merely having access to them. While not disputing that this criterion could have been written more clearly, I do not believe that it should be read so narrowly.

The Policy #6 of the RCP's Goal Eleven: Public Facilities and Services chapter describes minimum service levels for various land designations. Inexplicably, no description is provided for Impacted Forest Land but a reading of descriptions for other designations reveals that the phrase "public facilities and services" includes schools, electrical service, telephone service, a rural level of fire and police protection, and reasonable access to a solid waste facility.

The subject property lies within a rural fire protection district, a school district and the service area of the Lane County Sheriff's Department. Under the interpretation suggested, the subject property would not qualify as being provided with fire, police or school service unless the fire district was currently providing emergency services to the property, a child living on the property was enrolled in a School District 4J school and a representative of the Sheriff's Department was on the property. This is an oversimplification, of course, but it illustrates the difficulty in applying such a conservative interpretation to this criterion.

A better interpretation is that "provided" means reasonably accessible and I believe that this is consistent with the Board of Commissioners interpretation of RCP Goal Four Policy 15.c.(4).<sup>12</sup> Electrical and telephone utilities, for instance, are normally made available via the local road system. Properties that have direct

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<sup>12</sup> Lane County Board Ordinance PA 1236 (Oct. 26, 2006), Findings of Fact at page 16.

access to the local road system therefore have direct access to those services and thus those services can be considered to be provided to the property. As a corollary, if a property does not have access to the local road system then the fire district, for example, cannot provide emergency service and that service cannot be considered to be “provided” to the property. In the present case, the subject property has direct access<sup>13</sup> to Laughlin Road via tax lot 528, which is a part of the same legal lot that comprises the subject property. There is no practical or legal impediment to the provision of the full range of rural public facilities and services provided along Laughlin Road to the subject property.

It has also been suggested that this criterion requires that the applicants show the intent behind the construction of Laughlin Road. I must agree with the applicants’ interpretation of legislative construction that the placement of the comma after the word “roads” indicates the phrase “intended primarily for direct services to rural residences” modifies “public facilities and services” as well as roads.

The question then is whether the public services and the road are intended primarily for direct services to rural residences. In regard to Laughlin Road, it is only 1.26 miles in length and is classified as a rural local road. Lane Code 15.010(18)(e) states that local roads are solely intended to provide access to adjacent properties. In this respect, ninety-two percent of the 42 parcels adjacent to (having frontage on) Laughlin Road are zoned RR-10. Most of these parcels are developed with residences. As stated above, Parcel 1, which includes the subject property, has frontage on Laughlin Road.

The subject property, as well as the other properties in the area that have access to Laughlin Road, has access to a full range of services normally available to a rural residence, including police and fire coverage, school, electricity, telephone, and solid waste disposal. To a large degree, the public facilities and services available in the area and Laughlin Road are utilized by rural residences. For this reason, I believe that the subject property meets this characteristic of Impacted Forest Lands.

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<sup>13</sup> Under LC 15.135(2)(a), the subject property is considered to have legal access to a County Road because it was the creature of an approved land division.

The subject property has three of the four characteristics that the RCP has ascribed to Impacted Forest Lands.

Policy 15 requires a conclusion that the characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. In the present case, the subject property exhibits two of the five characteristics of Non-Impacted Forest Land and three of the four characteristics that would denote Impacted Forest Land. On this basis of this analysis, the rezoning of the subject property to F-2 Impacted Forest Land is consistent with RCP Forest Land Policy 15.

**Conclusion**

The proposed rezoning is consistent with applicable criteria of the Lane Code and the Rural Comprehensive Plan.

**Respectfully Submitted,**

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**Gary Darnielle**  
**Lane County Hearings Official**



## EXHIBIT A

PA 06-6054  
DOCKUM

### LANE COUNTY HEARINGS OFFICIAL REQUEST FOR THE REZONING OF TAX LOT 104, ASSESSOR'S MAP 16-03-35

#### Application Summary

Floyd & Connie Dockum, P.O. Box 5176, Helena, MT 59601. Tax lot 3800, Assessor's Map 16-06-00. Request to change the zoning of 38 acres of a 118-acre parcel from Non-Impacted Forest Lands (F-1/RCP) to Impacted Forest Lands (F-2/RCP).

#### Parties of Record

Floyd & Connie Dockum	Becki Kammerling
Eban Fodor	Jan Wilson, Goal One Coalition
Lauri Segel, LandWatch Lane County	Nena Lovinger
Tom and Diana Larsen	Myriam Iribarren
Gary Hewitt	Bob Gresham
Mona Linstromberg	Frank Blair
Tom Larsen	

#### Application History

Hearing Date: November 16, 2006  
(Record Held Open Until December 11, 2006)

Decision Date: March 29, 2007

#### Appeal Deadline

An appeal must be filed within 10 days of the issuance of a final order on this rezoning request, using the form provided by the Lane County Land Management Division. The appeal will be considered by the Lane County Board of Commissioners.

#### Statement of Criteria

LC 16.210  
LC 16.211  
LC 16.252  
RCP Policies, Goal 4 (Forest Land)

#### Findings of Fact

1. The property subject to this application, hereinafter referred to as the "subject property," can be identified as tax lot 3800, Assessor's Map 16-06-00. The applicant proposes that the southern 38 acres of the subject property be rezoned to F-2 and that the residual 80 acres remain F-1. The subject property has a

perimeter of about 1670 feet, 626 feet of which is contiguous to a parcel of 80 acres in size or larger.

The subject property is comprised of sloping topography ranging from 4% to 20%. All timber was clear-cut harvested from tax lot 3800 in the spring of 1998 although it is not clear whether it was ever replanted. Eighty-one percent of this tax lot is occupied by soils with a forest capability range of 162-184 cu. Ft./ac./yr. and the soils of portion of tax lot 3800 to be rezoned to F-2 have a mean site site index for Douglas fir of between 155 and 165.<sup>1</sup> The property to the west, north and east are heavily forested.<sup>2</sup>

2. The subject property is not developed by a residence or nonforest use. Dusky Creek traverses the property in a northwest to southeast direction but is not classified as a Class I Stream within the Rural Comprehensive Plan. No wetlands or flood hazard areas are identified on the subject property by the National Wetlands Inventory and the Flood Insurance Rate Map (FIRM) respectively. The property is designated as Major Big Game Range (Deer and Elk Winter Range Habitat). Legal Lot status for the entirety of tax lot 3800 has been verified under PA 99-5790.
3. Properties contiguous to the subject property are as follows: To the north is tax lot 3700, a 159-acre parcel zoned F-1 owned by Paul and Norma Templeton. This property is under forest tax deferral. Contiguous to the subject property on the east and southeast, respectively, are tax lot 900, assessor's map 16-06-28, a 78-acre parcel occupied with a residence, zoned E-40 and owned by Paul V. Templeton, and tax lots 3900 and 3901. Tax lot 3900 is zoned F-1, is 29.5 acres in size, and is under a small tract forestland tax deferral. It is owned by an archery club (Cascadian Bowmen). This company also owns tax lot 1100, assessor's map 16-06-28, a 17.5 acre parcel adjacent to tax lot 3900 on the east. Tax lot 3901 is owned by Donald Meyer, is zoned F-1 and is 8.4 acres in size. It is occupied with a residence.

On the south, across Poodle Creek Road, are properties zoned Rural Residential RR-10 and RR-5. Tax lots 3601 and 3600, adjacent to the west of the subject property, are zoned Impacted Forest Lands (F-2) and are 30 and 60 acres in size, respectively, and are owned by the Evans Family Trust. These tax lots are under forest tax deferral.

Lane Code 16.090 defines "contiguous" as "having at least one common boundary line greater than eight feet in length." By this definition, there are five parcels contiguous to the subject property as Poodle Creek Road makes the parcels to the south non-contiguous. Of the 13 tracts that are generally

<sup>1</sup> See attachment "B" (NRCS Soils Map for Property) of applicant's submission .

<sup>2</sup> See aerial photograph of subject property taken 6/20/02, Attachment "A" of applicant's submission.

contiguous<sup>3</sup> to tax lot 3800, eleven are less than 80 acres in size and ten have a residence. These ten tracts occupied with a dwelling can be identified as tax lots 302, 101, 102, 103, 105, 100, assessor's map 16-06-32; tax lot 3901, assessor's map 16-06-00; and tax lots 1100, 900, and 500, assessor's map 16-06-28.

4. The subject property receives fire protection from Lane Rural Fire/Rescue District and police protection is by the Lane County Sheriff and Oregon State Police. Electricity is available from the Blachly Lane Cooperative and telephone service is provided by Qwest. The subject property is located within the boundary of the Junction City School District #69. An on-site well and septic tank are proposed.

Access to the subject property is from Poodle Creek Road, a Rural Major Collector. Lane County Roads Inventory<sup>4</sup> (Pg B-53) lists Poodle Creek Road as having a paved surface of 26 feet and as being 6.77 miles in length. Lane Code 15.703(3)(a) lists the minimum right-of-way widths for rural arterial and collector roads shall be 80 feet in two-lane sections. At the minimum right-of-way, Poodle Creek Road is about 66 acres in area. The actual right-of-way width of Poodle Creek Road is not in the record.

5. Assessor's Map 16-06-00 is not listed in the Lane Manual 13.010(2)(a)(ii) as being water quantity limited.

### Decision

THE DOCKUM REQUEST (PA 06-6054) FOR THE REZONING OF A PORTION OF TAX LOT 3800, ASSESSOR'S MAP 16-06-00, IS DENIED.

### Justification for the Decision (Conclusion)

**Lane Code 16.252(2)** This section of the Code establishes the basic requirements for the proposed rezoning. Section 16.252(2) requires that rezoning be consistent with the general purposes of Chapter 16, not be contrary to the public interest, and be consistent with the purposes of the proposed zoning classifications and the Lane County Rural Comprehensive Plan elements.

#### **A. Consistency with the general purposes of Chapter 16 of the Lane Code.**

Lane Code 16.003 sets out 14 purposes of Chapter 16. Arguably, the only relevant purpose statement is found in Lane Code 16.003(4) that states:

- (4) *Conserve farm and forest lands for the production of crops, livestock and timber products.*

<sup>3</sup> "Generally contiguous" is defined as properties that share a common boundary, touch the subject property at a corner point, or are separated from the subject property by a road.

<sup>4</sup> Appendix B of the Lane County Transportation System Plan

The proposed rezoning on the subject property would reduce the amount of land zoned F-1 by 32 percent and expose the remaining property zoned F-1 to the likelihood of an adjacent nonforest dwelling, the stated intent of the applicant. Commercial forest management of the 80-acre remainder would become more difficult, especially because access to that portion of the subject property would have to be through the rezoned portion. The applicant has not shown how the proposed rezoning is consistent with this general purpose statement of Chapter 16 of the Lane Code.

**B. Not be contrary to the public interest.**

The public interest is best expressed by the Rural Comprehensive Plan. The overall intent of the Forest Land policies is encourage the preservation of forest land, to properly characterize F-1 lands and to protect those lands through accurate zoning and through the consolidation of ownerships. The best determinate of the public interest is therefore a showing of consistency with Forest Lands Policy #15 of the Rural Comprehensive Plan, addressed below in "D."

**C. Consistent with Sections 16.210 and 16.211 of the Lane Code.**

The joint purpose of the F-2 and F-1 Districts is to implement the forest land policies of the Lane County Rural Comprehensive Plan and to conserve forest land for forest uses consistent with Statewide Planning Goal #4, OAR 660-006 and ORS 215.700 through .755. Consistency with the Lane County Rural Comprehensive Plan is addressed in "D," below.

OAR 660-006-0000(1) states that the purpose of the Forest Lands Goal is to conserve forest lands and to carry out the legislative policy of ORS 215.700. ORS 215.700 states a policy to provide certain owners of less productive land an opportunity to build a dwelling on their land and to limit the future division of and the siting of dwellings upon the state's more productive resource land. In the present case, the record indicates that the soils of the property to be rezoned have a uniformly high forest productivity rating and it contains no evidence that surrounding development has or will interfere with forest management practices on the either the property to be rezoned or tax lot 3800 as a whole.

For the above-described reasons, the proposed reconfiguration is not consistent with Sections 16.210 and 16.211 of the Lane Code.

**D. Conformity with the Rural Comprehensive Plan.**

The subject property is designated "Forest Lands" by the Rural Comprehensive Plan. Goal #4 Policies #15(b) and (c) describe the characteristics of F-1 and F-2

properties, respectively. Policy #15(a) implies that the zoning should reflect a conclusion that the characteristics of the land correspond more closely to the characteristics of the proposed zoning (F-2) than the characteristics of the other forest zone (F-2).

The Lane County Rural Comprehensive Plan contains several policies in the Goal Four element that apply to the proposed rezoning.

**Policy 1 Conserve forest land by maintaining the forest land base and protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.**

This policy appears to be advisory in nature and not directly applicable to the rezoning at hand.

**Policy 2 Forest lands will be segregated into two categories, Non-Impacted and Impacted and these categories shall be defined and mapped by the general characteristics specified in the Non-Impacted and Impacted Forest Land Zones General Characteristics.**

This policy appears to make reference to the policies set forth in Policy 15.

**Policy 15 Lands designated within the Rural Comprehensive Plan as forest land shall be zoned Non-Impacted (F-1/RCP) or Impacted Forest Land (F-2/RCP). A decision to apply one of the above zones or both in a split zone fashion shall be based upon:**

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

The first issue, and one that is determinative to the success of this rezoning request, is the definition of the term "land." Relying upon the discussion of "ownership" in the Findings of Fact supporting Ordinance PA 1236,<sup>5</sup> the applicant proposes, and the staff concurs, that the term "land" refers to the portion of the subject property that is proposed for rezoning. I do not

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<sup>5</sup> Ordinance PA 1236, adopted August 20, 2006 was supported by Findings of Fact that interpreted the provisions of Rural Comprehensive Plan Forest Lands Policy #15.

believe that this was the definition embraced by the Board of Commissioners. The term "ownerships" is used in Sections b. (1) – (3) and c. (1) – (3) of Policy 15. The question considered by the Board was whether the term described the environment (i.e. ownership pattern) around the subject property or the subject property itself. The Board determined that the latter interpretation was correct. For instance, in applying its interpretation of Policy 15.b.(1) to Planning Action (PA) 06-5476, the Board held that the phrase "predominantly ownerships not developed by residences or non-forest uses" was to be measured against the property to be rezoned and not whether property was, for instance, one of several properties of common ownership within a tract. This is consistent with a determination that the "subject property" is the "land" against which the characteristics of F-1 and F-2 properties must be measured against. However, tax lot 3800 is the smallest unit of "ownership" that is divisible absent the application of split zoning.

The findings supporting Ordinance PA 1236 expressly acknowledge that the application of Policy 15 may result in split zoning.<sup>6</sup> I believe, however, that this interpretation must be read extremely narrowly in order to avoid the creation of a loophole that could threaten the viability of Non-Impacted Forest Land zoning throughout the county.

Tax lot 3800 is under single ownership and comprises one legal lot. A request for split zoning is inherently different from that of a situation where an entire parcel is subject to a rezoning request. The concept of split zoning, as applied by the applicant and sanctioned by staff, has the dangerous potential of allowing Non-Impacted Forest Land to be carved up through rezoning based upon geographical vagaries that do not take into account the commercial viability of the property as a whole.

For this reason and for reasons explained below, I believe that the Policy #15 analysis of appropriate forest zoning should be applied to the entirety of tax lot 3800.

- b. Non-impacted Forest Land Zone characteristics:
- (1) Predominantly ownerships not developed by residences or nonforest uses.

In the application of RCP Goal 4 Policy 15 in Ordinance No. PA 1236, the Board of County Commissioners interpreted the use the term "ownerships" to apply only to the property subject to the

<sup>6</sup> See the last line of the second full paragraph of the Findings of Fact and Conclusions of Law (Ordinance PA 1236), pg. 8.

rezoning. However the Board seemed to leave open the possibility that the characteristics of forestland may warrant a different conclusion. Tax lot 3800 is not developed with a residence nor is it occupied by nonforest uses so regardless of whether the term "ownership" is applied to the entire parcel or the portion of tax lot 3800 subject to this rezoning request, this characteristic of Non-impacted Forest Land zoning is met.

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

Staff and the applicant have interpreted Ordinance No. PA 1236 to mean that the term "ownership" is to be applied to the portion of the subject property that is subject to the rezoning. I find this interpretation, in the context of this rezoning request, to be inconsistent with the plain language of Policy 15.b.(2), with the intent of Policy 15.a. and with the plain meaning of "contiguous."

\* Section (a) of Policy 15 requires that the rezoning inquiry examine whether the characteristics of the "land" correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. To apply the term "contiguous, ownerships" to a portion of property that is otherwise a stand-alone, legal lot essentially makes the criterion meaningless. That is, there is no initial baseline from which to measure compliance as "contiguous ownerships" would be whatever size (and location) an applicant wishes the rezoned parcel to be. Further, despite the applicant's intent to carve up an otherwise homogeneous parcel, the bisected portions are still under the same ownership and still contiguous.

A statement crucial to the application of Policy 15.b.(2) is found on page 8 of the Findings of Fact and Conclusions of Law of Ordinance No. PA 1236.<sup>7</sup> This statement is as follows (*emphasis mine*):

"We find that the term "ownerships" contained in the criteria of RCP Goal 4 Policy 15 should be considered as including only the land being proposed for rezoning (*unless other qualifiers in a particular characteristic compels a different result*) because of the introductory language in Policy 15 and that the finding constitutes a reasonable

<sup>7</sup> Exhibit C., Findings of Fact and Conclusions of Law, Ordinance No. PA 1236 (August 20, 2006)

interpretation of the term "ownerships" as contained in that policy."

Ordinance No. PA 1236 concerned the application of RCP Goal 4 Policy 15 to property that, because of an oversight, had no zoning. Further, the property subject to the rezoning was fundamentally different, both in terms of geography and usage, from the remainder of its contiguous ownership, which was essentially used as a reservoir and supporting facilities (dam). In the present case, tax lot 3800 is homogeneous in nature and there is little to distinguish the property subject to the rezoning from the remainder of its parent tax lot.

I find that Policy 15.b(2) must be applied to the whole of tax lot 3800 and therefore the characteristics of that property are consistent with this criterion.

- (3) **Predominantly ownerships contiguous to other land utilized for commercial forest or commercial farm uses.**

Tax lot 3800 is bordered by five contiguous ownerships, not counting Poodle Creek Road. Three of these ownerships, tax lots 3601 and 3600 (Evans Family Trust), tax lot 3700 (Paul and Norma Templeton), and tax lot 3900 (Cascadian Bowman) are under some form of forest deferral. Further, tax lots 3700, 3900 and 3901 are zoned F-1. The characteristics of tax lot 3800 are consistent with this criterion.

Even if the portion of tax lot 3800 subject to the rezoning request were to be considered as the "ownership," there would still be three contiguous ownerships utilized for commercial forest or commercial farm uses: the remainder of tax lot 3800 used for commercial forestry, tax lot 3900 to the east owned and used by the Cascadian Bowmen, and tax lot 3600 (7 acres) to the west. The 38.17 acres of the subject property does not meet this characteristic of Non-Impacted Forest Lands.

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

The subject property is accessed by Poodle Creek Road, a public county road with a functional classification of "Rural Major Collector." In rural areas, major collectors provide connections from outlying areas to the arterial system (primarily state highways). This road serves the rural residents of the Poodle



Creek area, including the Developed and Committed Area across from the subject property, and provides access to State Highway 126 on the south end and State Highway 36 on the north end. Neither tax lot 3800 nor the portion of that tax lot subject to the rezoning request is accessed by an arterial road or a road intended primarily for forest management. The property does not meet this characteristic of Non-Impacted Forest Lands.

**(5) Primarily under commercial forest management.**

The tax lot 3800 is zoned F-1, is under a forest deferral and contains soils with a forest capability range of 162 - 184 cu. ft./ac./yr. on 81% of its area. Timber was harvested by the clear-cut method in 1998 although it does not appear that it has been replanted. Tax lot 3800 has been treated as a single forest management unit in the recent past and failure to adhere to State Forestry replanting regulations does not change this fact. The entire tax lot exhibits this characteristic of Non-Impacted Forest Lands.

In summary, tax lot 3800 exhibits four of the five characteristics of property that should be zoned non-impacted forest land.

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

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

Neither tax lot 3800 nor the portion of that tax lot subject to the rezoning request is developed by a residence or nonforest use and therefore this characteristic of Impacted Forest Lands is not present.

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

Tax lot 3800 is 118 acres in size and therefore does not meet this characteristic of Impacted Forest Lands.

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

Lane Code 16.090 defines "tract" as a lot or parcel. ORS 215.010(2) defines "tract" as "one or more contiguous lots or

parcels under the same ownership." Using the statutory definition, Tax lot 3800 is contiguous on the west and north to tracts that exceed 80 acres in size. Staff defines the term "generally contiguous" as comprising all properties that share any length of common boundary, touch the subject property boundary at a corner point, and include the first tier of parcels immediately across the road to the south. This interpretation adds an additional 11 tracts of less than 80 acres in size; of which 10 are developed with one or more residences (clockwise from the northeast: tax lots 500, 900, 1100, 3900, 3901, 100, 105, 103, 102, 101, 302).

Tax lot 3800 meets this characteristic of Impacted Forest Lands.

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

Tax lot 3800, including the portion of this property subject to the rezoning request, has access to a full range of services normally available to a rural residence, including police and fire coverage, school, electricity, telephone, access, and solid waste disposal and therefore meets this characteristic of Impacted Forest Lands.

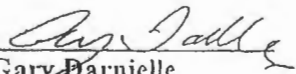
Tax lot 3800 has half the characteristics that characterize Impacted Forest Lands.

Policy 15 requires a conclusion that the characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. In the present case, the "land" represents four of the five characteristics of Non-Impacted Forest Land and half of the characteristics that would denote Impacted Forest Land.

#### Conclusion

The proposed rezoning is not consistent with the Lane Code and the Rural Comprehensive Plan.

Respectfully Submitted,

  
Gary Barnielle  
Lane County Hearings Official

**Kimberly J.R. O'Dea**

---

**From:** Kimberly J.R. O'Dea [kimodea@landuseoregon.com]  
**Sent:** Monday, November 17, 2008 3:05 PM  
**To:** 'jerry.kendall@co.lane.or.us'  
**Subject:** Fisher Plan Change Zone Change PA 06-5888



Jerry:

I dropped off the additional copies of the original application and supplemental application a couple weeks ago. I apologize for not giving you a head's up. I was supposed to sent you an e-mail as soon as I got back to the office, but it then slipped my mind.

Carol dropped off the "renotice" fee on the 31<sup>st</sup> of October.

Tomorrow, Carol will be dropping off replacement exhibits for Exhibits C and SS. Exhibit C contains updated A&T maps that are cleaner and clearer. Exhibit SS is a cleaned up legal description of the property proposed for rezone and plan change. I am providing 20 copies. If you need more, just let me know.

Kim

Kimberly Joy-Ritterbush O'Dea, A.I.C.P., M.C.R.P.  
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375 West 4th Street, Suite 204  
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LCPC A 106 #1  
Re staff report  
2-10-09 39

Legal Description of Property being Rezoned.

The easterly-most 78 acres of the following described tract of land:

Beginning at a point on the West line of the Joseph G. Gray Donation Land Claim No. 38, Notification No. 7500, in Township 16 South, Range 1 West of the Willamette Meridian, 45.07 chains North of the Southwest corner of said claim; and running thence North 4.33 chains to the Northwest corner of said claim; thence East 14.09 chains to the Southwest corner of the Thomas Gray Donation Land Claim No. 42, of the same Township; thence North 14.66 chains; thence East 69.74 chains to the Westerly line of the County road, thence southwest along the Western Right-of-Way of County Road 1318 (as existing in 2008), more or less, to a point 2.92 chains North and 2.66 chains East of the Northwest corner of the heirs of Samuel Gray Donation Land Claim No. 40; thence North 80 45' West 21.36 chains; thence West 41.46 chains to the Place of Beginning, in Lane County, Oregon.

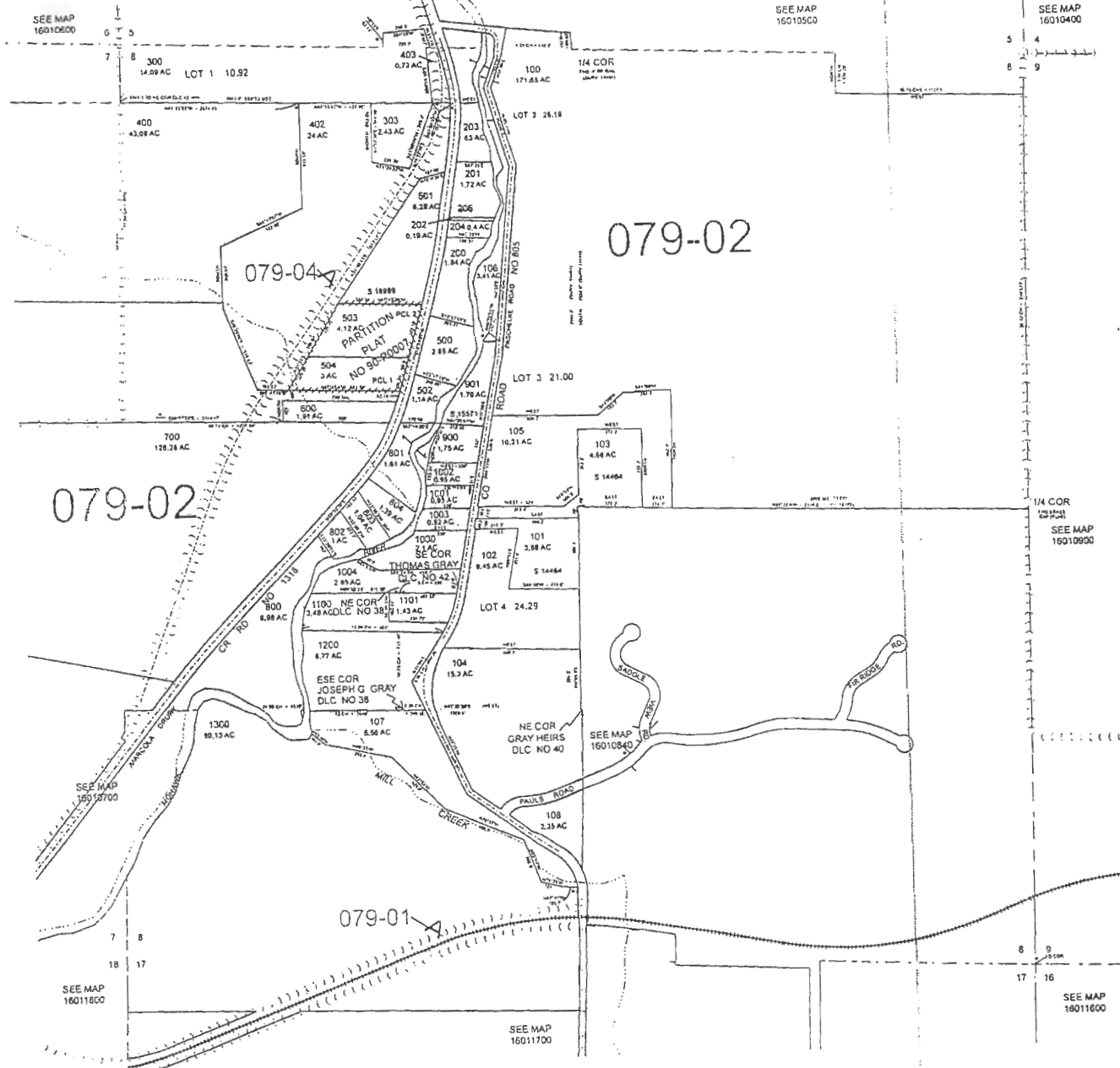
16010800

FOR ASSESSMENT AND TAXATION ONLY

SECTION 8 T.16S. R.1W. W.M.  
Lane County  
1" = 400'

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Replacement Exhibit  
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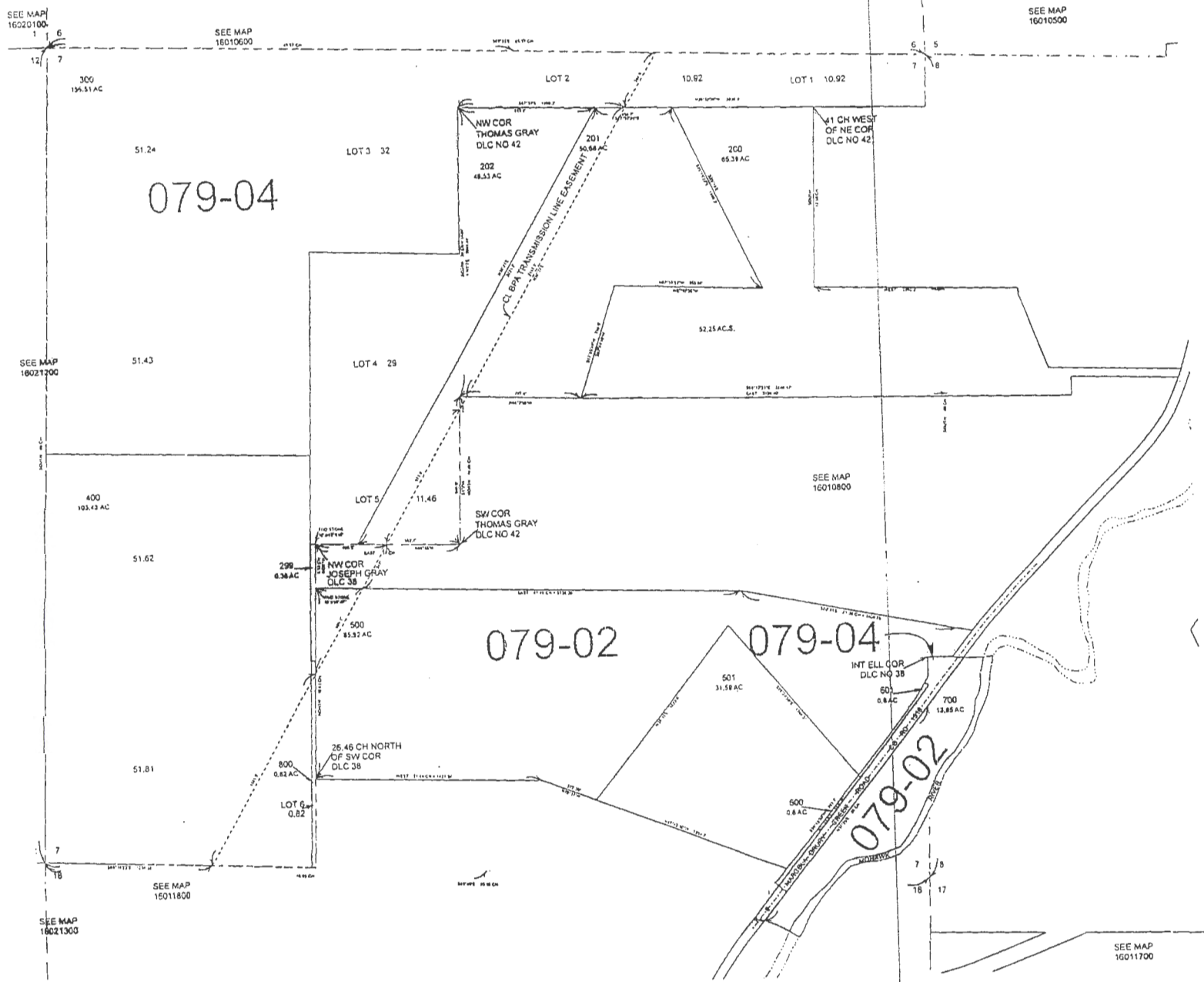
SECTION 7 T.16S. R.1W. W.M.  
Lane County  
1" = 400'

GIS DATA  
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CANCELLED

FOR ASSESSMENT AND  
TAXATION ONLY



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079-02

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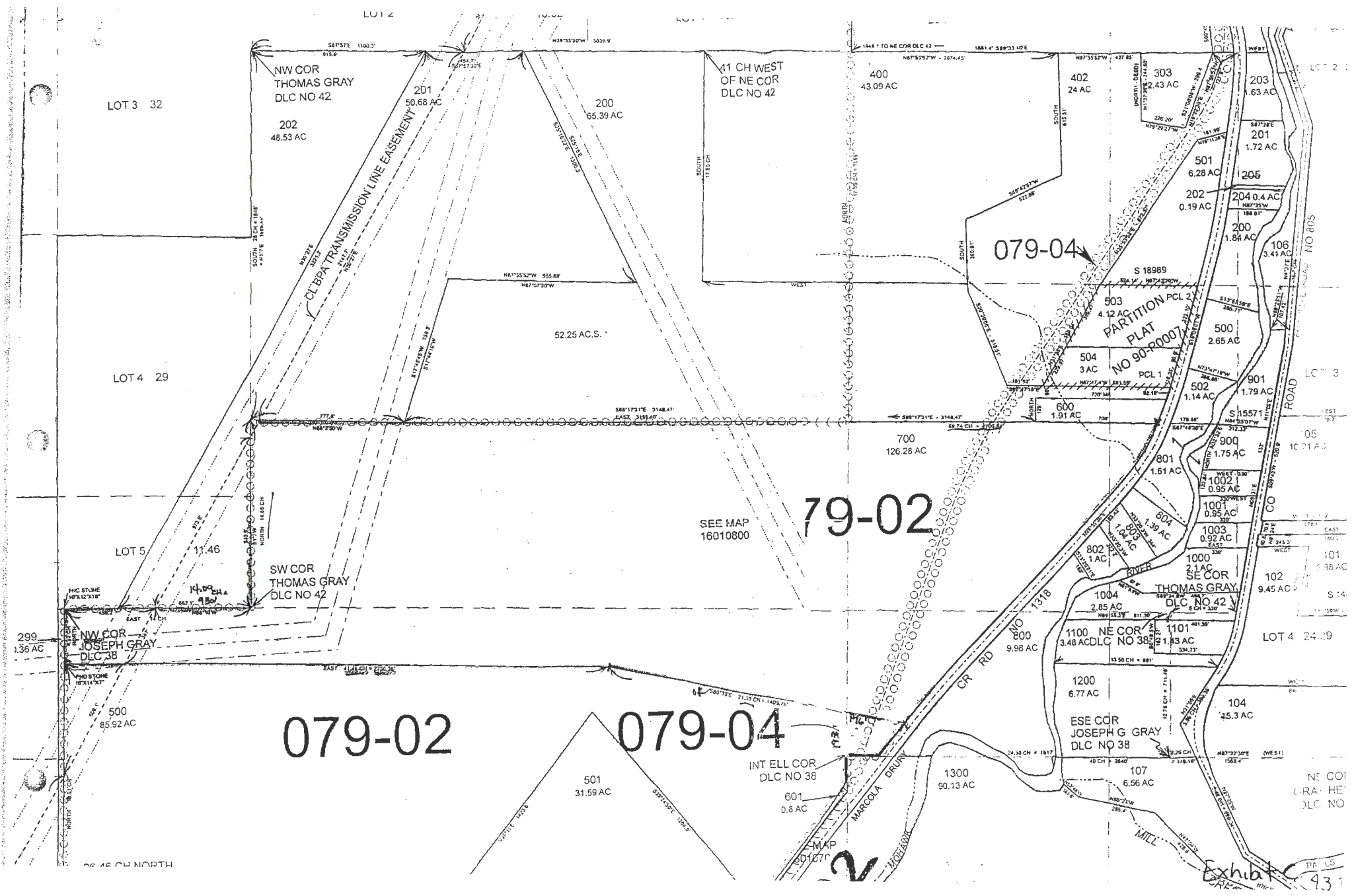
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16011700

REWORKED FROM GIS - CONVERT MAP TO GIS

16010700



079-02

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Exhibit 431

LOT 3 32

LOT 4 29

LOT 5

LOT 4 24 19

LOT 3

LOT 2

NW COR THOMAS GRAY  
DLC NO 42

41 CH WEST  
OF NE COR  
DLC NO 42

202  
48.53 AC

200  
65.39 AC

400  
43.09 AC

402  
24 AC

303  
2.43 AC

203  
1.63 AC

201  
50.68 AC

201  
1.72 AC

205

501  
6.28 AC

202  
0.19 AC

204  
0.4 AC

200  
1.84 AC

106  
3.41 AC

52.25 AC.S.

700  
126.28 AC

500  
2.65 AC

901  
1.79 AC

902  
1.14 AC

900  
1.75 AC

1002  
0.95 AC

1001  
0.95 AC

1003  
0.92 AC

1000  
2.1 AC

1004  
2.85 AC

1100  
3.48 AC

1200  
6.77 AC

107  
6.56 AC

104  
45.3 AC

05  
10.01 AC

101  
2.88 AC

102  
9.45 AC

NE COR  
GRA: HE  
DLC NO

SW COR  
THOMAS GRAY  
DLC NO 42

NW COR  
JOSEPH GRAY  
DLC NO 38

THOMAS GRAY  
DLC NO 42

ESE COR  
JOSEPH G GRAY  
DLC NO 38

INT ELL COR  
DLC NO 38

601  
0.8 AC

501  
31.59 AC

1300  
90.13 AC

431

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September 18, 2008

Attn: Jerry Kendall  
Land Management Division  
125 E 8<sup>th</sup> Ave  
Eugene, OR 97401



Re: Fisher Plan Change and Zone Change Application  
Map 16-01-08, portion of tax lot 700

Dear Mr. Kendall:

Please find attached six copies of the supplemental narrative and supplemental exhibits for the above referenced application. Also attached are six copies of the applicant's "Response to Staff Report."

Because the scope of the application has changed to reflect Ordinance 1236, the applicant would greatly appreciate a supplemental staff report from staff prior to the City Council hearing.

Thank you,

A handwritten signature in black ink, appearing to read "Kimberly J.R. O'Dea". The signature is written over the typed name below.

Kimberly J.R. O'Dea, AICP  
Attorney at Law



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APPLICANT'S RESPONSE TO STAFF REPORT

September 10, 2008

Submitted  
9/13/08

Board of County Commissioners  
Attn: Jerry Kendall  
Land Management Division  
125 E 8<sup>th</sup> Ave  
Eugene, OR 97401

FILE COPY

Re: Fisher Plan Change and Zone Change Application  
Map 16-01-08, portion of tax lot 700

Dear Commissioners:

Please accept this letter as a response to the staff report dated April 10, 2007.

To reflect findings, guidance and interpretations in Ordinance PA 1236, applicant is shrinking the scope of the original application. The scope of the original application is reduced so that the area of rezone is the east 78 acre portion of tax lot 700. The narrative has been updated to reflect the reduced scope and the interpretations of Ordinance PA 1236.

**A. Transportation Planning Comments**

- 1. LC 16.400(8)(c)(iii)(bb) applies to plan amendments (designation), not Code amendments (zoning). This is made clear by the provision itself,**

*"Minor [plan] amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal \*\*\*. Unless waived \*\*\* the applicant shall supply documentation concerning the following: \*\*\* (iii) An assessment of the probable impacts of implementing the proposed [plan] amendment, including the following: \*\*\* (bb) availability of public and/or private facilities and services to the area of the [plan] amendment, including transportation \*\*\*." (emphasis added)*

Staff is basing her concerns on zoning. This is inappropriate.

The proposed plan amendment is from Agriculture to Forest; from one resource designation to another. There are no outright development opportunities allowed based

on designation in the Farm and Forest categories. As addressed in the narrative, the site is served by or able to be served by all public facilities. The nearby area is highly developed. The property abuts Marcola Road, a County road. Staff has not identified any transportation issues specific to Marcola Road that would result from the redesignation. That is because none exist.

This code provision is more relevant when changing from a resource designation to a nonresource designation, where the designation itself allows for more dense development. That is not the case here.

2. **LC 16.400(8)(c)(iii)(bb) speaks to the availability of public and/or private facilities and services to the area of the [plan] amendment. This is made clear by the provision itself,**

*“(bb) availability of public and/or private facilities and services to the area of the [plan] amendment, including transportation \*\*\*.” (emphasis added)*

Staff attempts to replace the term “availability” with “adequacy.” This is not allowed.

The narrative establishes that the site abuts Marcola Road, a county road. Therefore, public transportation facilities are available to the plan change area.

3. **In one fell swoop, staff attempts to approve a zone change, numerous property line adjustments and numerous Forest Template Applications. Lane Code Chapter 15 is not applicable to a Plan Amendment.**

As established above, LC 16.400(8)(c)(iii)(bb) applies only to plan amendments. Staff gives relevance to past legal lot determinations, then presumes that F-2 zoning will be approved, then presumes to know the applicant’s “intent” and “development scale,” then presumes that the numerous property line adjustments that would be necessary to make the referenced legal lots buildable will all be approved, then presumes that at least six forest template dwelling applications will be approved. That’s at least seven land use decisions! ...and a lot of presumption.

Of course, all of these presumptions are improper. But more importantly, the road improvements standards of Chapter 15 cannot be applied to this plan change because compliance is not an approval criterion. Chapter 15 is triggered by development. As discussed above, a plan change from Farm to Forest does not approve or allow any additional development.

Staff has placed the cart far before the horse. Staff’s statement that “the plan

amendment/zone change is the last opportunity to effectively and equitably require transportation facilities that adequately serve all parcels,” is not accurate. As established above, the applicant must apply for many additional land use decisions before the site qualifies for any additional development. Most of those permits are conditional and discretionary, making the odds of approval impossible to predict. Chapter 15 will be addressed when it becomes an applicable approval standard.

Furthermore, staff’s concerns regarding future possible development is confusing because the property is developable as is, without a plan change or a zone change. As currently Planned and Zoned, the subject property qualifies for possible developed. Just as with F-2 zoning, with enough property line adjustments and land use applications, each legal lot can be developed with either a farm dwelling or a nonfarm dwelling. See LC 16.212. The potential for development already exists.

**B. Policy 5 – Prohibit residences on Non-Impacted Forest Lands except for the maintenance, repair or replacement of existing dwellings.**

Staff misreads this policy. This is a zoning policy, not a designation policy. Furthermore, it only applies to Non-Impacted Forest Lands (F-1).

There is a single forestland designation in Lane County: Forest (See Comprehensive Plan). There are two zoning districts that implement that designation: F-1 Non-Impacted Forest Land and F-2 Impacted Forest Lands (See Lane Code Chapter 16). The purpose of this policy is to ensure that new residences are prohibited on lands determined through the Comprehensive Plan process (See Policy 15) to be zoned F-1. To respond to this policy, the County prohibited new dwellings in the F-1 zone of Lane Code Chapter 16.

The applicant addresses Policy 15 in great detail in the narrative. The facts establish that the subject property is more correctly zoned F-2 – Impacted Forest Land. As such, Policy 5 does not apply.

In addition to Policy 5, staff takes issue with the applicant’s position that the parcel is not eligible for further development. This issue is not relevant to any application criteria. However, the applicant is happy to clarify.

First, staff is again confusing designation with zoning. Changing from Farm designation to Forest designation provides no additional development opportunities. Resource designations, by themselves, do not permit development. This might be different if the proposal was from a resource designation to a nonresource designation, such as rural residential, where the designation itself allows for outright development. But that is not

the proposal here.

Second, Planning Staff makes the same mistake as Transportation staff in putting the cart far before the horse. Even if F-2 zoning is approved, there is no outright permitted residential development allowed in the F-2 zone. See LC 16.211(2). As discussed above, before any residential development could occur on this property, the applicant would need many property line adjustments, many post property line adjustment legal lot verification approvals and many template dwelling application approvals. All are land use decisions subject to appeal. All of the template dwelling applications are Conditional Use Permits that are discretionary. All of the property line adjustments are subject to State Law requirements.

The applicant's statement that the proposed zone change/plan change results in no additional residential development opportunities is accurate. If approved, the applicant is not entitled to a single additional dwelling based on the approval.

Finally, staff's concerns over future development are misguided because the property is potentially developable as currently planned and zoned. As discussed above in response to Transportation Planning, with enough property line adjustments and land use permits, each legal lot could be developed with either a nonfarm dwelling or a farm dwelling. The proposed plan change/zone change does not result in additional development opportunities because the development opportunities already exist.

**C. Policy 15(b)(2) – more than 80 acres**

Response: To reflect clarification in Ordinance 1236, the applicant has reduced the scope of the subject plan change/zone change and readdressed criteria. The subject property is less than 80 acres. It therefore does not meet this characteristic for being zoned F-1.

**D. Policy 15.(b)(3) – Contiguous to Commercial Uses**

Response: To reflect clarification in Ordinance 1236, the applicant has readdressed criteria and reanalyzed responses. Under the new ordinance, staff is correct that the focus is on "contiguous" and that the analysis cannot cross the road under this standard. However, only one of the contiguous properties is in "commercial" forest production and none are in "commercial" farm production. Therefore, the subject property does not meet this characteristic for being zoned F-1.

**E. Policy 15(b)(5) Commercial Forest Management**

Response: To reflect clarification in Ordinance 1236, the applicant has readdressed criteria and reanalyzed responses. As part of Ordinance 1236, the Board clarified "commercial" uses. Based on that clarification, while the subject property is in forest use (an allowed use under F-2 zoning), it is not in "commercial" forest management. The subject property does not meet this characteristic for being zoned F-1

**E. Policy 15(c)(2) – 80 acres or less in size**

Response: To reflect clarification in Ordinance 1236, the applicant has reduced the scope of the subject plan change/zone change and readdressed criteria. The subject property is less than 80 acres. It therefore meets this characteristic for being zoned F-2.

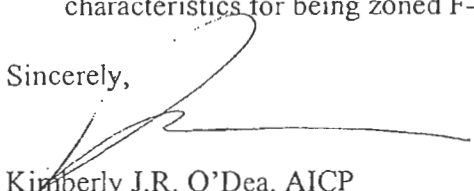
**F. Policy 15(c)(3) – Generally contiguous to tracts less than 80 acres with dwellings and/or adjacent to exception areas.**

Response: To reflect clarification in Ordinance 1236, the applicant has readdressed criteria and reanalyzed responses. Staff failed to recognize that the Board has interpreted this provision to go beyond contiguous properties. As such, 71% of the tracts in the general area are less than 80 acres with a residence; and 71% of the tracts in the general vicinity are in an exception area. See pages 5 and 39 of the narrative. The subject property therefore meets this characteristic for being zoned F-2.

**SUMMARY:**

The applicant has reduced the scope of the application and updated narrative responses to reflect findings, conclusions and guidance in PA 1236. The updated narrative establishes that the property is more accurately designated Forestland. The updated narrative establishes that the subject property meets none of the characteristics for being zoned F-1 and all of the characteristics for being zoned F-2.

Sincerely,



Kimberly J.R. O'Dea, AICP  
Attorney at Law

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**APPLICANT'S SUPPLEMENTAL STATEMENT  
TO COUNTY BOARD  
IN SUPPORT OF  
FOREST PLAN DESIGNATION AND F-2 ZONING  
PA 06-5888**

September 9, 2008

**FILE COPY**

Board of County Commissioners  
Attn: Kent Howe  
Planning Director  
Land Management Division  
125 E 8<sup>th</sup> Ave  
Eugene, OR 97401

Re: Fisher Plan Change and Zone Change Application  
Map 16-01-08, portion of tax lot 700 PA 06-5888

Dear Commissioners:

Please accept this letter as supplemental evidence in support of the attached plan change and zone change application. The proposal is to re-designate property from Agriculture to Forest and rezone property from E-40 to F-2.

The original application was placed on hold in mid-2007 to address the adoption of Ordinance PA 1236, which clarified applicable criteria. After reviewing the new ordinance, the applicant acknowledged that a different scope would be required.

Based on the interpretations in Ordinance PA 1236, the applicant believes that the west rear portion of tax lot 700 better fits F-1 zoning. However, the central and eastern portions of the property should be zoned F-2. Therefore, the applicant is shrinking the scope of the original application to reflect the Board Ordinance. The scope of the original application is hereby reduced so that the area of rezone is the east 78 acre portion of tax lot 700. The western portion may be addressed at a later date.

The remainder of the narrative has been updated to reflect the reduced scope. To reduce confusion, this narrative statement is intended to replace the original narrative statement in its entirety. However, many of the exhibits submitted with the original narrative remain applicable. They are identified in Section I.C. of this narrative with a single letter and are not being

resubmitted. Please refer to the original submission packet for them. Revised exhibits are identified in Section I.C. of this narrative with a double letter and are being resubmitted. See attached. Supplemental exhibits are identified in Section I.C. of this narrative with a double letter and are attached.

The application first establishes that the subject property is more accurately designated Forest, rather than Farm. See predominantly pages 3 through 32 of the narrative. Second, the application establishes that the subject property is more accurately zoned F-2, rather than F-1. See predominately pages 32 through 38 of the narrative.

**I. PROPOSAL DESCRIPTION**

**A. Owner/Applicant Agent**

Ravin Ventures, LLC Ramon Fisher, President Ed Fisher, interest holder PO Box 751 Oakridge, OR 97463	Kim O’Dea Law Office of Bill Kloos, PC 375 West 4 <sup>th</sup> St., Ste. 204 Eugene, OR 97401 (541) 954-0095
--	---

**B. Proposal**

This proposal is a request to redesignate 78 acres of farmland to forestland and rezone the same from E-40 to F-2.

**C. Exhibits**

- Exhibit A: Application Form
- Exhibit BB: Location Map
- Exhibit C: County Assessment and Taxation Maps
- Exhibit D: Zoning Map
- Exhibit EE: “Adjacent and Nearby/General Vicinity/General Area” Maps
- Exhibit FF: Soils Map
- Exhibit GG: Aerial Photograph
- Exhibit H: RCP Goal 5 Natural Resource Excerpt
- Exhibit I: RLID Property Information Sheets
- Exhibit J: RCP Agricultural Working Paper Excerpt
- Exhibit KK: Topographical Map
- Exhibit L: PDC and Ownership Deeds
- Exhibit M: FIRM Image
- Exhibit N: Site Photographs
- Exhibit O: Rural Addressing Maps
- Exhibit PP: Ordinance 1236
- Exhibit Q: Legal Lot Verification PA 00-5822

Exhibit R: NWI Map  
Exhibit SS: Legal Description of Subject Property  
Exhibit TT "Industrial Holdings" information

Please note that Exhibits with single letters were submitted as part of the original application, have not been amended and continue to be applicable. Exhibits with double-letters have been amended to reflect the reduced scope of the application and are being resubmitted or are new.

## II. SITE AND PLANNING PROFILE

### A. Location

Map 16-01-08, a 78 acre portion of Tax lot 700, hereafter referred to as the "subject property" or "property." See Exhibit EE.

Tax lot 700 is a legal lot. See PA 00-5822. See Exhibit Q. The proposed plan change and zone change do not affect the boundaries of the lot, and therefore do not affect its legal status. The subject property, which is a portion of tax lot 700, is approximately 78 acres located west of Marcola Road, approximately one mile north of the unincorporated community of Marcola. See Exhibit BB.

Split zoned properties are allowed in Lane County.

### B. Zoning

The subject property is designated farm land and zoned E-40. See Exhibit D.

### C. Site Characteristics/History

The subject property is located at the foot of the Coburg Hills and slopes gently upward toward the west. A set of high tension lines cuts diagonally across the property. The eastern portion of the property is bisected by an abandoned railroad right of way and old Marcola Road right-of-way. See Exhibits C and EE. A homestead dwelling is located on the property near Marcola Road. See Exhibit O.

The applicant purchased the subject property in 1998. The property had been logged and regenerated prior to the applicant's purchase. In 2002,



the applicants logged the property. It has been subsequently regenerated. There is no evidence that property has never been used for farm use. The 2000 Aerial photo, included as Exhibit GG, shows the property as forested or in forest rejuvenation. No grazing or cultivated soils are apparent on the aerial photos. See Exhibit GG.

#### **D. Organization, Summary and Introduction**

This narrative is organized according to the kinds of standards that apply. Following the Introduction, four additional parts address the Statewide Planning Goals, the Rural Comprehensive Plan Policies, the standards for plan changes, and the standards for zone changes, respectively. Because the goals provide the most comprehensive set of standards, the evidence and legal argument is presented as comprehensively as possible in connection with the discussion of the goals. Whenever possible, in order to avoid repetition, reference is made back to the goal discussion when addressing the non-goal standards. Supporting exhibits are attached to this narrative. A list of exhibits is included on page 2, above.

This applicant seeks a plan change from Agriculture to Forest and a zone change from E-40 to F-2 for approximately 78 acres of land west of Marcola Road and west of the Marcola River. The property is roughly rectangular. It is adjacent to Marcola Road and more specifically described in Exhibit SS. See Exhibits BB and EE for exact location.

**Proposal in a Nutshell:** The subject property is surrounded by Forest designation and exception area. It is an E-40 parcel in a sea of Forest designation and RR exception areas. See Exhibit EE. This application seeks a Forest designation, which would be consistent with the use of the parcel, surrounding designations and uses and topography. If the application is approved, the subject property would be designated Forest and zoned F-2. Because the parcel already contains a dwelling, it is considered developed and not eligible for further outright development.

Requests for a plan change from Agricultural Land to Forest Land must comply with the Statewide Planning Goals, the Rural Comprehensive Plan, and the county zoning code. The standards in the goals, the plan, and the code are diverse. They overlap somewhat. This statement addresses each relevant standard with support from exhibits.

The subject proposal removes no resource land from the County's inventory. It simply replaces one resource designation with another. Furthermore, the proposal neither results in any development approvals nor increases outright development opportunities. The subject property is already developed with a pre-land use regulation dwelling. Land divisions in the Forest zone are more difficult than in the E-40 zone because minimum lot size is 80 acres rather than 40-acres (under current E-40 zoning). At 78 acres, the subject property is not large enough to qualify for a land division under the forest designation. The forest designation and zoning do not allow for additional dwellings on a single tract of land. Furthermore, the proposed designation reflects the

past, current and continued use of the property.

The balance of this Introduction does two things: (A) It summarizes the state and local legal framework that authorizes Forest and Farm designations; and (B) it describes the subject property and the immediately surrounding property in a way that will be relevant to many of the state and local standards that are addressed in detail in the balance of this statement.

A. State and Local Law Authorize Resource Designations.

Goal 3 and the Goal 3 Rule define "Agricultural Land" and require that it be preserved for farm use. Goal 4 and the Goal 4 Rule define "Forest Lands," require it to be conserved, and allow it to be put to the limited range of uses stated in the Rule. Both types of lands are "resource lands." As defined by LDCD, "Resource Land" is any land within the definition of Goal 3 (Agricultural Land), Goal 4 (Forest Land), Goal 16 (Estuarine Resources); Goal 17 (Coastal Shorelands); or Goal 18 (Beaches and Dunes). See OAR 660-004-0005(2). "Nonresource Land" is any land that is not within the definition of one of the goals listed above. See OAR 660-004-0005(3).

B. Description of Subject Property and Adjacent and Nearby Area.

This section describes the subject property in summary terms and the adjacent and nearby land in more detail. The purpose is to provide a factual context for the balance of the narrative. It is especially relevant to Section IV – Compliance with the Rural Comprehensive Plan. Reference is made to plan and zone designations, parcelization, and land uses.

In general terms, this area is in the foothills on the east side of the Coburg Hills near the rural unincorporated community of Marcola. The site has soils that qualify it as both forest and farm land.

"Adjacent and nearby" as used in the Comp Plan and OARs with respect to designation is not defined in the statute, rules or local code. The applicant therefore defines it to mean lands with a boundary line common to the subject property (if the common line is a road, then the lands across the road are considered adjacent) and lands within 1,000 feet of the subject property. However, there are several properties within 1,000 feet of the subject property that are separated from the subject property by two county roads and the Marcola River. The applicant believes that these properties do little to influence or represent the character of the surrounding area because there are separated from the subject property by too many barriers. This issue is discussed further below in the "summary of table" section.

With respect to F-1/F-2 zoning, Ordinance PA 1236 defines "contiguous" to mean "having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street \*\*\* shall not be considered contiguous."

The ordinance goes on to clarify that “generally contiguous” means general area, which goes beyond “contiguous” and looks to the “general area of the land begin proposed \*\*\* The analysis is intended to venture beyond the only contiguous properties with common property lines. See Ordinance PA 1236, page 10.

The Ordinance defines “adjacent” to mean general vicinity, stating that the term adjacent looks *“even further beyond the nearby tracts or across intervening right of way to acknowledge the impact of development within developed and committed exception areas in the general vicinity of the land being proposed for rezoning. It is a broader look at the complete tapestry of uses and development, particularly nonresource uses, in the general area. It does not depend on contiguity for that consideration.”* Ordinance 1236, Page 10.

Based on these interpretations and definitions, the applicant believes that the 1,000 foot perimeter used for “adjacent and nearby” with respect to “designation” is also consistent with “adjacent” and “generally contiguous” with respect to zoning.

The subject property is approximately 78 acres of reforested timberland. It is developed with a homestead (pre-land use regulation) dwelling that is located near Marcola Road. The property has a history of being logged. It was most recently logged by the applicant in 2002. It is currently in forest regeneration. Prior to that, it was logged in approximately 1955-1960 (based on 2002 tree stump and site conditions). There is no evidence that the property has ever been in “agricultural use” as defined by the statute.

The property is roughly rectangular in shape. It rises from about 700 feet in elevation at the east to about 750 feet at the west. See Exhibit K. It is traversed by a BPA power line and an abandoned railroad right-of-way. See Exhibits C and EE. There is a well and septic system on the site to serve the existing dwelling.

As discussed more fully in connection with Goals 3 and 4, a majority of the soils on the site have an Agricultural Capability rating of I through IV and therefore the property qualifies as Agricultural Land. The subject site also meets the county’s acknowledged definition of forest lands by containing soils capable of producing more than 50 cu/ft/acre of wood fiber.

Table A (below) summarizes uses, designation, and zoning in the general area/vicinity (which includes “adjacent and nearby,” “generally contiguous” and “adjacent”). The table also includes the subject property. To determine zoning, the applicant used official County zoning maps, which are included as Exhibit D. To determine designation, the applicant relied on zoning and RLID data sheets. To determine acreage and presence of a dwelling, the applicant relied on RLID data sheets. To determine use, the applicant relied on RLID data sheets, aerial photos, site visits and site photos. See footnotes 1 and 2. RLID data sheets are included as Exhibit I.

Whether a property is in “forest use” goes to designation. Whether a property is in

“commercial forest use” goes to zoning, which is addressed later in this document.

RLID shows that the subject property is in Forest Tax Deferral and in Small Tract Forestland Option Deferral. Both deferrals require the property to be in forest use. See Exhibit I. RLID also describes the subject property as Timber and Timberlands. The site photographs confirm that the property is in forest management and that there is no farming. The aerial photograph shows much of the property as treed, some of the property in regeneration (the more barren areas), a small portion developed with a dwelling, and a small portion in open field (near the dwelling). The owner has confirmed that the small field is not in “farm use,” as defined by the statute.

**TABLE A  
 ADJACENT AND NEARBY LAND**

Map & Tax Lot Ex. C	Location In relation to subject property Ex. EE	Zoning/ Desig Ex. D	Acreage Exs. C & I	Dwelling? Exs. I & O	Use <sup>1</sup>	Comments <sup>2</sup> Ex. I	Parcel /Ownership count	Tract count
16-01-07, TL 200	North (adjacent)	F-2/F	64.27	No	Timberlands/ Forestry (F)	Owned by Rosboro Lumber Company and in Forest Tax Deferral. <u>TL 200 and 400 are a tract</u>	1	1
16-01-07, TL 201	North and West	F-1/F	51.10	No	Publicly Owned Property/ Forestland (F)	Owned by US Government. No special tax assessment.	2	2
16-01-07, TL 202	North and West	F-1/F	48.31	No	Timberlands/ Forestry (F)	Owned by Weyerhaeuser Company. In Forest Tax Deferral. <u>TLs 202, 400, 299 and 800 are a tract.</u>	3	3
16-01-08, TL 700	West (adjacent)	E-40/EFU	48.00	No	Timberlands/ Forestry (F)	Ravin Ventures, LLC. In Forest Tax	4	4

<sup>1</sup> Use of the site was determined by Assessment and Taxation data (including ownership, land use category, property classification and tax deferral status); aerial photos and site visits (including photos). Where Assessment and Taxation showed tax deferral, the classification of the deferral was used to determine overall use. A summary of tax deferrals classifications is included with Exhibit I. RLID data sheets, which include Assessment and Taxation data, are included as Exhibit I. ( ) indicates the use category given to each property for calculation purposes; (F) Forestry; (A) Agriculture/farm use; (R) Residential; (O) Other.

<sup>2</sup> For Tax Deferral data and ownership, see Exhibit I. For explanation of the “too far removed” comment, see Table Summary below. In summary, these properties, despite their proximity to the subject property, are too far removed to be part of the character of the ‘surrounding area’ and are therefore not included in calculations.

Fisher Plan Change and Zone Change Supplemental Application  
 September 9, 2008  
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(west portion)						Deferral		
16-01-07, TL 300	West	F-1/F	159.54	No	Publicly Owned Property/ Forestland (F)	Owned by BLM. No special tax assessment.	5	5
16-01-07, TL 400	West	F-2/F	102.80	No	Timberlands/ Forestry (F)	Owned by Weyerhaeuser Company. In Forest Tax Deferral. <u>TLs 202, 400, 299 and 800 are a tract.</u>	6	
16-01-07, TL 299	West	F-1/F	.57	No	Forestry (F)	Owned by Weyerhaeuser. In Forest Tax Deferral. <u>TLs 202, 400, 299 and 800 are a tract.</u>	7	
16-01-07, TL 800	West and South	F-1/F	1.08	No	Forestry (F)	<b>Owned by</b> Weyerhaeuser. Part of larger tract. <u>TLs 202, 400, 299 and 800 are a tract.</u>	8	
16-01-07, TL 500	South (adjacent)	F-2/ E-40 F/Ag	87.31 (60 in F-2)	No	Forestry (F)	Paschelke. In Small Tract Forestland (STFO <sup>3</sup> ) tax deferral. <u>TLs 500, 601 and 700 are a tract.</u>	9	6
16-01-07, TL 501	South	E-40 /AG	30.46	No	Brush; vacant idle property <sup>4</sup> (O)	BPA owned. No special tax assessment.	10	7
16-01-07, TL 601	South	E-40 /AG	.68	No	Brush; vacant idle property, vacated railroad right-of-way (O)	Paschelke. No special tax assessment. <u>TLs 500, 601 and 700 are a tract.</u>	11	
16-01-07, TL 700	South	E-40 /AG	12.01	No	Brush; Forestry (F)	Paschelke. In STFO Forest Tax deferral. <u>TLs 500, 601 and 700 are a tract.</u>	12	
16-01-08, TL 700 (east portion)	Subject Property	E-40 /AG	(78)	Yes	Forestry (SP)	<b>In Forest Deferral and STFO deferral.</b>		
16-01-08, TL 400	North	F-2 /F	41.74	No	Timberlands/ Forestry (F)	Rosboro Lumber Co. In Forest Tax	13	

<sup>3</sup> Small Tract Forestland Option Deferral (a second type of forest deferral for growing timber)

<sup>4</sup> RLID says "pasture, cows, sheep, cattle." No special tax assessment. Aerial Photo shows parcel in some sort of natural regeneration. Site inspection and photos show the parcel as brush and trees. It appears to be in forest regeneration, but it is hard to tell. However, there is no pasture or farming.

Fisher Plan Change and Zone Change Supplemental Application  
 September 9, 2008  
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						Deferral. <u>TLs 200 and 400 are a tract.</u>		
16-01-08, TL 402	North	F-2 /F	23.60	Yes	Forestry with Residential development (F)	Jeffers. In Forest Tax Deferral.	14	8
16-01-08, TL 501	North	RR5 /RR	5.95	Yes (2)	Residential (R)	No special tax assessment.	15	9
16-01-08, TL 503	North	RR5 /RR	4.12	Yes	Residential (R)	No special tax assessment.	16	10
16-01-08, TL 504	North	RR5 /RR	3.03	Yes	Residential (R)	No special tax assessment.	17	11
16-01-08, TL 600	North (adjacent)	RR5 /RR	1.96	Yes	Residential (R)	No special tax assessment.	18	12
16-01-08, TL 200	Northeast	RR5 /RR	1.90	Yes (2)	Residential (R)	No special tax assessment.	19	13
16-01-08, TL 500	Northeast	RR5 /RR	2.73	Yes	Residential (R)	No special tax assessment.	20	14
16-01-08, TL 502	Northeast	RR5 /RR	1.19	Yes	Residential (R)	No special tax assessment.	21	15
16-01-08, TL 900	Northeast	RR5 /RR	1.29	Yes	Residential (R)	No special tax assessment.	22	16
16-01-08, TL 106	Northeast	RR5 /RR	2.80	Yes	Residential (R)	No special tax assessment.	23	17
16-01-08, TL 801	East (Adjacent)	RR-5 /RR	2.56	Yes	Residential (R)	No special tax assessment.	24	18
16-01-08, TL 802	East (Adjacent)	RR-5 /RR	.81	Yes	Residential (R)	No special tax assessment.	25	19
16-01-08, TL 803	East (Adjacent)	RR-5 /RR	.88	Yes	Residential (R)	No special tax assessment.	26	20
16-01-08, TL 804	East (Adjacent)	RR-5 /RR	1.08	Yes	Residential (R)	No special tax assessment.	27	21
16-01-08, TL 800	East (Adjacent)	RR-5 /RR	7.65	Yes	Residential (R)	No special tax assessment.	28	22
16-01-08, TL 901	East	RR-5 /RR	1.57	Yes	Residential (R)	No special tax assessment.	29	23
16-01-08, TL 1000	East	RR-5 /RR	2.63	Yes	Residential (R)	No special tax assessment.	30	24
16-01-08, TL 1001	East	RR-5 /RR	.87	Yes	Residential (R)	No special tax assessment.	31	25
16-01-08, TL 1002	East	RR-5 /RR	.87	Yes	Residential (R)	No special tax assessment.	32	26
16-01-08, TL 1003	East	RR-5 /RR	.86	Yes	Residential (R)	No special tax assessment.	33	27
16-01-08,	East	RR-5	3.20	No	Vacant, idle	No special tax	34	28

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TL 1004		/RR			land. (O)	assessment.		
16-01-08, TL 1100	East	RR-5 /RR	2.75	Yes (2)	Residential (R)	No special tax assessment.	35	29
16-01-08, TL 1101	East	RR-5 /RR	1.42	Yes (2)	Residential (R)	No special tax assessment.	36	30
16-01-08, TL 1200	East	RR-5 /RR	7.25	Yes	Residential (R)	No special tax assessment.	37	31
16-01-08, TL 107	Southeast	RR-5 /RR	7.89	Yes (3)	Forest with dwelling (F)	In Forest Deferral.	38	32
16-01-08, TL 1300	Southeast	E-40 /AG	79.84	No	Forest Production and open land (F)	In Forest Deferral.	39	33
Marcola Road	East (adjacent)	N/A		N/A	N/A	Road	40	34
BPA Marion- Alvey Transmissi on Line Easement	Through	N/A		N/A	N/A			
BPA Main Transmissi on Line Easement	West and Through	N/A		N/A	N/A			
Mohawk River	East	N/A		N/A	N/A	River		
Paschelke Road	East	N/A		N/A	N/A	Road		

The subject property is an E-40 parcel in a sea of Forest and RR Exception area land. See Exhibit EE.

Lots by designation: There are 40 adjacent and nearby properties. Nine and two-thirds (24%) are designated Forest; five and one-third (13%) are designated Agriculture and 24 (60%) are designated Residential.

**TABLE B**  
**SUMMARY OF SURROUNDING AREA BY ACRES AND PERCENTAGE**

		Properties within 1,000 feet excluding those five properties separated from the subject property by two county roads and the Mohawk River  Exs C & I
<b>LOTS AND PARCELS ADJACENT AND NEARBY</b>		
Number of adjacent and nearby properties as defined by the applicant		40
Number and percentage of the adjacent and nearby properties that are in each <b>Comprehensive Plan designation</b>		9 2/3 (25%) Forest 4 1/3 (11%) Ag 24 (63%) RR
Number and percentage of the adjacent and nearby properties that are in each <b>general use category</b>		13 (34%) Forestry or h.t.  0 (0%) Agric.  22 (58%) Res.  3 (8%) Other
<b>ACREAGE ADJACENT AND NEARBY</b>		
Total number of acres in adjacent and nearby properties		Approx. 800.00 acres



Number of acres in and percentage of adjacent and nearby properties that are in each <b>Comprehensive Plan designation</b>		553.01 (72%) F 180.30 (22%) Ag 67.27 (9%) RR
Number of acres in and percentage of adjacent and nearby properties that are in each <b>general use category</b>		710.00 (88%) Forestry or h.t. 0 (0%) Ag. 56.17 (7%) Res. 34.34 (5%) Other

**III. COMPLIANCE WITH STATEWIDE PLANNING GOALS.**

Amendments to local plans and code must comply with the Statewide Planning Goals. ORS 197.175(2)(A). For individual applications like this, compliance with relevant goals must be addressed by the county. This Part addresses each relevant goal and explains why the proposal complies. This application requires no goal exceptions.

**Goal 1: Citizen Involvement**

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

Goal 1 is a process goal. This proposal complies with Goal 1 because it will be processed as a quasi-judicial application through the county's acknowledged public process for individual plan and zone changes. This process includes public hearings before the Planning Commission and the County Board.

**Goal 2: Land Use Planning**

Part I of Goal 2 requires local governments to establish processes and policies for land use decisions.

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

Part II of Goal 2 authorizes exceptions to the goals – land use decisions that are not in compliance with the goals under certain circumstances. Statutes also describe when exceptions are authorized. See ORS 197.732.

This application complies with Goal 2 because it is being processed under the county plan and code and because no exception to any resource goal is proposed. The application is simply trading one resource designation for another because the land better fits one category based on use and capability.

#### **Goals 3 and Goal 4: The Relationship Between Goals 3 and 4.**

OAR 660-006-0015(2) states,

*When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*

The “agricultural land” designation and the “forest land” designation are both resource designations. The designations have equal weight and importance to the State of Oregon. Through the above Rule, LCDC has acknowledged that many lands will qualify as both Forest and Ag land. For lands that qualify as both, LCDC will support either designation so long as the factors used to determine designation are identified. This issue is further discussed under Section III, below, where the designation polices are reviewed specifically.

As discussed more specifically under Goals 3 and 4 below, the subject property meets the definition of both forest land and agricultural land. The Lane County Rural Comprehensive Plan Agricultural Working Paper documents the factors used to select Farm or Forest designation on land that meets the definition of both. See Exhibit J. Each of those factors is discussed in detail in Section IV, below. Based on those factors, the subject property should be designated Forest land.

Because the subject property qualifies as both Ag and Forest land under Goal 3 and Goal 4, many of the RCP policies addressing Goal 3 are met by the subject property and many of the Goal 4

RCP policies are met by the subject property. It is inherent in the property's dual qualification. However, when determining whether a property should be designated Forest or Ag, the key is not whether the property meets or furthers the policies under the RCP, but whether the property meets the factors established in the Plan for being Forest or Ag. These factors are discussed in Section III, below.

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

**To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the State's agricultural land use policy expressed in ORS 215.243 and 215.700.**

Goal 3 defines "Agricultural Land" as follows:

**Agricultural Land -- in western Oregon is land of predominantly Class I, II, III and IV soils and in eastern Oregon is land of predominantly Class I, II, III, IV, V and VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event.**

**More detailed soil data to define agricultural land may be utilized by local governments if such data permits achievement of this goal.**

The LCDC has elaborated on the definition of Agricultural Land in its rules. OAR 660-033-0020. There are four parts to the relevant definition in the rule. Each part of the definition is addressed separately here.

**OAR 660-033-0020(1)(a): [Predominant Soil Types]**

**"Agricultural Land" as defined in Goal 3 includes:**

**(A) Lands classified by the U.S. Soil Conservation Service (SCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon;**

Goal 3 requires that SCS soils data be used to classify the soils, but it allows soils data in the published maps to be refined with more detailed onsite investigation. OAR 660-033-0030(6).

The applicant is relying on SCS soils data.

The published SCS soils maps show six types of soil on this site. See Exhibit FF. The soils are included in Table C, below. Based on Table C, the site qualifies as Agricultural Land under this part of the test because 99% of the soils on the site are in soil Classes I-IV.

**TABLE C  
 SOILS  
 AGRICULTURAL CAPABILITY CLASS**

SOIL TYPE	ACRES	PERCENT	AG. CAPABIL. CLASS	FOREST PRODUCTIVITY		
				LMD <sup>5</sup>	Dept. of Forestry <sup>6</sup> By soil type/by acreage <sup>7</sup>	
					By soil type (cu.ft./acre/yr)	By acreage (cu.ft./yr)
52D Hazelaire SCL, 7% to 20% slopes	32	41%	IV	No info.	40	1286
89C Nekia SCL, 2% to 12% slopes	13	17%	III	160	159	2067
78 McAlpin SCL	13	17%	II	No Info.	169	2197
89D Neckia SCL, 12% to 20% slopes	.2	.2%	III	160	159	31.8
1A Abiqua SCL, 0% to 3% slopes	19	24%	I	203	161	3059
29 Cloquato SL	.9	1%	II	No Info.	120	108
	78	100%	100% Class I-IV		Site Productivity Approx. 112 cu.ft./acre/yr	

**OAR 660-033-0020(1)(a): [Other Suitable Lands]:**

**(B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices;**

This part of the test focuses on lands, which have predominantly nonagricultural soils, and

<sup>5</sup> Lane County Soil Ratings for Forestry and Agriculture (based on NRCS data).

<sup>6</sup> Department of Forestry Forest Lands Soils Ratings (1990 revisions).

<sup>7</sup> The first number is the Forest Productivity for the soil type per acre per year (cu.ft./acre/year). The second number is the Forest Productivity for the soil type based on the number of acres of the soil (cu.ft./year).

inquires into whether they are nevertheless suitable for farm use. It is commonly called the “other suitable lands” test. A list of seven factors must be considered. The suitability for farm use must consider the potential for use in conjunction with adjacent or nearby land.<sup>8</sup> The history of the site in farm use would be relevant to its current suitability,<sup>9</sup> but not determinative.<sup>10</sup>

It has been established that the subject property qualifies as Agricultural land under the “soils test,” above. Therefore, it is not necessary to address this standard.

**OAR 660-033-0020(1)(a)(C): [Land needed to permit farming practices on adjacent/nearby agricultural lands]**

**Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.**

This part of the test focuses on adjacent and nearby agricultural lands. However, it has been established that the subject property qualifies as Agricultural land under the “soils test,” above. It is not necessary to address this standard.

It is worth noting that the subject property is not necessary to permit farm practices to be undertaken on adjacent property. First, the adjacent property to the south is largely in timber production. Second, even if it were to be farmed, designation of the site as forest lands, another resource designation, would not have any impact on the ability to farm the adjacent land. The two uses have been defined to be compatible. See OAR 660-006-0015(2).

**OAR 660-033-0020(1)(b): [Farm unit test]:**

**Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed;**

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<sup>8</sup> See DLCD v. Curry County, 28 Or LUBA 205, 208-09 (1994), aff'd 132 Or App 393 (1995); Kaye/DLCD v. Marion County, supra, 23 Or LUBA at 481-62 (interpreting identically worded previous Goal 3 administrative rule OAR 660-05-005(1)(b)).

<sup>9</sup> See Clark v. Jackson County, 17 Or LUBA 594, 606 (1990)(past use of the property for grazing as part of larger operation is relevant to its current suitability for farm use).

<sup>10</sup> See 1000 Friends of Oregon v. WASCO County Court, 80 Or App 525, 531, 723 P2d 1039 (1986) (Affirming decision that former grazing lands proposed for annexation are not suitable for farm use. “Also, there is no presumption that the land is agricultural land simply because of its previous agricultural use. Previous use is merely one factor for the county to consider in reaching its conclusion about the land’s current condition.”).

This part of the test focuses on lands which are predominantly nonagricultural soils, and inquires into whether they are adjacent to or intermingled with better lands within a "farm unit." It is commonly called the "farm unit" test. If the subject property is not a part of a "farm unit," then this test does not apply.

It has already been determined that the subject property meets the definition of farm land under the "soils test," above. Therefore, this standard need not be addressed.

It is worth noting that the subject property is not part of a farm unit because: the subject property is not adjacent to any other land in the same ownership; it is not jointly managed for farm use with any adjacent land; and it has not been so managed in its history.

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

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

**Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.**

The second paragraph of Goal 4 defines "Forest Lands." Because a plan amendment is proposed, the second sentence of paragraph two is the operable definition. There are three parts to the definition: (1) Lands suitable for commercial forest uses; (2) adjacent and nearby lands necessary to permit forest operations or practices; and (3) other forested lands that maintain certain natural resources. Each part of the definition is addressed below.

- (1) **[F]orest land shall include lands which are suitable for commercial forest uses.**

The term "commercial forest uses" is not defined in any statute, goal, or rule. However, Lane County adopted a definition for the term in its plan, and the plan was acknowledged by the LCDC. Forest land is land that is capable of producing crops of industrial wood in excess of 50 cubic feet per acre of annual growth. Commercial forest types of trees include: Douglas fir,

hemlock/cedar/spruce, other conifers, and deciduous trees.<sup>11</sup>

Productivity data for wood fiber is available from a number of sources. The Lane County Soil Ratings, published by the Lane County Land Management Division in 1997, summarizes federal data on wood productivity by soil types, but only for Douglas fir. Productivity data for the full range of commercial forest trees recognized by Lane County has been published by the Oregon Dep't of Forestry in its 1990 Forestry Dep't Ratings. Both sources of data are summarized in Table D, below. The data from 1990 Forestry Dep't Ratings is the more useful because it addresses all commercial tree species.

For each soil type shown in the Soils Map (Exhibit FF) as being present on subject property, Table D displays the acreage data and the commercial tree species productivity, based on the 1990 Forestry Dep't Ratings and the LMD ratings. Of the six types of soil present on the property, five are capable of producing substantially more than 50 cubic feet of wood fiber per acre annually. Based on soils, the subject property is capable of producing 112 cu.ft/acre/year of timber. The subject property, therefore, qualifies as Forest Land under this part of the test.

**TABLE D  
 SOILS  
 FOREST PRODUCTIVITY**

SOIL TYPE	ACRES	PERCENT	AG. CAPABIL. CLASS	FOREST PRODUCTIVITY	
				LMD <sup>12</sup>	Dept. of Forestry <sup>13</sup>

<sup>11</sup> Lane County's definition of "commercial forest uses" was the central issue and the subject of extensive discussion in Holland v. Lane County, 16 Or LUBA 583 (1988). LUBA summarized the relevant provisions of the acknowledged county plan as follows:

The county adopted the following definition of "commercial forest land" as part of its "Working Paper: Forest Lands; March, 1982" (Forest Lands Paper) and "Addendum to Working Paper: Forest Lands; November, 1983" (Forest Lands Addendum) documents.

"'Commercial' forest land [is] land capable of producing crops of industrial wood in excess of 50 cubic feet per acre of annual growth."

Ordinance No. 889, Ex. C. The Forest Lands Paper, at 10, contains an inventory of "Acres of Commercial Forest Land by Cubic Foot Site Class, Forest Type and Ownership." This table recognizes the following commercial forest types – "Douglas fir," "hemlock/cedar/spruce," "other conifers" and "deciduous."

16 Or LUBA at 586 [footnotes omitted].

					By soil type/by acreage <sup>14</sup>	
					By soil type (cu.ft./acre/yr)	By acreage (cu.ft./yr)
52D Hazelair SCL, 7% to 20% slopes	32	41%	IV	No info.	40	1280
89C Nekia SCL, 2% to 12% slopes	13	17%	III	160	159	2067
78 McAlpin SCL	13	17%	II	No Info.	169	2197
89D Neckia SCL, 12% to 20% slopes	.2	.2%	III	160	159	31.8
1A Abiqua SCL, 0% to 3% slopes	19	24%	I	203	161	3059
29 Cloquato SL	.9	1%	II	No Info.	120	108
	78	100%	100% Class I-IV		<b>Site Productivity Approx. 112 cu.ft/acre/yr</b>	

**(2) [A]djacent or nearby lands which are necessary to permit forest operations or practices.**

This part of the test inquires into whether the subject property must be kept in a resource designation in order to allow forest operations or practices to continue on adjacent or nearby lands.

There are approximately 800 nearby and adjacent acres and 40 nearby and adjacent parcels. Approximately 72 percent are designated Forestland and 88% are in forest use. Please see Section II.D. and Tables A and B above for a more detailed analysis of the surrounding area. The subject property is in a sea of nearby land designated Forest. See Exhibit E. Thus, not only does the subject property's soils qualify for the Forest designation, but the subject property, though perhaps not "necessary," is highly desirable to enable adjacent and nearby lands to continue forest operations.

**(3) [O]ther forested lands that maintain soil, air, water and fish and wildlife resources.**

The targeted resources (soil, air, water and fish and wildlife resources) are generally not present on the subject property. There are no perennial streams or permanent water bodies. There is some relationship between the tree cover and air quality. The soil resources on the site have been exhaustively described. The existing tree cover (and root systems) are helpful in maintaining soil on site because of slope. The wildlife resources are similar throughout the area in terms of range of species and occurrence, without respect to whether the land is vacant or

<sup>12</sup> Lane County Soil Ratings for Forestry and Agriculture (based on NRCS data).

<sup>13</sup> Department of Forestry Forest Lands Soils Ratings (1990 revisions).

<sup>14</sup> The first number is the Forest Productivity for the soil type per acre per year (cu.ft./acre/year). The second number is the Forest Productivity for the soil type based on the number of acres of the soil (cu.ft./year).



developed.

**Goal 5: Open spaces, scenic and historic areas, and natural resources.**

**To conserve open space and protect natural and scenic resources.**

**(1) What Goal 5 requires.**

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

Where a county is amending acknowledged plan and zoning designations, as here, the county must address Goal 5 if any of the area proposed for change encompasses lands included on the county's inventory of Goal 5 resources.<sup>15</sup> The county need not go through the Goal 5 conflict resolution process for alleged Goal 5 resources that are not on the acknowledged Goal 5 inventory.<sup>16</sup> The initial Goal 5 question, therefore, is whether the subject property includes any Goal 5 resources inventoried in the acknowledged county plan.

**(2) Goal 5 Resources on the Subject Property.**

The paragraphs below address the acknowledged Goal 5 resource inventories.

**Historic Resources:** The acknowledged list of historic resources is listed as "Historic Sites or Sites." The subject property is not on the list.

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

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

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<sup>15</sup> See Urquhart v. Lane Council of Governments, 80 Or App 176, 721 P2d 870 (1986); Plotkin v. Washington County, 165 Or App 246, 997 P2d 226 (2000); Waugh v. Coos County, 26 Or LUBA 300, 310-12 (1993); 1000 Friends of Oregon v. Yamhill County, 27 Or LUBA 508, 522 (1994).

<sup>16</sup> Davenport v. City of Tigard, 23 Or LUBA 565 (1992).

**Water Resources:** The *Water Resources Working Paper (1982)* inventories the following water resources which include or potentially include the subject property: Watersheds (specifically the Mohawk River watershed, a tributary to the McKenzie River and Willamette Basin); Surface Waters, including the Mohawk River, which lies, at its closest point, approximately 150 to 200 feet to the east of the subject property's most eastern boundary (across Marcola Road); and Groundwater.

The subject plan change and zone change do not increase outright development opportunities on the subject site. As discussed above, the subject property is already developed with a residence. Under F-2 zoning, the applicant is not entitled to any outright additional dwellings. Uses allowed in the F-2 zoning district are similar to those allowed in the E-40 zoning district. Therefore, the proposed zone change and plan change will have no impact on the watershed, surface waters or groundwater resources in the area.

Keeping the area in Forest use, rather than clearing and plowing for agriculture, protects water resources by minimizing runoff; minimizing agricultural water needs; and minimizing agricultural chemical migration into the watershed.

**Riparian Resources:** The *Flora & Fauna Working Paper (1982)* and Addendum (1983) inventories Riparian resources. Riparian areas are inventoried to include all land within 100 feet of the banks of a Class I stream. Addendum at 7. There are no Class I streams on the subject property. The Mohawk River, a Class I stream, is approximately 125 to 200 feet from the subject property at its closest point. Furthermore, Marcola Road separates the subject property from the river. See Exhibit E. In any case, the proposed redesignation and rezoning do not increase development opportunities on the subject site. As discussed above, the subject property is already developed with a residence. Under F-2 zoning, the applicant is not entitled to any additional outright dwellings. Uses allowed in the F-2 zoning district are similar to those allowed in the E-40 zoning district. Therefore, the proposed zone change and plan change will have no impact on the Mohawk River or its riparian resources, as defined.

Keeping the area in Forest use, rather than clearing and plowing for agriculture, protects riparian resources by minimizing runoff; minimizing agricultural water needs; maintaining flora and fauna cover and habitat, and minimizing agricultural chemical migration into the watershed.

**Wetland Resources:** At the time the *Flora & Fauna Working Paper* was prepared, the U.S. Fish and Wildlife Service had not completed its National Wetlands Inventory ("NWI") mapping for the entire county. As a result, the county's Goal 5 wetlands inventory was limited to five "major wetlands" areas, which do not include the subject property. Consideration of adding other "minor wetland" areas to the inventory was deferred by the county to a later date, to follow completion of the NWI mapping, but the reconsideration has not yet occurred. Thus, the county plan inventory of wetland resources does not include any such resources on the subject property.

**Sensitive Fish and Waterfowl Areas:** The inventory of these sites appears in the Flora & Fauna Working Paper Addendum at 1-4. The subject property is not included on the inventory.

**Natural Areas:** The inventory of these sites appears in the Flora & Fauna Working Paper at 26-32. The subject property is not included on the inventory.

**Big Game Range:** The plan classifies the entire county into three categories of Big Game Range: Major, Peripheral, and Impacted. See Flora & Fauna Working Paper at 23-25, Addendum at 14.

This application would affect Big Game Range because the entire county is mapped as some form of big game habitat. In practical terms, however, no conflict from this proposal is apparent. The proposed redesignation and rezoning do not increase development opportunities on the subject site. As discussed above, the subject property is already developed with a residence. Under F-2 zoning, the applicant is not entitled to any additional outright dwellings. Uses allowed in the F-2 zoning district are similar to those allowed in the E-40 zoning district. Therefore, the proposed zone change and plan change will have no impact on Big Game.

Keeping the area in Forest use, rather than clearing and plowing for agriculture, protects game resources by minimizing water and wetland pollution from runoff and agricultural water while maintaining flora and fauna cover and habitat.

### (3) Goal 5 Program to Meet the Goal for Resources Present.

As described above, the following Goal 5 resources inventoried by the county are present on the subject property: Water Resources, including watersheds, surface water, and groundwater; and Big Game Range. This application includes a Goal 5 ESEE analysis for each of these resources. The Goal 5 analysis for each resource tracks, as closely as possible, the county's acknowledged Goal 5 analysis for each resource included in working papers. What is summarized here, for each resource, is the applicant's proposed "program to achieve the Goal," which is the end product anticipated by the goal and the Goal 5 Rule. See OAR Chapter 660, Division 23.

**Water Resources:** The proposed program to achieve the goal is to allow the use because it is not conflicting. The proposed redesignation from Ag to Forest maintains the property in a Resource designation. Therefore, there are no conflicts.

**Big Game Range:** The proposed program to achieve the goal is to allow the use because it is not conflicting. The proposed redesignation from Ag to Forest maintains the property in a Resource designation. Therefore, there are no conflicts.

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

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

**All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.**

Goal 6 protects the quality of land, air and water resources. The focus is on discharges from future development in combination with discharges from existing development. State and federal environmental standards are the benchmark for protection. Where there are state or federal standards for quality in air sheds or river basins, then the carrying capacity, nondegradation, and continued availability of the resources are standards.

The subject property is currently developed with a single residence and managed as a Commercial Forest operation. Historically it has been used for Forest operations, a permitted use under the existing Ag designation. Because the proposed designation of Forest matches the existing and historic use, there will be no impacts to land, water or air quality.

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

**To protect life and property from natural disasters and hazards. Developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safeguards. Plans shall be based on an inventory of known areas of natural disaster and hazards.**

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

**Goal 8: Recreational Needs**

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

**destination resorts.**

The overriding purpose of Goal 8 is to address all recreational needs, but its primary focus is on siting and developing destination resorts, defined in Goal 8 as "self-contained development[s] providing visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities."

Goal 8 is not directly applicable to this proposal.

**Goal 9: Economic Development**

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

Goal 9 is focused on commercial and industrial development. The Goal 9 Rule, OAR 660-09, is explicitly limited to areas within urban growth boundaries. This goal is not directly applicable to this proposal.

**Goal 10: Housing**

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

**Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.**

Goal 10, like its implementing rule, is geared primarily to housing issues inside urban growth boundaries. The goal's definition of "buildable lands," for example, is limited to lands in urban and urbanizable areas. This site is outside any UGB. This goal is not applicable to this proposal.

**Goal 11: Public Facilities and Services**

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

**Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary**

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containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan. In accordance with ORS 197.180 and Goal 2, state agencies that provide funding for transportation, water supply, sewage and solid waste facilities shall identify in their coordination programs how they will coordinate that funding with other state agencies and with the public facility plans of cities and counties.

“Public facilities and services” is defined in the Statewide Planning Goals to include: “[p]rojects, activities and facilities which the planning agency determines to be necessary for the public health, safety and welfare.” The Goal 11 Rule defines a “public facility.” “A public facility includes water, sewer, and transportation facilities, but does not include buildings, structures or equipment incidental to the direct operation of those facilities.” OAR 660-11-005(5).

Goal 11 addresses facilities and services in urban and rural areas. The subject property is “resource” land and will remain rural after this approval. The subject proposal does not provide for any rural or urban development. Therefore, Goal 11 does not apply.

Resource designations have no required minimum level of services. However, Table E lists the services now available to the subject property.

**Table E**  
**Rural Public Facilities, Existing or Proposed**

Service	Provider
Fire	Marcola Rural Fire Protection District
Police	Lane County Sheriff and State Police
Schools	Marcola School District
Access	Marcola Road, a County Minor Arterial
Electric	Emerald People’s Utility District
Telephone	Qwest Communications
Solid Waste	Sanipac
Sewer	Individual Septic System for existing dwelling
Water	Well for existing dwelling

## **Goal 12: Transportation**

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

**A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services, (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.**

Goal 12 is implemented through the Goal 12 Rule (OAR 660-12) adopted in 1991. The Rule has a section that specifically addresses proposals such as this – amendments to acknowledged comprehensive plans and implementing regulations. OAR 660-12-060(1) provides that any such amendments that “significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.”

There is no additional outright residential development allowed by this application. Therefore, the application will not affect a transportation facility. The rule spells out clearly what constitutes a “significant affect.” OAR 660-12-060(2) states:

**A plan or land use regulation amendment significantly affects a transportation facility if it:**

- (a) Changes the functional classification of an existing or planned transportation facility;**
- (b) Changes standards implementing a functional classification system;**
- (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or**
- (d) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.**

The proposed redesignation/rezone will not trigger this section of the rule because it does not provide for any additional development. The site is developed with a single residence. It is not entitled to any additional development.

**Goal 13: Energy Conservation**

**To conserve energy.**

**Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.**

This goal is not directly applicable to individual land use decisions. Rather, its focus is on the adoption and the amendment of land use regulations.<sup>17</sup>

**Goal 14: Urbanization**

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

The subject proposal keeps the parcel in Resource designation. There, there is no transition. This goal does not apply.

**Goal 15: Willamette River Greenway**

**Goal 16: Estuarine Resources**

**Goal 17: Coastal Shorelands**

**Goal 18: Beaches and Dunes**

**Goal 19: Ocean Resources**

These five goals are not applicable as they deal with resources that are not present on the subject property.

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

Any plan and zone change must comply with the relevant Rural Plan Policies. This requirement is based in statutes (ORS 197.175(2)), the Rural Plan Policies themselves (see, e.g. Rural Plan Policies at page 6), and the Lane Code (see, e.g., LC 16.400(6)(h)). This section, therefore, addresses the apparently relevant elements of the Rural Plan Policies. It is organized by Goal. Where possible to avoid duplicative discussion, reference is made to the discussion

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<sup>17</sup> See Brandt v. Marion County, 22 Or LUBA 473, 484 (1991), aff'd in part, rev'd in part, 112 Or App 30 (1992).



under the Statewide Planning Goals. However, the following discussion regarding the relationship between Goals 3 and 4 bears repeating.

**OAR 660-006-0015(2) states,**

*When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*

The “agricultural land” designation and the “forest land” designation are both resource designations. The designations have equal weight and importance to the state of Oregon. Through the above Rule, LCDC has acknowledged that many lands will qualify as both Forest and Ag land. The proper resource designation for the “dual” lands is left up to the local jurisdiction so long as the factors underlying the designation choice are identified.

As discussed more specifically under Goals 3 and 4 above, the subject property meets the definition of both forest land and agricultural land. The Lane County Rural Comprehensive Plan Agricultural Working Paper documents the factors used to select Farm or Forest designation on land that meets the definition of both. See Exhibit J. Each of those factors is discussed in detail below. Based on those factors, the subject property should be designated Forest land.

Because the subject property qualifies as both Ag and Forest land under Goal 3 and Goal 4, many of the RCP policies addressing Goal 3 are met by the subject property and many of the Goal 4 RCP policies are met by the subject property. It is inherent in the property’s dual qualification. However, when determining whether a property should be designated Forest or Ag, the key is not whether the property meets or furthers the policies under the RCP, but whether the property meets the factors established in the Plan for choosing between Forest or Ag.

The Agricultural Land Working Paper states,

*“Agricultural/Forestry Goal Interrelationship*

*In an inventory of agricultural lands and forest lands there will by many instances where land will meet Goal definition for both categories. According to [Led’s] policy, farm and forest uses are compatible and either designation may be made without taking an exception to the other goal. The factors used to select a designation need to be documented in the Plan. The policies within the Plan will support one designation over another depending on the situation. The county should consider the following items in addressing overlapping lands:*

- a. *Identify Agricultural and Forest Lands Goal definitions and inventories*

- b. Segregate overlapping lands from single resource lands*
- c. Apply evaluations of local circumstances and Goal factors to overlapping land to determine appropriate designation*
- d. Designate overlapping lands as agricultural, forest or agricultural/forest through Plan policies and diagrams*
- e. Protect designated lands for appropriate uses through the zoning ordinance and other implementing measures.*

*It is intended that agricultural and forest practices be able to coexist without mutual interference while conserving those resource lands.*

Identify: The applicant has identified and addressed the proper definitions of farm and forest lands. In short, farm land is land consisting predominantly of Class I through IV soils. Forest land is land capable of producing 50 cu.ft./acre/year of timber fiber. As shown in Tables C and D above, the subject property meets both definitions.

Segregate: By filing this application, the applicant is separating the subject property from single resource property for consideration.

Evaluate Goal Factors: Goal 3 and 4 factors are thoroughly addressed in Section III, above. The analysis of Goal 3 factors shows that while the subject property meets the "soils" test of Ag land, it does not meet the "other suitable lands," "necessary lands," or "farm unit" tests. The analysis of Goal 4 factors shows that the subject property meets the "productivity" test for Forest lands and likely the "necessary lands" and the "other resource" tests. Just viewing the Goals 3 and 4 factors alone shows that the subject property is more appropriately designated Forest land.

Evaluate Local Circumstances: There is no exact definition of "local circumstances" in the Lane County RCP. The applicant interprets this provision to mean an evaluation of the subject property and surrounding designations, uses and land use patterns. Tables A and B and accompanying text, see pages 4 through 13 above, establish these factors for all properties in the surrounding area. That discussion is hereby incorporated. In summary, the subject parcel is located in a sea of Forest land and RR exception area land. See Exhibit E.

The subject property is currently and has historically been used for timber production. It is in both Forest and Small Tract Forest Land tax deferral. The property was most recently logged by the applicant in 2002. It is now regenerating for future harvests. Based on 2002 tree stump and site conditions, the site was also logged between 1955 and 1960. There is no evidence that the subject property has ever been in farm use, as defined by the statute.

Designation: The predominant designation by **lot/parcel** in the surrounding area is Residential (63%) followed by Forest (25%). The predominant designation, **by acreage**, in the surrounding area is Forest (72%). The predominant designation of **adjacent parcels by acreage** is Forest

(88%). See Table B, above, for a more in depth analysis.

**Use:** The predominant use by **lot/parcel** in the surrounding area is residential (58%) followed by forestry (34%). The predominant use, **by acreage**, in the surrounding area is forestry (88%). The predominant use of **adjacent parcels by acreage** is forestry (94%). See Table B, above, for a more in depth analysis.

In summary, all evidence indicates that the subject property is currently used for forestry and is surrounded by forestry. Evidence further indicates that the subject property has historically been used for forestry. The property is not suited for farm use. Because the property is in forestry, it would be difficult and expensive to convert the property to farm use. Conversion would require tree removal and major cultivation. Such conversion is generally unfeasible. Furthermore, farm uses are not common in the surrounding area.

### **Goal Three: Agricultural Lands**

#### **Policy 8:**

**Provide maximum protection to agricultural activities by minimizing activities, particularly residential, that conflict with such use. Whenever possible planning goals, policies and regulations should be interpreted in favor of agricultural activities.**

This policy has been interpreted by the Board of Commissioners, and the interpretation has been upheld on appeal. This policy addresses only conflicts that will result in a significant change in or a significant increase in the cost of accepted farming practices. When conflicts of this magnitude might result, the proposed rezoning must be conditioned to reduce the potential conflicts below the level that will result in a significant change or significant increase in the cost of accepted agricultural practices.<sup>18</sup>

No conflicts are apparent between the proposed rezoning and any adjacent or nearby agricultural activity. There are no farming activities on adjacent land. Land directly south, while zoned E-40, is in forest production and in forest tax deferral. See Table B, above.

### **Goal Four: Forest Lands**

#### **Policy 1:**

**Conserve forest lands by maintaining the forest land base and protect the state's**

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<sup>18</sup> Gutoski v. Lane County, 34 Or LUBA 219, 225 n4 (1998), aff'd 155 Or App 369, 963 P.2d 145 (1998).

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

**Forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water, and fish and wildlife resources.**

This policy implements Statewide Planning Goal 4 by defining "forest lands" and requiring they be used consistent with the goal. The subject property qualifies as Forestland. See discussion in connection with Statewide Planning Goal 4 above. Therefore, the proposed plan change/zone change from AG/E-40 to Forest/F-2 furthers this policy by adding additional land to the State's forest land base.

**Policy 2:**

**Forest lands will be segregated into two categories, Non-impacted and Impacted and these categories shall be defined and mapped by the general characteristic specified in the Non-Impacted and Impacted Forest Land Zones General Characteristics**

The proposal is for a designation change from AG to Forest and a zone change from E-40 to F-2. The F-2 designation is supported by the general characteristic specified in Policy 16 below. Because the subject property is justified as being zoned Impacted, this policy has been met.

**Policy 3:**

**Prohibit residence on Non-Impacted Forest Lands except for the maintenance, repair or replacement of existing dwellings.**

Because the subject property is already developed with a residence, this policy further supports a zoning of F-2 Impacted Forestlands.

**Policy 16:**

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

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

Characteristics of the land, not the ownership of it, control the analysis. (See Exhibit S - Ord. PA 1236, pg. 8). Focus is on the subject property and the land in the immediate vicinity. Legal lot status is irrelevant. Ownership means, 'land being proposed for rezoning.' This can be an entire property or a portion of it. Where it is a portion of a larger lot, analysis is limited to the portion under consideration for rezone. See Ord. PA 1236, page 9 – 10. The critical focus of the analysis is on the property proposed for rezoning and the characteristics that property has that mitigate toward consideration of applying F-1 or F-2. See Ord PA 1236, page 9.

The analysis under Goal Four, Policy 15 does not required a precise mathematical computation since the focus is on all the characteristics and whether, on balance, the land proposed for rezoning more closely corresponds to the F-1 or F-2 characteristics. (See Exhibit S - Ord. PA 1236, pg. 10)

**b. Non-impacted Forest Land Zone characteristics:**

- (1) Predominantly ownerships not developed by residences or non forest uses.”**

The County has determined that this provision focuses on the subject property itself (not surrounding property) and whether it is developed with residences or nonforest uses. See Exhibit P and S. The absence of residential development or other nonforest use is a characteristic of F-1 zoning.

The subject property is developed with a homestead dwelling constructed in 1900. Therefore, the subject property does not meet this F-1 characteristic.

- (2) Predominantly contiguous, ownerships of 80 acres or larger in size.**

Response: Under Ordinance PA 1236 (Exhibit S), the focus is on the subject property and any underlying contiguously held properties. Contiguous is defined as,

“Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street \*\*\* shall not be considered contiguous. \*\*\* The intent of this provision is to look within the land being proposed for rezoning to determine whether or not that land being proposed for rezoning

consists of contiguous land owned by the applicant that is 80-acres or larger in sizes.” (Ord. PA 1236, pg. 10).

In other words, if the property being proposed for rezoning contained within it four parcels all owned by the same owner, and each of the parcels was 21 acres, then the land proposed for rezoning would contain 84 acres. But if the property proposed for rezoning was a 40-acre portion of a larger 160 acres parcel or a 40 acre lot contiguous to four 20-acre parcels owned by the applicant, review is restricted to the 40-acre subject property.

Being a large, contiguously held property is a characteristic of F-1 zoning.

The subject property is 78 acres of contiguous ownership. Therefore, the subject property does not meet this F-1 characteristic.

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

Response: The County has determined that this provision focuses on property adjacent to (contiguous to) the subject property, and whether it is utilized for commercial forest/farm uses. See Exhibit P and S. While not conclusive, the following factors can be considered in determining whether surrounding uses are being utilized for farm/forest use: parcel size, tax deferral, and other factual information. However, the determination of whether a property is in “commercial” farm or forest use is weighed against a different set of standards.

The County has interpreted Policy 15 as being “crafted as a means to distinguish large-scale industrial forest land from small-scale non-industrial forest land.” Ordinance 1236, page 8.

*“Forest lands less than 80 acres in size and developed with residential uses or other nonforest uses, generally received Impacted Forest land (F2) [zoning]. Public forested lands and larger commercially managed forest lands, forest lands that were not impacted by nonforest uses, particularly in the ownership of industrial forest operators, were [zoned] as Nonimpacted Forest Lands (F-1).”* Ordinance 1236, Page 9. Emphasis added.

Based on the above, commercial forest use leans toward public lands and lands that are large scale and in industrial forest operator control and ownership. Examples of lands that fall squarely under the umbrella of “large scale industrial forest land” include lands owned by Rosboro Lumber Co. (292 holdings and more than 2,000 acres of land in forest use in Lane County); Weyerhaeuser (1668 holdings and more than a 100 thousand acres of land in forest use in Lane County); Davidson Industries (200 holdings and more than 2,000 acres of land in forest use in Lane County); Seneca Lumber (168 holdings and more than

1,000 acres of land in forest use in Lane County); and McDougal Bros (92 holdings and more than 1,000 acres of land in forest use in Lane County). See Exhibit TT. This is just a sample. There are hundreds of similar industrial forest land companies holding property in Lane County.

The Oregon Department of Revenue keeps a yearly list of large-scale industrial timber owners. That list is included as Exhibit TT. Of the adjacent property owners, only Rosboro is on the list. See Exhibit TT.

Having commercial farm/forest uses on property adjacent to the subject property is a characteristic of F-1 zoning.

There are seven properties adjacent to the subject property. See Exhibits EE and Table A, above. The details are set out in Table F below. Only one of the contiguous properties is in commercial forest use. None are in commercial farm use.

Table F  
 Contiguous Property and Commercial Use

Tax Lot	Ownership	Parcel size	Holdings in Lane County Parcels/acres  Ex. TT	Comments
TL 200	Rosboro Lumber Co.	65 acres	292 parcels/more than 2,000 acres	Given the number of holdings and amount of land in forest production in Lane County, and given the fact that Rosboro is included on the state's list, this property is part of a large scale industrial operation and should be considered to be in commercial forest use.
TL 700 (west portion)	Ravin Ventures, LLC	40 acres	4 parcels/200 acres.	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This is a small-scale, non industrial use.
TL 500	J. Paschelke	85 acres	5 parcels/217	Given the limited number of

			acres	holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This is a small-scale, non industrial use.
TL 601	J. Paschelke	.68 acres	5 parcels/217 acres	Given the limited number of holdings and amount of land owned and in forest production, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. Furthermore, this parcel is too small to be in commercial forest use.
800(west portion)	Dustrude	8.19 (mostly on other side of road)	1 parcel/8 acres	Zoned RR5; developed with a residence. No forest use.
Marcola Road	Lane County			Road. No forest use.
TL 600	Christoffersen	1.86	1 parcel/1.86 acre	Zoned RR5; developed with a residence. No forest use.

Based on the above, of the seven contiguous properties, one is in commercial forest use and six are not.

Therefore, the subject property does not meet this F-1 characteristic.

It is worth noting that even if TLs 700 (west) and 500 are considered to be in commercial forest use, the subject property still does not meet this F-1 characteristic because, even then, only three of the seven are in commercial forest use.

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

Response: The County has determined that this provision focuses on the subject property and the type of access to it. See Exhibit PP. Access by an arterial road or forest management road is a characteristic of F-1 zoning.



The subject property has direct access to Marcola Road, a local collector. The purpose of Marcola road is to move traffic from Hwy 228 to Springfield and to support local residential transportation. Therefore, the subject property does not meet this F-1 characteristic.

*“(5) Primarily under commercial forest management.”*

Response: The County has determined that this provision focuses on the subject property and whether it is utilized for commercial forest/farm uses. See Exhibit PP. While not conclusive, the following factors can be considered in determining whether surrounding uses are being utilized for farm/forest use: parcel size, tax deferral, and other factual information. However, the determination of whether a property is in “commercial” farm or forest use is weighed against a different set of standards.

The County has interpreted Policy 15 as being “crafted as a means to distinguish large-scale industrial forest land from small-scale non-industrial forest land.” Ordinance 1236, page 8.

*“Forest lands less than 80 acres in size and developed with residential uses or other nonforest uses, generally received Impacted Forest land (F2) [zoning]. Public forested lands and larger commercially managed forest lands, forest lands that were not impacted by nonforest uses, particularly in the ownership of industrial forest operators, were [zoned] as Nonimpacted Forest Lands (F-1).”* Ordinance 1236, Page 9. Emphasis added.

Based on the above, commercial forest use leans toward public lands and lands that are large scale and in industrial forest operator control and ownership. Examples of lands that fall squarely under the umbrella of “large scale industrial forest land” include lands owned by Rosboro Lumber Co. (292 holdings and more than 2,000 acres of land in forest use in Lane County); Weyerhaeuser (1668 holdings and more than a 100 thousand acres of land in forest use in Lane County); Davidson Industries (200 holdings and more than 2,000 acres of land in forest use in Lane County); Seneca Lumber (168 holdings and more than 1,000 acres of land in forest use in Lane County); and McDougal Bros (92 holdings and more than 1,000 acres of land in forest use in Lane County). See Exhibit TT. This is just a sample. There are hundreds of similar industrial forest land companies holding property in Lane County.

The Oregon Department of Revenue keeps a yearly list of large-scale industrial timber owners. That list is included as Exhibit TT. Ravin Ventures is not on the list.

Having commercial farm/forest uses on the subject property is a characteristic of F-1 zoning.

TL 700 (east portion)	Ravin Ventures, LLC	78 acres	4 parcels/200 acres.	Given the limited number of holdings and amount of land owned and in forest production and given that Raven Ventures is not included on the state's list, this property is not part of a large scale industrial operation and should not be considered to be in commercial forest use. This is a small-scale, non industrial use.
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Because the owner of the subject property has a small amount of forest production land and holdings, the property is not in large scale industrial operation. It does not meet this F-1 requirement.

**F-1 Zoning Test**

<b>Non-impacted Forest Land Zone (F-1, RCP) Characteristics</b>	<b>Does the Subject Property Meet this Element?</b>
<i>1. Predominantly Ownerships not developed by residences or nonforest uses</i>	No. The property is developed with a residence.
<i>2. Predominantly contiguous, ownerships of 80 acres or larger in size</i>	No. The property is less than 80 acres
<i>3. Predominantly ownership contiguous, to other lands utilized for commercial forest or commercial farm uses.</i>	No. Only one contiguous ownership out of seven are utilized for commercial forest or farm uses
<i>4. Accessed by arterial roads or roads intended primarily for forest management.</i>	No. Adjacent to Marcola Road, a local county road.
<i>5. Primarily under commercial forest management.</i>	No. The property is small-scale nonindustrial land and is therefore not in commercial forest use.
<b>CONCLUSION</b>	<b>Should not be zoned F-1 because it none of the characteristics (0 of 5)</b>

(c) Impacted Forest Zone characteristics: \*\*\*\*

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

Response: The County has determined that this provision focuses on the subject property itself (not surrounding property) and whether it is developed with residences or nonforest uses. See Exhibits PP. A property developed with residence or other nonforest use is a characteristic of F-2 zoning. This criterion is a mirror of Policy 16(b)(1).

The subject property is developed with a residence constructed in 1900. See Exhibits GG and I. It is currently occupied. Therefore, the subject property meets this F-2 characteristic.

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

Response: The County has determined that this provision focuses on the subject property itself (not surrounding property) and its size. See Exhibit PP. Property containing 80 acres or less is a characteristic of F-2 zoning.

The subject property is 78 acres, smaller than 80 acre threshold. Therefore, the subject property meets this F-2 characteristic.

Please note that the Board of County Commissioners has already determined that portions of property can be rezoned. Ordinance 1236, Pages 9-10 and 14, attached as Exhibit PP.

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

Response: The County has determined that the focus of this criterion is on contiguous properties and properties in the “general area.” (Ord. PA 1236, pg. 10).

Ordinance 1236 interprets “generally contiguous” to mean in the general area. See page 10 of the Ordinance. Exhibit PP. The distance can be pushed in some or all directions and can cross roads, streams and other barriers. (Ord. PA 1236, pg. 10). How wide and how far is determined on a case by case basis. (Ord. PA 1236, pg. 10). This provision is two fold: F-2 should be applied (1) where adjacent and nearby properties are less than 80-acres and developed, or (2) where adjacent or nearby properties are within a developed or committed exception area.

Ordinance 1236 interprets “adjacent” to mean general vicinity. The term adjacent looks,

*“even further beyond the nearby tracts or across intervening right of way to acknowledge*

*the impact of development within developed and committed exception areas in the general vicinity of the land being proposed for rezoning. It is a broader look at the complete tapestry of uses and development, particularly nonresource uses, in the general area. It does not depend on contiguity for that consideration.*" Ordinance 1236, Page 10.

Generally Contiguous Tracts: There are 34 tracts that are "generally contiguous," as the term is addressed in Section I.D, page 5 above. These tracts are included in Table A, above. Of the 34 generally contiguous tracts, 24 (71%) are less than 80 acres and contain a dwelling.

Developed and Committed Tracts: The subject property is adjacent to a developed and committed exception area to the northeast, east and southeast. There are 34 tracts in the "general vicinity," as the term is address in Section I.D, page 5 above. Of the 34 tracts, 24 (71%) are in developed and committed exception areas.

In summary, of 34 "generally" contiguous tracts, 71 percent are less than 80 acres and contain a dwelling and 71 percent are in a developed and committed exception areas. Therefore, the subject property meets this F-2 characteristic.

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

Response: The County Board has determined that this provision focuses on the subject property itself (not surrounding property) and access to services. See Exhibit PP. In Lane County, rural services typically include: power, road access, telephone, police, ambulance, fire, and schools. Not typically included are public stormwater, public water or public sewer.

The subject property has direct access onto Marcola Road, a local county road. Power and telephone services are already connected to the site to serve the existing dwelling. The site is served by the Mohawk Rural Fire Protection District, the Lane County Sheriff's Department, the State police department, Mohawk ambulance services and the Marcola School district. See discussion under Goal 11. In summary, the subject property is already developed with a residence which has access to power, transportation facilities, telephone, police, ambulance, fire and schools. Therefore, the subject property meets this F-2 characteristic.

**F-2 Zoning Test**

F-2 Zoning Criteria	Does the Subject Property Meet this Element?
Predominantly ownerships developed by residences or nonforest uses.	Yes. Property is developed with a residence

Predominantly ownerships 80 acres or less in size.	Yes. Parcel is 78 acres is size.
Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.”	Yes. Of the 34 “generally contiguous” tracts, 24 are less than 80 acres with a dwelling; 24 are in developed and committed exception areas.
Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.	Yes. The area is highly developed. The property is adjacent to Marcola Road with access to power, cable, DSL, police, fire and emergency services. And is near the communities of Marcola and Mabel.
<b>CONCLUSION</b>	<b>The subject property should be zoned F-2 because it meets four of the four F-2 characteristics (4 of 4)</b>

Based on the above analysis, the “*characteristics of the land correspond more closely to the characteristic of the proposed zoning [F-2] than the characteristics of the other forest zone [F-1].*” The subject property meets none of the F-1 characteristics, and meets four of the four F-2 characteristics. Therefore, F-2 zoning is supported.

**Goal Five: Opens Spaces, Scenic and Historic Areas and Natural Resources**

**Flora and Fauna Policy 7:**

Because of incomplete County coverage by, and interpretation of, the National Wetlands Inventory, wetland resources are to be considered “significant” in terms of OAR 660-16-000/025 and placed in “1B” and “1C” categories. Major wetlands designated “1C” resources shall be protected per the “3C” option through a combination of existing County Coastal and Greenway zoning regulations, and federal/state ownership; where these do not occur, an appropriate wetlands zoning district shall be developed and applied. Other wetlands from the National Wetlands Inventory shall be evaluated per “1B” requirements within two years of the date of Plan adoption, and decisions made on the protection or use of the resource. The County shall consider enlarging the list of protected per Goal 5 requirements if it is clearly demonstrated that an unprotected significant wetland(s) is likely to be significantly impacted by a land use action over which the County has jurisdiction.

See discussion of wetlands resources under Statewide Planning Goal 5. The County has not yet supplemented its inventory of wetlands resources, as anticipated by this policy. The subject property contains no wetland resources inventoried in the county plan. Hence, this policy is not directly applicable to this development proposal. Furthermore, this proposal does not result in any development or uses that would otherwise disturb wetlands. Forest practices on the land are governed by the Forest Practices Act.

No other Comprehensive Plan policies apply.

## V. COMPLIANCE WITH LANE CODE CRITERIA FOR PLAN CHANGES

LC 16.400(6)(h) sets out the criteria for amending the county plan designation. Each of the criteria is addressed here. Where a criterion incorporates a Statewide Planning Goal, LCDC Rule, or Rural Plan Policy, reference is made the relevant part of the narrative above so as to avoid repetition.

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

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

This criterion makes general reference to other sources of standards that apply to plan changes. Those other standards are addressed elsewhere in this narrative.

- (bb) **For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:**
  - (i-i) **necessary to correct an identified error in the application of the Plan; OR**
  - (ii-ii) **necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR**
  - (iii-iii) **necessary to comply with the mandate of local, state or federal policy or law; OR**
  - (iv-iv) **necessary to provide for the implementation of adopted Plan policy or elements; OR**

- (v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

This criterion offers a smorgasbord of policy choices from which the county may select to justify initiating the plan change. At least two are relevant to this application. Item (iv-iv) allows the plan change if it implements the Rural Plan Policies. Goal Four, Policy 1 of the Rural Plan Policies anticipates the preservation of Forest lands by maintaining a forest land base. This proposal implements that policy because the subject property qualifies as forest land under the Goal 4 definition.

Item (v-v) invites the county to make plan changes that are desirable, appropriate or proper. This proposal also meets that criterion. Where lands qualify as both farm and forest lands, OAR 660-006-0015(2) states,

*When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*

Furthermore, the Lane County Rural Comprehensive Plan Agricultural Lands working paper, page 6, provides:

*“Agricultural/Forestry Goal Interrelationship*

*In an inventory of agricultural lands and forest lands there will by many instances where land will meet Goal definition for both categories. According to [LCDC’s] policy, farm and forest uses are compatible and either designation may be made without taking an exception to the other goal. The factors used to select a designation need to be documented in the Plan. The policies within the Plan will support one designation over another depending on the situation. The county should consider the following items in addressing overlapping lands: \*\*\*.”*

Those items and the analysis are discussed in detail under Section IV, above. The analysis shows that a plan change to Forest is desirable, appropriate and proper based on the review set forth.

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

Compliance with individual policies in the Rural Plan Policies is discussed thoroughly

above.

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

The existing structure of the plan anticipates Resource plan designations. As discussed above, this designation is also consistent with relevant policies in the Rural Plan Policies.

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

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

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

This is a minor amendment to the plan which requests a change to the Plan Diagram for the subject property – from Agriculture to Forest. No goal exceptions are requested. This application demonstrates that the subject property is not Agricultural land, but Forest land.

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

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

This description has been provided throughout this supporting statement.

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

The required analysis is provided above.

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

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



See detailed discussion in Section II, above. To summarize, the subject property is located in a sea of Forest land. Furthermore, it is adjacent to an RR exception area. Some of these uses are on land planned and zoned for resource use, and others are on land that is planned and zoned for Nonresource uses. See Tables A and B and supporting narrative, above.

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

The public facilities and services available or to be provided to the site are discussed in detail above. For a discussion of each facility and service, see the Goal 11 discussion above. For a further discussion of transportation facilities, see the Goal 12 discussion above. In summary, because the site is already developed with a residence, because it is in a highly developed area, and because it is close to the rural communities of Marcola and Mable, all facilities and services are available to the site.

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

This discussion appears in detail in other parts of this statement. The proximate natural resources to consider are those that are identified as Goal 5 resources in the comprehensive plan. The impact on these resources is discussed as part of the Goal 5 analysis above.

This proposal will have no adverse impact on proximate resource lands because the subject property will remain in resource designation and zoning.

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

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

**(gg) For a proposed amendment to a nonresource designation or a Marginal Lands designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983).**

This provision is not applicable.

**V. COMPLIANCE WITH LANE CODE CRITERIA FOR ZONE CHANGES**

This proposal requests a change from E-40 zoning to F-2 zoning. LC 16.252 sets out standards for zone changes. The facts relevant to the zone change standards are largely redundant with the facts relevant to plan policies and the Statewide Planning Goals. The LC 16.252 standards are stated here and addressed, with appropriate references to other parts of this narrative.

**LC 16.252(2): Criteria.**

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

**General purposes of Chapter 16:**

LC 16.003 sets forth 14 broadly-worded purpose statements that include a provision to ensure that development is commensurate with the character and physical limitations of the land. Rezoning from E-40 to F-2 implements the proposed plan amendment to Forest land. The public interest is served by recognizing that the land is Forest land rather than Agricultural land.

**Purpose of F-2 Zone:**

The F-2 zone is intended to preserve forestland in Lane County while recognizing that some forest lands are better than others. The proposed zoning is consistent with these stated purposes of the zone by recognizing that the subject property lies in a heavily developed area and is more appropriately zoned F-2.

**Rural Comprehensive Plan Criteria:**

The Rural Plan Policies provide the policy basis for comprehensive plan and implementing regulations, provide direction for land use decisions, and fulfill LCDC planning requirements. Compliance with relevant Comprehensive Plan policies is addressed elsewhere in this narrative.

**Lane Code Criteria:**

**LC 16.004(4):**

**Prior to any rezoning, that will result in the potential for additional parcelization, subdivision or water demands or intensification of uses beyond normal single-family residential water usage, all requirements to affirmatively demonstrate adequacy of long-term water supply must be met as described in LC 13.050(13)(a)-(d).**

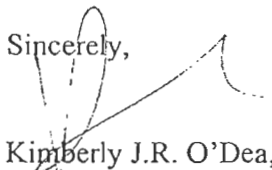
The request is a rezone from E-40 to F-2. These zoning districts both implement resource designations. The rezone will not result in any additional parcelization. In fact, the minimum lot size for partitions and subdivision is larger in the F-2 zoning district than in the E-40 district.

#### **IV. CONCLUSION:**

The subject property qualifies as both Agricultural land and Forest land based on soils and productivity. The Statewide Planning Goals give equal weight and value to Forest lands and Ag lands. Lands that qualify as both can be given either designation so long as the factors used to determine the designation are identified. See OAR 660-006-0015(2). The factors that Lane County used to determine the designation of these dual lands are identified in the Agricultural Working Paper of the Lane County Comprehensive Plan. See Exhibit J. The main factor requires an evaluation of (1) local circumstances and (2) Goal factors. Local circumstances, which include the existing and past use of the subject property and surrounding land usage, zoning and designation, establish that the subject property is more properly designated Forest. Goal factors establish that the subject property meets both Goal 3 and Goal 4 factors and is therefore properly designated as either. Therefore, because the subject property meets Goal 4 factors and because local circumstances establish that the property is more properly designated Forest, the proposed redesignation should be approve.

Whether Forest designated land should be zoned F-1 or F-2 is determined by Forest Policy 16 in the Rural Comprehensive Plan. An evaluation of these policies establishes that the subject property is properly zoned F-2, rather than F-1. Therefore, the proposed rezone to F-2 should be approved.

Sincerely,

  
Kimberly J.R. O'Dea, AICP  
Attorney at Law

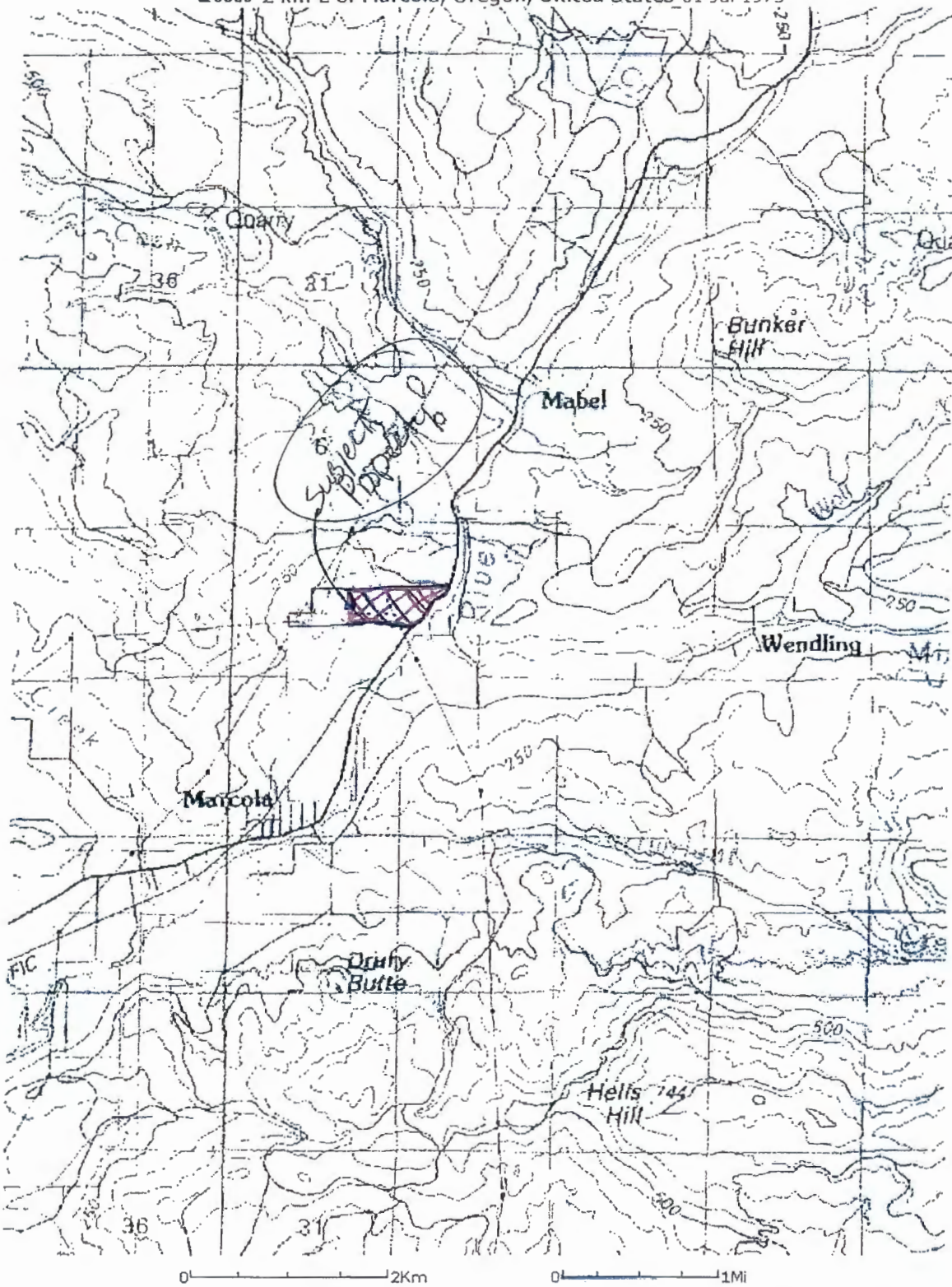
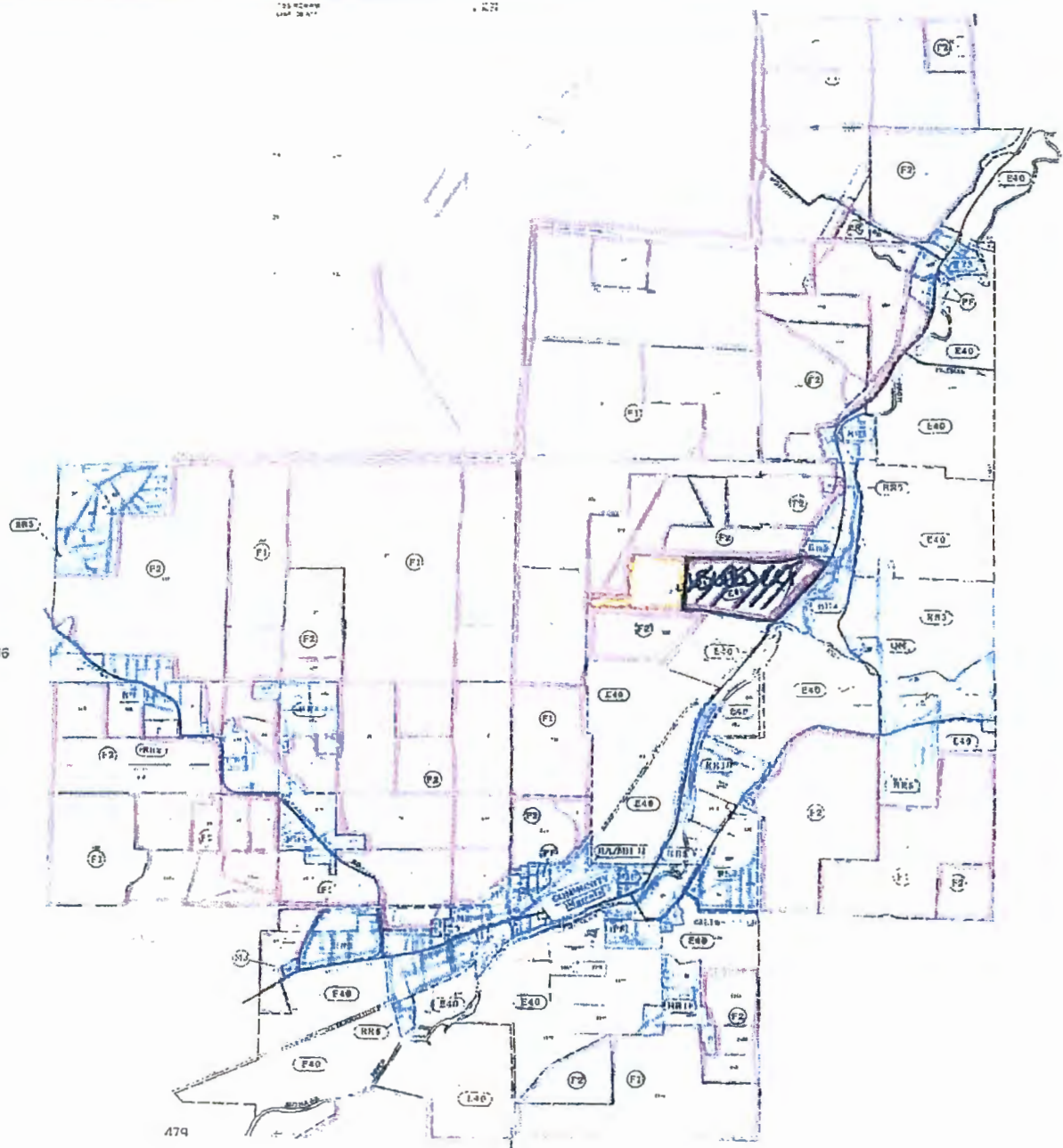


Image courtesy of the U.S. Geological Survey  
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Supplemental  
 BB<sub>2</sub>

466

474



See Oversized Exhibit

Supplemental  
EXHIBIT E/1  
AMENDED

*See  
Resized  
Exhibit*

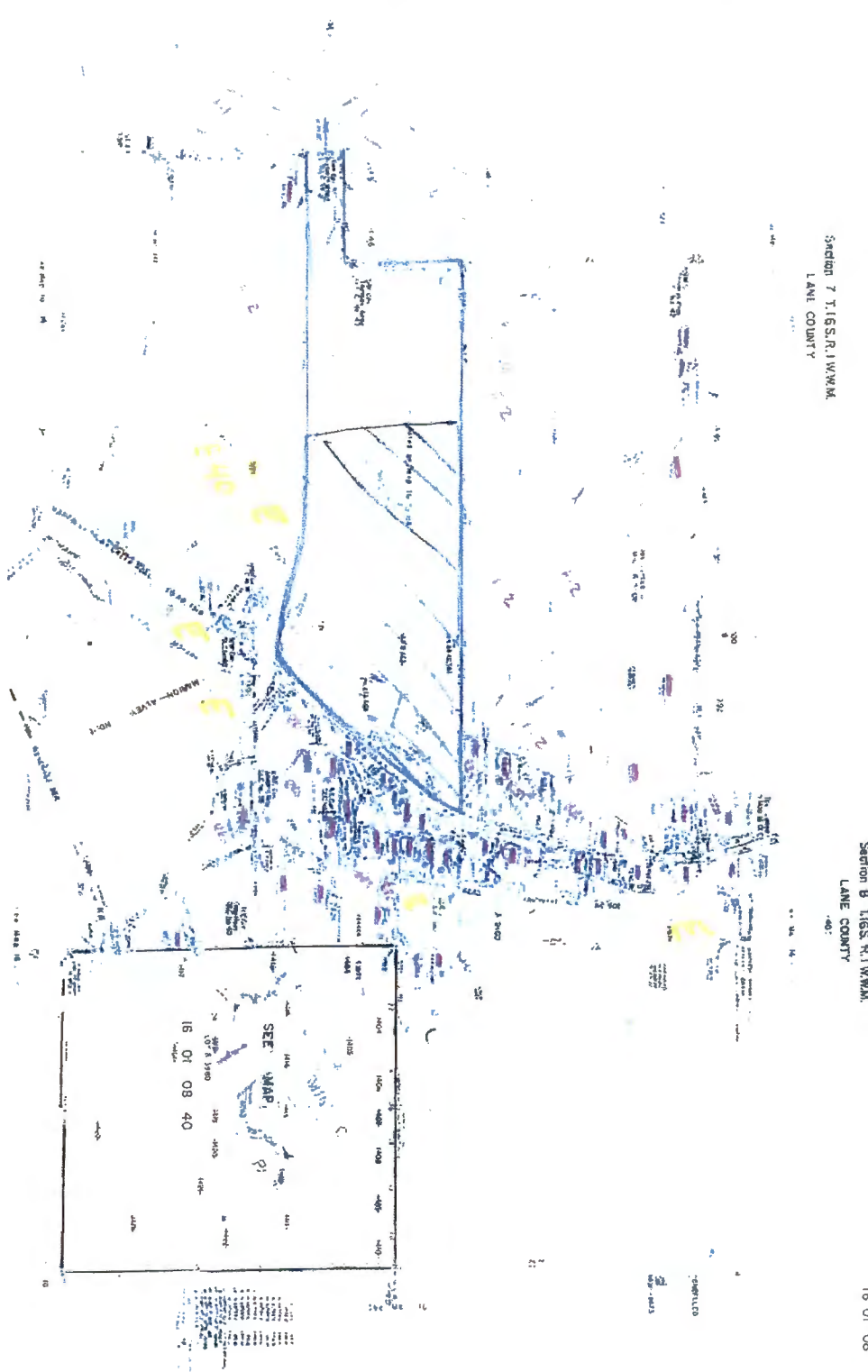
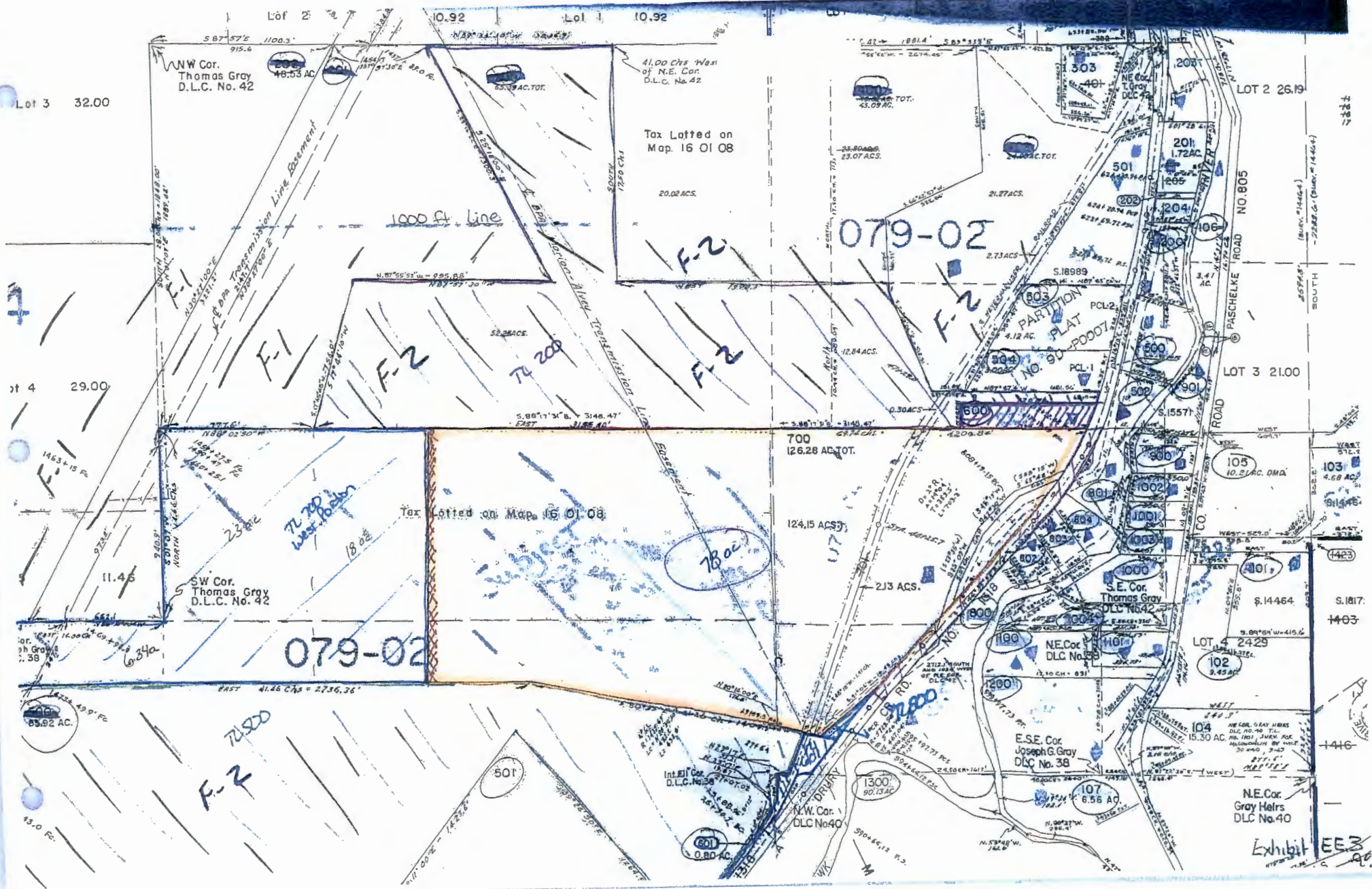


EXHIBIT EE 2



NW Cor. Thomas Gray D.L.C. No. 42

41.00 Chs West of N.E. Cor. D.L.C. No. 42

SW Cor. Thomas Gray D.L.C. No. 42

E.S.E. Cor. Joseph G. Gray D.L.C. No. 38

N.E. Cor. Gray Heirs D.L.C. No. 40

Tax Latted on Map. 16 01 08

Tax Latted on Map. 16 01 08

079-02

079-02

F-2

F-2

F-2

78 ac

700

700

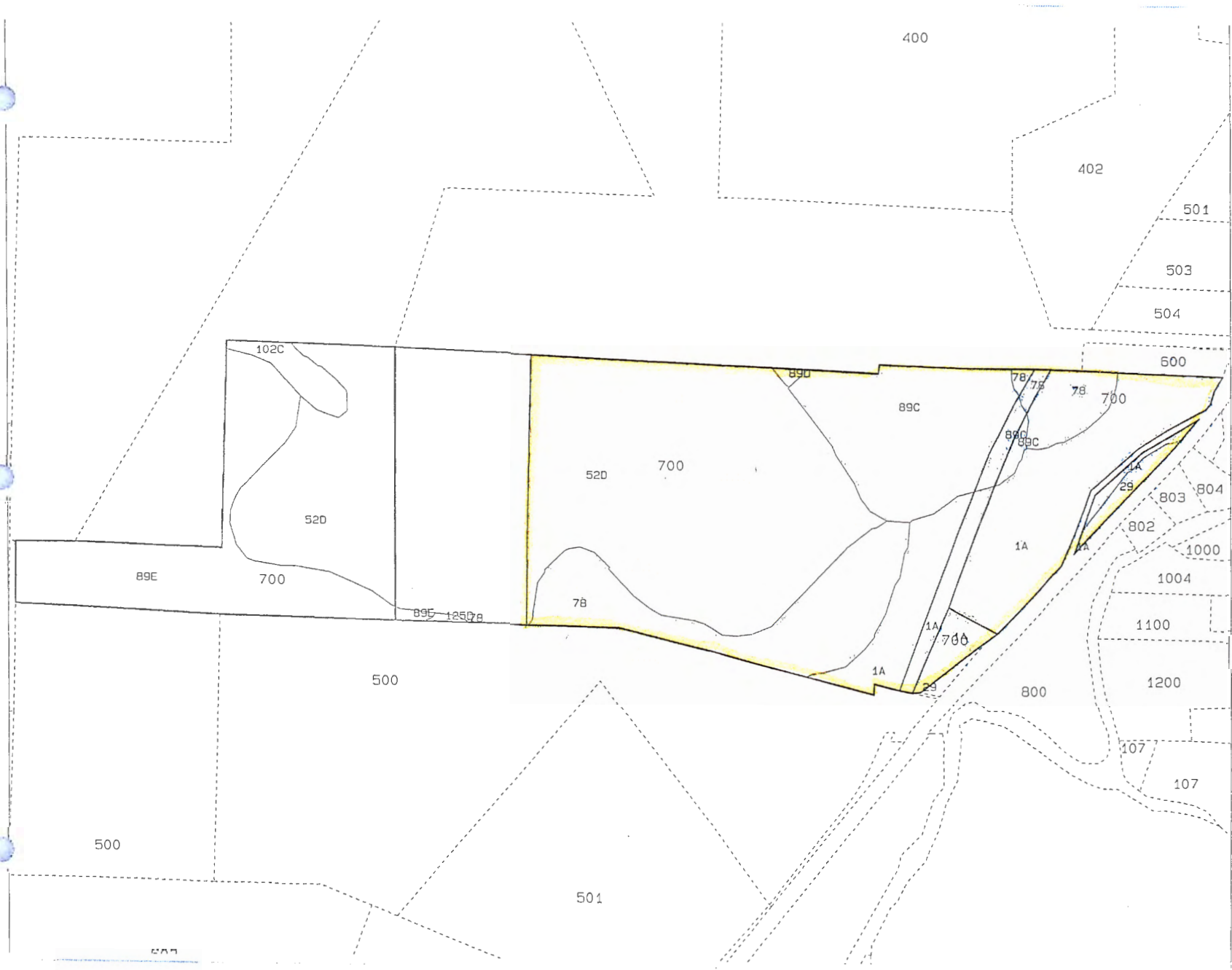
LOT 2 26.19





LOT 3 21.00

LOT 4 24.29

Exhibit EE3

16010800 lot 700



-  High Value
-  Hi-val if dr.
-  Kim O'D
-  750'2

Survey Report

Exhibit FF  
Scale 1:4800



SOIL MAP UNITS IN ACRES  
FOR MAP 16010800 LOT 700

MAP UNIT SYMBOL	AREA IN ACRES	PERCENT	SOIL NAME	COMPONENT NAME	AGRICULTURE CAPABILITY CLASS
52D	<del>32.15</del> 32.068		HAZELAIR SILTY CLAY LOAM, 7 TO 20 PERCENT SLOPES	HAZELAIR	4
89C	12.501		NEKIA SILTY CLAY LOAM, 2 TO 12 PERCENT SLOPES	NEKIA	3
3	13.410		MCALPIN SILTY CLAY LOAM	MCALPIN	2
89D	0.163		NEKIA SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES	NEKIA	3
1A	18.974		ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES	ABIQUA	1
29	0.884		CLOQUATO SILT LOAM	CLOQUATO	2

TOTAL 78 ACRES

Supplemental  
EXHIBIT FF

100



EXHIBIT G6

RLID Property Report

PROPERTY REPORT - LANE COUNTY

Account # 4210181

Map, Tax Lot, & SIC # 16-01-08-00-00800

Site Address:	
Owner Name & Address: Dustrude Ray O & Ida M 92885 Marcola Rd Marcola , OR 97454	Taxpayer Name & Address: Dustrude Ray O & Ida M 92885 Marcola Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 0028736, 1178795	

Approximate Tax Lot Acres	8.19 356,756'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	Marcola
UGB:		Lot #		Middle	Marcola
Census Tr/BlkGrp:	0200/2	Recording #		High	Mohawk

Zoning:	Parent/Overlay	RR5
Statistical Class:	190	Manufactured Home On Real Property
Land Use:	9101	Broadleaf Brush
Property Class:	409	Tract, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2007	\$0	\$80,520	\$80,520	\$59,872
2006	\$0	\$76,690	\$76,690	\$58,128
	2007 Taxable Value \$ 59,872	2007 Taxes \$570.82	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
------	-------	---------	---------	--------------

Manufactured Structure

Model Year:	1994	Make:	Fleetwood
Serial Number:	16229	Plate Number:	X229233
Length:	58	Width:	24
Model:			

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

Ex I  
103

PROPERTY REPORT - LANE COUNTY

Account # 0028736

Map, Tax Lot, & SIC # 16-01-08-00-00800

Site Address: 92885 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Dustrude Ray O & Ida M 92885 Marcola Rd Marcola , OR 97454	Taxpayer Name & Address: Dustrude Ray O & Ida M 92885 Marcola Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 1178795, 4210181	

Approximate Tax Lot Acres	8.19 356,756'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	Marcola
UGB:		Lot #	TL 00800	Middle	Marcola
Census Tr/BlkGrp:	0200/2	Recording #		High	Mohawk

Zoning: Parent/Overlay	RR5
Statistical Class:	
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	409 Tract, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2007	\$102,857	\$0	\$102,857	\$34,340
2006	\$77,922	\$0	\$77,922	\$33,340

2007 Taxable Value  
\$ 34,340

2007 Taxes  
\$300.66

Tax Code Area  
07904

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished		
Year Built:				Bsmt Garage Sqft	
Bedrooms				Att Garage Sqft	
Full Baths				Det Garage Sqft	
Half Baths				Att Carport Sqft	
% Improvmt Complete					

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

PROPERTY REPORT - LANE COUNTY

Account # 0028702

Map, Tax Lot, & SIC # 16-01-08-00-00600

Site Address: 93000 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Christoffersen Merina E 93000 Marcola Rd Marcola , OR 97454	Taxpayer Name & Address: Christoffersen Merina E 93000 Marcola Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	1.86 81,022'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	Marcola
UGB:		Lot #	TL 00600	Middle	Marcola
Census Tr/BlkGrp:	0200/2	Recording #		High	Mohawk

Zoning: Parent/Overlay	RR5
Statistical Class:	190 Manufactured Home On Real Property
Land Use:	1111 Single Family Housing
Property Class:	409 Tract, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value	
			Real Market	Assessed
2007	\$169,880	\$99,470	\$269,350	\$114,052
2006	\$128,697	\$94,730	\$223,427	\$110,730
2007 Taxable Value		2007 Taxes	Tax Code Area	
\$ 114,052		\$1,087.37	07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
10-31-2002	\$148,500	Wechter Carolyn S & Tracy K	Christoffersen Merina E	20-02-085010
07-25-1996	\$134,900	Mc Lean, Robert A & Lisa M H&w		96-05063200

Residential Building # 1 (of 2 ) Characteristics 21 stat 110 or 120

		Square feet	Base	Finished		
Year Built:	1930	Basement			Bsmt Garage Sqft	
Bedrooms	1	First	704	704	Att Garage Sqft	
Full Baths	1	Second			Det Garage Sqft	
Half Baths		Attic			Att Carport Sqft	
% Improvmt Complete	100	Total	704	704		

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

Send To Printer Back To TerraServer Change to 11x17 Print Size Show Grid Lines Change to Landscape

USGS 2 km NE of Marcola, Oregon, United States 01 Jul 1988

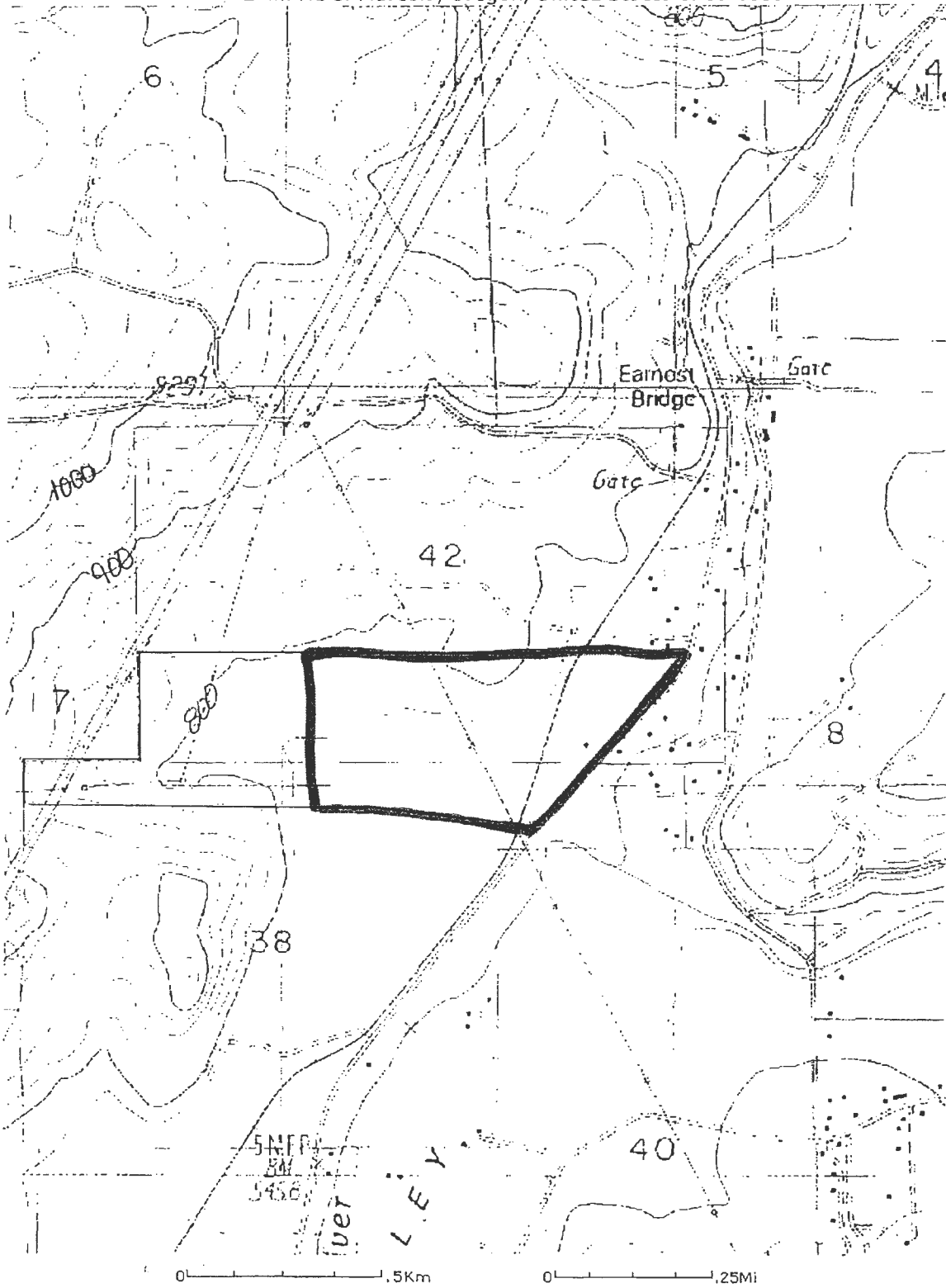


Image courtesy of the U.S. Geological Survey

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Supplemental EXHIBIT KK

106

FINDINGS OF FACT AND CONCLUSIONS OF LAW

for

A CONFORMITY DETERMINATION AMENDMENT  
PURSUANT TO RCP GENERAL PLAN POLICIES – GOAL TWO, POLICY 27. a. vii.

ADOPTING THE PLAN DESIGNATION OF FOREST (F)  
AND THE ZONING DESIGNATION OF IMPACTED FOREST LAND (F-2)  
FOR 37.5 ACRES LOCATED IN SECTION 32, TOWNSHIP 20, RANGE 2 WEST,  
WILLAMETTE MERIDIAN, AND IDENTIFIED AS A PORTION OF TAX LOT 1700 OF  
LANE COUNTY ASSESSOR MAP 21-02-06

and

ADOPTING SAVINGS AND SEVERABILITY CLAUSES

APPLICATION NO. PA 06-5476

ORDINANCE NO. PA 1236

Applicant: Symbiotics, LLC  
Owner : U.S. Army Corp of Engineers  
Applicant's Agent: Erik Steimle  
Ecosystems Research Institute  
Applicant's Attorney: Paul Vaughan  
Hershner Hunter, LLP

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

In support of our adoption and enactment of Ordinance No. PA 1236, we make the following findings of fact and conclusions of law.

### GENERAL FINDINGS AND CONCLUSIONS:

The property subject to this Conformity Determination Amendment (the Subject Property) is located north of the centerline thread of the Row River, south of Row River Road and east of the Developed and Committed Exception Area Plot #453-R1 (which exception area is located east of the intersection of Row River Road and Shoreline Drive). The property includes the Dorena Dam and spillway. The eastern boundary of the property extends south of Row River Road and north of the shoreline of Dorena Reservoir to the eastern boundary of Official Plan Plot # 453 and Official Zoning Plot # 453 as depicted on Attachment "A" and Attachment "B", respectively. The property includes the right-of-way of the Oregon Pacific Electric Railroad (OPERR) and the southern right-of-way of Row River Road within Official Zoning Plot # 453. The property is approximately six miles east of Cottage Grove and is outside of the City of Cottage Grove urban growth boundary.

The Subject Property includes an approximately 37.5 acre portion of a 970.71-acre parcel owned by the U.S. Army Corp of Engineers (ACOE) that is tax lotted on Assessor's Map 21-02-06-00 as Tax Lot 1700. The 970.71-acre ACOE parcel was developed between approximately 1942 and 1949 with the Dorena Dam which impounded waters of the Row River and created the Dorena Reservoir, which occupies most of the 970.71 acre ACOE parcel.

On August 29, 1978, Lane County enacted Ordinance No. 688 that zoned lands within the Row River-London Subarea that included the Subject Property. The Subject Property was zoned FF-20 (Farm-Forest District-20 acre minimum parcel size) pursuant to that 1978 ordinance. A portion of the ACOE parcel immediately south of the Subject Property was included within the Public Reserve (PR) zone described in Lane Code Chapter 10, which is a zone that allows such uses as public parks, playgrounds, hunting and fishing lodges, government buildings and other intensive, non-forest uses and the rest was zoned FF-20.

In 1984, Lane County enacted Ordinance No. 884 with the stated intent of applying new Rural Comprehensive Plan designations and zoning (Lane Code Chapter 16) to all land outside of urban growth boundaries. Although the ordinance applied new RCP designations and zoning to surrounding properties, there was an apparent oversight with respect to the ACOE parcel—the ordinance failed to apply any RCP designation or zoning to any portion of the ACOE parcel, including the Subject Property. Although that might suggest that the Subject Property is still subject to the FF-20 (Lane Code Chapter 10) zoning applied to it in 1978 pursuant to Ordinance No. 688, 1984 Ordinance No. 884 went beyond merely applying new designations and zoning to properties described in the ordinance—Section 2 of the ordinance (with exceptions not relevant here) specifically repealed all prior plan and zone designations. As a result, we find that 1984 Ordinance No. 884 caused the ACOE parcel that includes the Subject Property to be stripped of any RCP designation and to become unzoned.



LCDC has acknowledged Lane County's Rural Comprehensive Plan and implementing regulations that included the designations and zoning applied by 1984 Ordinance No. 884. Since the 1984 ordinance did not apply any designation or zoning to the Subject Property, arguably the use and development of the Subject Property is not regulated by Lane County zoning ordinances. However, where a property is not subject to any zoning district, it is unclear what, if any, standards apply to the use and development of the property. In order to fill that vacuum and clarify the situation, Symbiotics filed an application for a Conformity Determination requesting that Lane County apply a plan designation and zoning of Impacted Forest Land (F-2, RCP) to the Subject Property. That resource designation, which does not require that the county take a Goal exception, is consistent with the FF-20 designation and zoning that was applied to the Subject Property in 1978 but subsequently repealed in 1984. It is also consistent with the aerial photographs attached as Appendix D to the application that show the current use of the Subject Property.

**GENERAL PLAN POLICIES: GOAL TWO – POLICY 27:**

The Lane County Rural Comprehensive Plan includes General Plan Policies specific to each of the Statewide Planning Goals One through Nineteen as they are implemented in Lane Code. Goal Two policies address Land Use Planning, which includes amendment processes for the Plan and Zoning designations of all properties within the rural lands of Lane County. Policy 27 of Goal Two pertaining to Conformity Determinations provides for the processing of a Conformity Determination Amendment by the Planning Commission and the Board of Commissioners for specific properties when a citizen, public agency or LMD staff shows that the plan and/or zoning designations satisfy one of the eight criteria set out in Policy 27.a.i.-viii.

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

*i. Lawful, structural development existing prior to September 12, 1984 and use of the structures at the time qualified as an allowable use in a developed & committed zone designation other than that designated for the land on an Official Plan or Zoning Plot.*

*ii. Inappropriate Non-impacted Forest Land (F-1, RCP-zoning designation, where criteria of RCP Forest Land Policy 15 indicate that Impacted Forest Land (F-2, RCP) zoning designation is more suitable.*

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

*iv. Correction of a scrivener error on an adopted Official Plan or Zoning Plot.*

*v. Correction of an incompatible split-zoning of a legal lot resulting from a survey boundary line error that was discovered after September 12, 1984.*

vi. *Compliance by a public jurisdiction or agency with a deed restriction on public land.*

vii. *Correction of an inconsistency between the text of an order or ordinance adopted by the board of Commissioners and an Official Plan or Zoning diagram.*

viii. *A circumstance other than as listed in Policy 27. a.i.-vii. above, which the Planning Commission elects to forward a favorable recommendation for consideration by the Board of Commissioners.*

We find that a Conformity Determination Amendment applicable to the Subject Property is appropriate under and consistent with General Plan Policy: Goal Two – Policy 27.a.vii. As stated in the General Findings, pursuant to 1978 Lane County Ordinance No. 688, the Subject Property was zoned FF-20 (Farm-Forest District–20 acre minimum parcel size). However, in 1984, Lane County enacted Ordinance No. 884 which effectively removed any RCP designation from the Subject Property and caused the property to become unzoned. Although the 1984 ordinance was enacted with the stated intent of applying new Rural Comprehensive Plan designations and zoning (Lane Code Chapter 16) to *all land outside of urban growth boundaries*, through an apparent oversight, the ordinance failed to apply any new RCP designation or zoning to the Subject Property. The property was simply omitted from the designation/zoning maps attached to the ordinance. Moreover, to compound the oversight, the 1984 ordinance specifically *repealed all prior plan and zone designations*. This is exactly the type of oversight and circumstances that the Conformity Determinations Policy was intended to address. This Conformity Determination Amendment restores a forestland resource designation to the Subject Property and zoning consistent therewith in accordance with the Lane County Rural Comprehensive Plan Goal 4: Forest Land - Policy 15 criteria discussed below. We also note that Subsection e. of Policy 27 recognizes that a Conformity Determination Amendment may be initiated by a private applicant in addition to being initiated by the county and find that the subject application was appropriately initiated by the applicant in accordance with that subsection.

We find that this Conformity Determination Amendment is a Minor Amendment pursuant to Policy 27.a.vii and Lane Code 16.400(6)(h) and involves applying a plan and zoning designation subject to Lane Code 16.252 processes. We find that no exception to any Statewide Goal, resource or otherwise, is necessary, and that this Minor Amendment is consistent with all applicable Statewide Goals. This Minor Amendment merely corrects an oversight—it causes currently undesignated and unzoned land to be designated for forest resource use and zoned Impacted Forest Land (F-2) in accordance with the county's Goal 4: Forest Land – Policy 15.

#### CONFORMITY DETERMINATION AMENDMENT – GENERAL PROCEDURES:

*Lane Code 16.400(6) Plan Adoption or Amendment – General Procedures. The Rural Comprehensive Plan or any component of such Plan, shall be adopted or amended in accordance with the following procedures:*

\* \* \* \* \*

(h) *Method of Adoption and Amendment.*

(i) *The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.*

(ii) *The adoption or amendment shall be concurrent with an amendment to LC 16.400(4) above. In the case of a Rural Comprehensive Plan adoption, the Code amendment shall place such Plan in the appropriate category. In the case of a Rural Comprehensive Plan amendment, the Code amendment shall insert the number of the amending Ordinance.*

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

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

(bb) *For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:*

(i-i) *necessary to correct an identified error in the application of the Plan;*  
or

(ii-ii) *necessary to fulfill an identified public or community need for the intended result of the component or amendment; or*

(iii-iii) *necessary to comply with the mandate of local, state or federal policy or law; or*

(iv-iv) *necessary to provide for the implementation of adopted Plan policy or elements; or*

(v-v) *otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.*

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

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

(i) *A change of zoning to implement a proposed Plan amendment may be considered concurrently with such amendment. In such case, the Board shall also*

*make the final zone change decision, and the Hearings Official's consideration need not occur.*

We find that this Minor Amendment is adopted by ordinance as required by Lane Code 16.400(6)(h)(i).

We find that pursuant to LC 16.400(6)(h)(iii)(bb)(i-i), Ordinance No. PA 1236 is a Minor Amendment (processed as a Conformity Determination Amendment) necessary to correct an identified error in the application of the Plan. In this case, the discovery of unzoned land in the rural area of Lane County and the intent to apply the appropriate resource designation in conformity with similar actions at the time of adoption of the Rural Comprehensive Plan in 1984.

As noted above, the Conformity Determination Amendment applicable to the Subject Property is appropriate under and consistent with General Plan Policy: Goal Two – Policy 27.a.vii. We also find that the amendment is compatible with the existing structure of the Rural Comprehensive Plan, and is consistent with the unamended portions or elements of the Plan. We also incorporate herein our findings and conclusions set out below addressing Lane County Rural Comprehensive Plan Goal 4: Forest Land - Policy 15.

We also find that a change of zoning to implement the Conformity Determination Amendment was considered concurrently with the amendment, and the Board has made the final zone change decision from unzoned land to Impacted Forest Land (F-2) zoning. Accordingly, we find and conclude that the Hearings Official's consideration need not occur.

#### **ADDITIONAL LANE CODE PROCEDURES FOR PLAN AMENDMENT:**

Portions of Lane Code 16.400(8) are also applicable to the amendment process.

##### *Lane Code 16.400(8) Additional Amendment Provisions.*

*(8) Additional Amendment Provisions. In addition to the general procedures set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components.*

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

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

*(ii) Major Amendment. Any amendment that is not classified as a minor amendment.*

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(b) *Amendment proposals, either minor or major, may be initiated by the County or by individual application. Individual applications shall be subject to a fee established by the Board and submitted pursuant to LC 14.050.*

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

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

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

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

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

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

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

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

(ee) *For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;*

(ff) *For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan, within the jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;*

(gg) *For a proposed amendment to a Nonresource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983).*

We find that this amendment is a Minor Amendment because it is limited to the Plan Diagram only and does not require an exception to any Statewide Planning Goal.

We further find that the applicant submitted a complete application in compliance with the requirements of Lane Code 16.400(8)(b). The Planning Director waived the requirement for the applicant to supply documentation concerning Lane Code 16.400(8)(c)(iii)(aa)-(gg), above. We

find that waiver to be appropriate because this Minor Amendment is a Conformity Determination Amendment to correct an inconsistency between the text of 1984 Ordinance No. 884 adopted by the Board of Commissioners and the Official Plan and Zoning diagram; and because the amendment applies a forest resource designation to forest land and does not require any exception to any Statewide Goal.

We find that similar resource lands designated as Farm Forest 20 (FF20) within Plot # 453 from 1976 to 1984, and amended by the Board of Commissioners in February 1984 by 1984 Ordinance No. 884, were predominantly designated for forest use and zoned Impacted Forest Land (F-2). Specifically, the zoning designations for lands within the vicinity of the subject property were illustrated on Attachment "D" to the staff report. Lands designated from 1976 to 1984 as FF20 were predominantly amended to Impacted Forest Land (F-2). We also find, based on the evidence in the record, that the Subject Property is predominantly forested, that it is not in a farm use, and that it is appropriately designated for forest use.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING APPLYING THE RURAL COMPREHENSIVE PLAN DESIGNATION AND ZONING OF IMPACTED FOREST LAND (F-2, RCP) TO THE SUBJECT PROPERTY:**

We find that the county previously recognized that the Subject Property is forest resource land when it enacted 1978 Lane County Ordinance No. 688. A forest resource land designation is also consistent with what is shown by the evidence in the record including the aerial photographs of the Subject Property that are attached to the application.

We find that the primary issue to be decided in connection with this Conformity Determination Amendment (which will restore a forest resource designation and zoning to the Subject Property) is whether the designation and zoning should be Non-Impacted Forest Lands (F-1, RCP) or Impacted Forest Lands (F-2, RCP). We find unequivocally that the Subject Property qualifies for an Impacted Forest Lands (F-2, RCP) designation and zoning under the applicable criteria.

Lane County Rural Comprehensive Plan Goal 4: Forest Land - Policy 15 sets out the criteria for deciding whether forest land shall be designated and zoned as Non-impacted Forest Lands or Impacted Forest Lands as follows:

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

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

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

*(1) Predominantly ownerships not developed by residences or non-forest uses.*

- (2) *Predominantly contiguous, ownerships of 80 acres or larger in size.*
  - (3) *Predominantly ownerships contiguous, to other lands utilized for commercial forest or commercial farm uses.*
  - (4) *Accessed by arterial roads or roads intended primarily for forest management.*
  - (5) *Primarily under commercial forest management.*
- c. *Impacted Forest Land Zone (F 2, RCP) Characteristics*
- (1) *Predominantly ownerships developed by residences or non-forest uses.*
  - (2) *Predominantly ownerships 80 acres or less in size.*
  - (3) *Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.*
  - (4) *Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.*

A review of the evidence and testimony, including the objections raised around terms contained in this policy makes it clear that the focus of the analysis must be on the property proposed for forest land zoning. For reasons that become clear when each of the various portions of the policy are addressed, most of the assessment of property or the area beyond the boundaries of the property proposed for zoning comes through the expression of the characteristics of each zone and does not rely on a precise definition of the term “ownerships” as either a “legal lot or parcel” or a “tract” of land since the primary focus is on the land that is the subject of the zoning request itself. For that reason we reject the assertion that the term means more than the Subject Property.

We find that the term “ownerships” contained in the criteria of RCP Goal 4 Policy 15 should be considered as including only the land being proposed for rezoning (unless other qualifiers in a particular characteristic compels a different result) because of the introductory language in Policy 15 and that finding constitutes a reasonable interpretation of the term “ownerships” as contained in that policy. Such an interpretation is consistent with the text, context, purpose and intent of Policy 15. Sub-paragraph a. of Policy 15 states that a decision to apply one of the zones (or both in a split zone fashion) shall be based upon:

- “a. A conclusion that characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone.” (Emphasis added)

The characteristics of the land, not the ownership of it, control the analysis. Policy 15 was crafted as a means of distinguishing large-scale industrial forest land from small-scale non-industrial forest land in the present and for the foreseeable future. The policy was intended to provide an analysis of the size and use of the subject property and of the land in the immediate

vicinity. Size and use of land constitute the four sets of characteristics of each type of forest land required by Policy 15 to be analyzed and compared. The listed characteristics do not include any reference to the determination of a particular type of ownership or whether contiguous properties owned by the same person or entity constitute one or more ownerships. The critical focus of the analysis is on the property proposed for rezoning and the characteristics that property has that mitigate toward consideration of applying F-1 or F-2 zoning.

The term "ownership" as used in Goal Four, Policy 15, has been utilized to identify different lands and the uses thereon, which are to be considered in making an evaluation of whether a F-1 or F-2 designation is warranted for the land under consideration for zoning. This was due to the need to look within the subject land to identify the development and uses present and to partially look beyond those boundaries to the lands in the general vicinity and identify the existing resource or nonresource uses and development on the surrounding lands. It really amounted to identifying a singular pattern within a more expansive tapestry.

When Goal Four, Policy 15 was originally adopted in 1984 as a component of the General Plan Policies of the Rural Comprehensive Plan, the two planning commissions and the Board of Commissioners were applying the "characteristics" of Policy 15(b) and (c) in a broad matrix designed to (1) acknowledge development existing at the time on specific properties; and (2) analyze those commitments of specific lands in context with a broad-brush view or generalized sense of the surrounding parcelization and uses. Forest lands less than 80 acres in size and developed with residential uses or other nonforest uses, generally received Impacted Forest Land (F2) designations. Public forested lands and larger commercially managed, forest lands that were not impacted by nonforest uses, particularly in the ownership of industrial forest operators, were designated as Nonimpacted Forest Lands (F1).

Prior analysis during the 1970s and the resulting Lane Code Chapter 10 zoning designations which were incorporated into the thirteen subarea plans, contributed to the final decision on a property-by-property basis in 1984. At that time, the need for precise definition of the "ownership" term as legal lot, or parcel or tract was not important because the whole county was the subject of the zoning designation. In considering the present day applications, looking at the area proposed for rezoning generally provides sufficient definition to the term "ownership". In the case of the subject 37.5 plus acres of Ordinance No. PA 1236, the subject land would have been re-designated from FF20 Farm-Forestry to F2 Impacted Forest Land as were other lands with similar characteristics in the area, at the time.

The critical focus of the analysis is on the property proposed for rezoning and the characteristics that property has that mitigate toward consideration of applying F-1 or F-2 zoning. Properties subject to amendments in the past have included portions or combinations of tax lots as metes and bounds descriptions with single owners or multiple owners. Lane Code does not require legal lot determinations as a qualifier for application for a zone change in recognition of the variety of configurations of zoning that might make sense regardless of property boundaries. Legal lot status is a factor that comes into play in subsequent development permits, both planning and building, after a zoning designation has been applied.

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A reading of Goal Four, Policy 15 interpreting "ownership" to mean "land being proposed for rezoning" seems a reasonable approach that avoids debate over whether the focus should be more than the subject property, beyond the portion of that analysis determined by other text that clearly notes the connection of the subject property to surrounding lands.

Goal Four, Policy 15 uses three terms to define the areas to be reviewed when assessing the surrounding properties as well as the land being considered for rezoning. Those terms are "contiguous", "generally contiguous" and "adjacent".

"Contiguous", as defined in Lane Code 16.090 definitions, is used in Policy 15.b. (2) and (3) to look for the different characteristics of F-1 land. The text in LC 16.090 provides: "Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street (local access, public, County, State or Federal street) shall not be considered contiguous." In the case of 15.b.(2), the intent is to look within the land being proposed for rezoning to determine whether or not that land being proposed for rezoning consists of contiguous land owned by the applicant that is 80 acres or larger in size. In the case of 15.b. (3), the intent is to determine whether other land contiguous to the land being proposed for rezoning is in commercial forest or commercial farm use.

Policy 15.c.(3) does not use the term "contiguous" to determine the same relationship between the land proposed for rezoning and the tapestry of uses and development in the surrounding area. Policy 15.c.(3) uses "generally contiguous" in a broader sense that looks beyond the definition of "contiguous" to determine if "tracts" owned by other property owners in the general area of the land being proposed for rezoning are less than 80 acres in size and developed with residences. The analysis is intended to venture beyond the only contiguous properties with common property lines. In some instances, common sense may push that analysis a distance in some or all directions to fully assess the characteristics of the surrounding uses and development particularly when considering a "tract".

Policy 15.c.(3) also uses the term "adjacent" to look even further beyond the nearby tracts or across intervening right-of-way to acknowledge the impacts of development within developed and committed exception areas in the general vicinity of the land being proposed for rezoning. It is a broader look at the complete tapestry of uses and development, particularly nonresource uses, in the general area. It does not depend on contiguity for that consideration.

This interpretation affirms the Lane Code 16.090 definition of "contiguous" as it is used in Policy 15.b.(2) and 15.b.(3) in the assessment of F-1 characteristics. It also makes clear that "generally contiguous" as used in Policy 15.c. (3) is different and broader in meaning and application when assessing the F-2 characteristics. It will remain for the Board of Commissioners to exercise discretion on a case-by-case basis, in making a final determination on how wide and how far that assessment pursuant to Policy 15.c.(3) would need to reach to provide a factual basis in arriving at a decision to approve or deny a request for rezoning. In all cases, the analysis under Goal Four, Policy 15 does not require a precise mathematical computation since the focus is on all the characteristics and whether, on balance, the land proposed for rezoning more closely corresponds to the F-1 or F-2 characteristics.

We find that the characteristics of the Subject Property do not correspond closely with the Non-impacted Forest Land Zone (F-1, RCP) characteristics:

**Policy 15.b.(1):**

*Predominantly ownerships not developed by residences or non-forest uses.*

We find that the Subject Property does not have this characteristic. It consists of road and railroad right-of-way ownerships and a 37.5-acre ownership that are generally in non-forest uses such as the roadways (Row River Road and Spillway Road), the dam and the spillway. Based on this alone, we conclude the Subject Property consists predominantly of ownerships that are developed by non-forest uses.

In addition, the Subject Property is a portion of the 970.71-acre ACOE parcel that is predominantly developed with non-forest uses. Specifically, we also find that most of the area of the ACOE parcel is developed with the Dorena Reservoir. In addition to the reservoir, there are developed improvements on other portions of the parcel including Dorena Dam and related infrastructure (some located on the 37.5-acre portion of the Subject Property) and parks and recreation facilities including those at the Schwarz Park campground and recreation area (located at the base of Dorena Dam on the banks of the Row River) which has restrooms, showers, camp sites and RV sites and those at Baker Bay Park (located on the south side of Dorena Reservoir) which has restrooms, showers, picnic areas, a swimming area, boat ramp, marina, camp sites and RV sites, paved parking areas and recreational commercial facilities. We find that the assessor's records also reflect that there are a number of manufactured structures on the ACOE parcel including a single family dwelling associated with intense non-forest development.

We conclude that the response to this criterion strongly supports our finding, conclusion and decision that the Subject Property be designated and zoned as Impacted Forest Land.

**Policy 15.b.(2):**

*Predominantly contiguous, ownerships of 80 acres or larger in size.*

The Subject Property is approximately 37.5 acres in size and therefore does not correspond to this characteristic even with the additional area included in the rights-of-way.

With respect to property contiguous to the Subject Property, the tax lots referred to in these findings are shown on Appendix C to the application. We find that that portion of the ACOE parcel located contiguous to the south and east of the Subject Property is larger than 80 acres, although as noted above, the vast majority of that land is developed with non-forest uses, most of it having been developed with Dorena Reservoir.

There is one other property 80 acres or larger in size that is north of the Subject Property and separated from it only by Row River Road and the abandoned railway right-of-way. That property, which consists of two tax lots (Tax Lots 100 and 208), is owned by the Verek Trust et al. and contains slightly over 207 acres. It is under a different ownership than the Subject Property. In addition, Lane County already designated and zoned that property for Rural Residential (RR-10) use. Furthermore, Lane Code Section 16.090 defines "contiguous" as having one common boundary greater than eight feet in length and the definition makes clear that even if the land is in the same ownership, it is not "contiguous" if it is separated by a public

road. The Vereck Trust property is separated from the Subject Property by Row River Road so it is not technically contiguous for the purpose of analysis under this characteristic.

Other property located directly north of the Subject Property (but also separated from it by Row River Road) are smaller than 80 acres: (i) Tax Lot 203 is a 4.85 acre parcel zoned RR-5; (ii) Tax Lot 200 is a 5.8 acre parcel zoned RR-5; and Tax Lot 500 is a 16.20 acre parcel zoned ML (Marginal Lands).

All of the other contiguous properties are much smaller than 80 acres. (See Appendix C to the application.) Those contiguous properties are as follows:

1. Tax Lot 201 – 1.1 acres;
2. Tax Lot 202 – 12.14 acres; and
3. Tax Lot 401 – .97 acres.

In summary, we find that neither the Subject Property itself (which is approximately 37.5 acres in size) nor the properties contiguous to the Subject Property (which are predominantly smaller than 80 acres and not in the same ownership as the Subject Property) correspond more closely to the stated Non-Impacted Forest Land characteristic, thereby supporting our finding, conclusion and decision that the Subject Property be designated and zoned as Impacted Forest Land.

**Policy 15.b.(3):**

*Predominantly ownerships contiguous, to other lands utilized for commercial forest or commercial farm uses.*

As is reflected in the maps attached as Appendix A, Appendix B and Appendix C to the application, the other lands contiguous to the Subject Property are predominantly *not* utilized for commercial forest or commercial farm uses.

Also, as discussed above, the other land to the north of the Subject Property are not technically “contiguous” because they are separated from the Subject Property by Row River Road. Nevertheless, even if those lands were deemed to be contiguous or connected to the Subject Property under the definition of that term in LC 16.090, not one of those other lands are in the same ownership as the Subject Property or used for commercial forest or commercial farm uses. Those other lands are all zoned and designated for either Rural Residential (RR-5; RR-10) uses or as Marginal Land (ML).

The contiguous lands to the west of the Subject Property are also not used for commercial forest or commercial farm uses. All of those lands are designated and zoned for Rural Residential (RR-5) use, and all are developed with residential dwellings.

The land to the south of the Subject Property across the Row River is that portion of the ACOE parcel that is developed with restrooms, showers, camp sites and RV sites associated with the Schwarz Park campground and recreation area (located at the base of Dorena Dam on the banks of the Row River). We think the intervening ownership of the beds and banks of the river by the state makes this area noncontiguous with the Subject Property. In any case, the entire ACOE parcel became unzoned as a result of 1984 Ordinance No. 884. However, the county previously recognized that the portion of the ACOE parcel south of the Subject Property was not forest resource land when, pursuant to 1978 Ordinance No. 688, it included that property within the

Public Reserve (PR) zone described in Lane Code Chapter 10, which is a zone that allows such uses as public parks, playgrounds, hunting and fishing lodges, government buildings and other intensive, non-forest uses. We find that the land to the south of the Subject Property is not contiguous and is not used for commercial forest or commercial farm uses.

Finally, the contiguous land to the east of the Subject Property is that portion of the ACOE parcel that is developed with Dorena Reservoir, and which is not used for commercial forest or commercial farm uses.

Since the other lands contiguous to the Subject Property are predominantly if not exclusively utilized for purposes other than commercial forest or commercial farm uses, the response to this criterion strongly supports our finding, conclusion and decision that the Subject Property be designated and zoned as Impacted Forest Land.

**Policy 15.b.(4):**

*Accessed by arterial roads or roads intended primarily for forest management.*

We find that the Subject Property is not accessed by arterial roads or roads intended primarily for forest management.

Access to the Subject Property is provided by Spillway Road. Spillway Road is classified in the County's Transportation System Plan (TSP) as a Rural Local road to the point it enters the Subject Property, and it provides access to the rural residential development to the west of the Subject Property as well as access at the westerly boundary of the Subject Property. We also find that from the point Spillway Road enters the Subject Property; it is not open to the public. That portion of the road provides access through the Subject Property to the base of Dorena Dam on the northwest bank of the Row River. That portion of the road was built for the purpose of providing access for the operation and maintenance of Dorena Dam; it was not built for the purpose of commercial forestry.

Access to Spillway Road is via Shoreview Drive, which is classified in the TSP as a Rural Major Collector.

Neither Spillway Road nor Shoreview Drive is classified as an arterial road, and neither road is intended primarily for forest management. Accordingly, the response to this criterion also strongly supports our finding, conclusion and decision that the Subject Property be designated and zoned as Impacted Forest Land.

**Policy 15.b.:**

*Primarily under commercial forest management.*

We find that the Subject Property is not under commercial forest management. The primary use of the entire ACOE parcel that includes the Subject Property is for the operation and maintenance of Dorena Dam and Reservoir. There is no evidence that the portion of that operation that is on the Subject Property and the right-of-way not owned by ACOE are under commercial forest management. The dam and reservoir provide flood control, irrigation, recreational opportunities, and improved downstream passage. Accordingly, the response to this criterion similarly strongly supports our finding, conclusion and decision that the Subject Property be designated and zoned as Impacted Forest Land.

We find that the characteristics of the subject property do correspond closely with the Impacted Forest Land Zone (F-2; RCP) characteristics:

**Policy 15.c.(1):**

*Predominantly ownerships developed by residences or non-forested uses.*

We find that the characteristics of the Subject Property correspond closely with this characteristic. It consists of road and railroad right-of-way ownerships and a 37.5-acre ownership that are generally in non-forest uses such as the roadways (Row River Road and Spillway Road), the dam and the spillway. Based on this alone, we conclude the Subject Property consists predominantly of ownerships that are developed by non-forest uses.

In addition, the Subject Property is a portion of the 970.71-acre ACOE parcel that is predominantly developed with non-forest uses. Almost the entire ACOE parcel is developed with Dorena Reservoir. In addition to the reservoir, there are developed improvements on other portions of the parcel including Dorena Dam and related infrastructure (some located on the 37.5-acre portion of the Subject Property) and parks and recreation facilities including those at the Schwarz Park campground and recreation area (located at the base of Dorena Dam on the banks of the Row River) which has restrooms, showers, camp sites and RV sites and those at Baker Bay Park (located on the south side of Dorena Reservoir) which has restrooms, showers, picnic areas, a swimming area, boat ramp, marina, camp sites and RV sites, paved parking areas and recreational commercial facilities. The assessor's records also reflect that there are a number of manufactured structures on the parcel including a single family dwelling. Moreover, Subject Property is not managed as part of a commercial forest operation and is developed with portions of the Dorena Dam infrastructure and the access roadway that provides access for inspection and maintenance of the dam and the spillway.

In short, the response to this criterion strongly supports our finding, conclusion and decision that the Subject Property be designated and zoned as Impacted Forest Land.

**Policy 15.c.(2):**

*Predominantly ownerships 80 acres or less in size.*

While the entire ACOE parcel is much larger than 80 acres, this Conformity Determination only pertains to the Subject Property. The Subject Property includes approximately 37.5 acres of ACOE property and accordingly, the predominant ownership of the Subject Property under consideration is well under the 80-acre threshold. Moreover, as was explained previously, the vast majority of the entire ACOE parcel is developed with non-forest uses, most of the parcel having been developed with Dorena Reservoir and park, camping and recreation facilities. Finally, even if the Subject Property is deemed not to conform to this characteristic because the entire ACOE parcel is larger than 80 acres, this is only one of the four Impacted Forest Land characteristics and we find that the Subject Property corresponds closely with each of the other three Impacted Forest Land characteristics (Policy 15.c.(1), (3) and (4)). In addition, the Subject Property does not closely conform to any of the five Non-Impacted Forest Land characteristics. When considering all the characteristics together, we conclude the Subject Property more closely corresponds to the Impacted Forest Land characteristics.

**Policy 15.c.(3):**

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

As is reflected in the map attached as Appendix C to the application, the Subject Property is generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan.

As is shown by the map attached as Appendix C to the application, the tracts to the north of the Subject Property are not technically "contiguous" because they are separated from the Subject Property by Row River Road. Nevertheless, except for the tract owned by the Verek Trust et al. that is zoned RR-10 and is part of a rural residential exception area, each of those tracts is substantially smaller than 80 acres: the Richards tract (TL 203) is 4.85 acres; the Bettis tract (TL 200) is 4.85 acres; and the McCarthy tract (TL 500) is 16.20 acres. Furthermore, each of those tracts (except the McCarthy tract that is zoned Marginal Land) is part of an "adjacent" developed and committed area for which an exception has been taken. Finally, except for the Verek Trust tract, each of the other tracts to the north of the Subject Property, including the McCarthy tract, is developed with a residence.

The generally contiguous tracts to the west of the Subject Property are each substantially smaller than 80 acres. In addition, those areas are zoned for Rural Residential (RR-5) use and development and are part of an "adjacent" developed or committed area for which an exception has been taken in the Rural Comprehensive Plan. Finally, all of those tracts are developed with residences.

The "tract" to the south and east of the Subject Property is that portion of the ACOE parcel that to the south of the Subject Property is developed with restrooms, showers, camp sites and RV sites associated with the Schwarz Park campground and recreation area (located at the base of Dorena Dam on the banks of the Row River) and that to the east of the Subject Property is developed with the Dorena Reservoir and the associated Baker Bay Park recreational amenities described in our findings above. That "tract" is larger than 80 acres, but as noted previously, it may be generally contiguous but it is not designated in the RCP and is unzoned.

In short, the majority of the tracts generally contiguous or adjacent to the Subject Property contain substantially less than 80 acres, are developed with residences, and are within developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan. Accordingly, the response to this criterion strongly supports our finding, conclusion and decision that the Subject Property be designated and zoned as Impacted Forest Land.

**Policy 15.c.(4):**

*Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.*

As discussed in our findings in response to Policy 15.b.(4), access to the Subject Property is provided by Spillway Road. Spillway Road is classified in the County's Transportation System Plan (TSP) as a Rural Local road to the point it enters the Subject Property, and it provides access to the rural residential development to the west of the Subject Property as well as access

at the westerly boundary of the Subject Property. Access to Spillway Road is via Shoreview Drive, which is classified in the TSP as a Rural Major Collector. Spillway Road and Shoreview Drive are intended primarily to serve the rural residential development in the area and the Dorena Reservoir parks and recreation areas.

While the Subject Property is not in an urban area and therefore is not served by municipal water or sewer services, we find that it is provided with the following public facilities and services:

1. Emergency Services: Cottage Grove Fire and Ambulance Department;
2. Schools: District 45J – South Lane

The Subject Property also has access to electric utility and telephone service.

In summary, the Subject Property conforms closely to this characteristic which also supports our finding, conclusion and decision that the Subject Property be designated and zoned as Impacted Forest Land.

**CONCLUSION REGARDING IMPACTED FOREST LAND ZONE (F-2, RCP) DESIGNATION AND ZONING:**

In summary, we find, conclude and decide that the Subject Property does not conform to the Non-Impacted Forest Land Zone (F-1, RCP) characteristics and that the Subject Property does conform more closely to the Impacted Forest Land Zone (F-2, RCP) characteristics. Accordingly, we find, conclude and decide that the Subject Property should, through the enactment of Ordinance No. PA 1236, be designated and zoned Impacted Forest Land (F-2, RCP).

## Legal Description For Area Being Rezoned

The most easterly 78 acres of the following described tract of land:

### PARCEL I

Beginning at a point on the West line of the Joseph G. Gray Donation Land Claim No. 38, Notification No. 7500, in Township 16 South; Range 1 West of the Willamette Meridian, 45.07 chains North of the Southwest corner of said claim; and running thence North 4.33 chains to the Northwest corner of said claim; thence East 14.09 chains to the Southwest corner of the Thomas Gray Donation Land Claim No. 42, of the same Township; thence North 14.66 chains; thence East 69.74 chains to the Westerly line of the County road; thence South 9' 07" West 2.28 chains; thence South 65° 58' West 5.65 chains; thence South 42° 30' West 3.89 chains; thence South 25° 08' West 5.07 chains; thence South 30° 24' West 2.84 chains; thence South 51° 06' West 10.45 chains; thence South 48° 13' West 1.91 chains to a point 2.92 chains North and 2.66 chains East of the Northwest corner of the heirs of Samuel Gray Donation Land Claim; thence North 80° 45' West 221.36 chains; thence West 41.46 chains to the Place of Beginning, in Lane County, Oregon.

EXCEPT any portion lying within parcels conveyed to Weyerhaeuser Company by instrument Recorded May 25, 1960, Reel 153 R, Instrument No. 228 and by instrument Recorded April 17, 1961, Reel 171 R, Instrument No. 29271, and by instrument Recorded December 1, 1961, Reel 184 R, Instrument No. 52022, Lane County Oregon Records.

ALSO EXCEPT all of the above tracts lying with the County Road.

### PARCEL II

All that portion of the following tract of land lying West of County Road No. 1318:

That portion of those certain strips of land Thirty (30) and Forty-five (45) feet in width, respectively, as described under Paragraph numbered "4" on Page 2 of that certain Deed dated May 31, 1960 and Recorded July 1, 1960 under File No. 3451 in Reel 155 D, Lane County Official Records lying South of the North line and said North line projected West of that certain land described as "Tract #2" of that certain Deed to Ray O. Dustrude and Ida M. Dustrude, his wife, dated July, 1957 and Recorded August 2, 1957 under File No. 18536 in Reel 103 D, Lane County Official Records, and North of a line extending North 80° 45' West and South 80° 45' East from a point located North 192.72 feet and East 175.56 feet from the most Northerly Northwest corner of the Samuel Gray Donation Land Claim No. 40.

### PARCEL III

That portion of Thomas Gray Donation Land Claim No. 42 and of Joseph E. Gray Donation Land Claim No. 38, both being in Township Sixteen (16) South, Range One (1) West, Willamette Meridian, described as follows:

The Easterly Five (5) feet of even width of that certain Sixty (60) foot strip of land heretofore conveyed to Grantor by Deed dated May 19, 1960, and Recorded May 25, 1960, on Reel 153 '60 D under File No. 228, Lane County Official Records.

### PARCEL IV

All that portion of the former Weyerhaeuser Railroad right-of-way as conveyed to 3 C's Investment Inc., by deeds Recorded September 12, 1989, Reel 1592R, Reception No. 89 40822 and January 16, 1990, Reel 1611R, Reception No. 90 02025 between the Northerly and Southerly line of Tract 1 as conveyed to Ray O. Dustrude and Ida M. Dustrude, husband and wife, by deed Recorded August 2, 1957, Reel 103R, Reception No. 18536, Lane County Oregon Records. (Lane County Tax Lot No. 16 01 08 00 00700)

Exhibit SS

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View 3 records. Record numbers 1 - 3 are displayed below.

Owner Name  ↑ ↓

3 record(s) selected. Record numbers 1 - 3 are displayed below.

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

Owner Name	Address	City	County	Parcel ID	Assessment Year	Assessment Value	Assessment Code	Assessment Date	Actions
DUSTRUDE RAY O & IDA M	92885 MARCOLA RD	MAR		97454 28736	16-01-08-00-00800				<b>i</b>
DUSTRUDE RAY O & IDA M	92922 MARCOLA RD	MAR		97454 1178795	16-01-08-00-00800				<b>i</b>
DUSTRUDE RAY O & IDA M				4210181	16-01-08-00-00800				<b>i</b>

[New Property Search](#) | [Applications Menu](#)

Exhibit TT

Search Results

Owner Name ↑ ↓

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

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

CHRISTOFFERSEN MERINA E	93000 MARCOLA RD	MAR	97454 28702	16-01-08-00- 00600	<b>i</b>
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[New Property Search](#) | [Applications Menu](#)

Owner Name: PASCHELKE, JAMES W

Owner Name



5 record(s) selected. Record numbers 1 - 5 are displayed below.

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


Owner Name	Address	Parcel ID	Assessed Value	Map and Tax	SIC
PASCHELKE JAMES W			28504	16-01-07-00-00500	
PASCHELKE JAMES W			28538	16-01-07-00-00700	
PASCHELKE JAMES W			33918	16-02-12-00-00100	
PASCHELKE JAMES W	975 HAYDEN BRIDGE RD	SPR SPR SPR	97477 1026564	17-03-26-12-00301	
PASCHELKE JAMES W			1476421	16-01-07-00-00601	

New Property Search | Applications Menu

Owner Name [dropdown] [up/down arrows]

7 record(s) selected. Record numbers 1 - 7 are displayed below.

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

RAVIN VENTURES LLC	28710	16-01-08-00-00700	 
RAVIN VENTURES LLC	95867	17-01-19-00-00101	 
RAVIN VENTURES LLC	95891	17-01-19-00-00300	 
RAVIN VENTURES LLC	110716	17-02-24-00-00102	 
RAVIN VENTURES LLC	1178787	16-01-08-00-00700	 
RAVIN VENTURES LLC	1185196	17-01-19-00-00307	 
RAVIN VENTURES LLC	1521481	16-55-21-00-00602	 

New Property Search | Applications Menu

PROPERTY REPORT - LANE COUNTY

Account # 1178787

Map, Tax Lot, & SIC # 16-01-08-00-00700

Site Address:	
Owner Name & Address: Ravin Ventures Llc 37803 Upper Camp Creek Rd Springfield, OR 97478	Taxpayer Name & Address: Ravin Ventures Llc 37803 Upper Camp Creek Rd Springfield, OR 97478
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 0028710	

Approximate Tax	127.26	Subdivision Name:		School District:	Marcola
Lot Acres	5,543,446'	Phase:		Elem	Marcola
Inc City:		Lot #	TL 00700	Middle	Marcola
UGB:		Recording #		High	Mohawk
Census Tr/BlkGrp:	0200/2				

Zoning:	Parent/Overlay	E40
Statistical Class:	120	Class 2 Single Family Home
Land Use:	1150	Mobile Home - Not In Mobile Home Park
Property Class:	641	Forest, Unzoned Farm Land, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2007	\$359,192	\$72,490	\$431,682	\$181,843
2006	\$303,586	\$80,540	\$384,126	\$177,378
	2007 Taxable Value \$ 181,843	2007 Taxes \$1,733.69	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
03-28-2004	\$0	Fisher Edward B & Lilli A	Ravin Ventures Llc	20-04-023175
09-29-1998	\$342,000	Dustrude, Ray O & Ida M H&w	Xx	98-07823100

Residential Building # 1 (of 1) Characteristics 21 stat 110 or 120

		Square feet	Base	Finished		
Year Built:	1900	Basement			Bsmt Garage Sqft	
Bedrooms	4	First	756	756	Alt Garage Sqft	
Full Baths	1	Second	576	576	Det Garage Sqft	
Half Baths		Attic			Alt Carport Sqft	
% Improvmt Complete	100	Total	1332	1332		

<b>Comments:</b>
------------------

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

PROPERTY REPORT - LANE COUNTY

Account # 0028710

Map, Tax Lot, & SIC # 16-01-08-00-00700

Site Address:	
Owner Name & Address: Ravin Ventures Llc 37803 Upper Camp Creek Rd Springfield, OR 97478	Taxpayer Name & Address: Ravin Ventures Llc 37803 Upper Camp Creek Rd Springfield, OR 97478
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 1178787	

Approximate Tax	127.26	Subdivision Name:		School District:	Marcola
Lot Acres	5,543,446'	Phase:		Elem	Marcola
Inc City:		Lot #	TL 00700	Middle	Marcola
UGB:		Recording #		High	Mohawk
Census Tr/BlkGrp:	0200/2				

Zoning: Parent/Overlay	E40
Statistical Class:	
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	641 Forest, Unzoned Farm Land, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value	
			Real Market	Assessed
2007	\$213,413	\$0	\$213,413	\$25,317
2006	\$176,028	\$0	\$176,028	\$24,580
	2007 Taxable Value \$ 25,317	2007 Taxes \$270.13	Tax Code Area 07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
03-28-2004	\$0	Fisher Edward B & Lilli A	Ravin Ventures Llc	20-04-023175

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

<b>Comments:</b>
------------------

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

PROPERTY REPORT - LANE COUNTY

Account # 0095867

Map, Tax Lot, & SIC # 17-01-19-00-00101

Site Address:	
Owner Name & Address: Ravin Ventures Llc 37807 Upper Camp Creek Rd Springfield, OR 97478	Taxpayer Name & Address: Ravin Ventures Llc 37807 Upper Camp Creek Rd Springfield, OR 97478
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax	40.42	Subdivision Name:		School District:	Springfield
Lot Acres	1,760,695'	Phase:		Elem	Camp Creek
Inc City:		Lot #	TL 00101	Middle	Briggs
UGB:		Recording #		High	Thurston
Census Tr/BlkGrp:	0200/4				

Zoning: Parent/Overlay	F2
Statistical Class:	
Land Use:	8310 Timberlands
Property Class:	640 Forest, Unzoned Farm Land, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2007	\$131,025	\$0	\$131,025	\$1,486
2006	\$111,000	\$0	\$111,000	\$1,442

2007 Taxable Value \$ 1,486      2007 Taxes \$54.88      Tax Code Area 01901

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
10-18-2006	\$0	Fisher Edward B & Lili A	Ravin Ventures Llc	20-06-091237
12-19-2000	\$271,500	Frontier Resources	Fisher Edward B & Lilli A	20-00-072591

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

PROPERTY REPORT - LANE COUNTY

Account # 0095891

Map, Tax Lot, & SIC # 17-01-19-00-00300

Site Address:	
Owner Name & Address: Ravin Ventures Llc 37807 Upper Camp Creek Rd Springfield, OR 97478	Taxpayer Name & Address: Ravin Ventures Llc 37807 Upper Camp Creek Rd Springfield, OR 97478
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax	83.90	Subdivision Name:		School District:	Springfield
Lot Acres	3,654,684'	Phase:		Elem	Camp Creek
Inc City:		Lot #	TL 00300	Middle	Briggs
UGB:		Recording #		High	Thurston
Census Tr/BlkGrp:	0200/4				

Zoning: Parent/Overlay	F2
Statistical Class:	
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	640 Forest, Unzoned Farm Land, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2007	\$274,662	\$0	\$274,662	\$3,115
2006	\$232,683	\$0	\$232,683	\$3,024
	<b>2007 Taxable Value</b> \$ 3,115	<b>2007 Taxes</b> \$115.03	<b>Tax Code Area</b> 01901	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
10-18-2006	\$0	Fisher Edward B & Lili A	Ravin Ventures Llc	20-06-091237
12-19-2000	\$271,500	Frontier Resources Llc	Fisher Lilli A & Edward B	20-00-072591

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished		
Year Built:				Bsmt Garage Sqft	
Bedrooms				Att Garage Sqft	
Full Baths				Det Garage Sqft	
Half Baths				Att Carport Sqft	
% Improvmt Complete					
	Basement				
	First				
	Second				
	Attic				
	Total				

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.



PROPERTY REPORT - LANE COUNTY

Account # 1521481

Map, Tax Lot, & SIC # 16-55-21-00-00602

Site Address:	
Owner Name & Address: Ravin Ventures Llc 37801 Upper Camp Creek Rd Springfield , OR 97478	Taxpayer Name & Address: Ravin Ventures Llc 37801 Upper Camp Creek Rd Springfield , OR 97478
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	33.05 1,439,658'	Subdivision Name:		School District:	Mckenzie
Inc City:		Phase:		Elem	McKenzie
UGB:		Lot #	TL 00602	Middle	McKenzie
Census Tr/BlkGrp:	0100/5	Recording #		High	McKenzie

Zoning: Parent/Overlay	F2
Statistical Class:	
Land Use:	9100 Vacant, Unused, Undeveloped Land
Property Class:	640 Forest, Unzoned Farm Land, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2007	\$91,849	\$0	\$91,849	\$2,232
2006	\$69,465	\$0	\$69,465	\$2,167
	2007 Taxable Value \$ 2,232	2007 Taxes \$56.49	Tax Code Area 06800	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
01-30-2007	\$320,000	Fisher Land Company	Ravin Ventures Llc	20-07-010420
01-04-1999	\$275,000	Stone Container Corp	Fisher Land Company	25-02/99001246

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished		
Year Built:				Bsmt Garage Sqft	
Bedrooms				Att Garage Sqft	
Full Baths				Det Garage Sqft	
Half Baths				Att Carport Sqft	
% Improvmt Complete					

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

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PROPERTY REPORT - LANE COUNTY

Account # 1185196

Map, Tax Lot, & SIC # 17-01-19-00-00307

Site Address:	
Owner Name & Address: Ravin Ventures Llc 37807 Upper Camp Creek Rd Springfield , OR 97478	Taxpayer Name & Address: Sheppard Michael G & Dollane M 88925 Shenandoah Ln Springfield , OR 97477
Multiple Owners? Yes.*	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax	1.47	Subdivision Name:		School District:	Springfield
Lot Acres	64,033'	Phase:		Elem	Camp Creek
Inc City:		Lot #	TL 00307	Middle	Briggs
UGB:		Recording #		High	Thurston
Census Tr/BlkGrp:	0200/4				

Zoning: Parent/Overlay	RR5
Statistical Class:	
Land Use:	4590 Private Roads
Property Class:	040 Miscellaneous, Tract, Unbuildable

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2007	\$640	\$0	\$640	\$640
2006	\$640	\$0	\$640	\$640
	2007 Taxable Value \$ 640	2007 Taxes \$6.29	Tax Code Area 01909	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
03-30-2007	\$400,000	Brock Norman S	Sheppard Michael G & Dollane M	20-07-022164
10-18-2006	\$0	Fisher Edward B & Lili A	Ravin Ventures Llc	20-06-091237

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

PROPERTY REPORT - LANE COUNTY

Account # 0110716

Map, Tax Lot, & SIC # 17-02-24-00-00102

Site Address:	
Owner Name & Address: Ravin Ventures Llc 37807 Upper Camp Creek Rd Springfield , OR 97478	Taxpayer Name & Address: Sheppard Michael G & Dollane M 88925 Shenandoah Ln Springfield , OR 97477
Multiple Owners? Yes.*	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	0.24 10,454'	Subdivision Name:		School District:	Springfield
Inc City:		Phase:		Elem	Camp Creek
UGB:		Lot #	TL 00102	Middle	Briggs
Census Tr/BlkGrp:	0200/4	Recording #		High	Thurston

Zoning: Parent/Overlay	RR2
Statistical Class:	
Land Use:	9100 Vacant, Unused, Undeveloped Land
Property Class:	040 Miscellaneous, Tract, Unbuildable

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2007	\$500	\$0	\$500	\$500
2006	\$500	\$0	\$500	\$500
	2007 Taxable Value \$ 500	2007 Taxes \$4.92	Tax Code Area 01909	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
03-30-2007	\$400,000	Brock Norman S	Sheppard Michael G & Dollane M	20-07-022164
10-18-2006	\$0	Fisher Edward B & Lili A	Ravin Ventures Llc	20-06-091237

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

Owner Name [dropdown] [up/down arrows]

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

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

ROSBORO			1649910	16-45-31-00-00102	<b>i</b>
ROSBORO LAND ANNEX LLC	1801 ASTER ST	SPR SPR SPR	97477 318129	17-03-36-00-00300	<b>i</b>
ROSBORO LAND ANNEX LLC		SPR SPR	1054475	17-03-36-00-00401	<b>i</b>
ROSBORO LLC			21442	15-06-00-00-00300	<b>i</b>
ROSBORO LLC			21459	15-06-00-00-00400	<b>i</b>
ROSBORO LLC	2027 S A ST	SPR SPR SPR	97477 318103	17-03-36-00-00100	<b>i</b>
ROSBORO LLC			527752	17-09-00-00-04000	<b>i</b>
ROSBORO LLC			527786	17-09-00-00-04300	<b>i</b>
ROSBORO LLC			527794	17-09-00-00-04400	<b>i</b>
ROSBORO LLC			527802	17-09-00-00-04500	<b>i</b>

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*292 records*

*136*

Owner Name



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

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

ROSBORO LLC	527810	17-09-00-00-04600	
ROSBORO LLC	527828	17-09-00-00-04700	
ROSBORO LLC	527836	17-09-00-00-04800	
ROSBORO LLC	527844	17-09-00-00-04900	
ROSBORO LLC	531341	17-09-35-00-00200	
ROSBORO LLC	531358	17-09-35-00-00300	
ROSBORO LLC	752566	18-05-32-00-00301	
ROSBORO LLC	752582	18-05-32-00-00500	
ROSBORO LLC	756963	18-07-00-00-00800	
ROSBORO LLC	756989	18-07-00-00-00900	

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Owner Name



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

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

ROSBORO LLC	758613	18-08-00-00-01100	<b>i</b>
ROSBORO LLC	758647	18-08-00-00-01400	<b>i</b>
ROSBORO LLC	759132	18-08-05-00-00500	<b>i</b>
ROSBORO LLC	759199	18-08-07-00-00100	<b>i</b>
ROSBORO LLC	759231	18-08-07-00-00500	<b>i</b>
ROSBORO LLC	759983	18-08-18-00-00400	<b>i</b>
ROSBORO LLC	760015	18-08-18-00-00500	<b>i</b>
ROSBORO LLC	760080	18-08-18-00-00705	<b>i</b>
ROSBORO LLC	760197	18-08-18-00-01500	<b>i</b>
ROSBORO LLC	760205	18-08-18-00-01600	<b>i</b>

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New Property Search | Applications Menu

Owner Name



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

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

Record Number	Owner Name	Address	Parcel ID	County	City	Zip	Actions
31	ROSBORO LLC		760452	18-09-00-00-00100			
32	ROSBORO LLC		760601	18-09-00-00-01400			
33	ROSBORO LLC		760619	18-09-00-00-01500			
34	ROSBORO LLC		760627	18-09-00-00-01600			
35	ROSBORO LLC		760643	18-09-00-00-01800			
36	ROSBORO LLC		760650	18-09-00-00-01900			
37	ROSBORO LLC		760668	18-09-00-00-02000			
38	ROSBORO LLC		760676	18-09-00-00-02100			
39	ROSBORO LLC		760684	18-09-00-00-02200			
40	ROSBORO LLC		760692	18-09-00-00-02300			

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

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

ROSBORO LLC	760700	18-09-00-00-02400	<b>i</b>
ROSBORO LLC	760718	18-09-00-00-02500	<b>i</b>
ROSBORO LLC	760726	18-09-00-00-02600	<b>i</b>
ROSBORO LLC	760734	18-09-00-00-02700	<b>i</b>
ROSBORO LLC	760742	18-09-00-00-02800	<b>i</b>
ROSBORO LLC	760759	18-09-00-00-02900	<b>i</b>
ROSBORO LLC	760767	18-09-00-00-03000	<b>i</b>
ROSBORO LLC	760775	18-09-00-00-03100	<b>i</b>
ROSBORO LLC	760783	18-09-00-00-03200	<b>i</b>
ROSBORO LLC	760791	18-09-00-00-03300	<b>i</b>

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29 word(s) selected. Record numbers 51 - 60 are displayed below.

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

ROSBORO LLC	760825	18-09-00-00-03600	 
ROSBORO LLC	760833	18-09-00-00-03600	 
ROSBORO LLC	760841	18-09-00-00-03700	 
ROSBORO LLC	760866	18-09-00-00-03900	 
ROSBORO LLC	760908	18-09-00-00-04300	 
ROSBORO LLC	760924	18-09-00-00-04500	 
ROSBORO LLC	760932	18-09-00-00-04600	 
ROSBORO LLC	760965	18-09-00-00-04800	 
ROSBORO LLC	760981	18-09-00-00-05000	 
ROSBORO LLC	760999	18-09-00-00-05100	 

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

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

ROSBORO LLC	761005	18-09-00-00-05200	 
ROSBORO LLC	761013	18-09-00-00-05300	 
ROSBORO LLC	761021	18-09-00-00-05400	 
ROSBORO LLC	761039	18-09-00-00-05500	 
ROSBORO LLC	761047	18-09-00-00-05600	 
ROSBORO LLC	761054	18-09-00-00-05700	 
ROSBORO LLC	761062	18-09-00-00-05800	 
ROSBORO LLC	761070	18-09-00-00-05800	 
ROSBORO LLC	761088	18-09-00-00-05900	 
ROSBORO LLC	761112	18-09-00-00-06100	 

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

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

ROSBORO LLC	761120	18-09-00-00-06100	<b>i</b>
ROSBORO LLC	761138	18-09-00-00-06200	<b>i</b>
ROSBORO LLC	761153	18-09-00-00-06400	<b>i</b>
ROSBORO LLC	761302	18-09-07-00-00600	<b>i</b>
ROSBORO LLC	761310	18-09-07-00-00700	<b>i</b>
ROSBORO LLC	761377	18-09-08-00-00300	<b>i</b>
ROSBORO LLC	761393	18-09-09-00-00200	<b>i</b>
ROSBORO LLC	761427	18-09-09-00-00500	<b>i</b>
ROSBORO LLC	761435	18-09-09-00-00600	<b>i</b>
ROSBORO LLC	761492	18-09-10-00-00300	<b>i</b>




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29 record(s) selected. Record numbers 81 - 90 are displayed below.

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

ROSBORO LLC	761500	18-09-10-00-00400	 
ROSBORO LLC	761518	18-09-13-00-00100	 
ROSBORO LLC	761542	18-09-13-00-00300	 
ROSBORO LLC	761575	18-09-13-00-00500	 
ROSBORO LLC	761609	18-09-14-00-00300	 
ROSBORO LLC	761633	18-09-14-00-00400	 
ROSBORO LLC	761666	18-09-14-00-00700	 
ROSBORO LLC	761674	18-09-15-00-00100	 
ROSBORO LLC	761708	18-09-16-00-00100	 
ROSBORO LLC	761773	18-10-00-00-00499	 

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29 record(s) selected. Record numbers 91 - 100 are displayed below.

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

ROSBORO LLC	761781	18-10-00-00-00500	<b>i</b>
ROSBORO LLC	761799	18-10-00-00-00500	<b>i</b>
ROSBORO LLC	761856	18-10-00-00-01000	<b>i</b>
ROSBORO LLC	761864	18-10-00-00-01100	<b>i</b>
ROSBORO LLC	761872	18-10-00-00-01200	<b>i</b>
ROSBORO LLC	761898	18-10-00-00-01400	<b>i</b>
ROSBORO LLC	762045	18-10-01-00-00800	<b>i</b>
ROSBORO LLC	762060	18-10-01-00-00900	<b>i</b>
ROSBORO LLC	763894	18-10-02-00-00900	<b>i</b>
ROSBORO LLC	763902	18-10-02-00-00800	<b>i</b>

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291 record(s) selected. Record numbers 101 - 110 are displayed below.

Click the to the right of a record to view a detailed property report.

ROSBORO LLC	764496	18-10-03-00-00300	
ROSBORO LLC	764520	18-10-03-00-00600	
ROSBORO LLC	765766	18-10-10-00-00200	
ROSBORO LLC	765824	18-10-10-00-00600	
ROSBORO LLC	765865	18-10-10-00-00700	
ROSBORO LLC	766244	18-10-11-00-00800	
ROSBORO LLC	766293	18-10-11-00-01002	
ROSBORO LLC	766301	18-10-11-00-01003	
ROSBORO LLC	766319	18-10-11-00-01004	
ROSBORO LLC	767184	18-10-12-00-00600	

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29 record(s) selected. Record numbers 111 - 120 are displayed below.

Click the  to the right of a record to view a detailed property report.

ROSBORO LLC	767192	18-10-12-00-00700	 
ROSBORO LLC	767200	18-10-12-00-00800	 
ROSBORO LLC	767242	18-10-13-00-00100	 
ROSBORO LLC	767259	18-10-13-00-00101	 
ROSBORO LLC	767275	18-10-13-00-00201	 
ROSBORO LLC	767341	18-10-14-00-00400	 
ROSBORO LLC	848158	19-05-00-00-00900	 
ROSBORO LLC	848166	19-05-00-00-00900	 
ROSBORO LLC	848174	19-05-00-00-01000	 
ROSBORO LLC	848182	19-05-00-00-01100	 

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292 record(s) selected. Record numbers 121 - 130 are displayed below.

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

ROSBORO LLC		848216	19-05-00-00-01400	<b>i</b>
ROSBORO LLC		848224	19-05-00-00-01400	<b>i</b>
ROSBORO LLC		848232	19-05-00-00-01500	<b>i</b>
ROSBORO LLC		848240	19-05-00-00-01500	<b>i</b>
ROSBORO LLC		1392800	18-09-00-00-04901	<b>i</b>
ROSBORO LLC		1405693	18-09-07-00-00101	<b>i</b>
ROSBORO LLC		1405701	18-09-08-00-00101	<b>i</b>
ROSBORO LLC	87251 HADSALL CREEK RD MAP	97453 1566650	18-10-13-00-00200	<b>i</b>
ROSBORO LLC		4146765	16-45-31-00-00100	<b>i</b>
ROSBORO LLC		1681954	17-09-34-00-00301	<b>i</b>

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297 record(s) selected. Record numbers 131 - 140 are displayed below.

Click the  to the right of a record to view a detailed property report.

ROSBORO LLC		1805165	17-09-35-00-01000	 
ROSBORO LLC	SPR SPR	1814399	17-03-36-00-00100	 
ROSBORO LUMBER CO		22325	15-06-35-00-00100	 
ROSBORO LUMBER CO		28173	16-01-05-00-00801	 
ROSBORO LUMBER CO		84655	16-45-31-00-00100	 
ROSBORO LUMBER CO		84663	16-45-00-00-06400	 
ROSBORO LUMBER CO		84689	16-45-00-00-06600	 
ROSBORO LUMBER CO		84721	16-45-00-00-06900	 
ROSBORO LUMBER CO		84754	16-45-00-00-07200	 
ROSBORO LUMBER CO		84796	16-45-00-00-07500	 

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29 record(s) selected. Record numbers 141 - 150 are displayed below.

Click the  to the right of a record to view a detailed property report.

ROSBORO LUMBER CO		87633	16-45-29-00-00400	 
ROSBORO LUMBER CO		87641	16-45-29-00-00500	 
ROSBORO LUMBER CO		87641	16-45-29-00-00500	 
ROSBORO LUMBER CO		88276	16-45-30-40-01200	 
ROSBORO LUMBER CO	2355 MAIN ST	SPR SPR SPR 97477 332682	17-03-36-41-02300	 
ROSBORO LUMBER CO	2509 MAIN ST	SPR SPR SPR 97477 332682	17-03-36-41-02300	 
ROSBORO LUMBER CO	2309 MAIN ST	SPR SPR SPR 97477 332716	17-03-36-41-02500	 
ROSBORO LUMBER CO	156 S 20TH ST	SPR SPR SPR 97477 333342	17-03-36-42-05200	 
ROSBORO LUMBER CO		519031	17-06-31-00-02000	 
ROSBORO LUMBER CO		552990	17-35-02-00-00600	 

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295 record(s) selected. Record numbers 151 - 160 are displayed below.

Click the to the right of a record to view a detailed property report.

ROSBORO LUMBER CO	553550	17-35-02-30-03700	
ROSBORO LUMBER CO	554426	17-35-11-00-00300	
ROSBORO LUMBER CO	554624	17-45-00-00-00100	
ROSBORO LUMBER CO	554640	17-45-00-00-00300	
ROSBORO LUMBER CO	554665	17-45-00-00-00500	
ROSBORO LUMBER CO	554681	17-45-00-00-00700	
ROSBORO LUMBER CO	554699	17-45-00-00-00800	
ROSBORO LUMBER CO	554707	17-45-00-00-00900	
ROSBORO LUMBER CO	554715	17-45-00-00-01000	
ROSBORO LUMBER CO	554731	17-45-00-00-01200	

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29 record(s) selected. Record numbers 161 - 170 are displayed below.

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

ROSBORO LUMBER CO	554749	17-45-00-00-01300	
ROSBORO LUMBER CO	554772	17-45-00-00-01600	
ROSBORO LUMBER CO	554780	17-45-00-00-01700	
ROSBORO LUMBER CO	554798	17-45-00-00-01800	
ROSBORO LUMBER CO	554814	17-45-00-00-01900	
ROSBORO LUMBER CO	554822	17-45-00-00-02000	
ROSBORO LUMBER CO	554830	17-45-00-00-02100	
ROSBORO LUMBER CO	554848	17-45-00-00-02200	
ROSBORO LUMBER CO	554855	17-45-00-00-02300	
ROSBORO LUMBER CO	554863	17-45-00-00-02400	

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29 record(s) selected. Record numbers 171 - 180 are displayed below.

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

ROSBORO LUMBER CO	554939	17-45-00-00-03100	 
ROSBORO LUMBER CO	555142	17-45-24-00-00100	 
ROSBORO LUMBER CO	555159	17-45-00-00-05300	 
ROSBORO LUMBER CO	555209	17-45-00-00-05800	 
ROSBORO LUMBER CO	555266	17-45-00-00-06400	 
ROSBORO LUMBER CO	555282	17-45-00-00-06600	 
ROSBORO LUMBER CO	555332	17-45-06-00-00100	 
ROSBORO LUMBER CO	555399	17-45-06-00-00700	 
ROSBORO LUMBER CO	555407	17-45-06-00-00800	 
ROSBORO LUMBER CO	555415	17-45-06-00-00900	 

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297 record(s) selected. Record numbers 181 - 190 are displayed below.

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

ROSBORO LUMBER CO		SPR SPR	563294	18-02-06-00-01200		
ROSBORO LUMBER CO			746931	18-05-10-00-00300		
ROSBORO LUMBER CO	27053 PICKENS RD	EUG	97402 746949	18-05-10-00-00300		
ROSBORO LUMBER CO			746956	18-05-10-00-00400		
ROSBORO LUMBER CO			945004	21-15-00-00-00400		
ROSBORO LUMBER CO			971562	22-04-35-00-00200		
ROSBORO LUMBER CO			971588	22-04-36-00-00100		
ROSBORO LUMBER CO			971604	22-04-36-00-00300		
ROSBORO LUMBER CO	701 S 28TH ST	SPR SPR SPR	97477 1060340	18-02-06-00-01003		
ROSBORO LUMBER CO			1081379	18-01-06-00-02102		

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292 record(s) selected. Record numbers 191 - 200 are displayed below.

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

ROSBORO LUMBER CO				1250073	19-11-00-00-03501	
ROSBORO LUMBER CO	49532 MCKENZIE HWY	VID	97488 1408523	17-35-11-00-00300		
ROSBORO LUMBER CO			1408531	17-45-06-00-00100		
ROSBORO LUMBER CO			1587433	17-45-00-00-05301		
ROSBORO LUMBER CO			1587441	17-45-00-00-05302		
ROSBORO LUMBER CO			1635042	16-45-31-00-00100		
ROSBORO LUMBER CO			4252761	17-35-11-00-00300		
ROSBORO LUMBER CO	90410 HUCKLEBERRY LN	VID	97488 1671351	16-45-31-00-00100		
ROSBORO LUMBER CO	90407 HUCKLEBERRY LN	VID	97488 1671351	16-45-31-00-00100		
ROSBORO LUMBER CO	90390 HUCKLEBERRY LN	VID	97488 1671351	16-45-31-00-00100		

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Large Scale Holdings  
in Oregon  
Generally



Oregon Dept of Revenue  
 List of 10-yr Scale-Industrial Timber Owners in Oregon.  
 5,000 Acre Owners in Oregon as of April 1, 2008

OWNER	COMPANY NAMES	ADDRESS	CITY	STATE	ZIP
1	AL PEIRCE CO APCO CURRY PROPERTIES LLC APCO COOS PROPERTIES LLC AL PEIRCE LUMBER CO.	PO BOX 300	COOS BAY	OR	97420
2	ATTWOOD THOMAS G	PO BOX 1516	CDLMA	CA	94014
3	BASCOM PACIFIC LLC	51 MAIN STREET	NORTH EASTON	MA	02356
4	BOISE NE OREGON LAND & TIMBER GALLATIN NE ORE LAND & TIMBER MERIWETHER NW OR LAND & TIMBER LLC MERIWETHER SOUTHERN OREGON LAND & TIMBER LLC LAMINORA PROPERTIES INC GALLATIN NE OREGON LAND & TIMBER LLC COLTER RIDGE PROPERTIES, INC	6500 MINERAL DR STE 101 450 PACIFIC AVE N 450 PACIFIC AVE N 450 PACIFIC AVE N 6500 MINERAL DR STE 101 6500 MINERAL DR STE 102	COEUR D'ALENE MONMOUTH MONMOUTH MONMOUTH COEUR D'ALENE COEUR D'ALENE	ID OR OR OR ID ID	83815 97361 97361 97361 83815 83815
5	CLARUTH INC WILLNA INC FRANBEA INC EA1/3 CLARUTH INC FRANBEA INC WILLNA INC EVENSON LOGGING CO SDS PROPERTIES LIMITED PARTNERSHIP	PO BOX 127	CLATSKANIE	OR	97016
6	COLLINS TIMBER COMPANY LLC COLLINS PINE COMPANY	PO BOX 1340	LAKEVIEW	OR	97630
7	CROOK TIMBERLANDS LLC ET AL	PO BOX 1304	COOS BAY	OR	97420
8	CASCADE TIMBERLANDS OREGON LLC CASCADE TIMBERLANDS LLC	19245 TENTH AVE NE	POULSB0	WA	98370
9	DAVIDSON INDUSTRIES INC DAVIDSON LUMBER CO DAVIDSON PHILIP S GRANT SCHRUM PROPERTIES POPO PROPERTIES LTD PTRSHP PORTAGE PROPERTIES LIMITED PTRSHP RIVER RANCH LLC SAUSE HEIDI N SIJSLAW FOREST PROPERTIES INC SIJSLAW PROPERTIES INC	PO BOX 7	MAPLETON	OR	97453
10	D R JOHNSON LUMBER CO D R JOHNSON TIMBER CO JOHNSON LUMBER CO S-J LIMITED PARTNERSHIP JOHNSON DONALD R PRAIRIE WOOD PRODUCTS INC RUDIO MTN LIMITED PARTNERSHIP SOUTHERN OREGON PROPERTY MANAGEMENT LLC WALLOWA FOREST PRODUCTS LLC GRANT WESTERN LUMBER CO	PO BOX 66	RIDDLE	OR	97469
11	FOLLANSBEE, ROGERS V	707 SW WASHINGTON ST STE 1300	PORTLAND	OR	97205
12	FRANK TIMBER RESOURCES INC	PO BOX 79	MILL CITY	OR	97360
13	FRERES TIMBER INC FRERES PARTNERSHIP LLC FRERES LUMBER CO INC	PO BOX 276	LYONS	OR	97358
14	FRUIT GROWERS SUPPLY CO INC	PO BOX 10352	VAN NUYS	CA	91409
15	GIUSTINA LAND & TIMBER CO GIUSTINA LAND & TIMBER CO LIMITED PARTNERSHIP GIUSTINA RESOURCES LIMITED PARTNERSHIP GIUSTINA WOODLANDS LIMITED PARTNERSHIP LOST CREEK TIMBER CADORE TIMBER CO	PO BOX 989     PO BOX 529	EUGENE     EUGENE	OR     OR	97440     97440
16	GOOSE LAKE TIMBER CO	6000 HARVARD AVE	CLEVELAND	OH	44105
17	GREEN DIAMOND RESOURCE COMPANY SIMPSON TIMBER COMPANY	PO BOX 9001	SHELTON	WA	98584


18	HAMPTON RESOURCES INC HAMPTON TREE FARM INC AGENCY CREEK MANAGEMENT CO MID-VALLEY RESOURCES INC WILLAMINA LUMBER COMPANY FORT HILL LUMBER CO	9600 SW BARNES RD SUITE 200	PORTLAND	OR	97225
19	HARRIS FAMILY TRUST	13617 WHITTIER BLVD	WHITTIER	CA	90605
20	HOOD RIVER COUNTY OF	601 STATE ST	HOOD RIVER	OR	97031
21	HULL OAKES LUMBER CO HULL RALPH W	PO BOX 40	MONROE	OR	97456
22	INDIAN HILL LLC PERPETUA FORESTS COMPANY ROUGH & READY TIMBER COMPANY INC BUTTE GINGER LLC GINGER CREEK TIMBER CO OAK FLAT LLC S & J LAND CO LLC QUAIL VALLEY LLC	200 CORPORATE WAY PO BOX 519 200 CORPORATE WAY	GRANTS PASS CAVE JUNCTION GRANTS PASS	OR OR OR	97526 97523 97526
23	JELD WEN INC JELD WEN TIMBER HOLDINGS INC JWTR LLC MOEN OLIVER E & BONNIE J &	3250 LAKEPORT BLVD 401 HARBOR ISLES BLVD 6400 HIGHWAY 66	KLAMATH FALLS KLAMATH FALLS KLAMATH FALLS	OR OR OR	97601 97601 97601
24	JOHN HANCOCK MUTUAL LIFE INS CO JOHN HANCOCK LIFE INSURANCE COMPANY FORESTREE GM LLC FORESTREE WASHINGTON LTD PARTNERSHIP	1499 SE TECH CENTER PLACE #250	VANCOUVER	WA	98683
25	J SPEAR RANCH CO SHAW THOMAS J TRUSTEE &	PO BOX 257	KLAMATH FALLS	OR	97601
26	K & C BUCKAROO RANCH, LLC	9825 WILLOWS RD NE #STE 140	REDMOND	WA	98052
27	LONE ROCK TIMBERLAND CO COAST RANGE RESOURCES LLC JUNIPER PROPERTIES LTD PARTNERSHIP DESAH LLC NARALTO LLC	PO BOX 1127  PO BOX 1001	ROSEBURG  ROSEBURG	OR  OR	97470  97470
28	LONGVIEW FIBRE COMPANY LONGVIEW TIMBERLANDS LLC LONGVIEW TIMBER CORP LONGTIMBER CO OF OREGON	PO BOX 667 PO BOX 3000	LONGVIEW LONGVIEW	WA WA	98632 98632
29	MENASHA FOREST PRODUCTS CORPORATION MENASHA DEVELOPMENT CORPORATION	PO BOX 588	NORTH BEND	OR	97459
30	MIAMI CORPORATION	410 N MICHIGAN AVE #STE 590	CHICAGO	IL	60611
31	MOORE MILL & LUMBER CO	PO BOX 277	BANDON	OR	97411
32	NORTON FEEDLOT LLC	PO BOX 728	MADRAS	OR	97741
33	NYE MARTIN N & CHERIE C	3815 NW CREEKSIDE DR	VANCOUVER	WA	98685
34	OCHOCO LUMBER COMPANY MALHEUR LUMBER COMPANY	PO BOX 668	PRIVEVILLE	OR	97754
35	PENDLETON RANCHES INC CUNNINGHAM SHEEP & LAND CO CUNNINGHAM SHEEP CO	PO BOX 1186	PENDLETON	OR	97801
36	P H TIMBER LLC MATOAKA FORESTS LLC	15 PIEDMONT CENTER #1250	ATLANTA	GA	30305
37	PLUM CREEK TIMBERLANDS LP PLUM CREEK LAND COMPANY EPC HOLDINGS 745 LLC	999 THIRD AVE #4300 PO BOX 1990	SEATTLE COLUMBIA FALLS	WA MT	98104 59912
38	PONDEROSA LAND & CATTLE CO II-IX PONDEROSA LAND & CATTLE CO. LLC	2250 MCGILCHRIST ST SE	SALEM	OR	97302
39	PORT BLAKELY TREE FARMS	1325 FOURTH AVE 10TH FLOOR	SEATTLE	WA	98101

40	POWERS RANCH CO POWERS ALBERT H & RUTH M	5800 40TH AVENUE WEST	SEATTLE	WA	98199
41	R F WILSON COASTAL FIBRE INC WILSON PROPERTY INVESTMENT LLC WILSON PROPERTIES	PO BOX 99	LYONS	OR	97358
42	ROCKING C RANCH LLC WHIPPLE CAROL A	21755 HIGHWAY 138 WEST	ELKTON	OR	97436
43	ROSBORO LLC ROSBORO LUMBER CO ROSBORO LUMBER CO LLC USR COMPANY LLC	PO BOX 20	SPRINGFIELD	OR	97477
44	ROSEBURG RESOURCES CO FORD ALLYN C FORD HALLIE E MOUNT SCOTT HOLDING CO LLC ROSEBURG FOREST PRODUCTS CO RIVER BEND RESOURCES CO WEST COAST FOREST RESOURCES	PO BOX 1088	ROSEBURG	OR	97470
45	SDS CO LLC	PO BOX 266	BINGEN	WA	98605
46	SENECA JONES TIMBER COMPANY SENECA TIMBER COMPANY SENECA TIMBER COMPANY LIMITED PARTNERSHIP SENECA JONES TIMBER COMPANY LTD PTRSHP	PO BOX 10265	EUGENE	OR	97440
47	SILVER BUTTE TIMBER CO	PO BOX 4	RIDDLE	OR	97469
48	SMEJKAL JAMES A	42142 NW PALACE DR	BANKS	OR	97106
49	SOUTH COAST LUMBER CO SOUTH COAST TIMBER CO CLR TIMBER HOLDINGS INC FALLERT RONALD T	PO BOX 670	BROOKINGS	OR	97415
50	STARKER FORESTS INC STARKER PROPERTIES LLC	PO BOX 809	CORVALLIS	OR	97339
51	STIMSON LUMBER COMPANY FOREST FIBER PRODUCTS CO	PO BOX 68	FOREST GROVE	OR	97118
52	SUPERIOR LUMBER CO INC SUPERIOR VENEER CO SWANSON GROUP INC SWANSON-SUPERIOR LLC	PO BOX 250	GLENDALE	OR	97442
53	THOMPSON TREE FARM INC	6860 SW WINDING WAY	CORVALLIS	OR	97333
54	TIMBER SERVICE CO INC	PO BOX 446	SWEET HOME	OR	97386
55	THREE VALLEYS RANCH HAMMOND RANCH # 26 HAMMOND RANCH # 27 HAMMOND RANCH # 28	5151 CORPORATE DRIVE	TROY	MI	97848
56	VANECK FRED M FOR FND ORE LLC	2380 NW KINGS BLVD #103	CORVALLIS	OR	97330
57	WASSER & WINTERS COMPANY	PO BOX 396	LONGVIEW	WA	98632
58	WEYERHAEUSER COMPANY WEYERHAEUSER REAL ESTATE DEVELOPMENT CO OREGON TIMBER COMPANY	PO BOX 9777	FEDERAL WAY	WA	98063
59	WOODWARD STUCKART LLC	PO BOX 663	PRINEVILLE	OR	97754

Owner Name   

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

Click the  to the right of a record to view a detailed property report.

GIUSTINA LAND & TIMBER CO	35343	16-02-25-00-00200	 
GIUSTINA LAND & TIMBER CO	37497	16-02-35-00-00901	 
GIUSTINA LAND & TIMBER CO	37612	16-02-36-00-00100	 
GIUSTINA LAND & TIMBER CO	37638	16-02-36-00-00201	 
GIUSTINA LAND & TIMBER CO	37646	16-02-36-00-00300	 
GIUSTINA LAND & TIMBER CO	77600	16-25-00-00-04900	 
GIUSTINA LAND & TIMBER CO	77634	16-25-00-00-05200	 
GIUSTINA LAND & TIMBER CO	77642	16-25-00-00-05300	 
GIUSTINA LAND & TIMBER CO	77675	16-25-00-00-05501	 
GIUSTINA LAND & TIMBER CO	77683	16-25-00-00-05600	 

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Owner Name Search Results

Owner Name



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

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

Record Number	Owner Name	Address	Parcel ID	Area	County	Map ID	Map Date	Map Type	Map Scale	Map Date	Map Type	Map Scale	Map Date	Map Type	Map Scale	Map Date	Map Type	Map Scale	
1	ROSBORO					1649910	16-45-31-00-00102												
2	ROSBORO LAND ANNEX LLC	1801 ASTER ST		SPR SPR SPR		97477 318129	17-03-36-00-00300												
3	ROSBORO LAND ANNEX LLC			SPR SPR		1054475	17-03-36-00-00401												
4	ROSBORO LLC					21442	15-06-00-00-00300												
5	ROSBORO LLC					21459	15-06-00-00-00400												
6	ROSBORO LLC	2027 S A ST		SPR SPR SPR		97477 318103	17-03-36-00-00100												
7	ROSBORO LLC					527752	17-09-00-00-04000												
8	ROSBORO LLC					527786	17-09-00-00-04300												
9	ROSBORO LLC					527794	17-09-00-00-04400												
10	ROSBORO LLC					527802	17-09-00-00-04500												

1

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Owner Name   

1551 record(s) selected. Record numbers 1 - 10 are displayed below.

Click the  to the right of a record to view a detailed property report.

WEYERHAEUSER CO				34098	16-02-13-00-00800	 
WEYERHAEUSER CO	740 42ND ST		SPR SPR SPR	97478 126282	17-02-32-22-00400	 
WEYERHAEUSER CO				924173	20-05-20-00-00800	 
WEYERHAEUSER CO				938652	21-03-05-00-01700	 
WEYERHAEUSER CO			SPR SPR	1348802	17-02-30-00-02500	201  
WEYERHAEUSER CO				4105910	15-15-00-00-01100	 
WEYERHAEUSER CO				1761525	16-01-17-00-01302	 
WEYERHAEUSER CO INC	192 N BERTELSEN RD		EUG EUG EUG	97402 458966	17-04-27-30-01600	 
WEYERHAEUSER CO INC				5017890		 
WEYERHAEUSER CO INC				5093651		 

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

Owner Name



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

Owner Name	Street Address	City/State/Zip	Amount	Map and Tax ID	Info
DAVIDSON INDUSTRIES			533008	17-10-25-21-01000	<b>i</b>
DAVIDSON INDUSTRIES			761096	18-09-00-00-06000	<b>i</b>
DAVIDSON INDUSTRIES			761104	18-09-00-00-06000	<b>i</b>
DAVIDSON INDUSTRIES			770444	18-11-16-00-00300	<b>i</b>
DAVIDSON INDUSTRIES			770600	18-11-16-00-01900	<b>i</b>
DAVIDSON INDUSTRIES			854545	19-11-05-00-00300	<b>i</b>
DAVIDSON INDUSTRIES			1410495	19-12-36-00-00401	<b>i</b>
DAVIDSON INDUSTRIES			4261911	19-11-17-00-00505	<b>i</b>
DAVIDSON INDUSTRIES			1697828	19-11-29-00-00701	<b>i</b>
DAVIDSON INDUSTRIES INC	92251 W INDIAN CREEK RD SWI		97480 74102	16-10-00-00-02100	<b>i</b>

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163

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

Owner Name [dropdown] [up/down arrows]

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

SENECA 5 LLC	65 N SENECA RD	EUG EUG EUG 97402 445419	17-04-26-00-01700	
SENECA JONES TIMBER CO		22077	15-06-23-00-01100	
SENECA JONES TIMBER CO		22168	15-06-25-00-00400	
SENECA JONES TIMBER CO		22192	15-06-26-00-00100	
SENECA JONES TIMBER CO		95008	17-01-00-00-02400	
SENECA JONES TIMBER CO		95040	17-01-00-00-02800	
SENECA JONES TIMBER CO		95719	17-01-17-00-00700	
SENECA JONES TIMBER CO		96006	17-01-20-00-00100	
SENECA JONES TIMBER CO		507242	17-06-10-00-01700	
SENECA JONES TIMBER CO		752228	18-05-30-00-00601	

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Search Results

Owner Name



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

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

Record Number	Owner Name	County	Parcel ID	Assessment Year	Assessment Value	Assessment Date	Actions
1	MCDUGAL BROS INC	EUG	582187	18-03-03-13-01000			
2	MCDUGAL BROS INC		690824	18-03-26-00-00200			
3	MCDUGAL BROS INC		1114683	18-03-26-00-00101			
4	MCDUGAL BROS INC		4080022	19-01-08-00-02907			
5	MCDUGAL BROS INC	CRE CRE	4084065	19-03-12-33-02300			
6	MCDUGAL BROS INC		4096838	19-01-08-00-02907			
7	MCDUGAL BROS INC		5478092				
8	MCDUGAL BROS INC		5494149				
9	MCDUGAL BROS INC		5504251				
10	MCDUGAL BROS INC		5525488				

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Owner Name: WEYERHAEUSER CO

Owner Name  ↑ ↓

1668 record(s) selected. Record numbers 1 - 10 are displayed below.

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

Owner Name	Address	Parcel ID	Area	Year	Value	Assessment	Map	Report
WEYERHAEUSER CO		34098		16-02-13-00-00800				
WEYERHAEUSER CO	740 42ND ST	SPR SPR SPR 97478 126282		17-02-32-22-00400				
WEYERHAEUSER CO		924173		20-05-20-00-00800				
WEYERHAEUSER CO		938652		21-03-05-00-01700				
WEYERHAEUSER CO		SPR SPR 1348802		17-02-30-00-02500	201			
WEYERHAEUSER CO		4105910		15-15-00-00-01100				
WEYERHAEUSER CO		1761525		16-01-17-00-01302				
WEYERHAEUSER CO INC	192 N BERTELSEN RD	EUG EUG EUG 97402 458966		17-04-27-30-01600				
WEYERHAEUSER CO INC		5017890						
WEYERHAEUSER CO INC		5093651						

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*1668 Records*

Owner Name: [Search Field]

Owner Name [Dropdown]



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

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

MCDUGAL BROS INC	EUG	582187	18-03-03-13-01000	
MCDUGAL BROS INC		690824	18-03-26-00-00200	
MCDUGAL BROS INC		1114683	18-03-26-00-00101	
MCDUGAL BROS INC		4080022	19-01-08-00-02907	
MCDUGAL BROS INC		4084065	19-03-12-33-00100	
MCDUGAL BROS INC		4096838	19-01-08-00-02907	
MCDUGAL BROS INC		5478092		
MCDUGAL BROS INC		5494149		
MCDUGAL BROS INC		5504251		
MCDUGAL BROS INC		5525488		

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New Property Search | Applications Menu

*92 records*

Owner Name



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

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

SENECA JONES TIMBER CO	22077	15-06-23-00-01100	<b>i</b>
SENECA JONES TIMBER CO	22168	15-06-25-00-00400	<b>i</b>
SENECA JONES TIMBER CO	22192	15-06-26-00-00100	<b>i</b>
SENECA JONES TIMBER CO	95008	17-01-00-00-02400	<b>i</b>
SENECA JONES TIMBER CO	95040	17-01-00-00-02800	<b>i</b>
SENECA JONES TIMBER CO	95719	17-01-17-00-00700	<b>i</b>
SENECA JONES TIMBER CO	96006	17-01-20-00-00100	<b>i</b>
SENECA JONES TIMBER CO	507242	17-06-10-00-01700	<b>i</b>
SENECA JONES TIMBER CO	752228	18-05-30-00-00601	<b>i</b>
SENECA JONES TIMBER CO	752327	18-05-31-00-00300	<b>i</b>

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*168 Records*

*168*

Owner Name: Seneca Jones Timber Co

Owner Name



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

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

Owner Name	Parcel ID	APN	Parcel Area (Ac)	Year	Parcel	Info
SENECA JONES TIMBER CO	22077	15-06-23-00-01100				
SENECA JONES TIMBER CO	22168	15-06-25-00-00400				
SENECA JONES TIMBER CO	22192	15-06-26-00-00100				
SENECA JONES TIMBER CO	95008	17-01-00-00-02400				
SENECA JONES TIMBER CO	95040	17-01-00-00-02800				
SENECA JONES TIMBER CO	95719	17-01-17-00-00700				
SENECA JONES TIMBER CO	96006	17-01-20-00-00100				
SENECA JONES TIMBER CO	507242	17-06-10-00-01700				
SENECA JONES TIMBER CO	752228	18-05-30-00-00601				
SENECA JONES TIMBER CO	752327	18-05-31-00-00300				

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# RLID Owner Query

Owner Name



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

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

DAVIDSON INDUSTRIES		533008	17-10-25-21-01000	
DAVIDSON INDUSTRIES		761096	18-09-00-00-06000	
DAVIDSON INDUSTRIES		761104	18-09-00-00-06000	
DAVIDSON INDUSTRIES		770444	18-11-16-00-00300	
DAVIDSON INDUSTRIES		770600	18-11-16-00-01900	
DAVIDSON INDUSTRIES		854545	19-11-05-00-00300	
DAVIDSON INDUSTRIES		1410495	19-12-36-00-00401	
DAVIDSON INDUSTRIES		4261911	19-11-17-00-00505	
DAVIDSON INDUSTRIES		1697828	19-11-29-00-00701	
DAVIDSON INDUSTRIES INC	92251 W INDIAN CREEK RD SWI	97480 74102	16-10-00-00-02100	

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*216 Records*

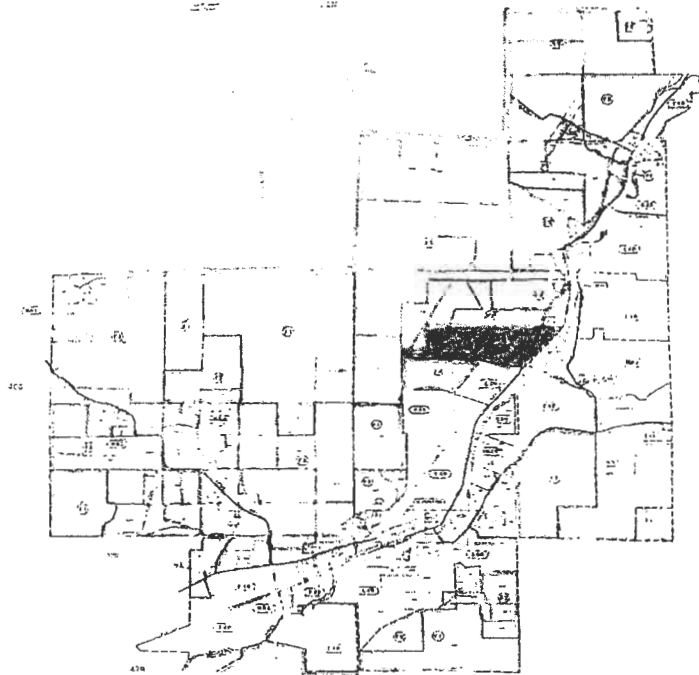
**LAW OFFICE OF BILL KLOOS, PC**

OREGON LAND USE LAW

375 WEST 4<sup>th</sup> STREET, SUITE 204  
EUGENE, OR 97401  
TEL (541) 954-0095  
FAX (541) 343-8702  
E-MAIL KIMODEA@LANDUSEOREGON.COM

**PLAN CHANGE AND ZONE CHANGE  
APPLICATION  
FOR  
RAVIN VENTURES, LLC  
Lane County, Oregon**

**Map 16-01-08, tax lot 700**



Prepared for:  
Ed Fisher and Ramon Fisher  
PO Box 751  
Oakridge, Oregon 97463

May 2006

71

**LAW OFFICE OF BILL KLOOS, PC**

OREGON LAND USE LAW

576 OLIVE STREET, SUITE 300

PO BOX 11906  
EUGENE, OR 97440  
PHONE (541) 343-0323  
FAX (541) 343-8702  
E-MAIL [KIMODEA@LANDUSEOREGON.COM](mailto:KIMODEA@LANDUSEOREGON.COM)

**APPLICANT'S INITIAL STATEMENT  
TO COUNTY BOARD  
IN SUPPORT OF  
FOREST PLAN DESIGNATION AND F-2 ZONING**

May 16, 2006

Kent Howe  
Planning Director  
Land Management Division  
125 E 8<sup>th</sup> Ave  
Eugene, OR 97401

Re: Fisher Plan Change and Zone Change Application  
Map 16-01-08, tax lot 700

Dear Mr. Howe:

Please accept this letter as evidence in support of the attached plan change and zone change application. The proposal is to re-designate property from Agriculture to Forest and rezone the property from E-40 to F-2. Enclosed is a check for \$6,010.00.

**I. PROPOSAL DESCRIPTION**

**A. Owner/Applicant**

**Agent**

Ravin Ventures, LLC Ramon Fisher, President Ed Fisher, interest holder PO Box 751 Oakridge, OR 97463	Kim O'Dea Law Office of Bill Kloos, PC 375 West 4 <sup>th</sup> St., Ste. 204 Eugene, OR 97401 (541) 954-0095
--	---

**B. Proposal**

This proposal is a request to redesignate 126.28 acres of farmland to forestland and rezone the same from E-40 to F-2.

**C. Exhibits**



Exhibit A:	Application Form
Exhibit B:	Location Map
Exhibit C:	County Assessment and Taxation Maps
Exhibit D:	Zoning Map
Exhibit E:	Surrounding Area Maps
Exhibit F:	Soils Map
Exhibit G:	Aerial Photograph
Exhibit H:	RCP Goal 5 Natural Resource Excerpt
Exhibit I:	RLID Property Information Sheets
Exhibit J:	RCP Agricultural Working Paper Excerpt
Exhibit K:	Topographical Map
Exhibit L:	PDC and Ownership Deeds
Exhibit M:	FIRM Image
Exhibit N:	Site Photographs
Exhibit O:	Rural Addressing Maps
Exhibit P:	Hearing Official's Interpretation of F-1/F-2 Policies
Exhibit Q:	Legal Lot Verification PA 00-5822
Exhibit R:	NWI Map

## II. SITE AND PLANNING PROFILE

### A. Location

Map 16-01-08, Tax lot 700. See Exhibit C.

The property subject to the application, hereinafter referred to as the "subject property," is a legal lot. See PA 00-5822. The proposed plan change and zone change does not affect the boundaries of the lot, and therefore does not affect its legal status. Tax lot 700 is approximately 126.28 acres located west of Marcola Road, approximately one mile north of the unincorporated community of Marcola. See Exhibit B.

### B. Zoning

The subject property is designated farm land and zoned E-40. See Exhibit D.

### C. Site Characteristics/History

The subject property is located at the foot of the Coburg Hills and slopes gently upward toward the west. The western portion of the property is traversed by high tension power lines. A second set of high tension lines cuts diagonally across the property. The east portion of the property is

bisected by an abandoned railroad right of way and old Marcola Road right-of-way. See Exhibits C and E. A homestead dwelling is located on the eastern portion of the property near Marcola Road. See Exhibit O.

The applicant purchased the subject property in 1998. The property had been logged and regenerated prior to the applicant's purchase. In 2002, the applicants logged the property. It has been subsequently regenerated. There is no evidence that property has never been used for farm use. The 2000 Aerial photo, included as Exhibit G, shows the property as forested or in forest rejuvenation. No grazing or cultivated soils are apparent on the aerial photos. See Exhibit G.

#### **D. Organization, Summary and Introduction**

This narrative is organized according to the kinds of standards that apply. Following the Introduction, four additional parts address the Statewide Planning Goals, the Rural Comprehensive Plan Policies, the standards for plan changes, and the standards for zone changes, respectively. Because the goals provide the most comprehensive set of standards, the evidence and legal argument is presented as comprehensively as possible in connection with the discussion of the goals. Whenever possible, in order to avoid repetition, reference is made back to the goal discussion when addressing the non-goal standards. Supporting exhibits are attached to this narrative. A list of exhibits is included on page 2, above.

This applicant seeks a plan change from Agriculture to Forest and a zone change from E-40 to F-2 for approximately 126 acres of land west of Marcola Road and west of the Marcola River. The property is roughly rectangular. It is adjacent to Marcola Road and more specifically described in Exhibit L. See Exhibit B for exact location.

**Proposal in a Nutshell:** The subject property is surrounded by Forest designation and exception area. It is an E-40 lot in a sea of Forest designation and RR exception areas. See Exhibit E. This application seeks a Forest designation, which would be consistent with the use of the parcel, surrounding designations and uses and topography. If the application is approved, the subject property would be designated Forest and zoned F-2. Because the parcel already contains a dwelling, it is considered developed and not likely eligible for further development.

Requests for a plan change from Agricultural Land to Forest Land must comply with the Statewide Planning Goals, the Rural Comprehensive Plan, and the county zoning code. The standards in the goals, the plan, and the code are diverse. They overlap somewhat. This statement addresses each relevant standard with support from exhibits.

The subject proposal removes no resource land from the County's inventory. It simply replaces one resource designation with another. Furthermore, the proposal neither results in any

development approvals nor increases development opportunities. The subject property is already developed with a pre-land use regulation dwelling. Land divisions in the Forest zone are more difficult than in the E-40 zone because minimum lot size is 80 acres rather than 40-acres (under current E-40 zoning). At 126.28 acres, the subject property is not large enough to qualify for a land division under the forest designation. The forest designation and zoning do not allow for additional dwellings on a single tract of land. Furthermore, the proposed designation reflects the past, current and continued use of the property.

The balance of this Introduction does two things: (A) It summarizes the state and local legal framework that authorizes Forest and Farm designations; and (B) it describes the subject property and the immediately surrounding property in a way that will be relevant to many of the state and local standards that are addressed in detail in the balance of this statement.

A. State and Local Law Authorize Resource Designations.

Goal 3 and the Goal 3 Rule define "Agricultural Land" and require that it be preserved for farm use. Goal 4 and the Goal 4 Rule define "Forest Lands," require it to be conserved, and allow it to be put to the limited range of uses stated in the Rule. Both types of lands are "resource lands." As defined by LDCD, "Resource Land" is any land within the definition of Goal 3 (Agricultural Land), Goal 4 (Forest Land), Goal 16 (Estuarine Resources); Goal 17 (Coastal Shorelands); or Goal 18 (Beaches and Dunes). See OAR 660-004-0005(2). "Nonresource Land" is any land that is not within the definition of one of the goals listed above. See OAR 660-004-0005(3).

B. Description of Subject Property and Adjacent and Nearby Area.

This section describes the subject property in summary terms and the adjacent and nearby land in more detail. The purpose is to provide a factual context for the balance of the narrative. It is especially relevant to Section IV – Compliance with the Rural Comprehensive Plan. Reference is made to plan and zone designations, parcelization, and land uses.

In general terms, this area is in the foothills on the east side of the Coburg Hills near the rural unincorporated community of Marcola. The site has soils that qualify it as both forest and farm land.

"Adjacent and nearby" is not defined in the statute, rules or local code. The applicant therefore defines it to mean lands with a boundary line common to the subject property (if the common line is a road, then the lands across the road are considered adjacent) and lands within 1,000 feet of the subject property. However, there are several properties within 1,000 feet of the subject property that are separated from the subject property by two county roads and the Marcola River. The applicant believes that these properties do little to influence or represent the character of the surrounding area because there are separated from the subject property by too many

barriers. This issue is discussed further below in the "summary of table" section.

The subject property is approximately ~~126~~ acres of reforested timberland. It is developed with a homestead (pre-land use regulation) dwelling that is located near Marcola Road. The property has a history of being logged. It was most recently logged by the applicant in 2002. It is currently in forest regeneration. Prior to that, it was logged in approximately 1955-1960 (based on 2002 tree stump and site conditions). There is no evidence that the property has ever been in "agricultural use" as defined by the statute.

The property is roughly rectangular in shape. It rises from about 700 feet in elevation at the east to about ~~850~~ feet at the west. See Exhibit K. It is traversed by two BPA power lines and an abandoned railroad right-of-way. See Exhibits C and E. There is a well and septic system on the site to serve the existing dwelling.

As discussed more fully in connection with Goals 3 and 4, a majority of the soils on the site have an Agricultural Capability rating of I through IV and therefore the property qualifies as Agricultural Land. The subject site also meets the county's acknowledged definition of forest lands by containing soils capable of producing more than 50 cu/ft/acre of wood fiber.

Table A (below) summarizes uses, designation, and zoning on adjacent and nearby properties. The table also includes the subject property. To determine zoning, the applicant used official County zoning maps, which are included as Exhibit D. To determine designation, the applicant relied on zoning and RLID data sheets. To determine acreage and presence of a dwelling, the applicant relied on RLID data sheets. To determine use, the applicant relied on RLID data sheets, aerial photos, site visits and site photos. See footnotes 1 and 2. RLID data sheets are included as Exhibit I.

RLID shows that the subject property is in Forest Tax Deferral and in Small Tract Forestland Option Deferral. Both deferrals require the property to be in forest use. See Exhibit I. RLID also describes the subject property as Timber and Timberlands. The site photographs confirm that the property is in forest management and that there is no farming. The aerial photograph shows much of the property as treed, some of the property in regeneration (the more barren areas), a small portion developed with a dwelling, and a small portion in open field (near the dwelling). The owner has confirmed that the small field is not in "farm use," as defined by the statute.

TABLE A  
 ADJACENT AND NEARBY LAND

Map & Tax Lot	Location In relation to subject property	Zoning /Desig	Acreage	Dwelling?	Use <sup>1</sup>	Comments <sup>2</sup>
16-01-07, TL 200	North (adjacent)	F-2/F	64.27	No	Timberlands/ Commercial Forestry (F)	Owned by Rosboro Lumber Company and in Forest Tax Deferral.
16-01-07, TL 201	North and West (adjacent)	F-1/F	51.10	No	Publicly Owned Property/ Forestland (F)	Owned by US Government. No special tax assessment.
16-01-07, TL 202	North and West (adjacent)	F-1/F	48.31	No	Timberlands/ Commercial Forestry (F)	Owned by <u>Weyerhaeuser Company</u> . In Forest Tax Deferral.
16-01-07, TL 300	West	F-1/F	159.54	No	Publicly Owned Property/ Forestland (F)	Owned by BLM. No special tax assessment.
16-01-07, TL 400	West	F-2/F	102.80	No	Timberlands/ Commercial Forestry (F)	Owned by <u>Weyerhaeuser Company</u> . In Forest Tax Deferral.
16-01-07, TL 299	West (adjacent)	F-1/F	.57	No	Commercial Forestry (F)	Owned by <u>Weyerhaeuser</u> . In Forest Tax

<sup>1</sup> Use of the site was determined by Assessment and Taxation data (including ownership, land use category, property classification and tax deferral status); aerial photos and site visits (including photos). Where Assessment and Taxation showed tax deferral, the classification of the deferral was used to determine overall use. A summary of tax deferrals classifications is included with Exhibit I. RLID data sheets, which include Assessment and Taxation data, are included as Exhibit I. ( ) indicates the use category given to each property for calculation purposes; (F) Commercial Forestry; (A) Agriculture/farm use; (R) Residential; (O) Other.

<sup>2</sup> For Tax Deferral data and ownership, see Exhibit I. For explanation of the "too far removed" comment, see Table Summary below. In summary, these properties, despite their proximity to the subject property, are too far removed to be part of the character of the 'surrounding area' and are therefore not included in calculations.

Fisher Plan Change and Zone Change Application

May 16, 2006

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16-01-07, TL 800	West and South	F-1/F	1.08	No	Commercial Forestry (F)	Deferral. Owned by Weyerhaeuser. Part of larger tract.
16-01-07, TL 500	South (adjacent)	F-2/ E-40 F/Ag	87.31 (60 in F-2)	No	Commercial Forestry (F)	In Small Tract Forestland (STFO <sup>3</sup> ) tax deferral. <i>Paschelle</i>
16-01-07, TL 501	South	E-40 /AG	30.46	No	Brush; vacant idle property <sup>4</sup> (O)	BPA owned. No special tax assessment.
16-01-07, TL 601	South	E-40 /AG	.68	No	Brush; vacant idle property, vacated railroad right-of-way (O)	No special tax assessment. <i>Paschelle</i>
16-01-07, TL 700	South	E-40 /AG	12.01	No	Brush; Forestry (F)	In STFO Forest Tax deferral. <i>Paschelle</i>
16-01-08, TL 700	Subject Property	E-40 /AG	(126.85) .73	Yes	Commercial Forestry (SP)	In Forest Deferral and STFO deferral.
16-01-08, TL 400	North	F-2 /F	41.74	No	Timberlands/ Commercial Forestry (F)	Rosboro Lumber Co. In Forest Tax Deferral.
16-01-08, TL 402	North	F-2 /F	23.60	Yes	Commercial Forestry with Residential development (F)	In Forest Tax Deferral. <i>Johann</i>
16-01-08, TL 501	North	RR5 /RR	5.95	Yes (2)	Residential (R)	No special tax assessment.
16-01-08, TL 503	North	RR5 /RR	4.12	Yes	Residential (R)	No special tax assessment.
16-01-08, TL 504	North	RR5 /RR	3.03	Yes	Residential (R)	No special tax assessment.
16-01-08,	North	RR5	1.96	Yes	Residential	No special tax

<sup>3</sup> Small Tract Forestland Option Deferral (a second type of forest deferral for growing timber)

<sup>4</sup> RLID says "pasture, cows, sheep, cattle." No special tax assessment. Aerial Photo shows parcel in some sort of natural regeneration. Site inspection and photos show the parcel as brush and trees. It appears to be in forest regeneration, but it is hard to tell. However, there is no pasture or farming.

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TL 600	(adjacent)	/RR			(R)	assessment.
16-01-08, TL 200	Northeast	RR5 /RR	1.90	Yes (2)	Residential (R)	No special tax assessment.
16-01-08, TL 500	Northeast	RR5 /RR	2.73	Yes	Residential (R)	No special tax assessment.
16-01-08, TL 502	Northeast	RR5 /RR	1.19	Yes	Residential (R)	No special tax assessment.
16-01-08, TL 900	Northeast	RR5 /RR	1.29	Yes	Residential (R)	No special tax assessment.
16-01-08, TL 106	Northeast	RR5 /RR	2.80	Yes	Residential (R)	No special tax assessment.
<del>16-01-08, TL 100</del>	<del>Northeast</del>	<del>E-RR RR5 Ag-RR</del>	<del>168.13 call counted as EFCU,</del>	<del>Yes (2)</del>	<del>Agriculture (A)</del>	<del>Too Far Removed. In Farm deferral.</del>
16-01-08, TL 801	East (Adjacent)	RR-5 /RR	2.56	Yes	Residential (R)	No special tax assessment.
16-01-08, TL 802	East (Adjacent)	RR-5 /RR	.81	Yes	Residential (R)	No special tax assessment.
16-01-08, TL 803	East (Adjacent)	RR-5 /RR	.88	Yes	Residential (R)	No special tax assessment.
16-01-08, TL 804	East (Adjacent)	RR-5 /RR	1.08	Yes	Residential (R)	No special tax assessment.
16-01-08, TL 800	East (Adjacent)	RR-5 /RR	7.65	Yes	Residential (R)	No special tax assessment.
16-01-08, TL 901	East	RR-5 /RR	1.57	Yes	Residential (R)	No special tax assessment.
16-01-08, TL 1000	East	RR-5 /RR	2.63	Yes	Residential (R)	No special tax assessment.
16-01-08, TL 1001	East	RR-5 /RR	.87	Yes	Residential (R)	No special tax assessment.
16-01-08, TL 1002	East	RR-5 /RR	.87	Yes	Residential (R)	No special tax assessment.
16-01-08, TL 1003	East	RR-5 /RR	.86	Yes	Residential (R)	No special tax assessment.
16-01-08, TL 1004	East	RR-5 /RR	3.20	No	Vacant, idle land. (O)	No special tax assessment.
16-01-08, TL 1100	East	RR-5 /RR	2.75	Yes (2)	Residential (R)	No special tax assessment.
16-01-08, TL 1101	East	RR-5 /RR	1.42	Yes (2)	Residential (R)	No special tax assessment.
16-01-08,	East	RR-5	7.25	Yes	Residential	No special tax

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TL 1200		/RR			(R)	assessment.
16-01-08, TL 101	East	RR-5 RR	5.97	Yes	Residential (R)	Too far removed. No special tax assessment.
16-01-08, TL 102	East	RR-5 RR	8.04	No	Timber and open land (F)	Too far removed. In Forest Deferral
16-01-08, TL 103	East	RR-5 RR	4.70	Yes	Residential (R)	Too far removed. No special tax assessment.
16-01-08, TL 105	East	E-40 /RR	6.83	No	Agriculture (A)	Too far removed. In Farm Deferral.
16-01-08, TL 107	Southeast	RR-5 /RR	7.89	Yes (3)	Commercial Forest with dwelling (F)	In Forest Deferral. <i>Millic</i>
16-01-08, TL 1300	Southeast	E-40 /AG	79.84	No	Commercial Forest Production and open land (F)	In Forest Deferral. <i>ANNEX</i>
Marcola Road	East (adjacent)	N/A		N/A	N/A	
BPA Marion- Alvey Transmission Line Easement	Through	N/A		N/A	N/A	
BPA Main Transmission Line Easement	West and Through	N/A		N/A	N/A	
Mohawk River	East	N/A		N/A	N/A	
Paschelke Road	East	N/A		N/A	N/A	

**Summary of Table:** The subject property is an E-40 parcel in a sea of Forest and RR Exception area land. See Exhibit E.

**Lots by designation:** There are 38 adjacent and nearby properties. Nine and two-thirds (25%) are designated Forest; four and one-third (11%) are designated Agriculture and 24 (63%)



are designated Residential.

There are 12 properties adjacent to the subject property (this includes the five RR-5 parcels just across Marcola Road). Four and 2/3 of the parcels are designated Forest (42 %) (The 2/3 parcel is tax lot 500 which is split designated/zoned). Six of the parcels are designated Rural Residential (55%). One third of parcel 500 is designated Agriculture (3%).

Lots by use: There are 38 adjacent and nearby properties. 13 (34%) are in commercial forest use; none (0%) are in agricultural use; 22 (58%) are in residential use; and three (8%) are in some other use. There are 11 adjacent parcels: six are in residential use; five are in commercial forestry, and none are in farm use.)

Acreage Summary: The acreage of each of the adjacent and nearby parcels is shown in Table A, above. Acreage includes the entirety of the parcel, even if only a portion of the parcel falls within the 1,000 foot adjusted boundary. However, much of the agricultural land (168.13 acres) and some of the RR land (four parcels totaling 26.48 acres) are separated from the subject property by two county roads and the Mohawk River. Of the six and one-third parcels in the surrounding area zoned E-40, only two lie on the same side of Marcola Road as the subject property. Four E-40 properties lie across Marcola Road; three are across both Marcola Road and the Mohawk River; and two are across Marcola Road, the Mohawk River and Paschelke Road. The parcels across Marcola Road, despite being separated by the road, are close enough to be part of the character of the area surrounding the subject property. The lots across both the road and the river begin to lose their influence on the subject property, but might still be considered part of the character of the surrounding area. But those parcels across Marcola Road, then across the Mohawk River and THEN across another County road are effectively removed from the practical definition of surrounding area because they are separated from the property by major infrastructure and natural resources and lose their influence on the subject property. Therefore, these lots have been removed from review and calculations. Without these lots, there are a total of approximately 770.57 acres "adjacent and nearby," of which 266.50 acres are adjacent.

Acreage by designation: There are approximately 770.57 acres of adjacent and nearby land, 553.01 acres (72%) of which are designated Forest; 150.30 acres (20%) are designated Agriculture; and 67.27 acres (9%) are designated Rural Residential.

There are 11 parcels adjacent to the subject property (this includes the five RR-5 parcels just across Marcola Road) that total 266.50 acres: 224.25 of those acres are designated Forest (84%); 14.94 acres are designated Rural Residential (6%); and 27.31 acres are designated Agriculture (10%).

Acreage by use: There are approximately 770.57 acres of adjacent and nearby land, 680.06 acres (88%) are in commercial forestry; none (0%) are in farm use; 56.17 acres (7%) are in residential use; and 34.34 acres (5%) are in some other use.

Of those 770.57 total acres, 266.50 acres are adjacent. Of the adjacent acres, 251.56 acres (94%) are in commercial forestry; none (0%) are in farm use; and 14.94 acres (6%) are in residential use.

Boundary line: The subject property has 12,866 linear feet of boundary line (4633 North; 1888 West; 4145 South and 2200 East). There are 11 adjacent parcels (including the five RR-5 parcels across Marcola Road). Tax lot 600 zoned RR5 has 700 feet of common boundary; tax lot 200 zoned F-2 has 3200 linear feet of boundary; tax lots 201, 202 and 299 zoned F-1 have 2,666 linear feet of common boundary, tax lot 500 split zoned F-2 and E-40 has 2700 linear feet of F-2 boundary and 1400 linear feet of E-40 boundary; and Marcola Road with 2200 linear feet of boundary (across Marcola road are numerous lots with 2200 linear feet of RR5 boundary). By designation, 66 percent of the subject property is bounded by Forest designated land, 11% is bounded by Agricultural designated land, 23 % is bounded by Marcola Road and Residentially designated land. By use, 77% is in forest production, 23% is in residential use and 0% is in farm use.

For a general depiction of land uses, zoning and designations in the vicinity, see Exhibit E.

**TABLE B**  
**SUMMARY OF SURROUNDING AREA BY ACRES AND PERCENTAGE**

	including all properties within 1,000 feet. (This column is included only to show that even if all lands are included, the surrounding area is still predominantly forest and residential)	Properties within 1,000 feet excluding those five properties separated from the subject property by two county roads and the Mohawk River
<b>LOTS AND PARCELS ADJACENT AND NEARBY</b>		
Number of adjacent and nearby properties as defined by the applicant	15	38
Number and percentage of the adjacent and nearby properties that are in each <b>Comprehensive Plan designation</b>	9 2/3 (22%) Forest 6 1/3 (15%) Ag 27 (63%) RR	9 2/3 (25%) Forest 4 1/3 (11%) Ag 24 (63%) RR
Number and percentage of the adjacent and	14 (33%) Commercial	13 (34%)

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nearby properties that are in each <b>general use category</b>	Forestry or heavily treed  2 (5%) Agricultural (as defined by statute)  24 (55%) Residential  3 (7%) Other	Commercial Forestry or h.t.  0 (0%) Agric.  22 (58%) Res.  3 (8%) Other
<b>ACREAGE ADJACENT AND NEARBY</b>		
Total number of acres in adjacent and nearby properties	965.18 acres	770.57 acres
Number of acres in and percentage of adjacent and nearby properties that are in each <b>Comprehensive Plan designation</b>	553.01 (57%) Forest 328.26 (34%) Ag 83.91 (9%) RR	553.01 (72%) F 150.30 (20%) Ag 67.27 (9%) RR
Number of acres in and percentage of adjacent and nearby properties that are in each <b>general use category</b>	688.10 (71%) Commercial Forestry or heavily treed  177.96 (18%) Ag. (as defined by statute)  64.78 (7%) Residential  34.34 (5%) Other	680.06 (88%) Commercial Forestry or h.t.  0 (0%) Ag.  56.17 (7%) Res.  34.34 (5%) Other
<b>ACREAGE AND LOTS/PARCELS ADJACENT ONLY</b>		
Number of adjacent properties (including the five parcels just across Marcola Road)	11 (4 2/3 in Forest; 1/3 in Ag and 6 in RR)	11 (4 2/3 in Forest; 1/3 in Ag and 6 in RR)
Total acreage of adjacent properties	266.50	266.50
Number of acres and percentage of adjacent	224.25 (84%) Forest	224.25 (84%) F

properties that are in each Comprehensive Plan <b>designation</b>	27.31 (10%) Ag 14.94 (6%) RR	27.31 (10%) Ag 14.94 (6%) RR
Number or acres and percentage of adjacent properties that are in each general use category	251.56 (94%) Commercial Forestry or heavily treed  0 (0%) Agricultural  14.94 (6%) Residential  0 (0%) Other	251.56 (94%) Commercial Forestry or h.t.  0 (0%) Ag  14.94 (6%) Res  0 (0%) Other
<b>Linear feet of boundary line of subject property</b>	12,866 l.f.	12,866 l.f.
<b>Linear feet and percentage of boundary line of adjacent property line by designation</b>	8,566 (66%) Forest 1,400 (11%) Ag 2900 (23%) RR	8,566 (66%) F 1,400 (11%) Ag 2900 (23%) RR
<b>Linear feet and percentage of boundary line of adjacent properties that are in each general use category</b>	9,966 (77%) Commercial Forestry or heavily treed  0 (0%) Agricultural (as defined by statute)  2900 (23%) Residential  0 (0%) Other	9,966 (77%) Commercial Forestry or h.t.  0 (0%) Ag  2900 (23%) Res  0 (0%) Other

**III. COMPLIANCE WITH STATEWIDE PLANNING GOALS.**

Amendments to local plans and code must comply with the Statewide Planning Goals. ORS 197.175(2)(A). For individual applications like this, compliance with relevant goals must be addressed by the county. This Part addresses each relevant goal and explains why the proposal complies. This application requires no goal exceptions.

**Goal 1: Citizen Involvement**

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

Goal 1 is a process goal. This proposal complies with Goal 1 because it will be processed

as a quasi-judicial application through the county's acknowledged public process for individual plan and zone changes. This process includes public hearings before the Planning Commission and the County Board.

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

Part I of Goal 2 requires local governments to establish processes and policies for land use decisions.

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

Part II of Goal 2 authorizes exceptions to the goals – land use decisions that are not in compliance with the goals under certain circumstances. Statutes also describe when exceptions are authorized. See ORS 197.732.

This application complies with Goal 2 because it is being processed under the county plan and code and because no exception to any resource goal is proposed. The application is simply trading one resource designation for another because the land better fits one category based on use and capability.

### **Goals 3 and Goal 4: The Relationship Between Goals 3 and 4.**

OAR 660-006-0015(2) states,

*When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*

The "agricultural land" designation and the "forest land" designation are both resource designations. The designations have equal weight and importance to the State of Oregon. Through the above Rule, LCDC has acknowledged that many lands will qualify as both Forest and Ag land. For lands that qualify as both, LCDC will support either designation so long as the factors used to determine designation are identified. This issue is further discussed under Section III, below, where the designation polices are reviewed specifically.

As discussed more specifically under Goals 3 and 4 below, the subject property meets the definition of both forest land and agricultural land. The Lane County Rural Comprehensive Plan Agricultural Working Paper documents the factors used to select Farm or Forest designation on

land that meets the definition of both. See Exhibit J. Each of those factors is discussed in detail in Section IV, below. Based on those factors, the subject property should be designated Forest land.

Because the subject property qualifies as both Ag and Forest land under Goal 3 and Goal 4, many of the RCP policies addressing Goal 3 are met by the subject property and many of the Goal 4 RCP policies are met by the subject property. It is inherent in the property's dual qualification. However, when determining whether a property should be designated Forest or Ag, the key is not whether the property meets or furthers the policies under the RCP, but whether the property meets the factors established in the Plan for being Forest or Ag. These factors are discussed in Section III, below.

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

**To preserve and maintain agricultural lands. Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the State's agricultural land use policy expressed in ORS 215.243 and 215.700.**

Goal 3 defines "Agricultural Land" as follows:

**Agricultural Land -- in western Oregon is land of predominantly Class I, II, III and IV soils and in eastern Oregon is land of predominantly Class I, II, III, IV, V and VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land-use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural land in any event.**

**More detailed soil data to define agricultural land may be utilized by local governments if such data permits achievement of this goal.**

The LCDC has elaborated on the definition of Agricultural Land in its rules. OAR 660-033-0020. There are four parts to the relevant definition in the rule. Each part of the definition is addressed separately here.

**OAR 660-033-0020(1)(a): [Predominant Soil Types]**

**"Agricultural Land" as defined in Goal 3 includes:**

**(A) Lands classified by the U.S. Soil Conservation Service (SCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon;**

Goal 3 requires that SCS soils data be used to classify the soils, but it allows soils data in the published maps to be refined with more detailed onsite investigation. OAR 660-033-0030(6). The applicant is relying on SCS soils data.

The published SCS soils maps show nine types of soil on this site. See Exhibit F. The soils are included in Table C, below. Based on Table C, the site qualifies as Agricultural Land under this part of the test because 99% of the soils on the site are in soil Classes I-IV.

**TABLE C  
 SOILS  
 AGRICULTURAL CAPABILITY CLASS**

SOIL TYPE	ACRES	PERCENT	AG. CAPABIL. CLASS	FOREST PRODUCTIVITY		
				LMD <sup>5</sup>	Dept. of Forestry <sup>6</sup> By soil type/by acreage <sup>7</sup>	
					By soil type (cu.ft./acre/yr)	By acreage (cu.ft./yr)
102 C Panther SCL, 2% to 12% slopes	1.7	1.326	VI	No info. <sup>8</sup>	45	76.5
52D Hazelair SCL, 7% to 20% slopes	65	51.089	IV	No info.	40	2600
89E Nekia SCL, 20% to 30% slopes	14	11.289	IV	160	159	2226
89C Nekia SCL, 2% to 12% slopes	13	9.856	III	160	159	2067
78 McAlpin SCL	13	10.572	II	No Info.	169	2197
89D Neckia SCL, 12% to 20% slopes	.2	.129	III	160	159	31.8
1A Abiqua SCL, 0% to 3% slopes	19	14.958	I	203	161	3059
29 Cloquato SL	.9	.697	II	No Info.	120	108
125D Steiwer L, 12%	.12	.086	IV	No Info.	30	3.6

<sup>5</sup> Lane County Soil Ratings for Forestry and Agriculture (based on NRCS data).

<sup>6</sup> Department of Forestry Forest Lands Soils Ratings (1990 revisions).

<sup>7</sup> The first number is the Forest Productivity for the soil type per acre per year (cu.ft./acre/year). The second number is the Forest Productivity for the soil type based on the number of acres of the soil (cu.ft./year).

<sup>8</sup> "No Info." corresponds with the "none" designation on the Lane County Soils Rating data sheets. It indicates that map units lack site index information on Douglas fir. No site index has been collected by the NRCS due to lack of suitable sites or lack of time and/or funds.

to 20% slopes					
	126.92	100%	99% Class I-IV		Site Productivity Approx. 97.45 cu.ft/acre/yr

**OAR 660-033-0020(1)(a): [Other Suitable Lands]:**

**(B) Land in other soil classes that is suitable for farm use as defined in ORS 215.203(2)(a), taking into consideration soil fertility; suitability for grazing; climatic conditions; existing and future availability of water for farm irrigation purposes; existing land use patterns; technological and energy inputs required; and accepted farming practices;**

This part of the test focuses on lands, which have predominantly nonagricultural soils, and inquires into whether they are nevertheless suitable for farm use. It is commonly called the “other suitable lands” test. A list of seven factors must be considered. The suitability for farm use must consider the potential for use in conjunction with adjacent or nearby land.<sup>9</sup> The history of the site in farm use would be relevant to its current suitability,<sup>10</sup> but not determinative.<sup>11</sup>

It has been established that the subject property qualifies as Agricultural land under the “soils test,” above. Therefore, it is not necessary to address this standard.

**OAR 660-033-0020(1)(a)(C): [Land needed to permit farming practices on adjacent/nearby agricultural lands]**

**Land that is necessary to permit farm practices to be undertaken on adjacent or nearby agricultural lands.**

This part of the test focuses on adjacent and nearby agricultural lands. However, it has been established that the subject property qualifies as Agricultural land under the “soils test,” above. It is not necessary to address this standard.

<sup>9</sup> See DLCD v. Curry County, 28 Or LUBA 205, 208-09 (1994), aff'd 132 Or App 393 (1995); Kaye/DLCD v. Marion County, supra, 23 Or LUBA at 481-62 (interpreting identically worded previous Goal 3 administrative rule OAR 660-05-005(1)(b)).

<sup>10</sup> See Clark v. Jackson County, 17 Or LUBA 594, 606 (1990)(past use of the property for grazing as part of larger operation is relevant to its current suitability for farm use).

<sup>11</sup> See 1000 Friends of Oregon v. WASCO County Court, 80 Or App 525, 531, 723 P2d 1039 (1986) (Affirming decision that former grazing lands proposed for annexation are not suitable for farm use. “Also, there is no presumption that the land is agricultural land simply because of its previous agricultural use. Previous use is merely one factor for the county to consider in reaching its conclusion about the land’s current condition.”).



It is worth noting that the subject property is not necessary to permit farm practices to be undertaken on adjacent property. First, the adjacent property to the south is largely in timber production. Second, even if it were to be farmed, designation of the site as forest lands, another resource designation, would not have any impact on the ability to farm the adjacent land. The two uses have been defined to be compatible. See OAR 660-006-0015(2).

**OAR 660-033-0020(1)(b): [Farm unit test]:**

**Land in capability classes other than I-IV/I-VI that is adjacent to or intermingled with lands in capability classes I-IV/I-VI within a farm unit, shall be inventoried as agricultural lands even though this land may not be cropped or grazed;**

This part of the test focuses on lands which are predominantly nonagricultural soils, and inquires into whether they are adjacent to or intermingled with better lands within a "farm unit." It is commonly called the "farm unit" test. If the subject property is not a part of a "farm unit," then this test does not apply.

It has already been determined that the subject property meets the definition of farm land under the "soils test," above. Therefore, this standard need not be addressed.

It is worth noting that the subject property is not part of a farm unit because: the subject property is not adjacent to any other land in the same ownership; it is not jointly managed for farm use with any adjacent land; and it has not been so managed in its history.

**Goal 4: Forest Lands**

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

**Forest lands are those lands acknowledged as forest lands as of the date of adoption of this goal amendment. Where a plan is not acknowledged or a plan amendment involving forest lands is proposed, forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water and fish and wildlife resources.**

The second paragraph of Goal 4 defines "Forest Lands." Because a plan amendment is proposed, the second sentence of paragraph two is the operable definition. There are three parts

to the definition: (1) Lands suitable for commercial forest uses; (2) adjacent and nearby lands necessary to permit forest operations or practices; and (3) other forested lands that maintain certain natural resources. Each part of the definition is addressed below.

**(1) [F]orest land shall include lands which are suitable for commercial forest uses.**

The term “commercial forest uses” is not defined in any statute, goal, or rule. However, Lane County adopted a definition for the term in its plan, and the plan was acknowledged by the LCDC. Commercial forest land is land that is capable of producing crops of industrial wood in excess of 50 cubic feet per acre of annual growth. Commercial forest types of trees include: Douglas fir, hemlock/cedar/spruce, other conifers, and deciduous trees.<sup>12</sup>

Productivity data for wood fiber is available from a number of sources. The Lane County Soil Ratings, published by the Lane County Land Management Division in 1997, summarizes federal data on wood productivity by soil types, but only for Douglas fir. Productivity data for the full range of commercial forest trees recognized by Lane County has been published by the Oregon Dep’t of Forestry in its 1990 Forestry Dep’t Ratings. Both sources of data are summarized in Table D, below. The data from 1990 Forestry Dep’t Ratings is the more useful because it addresses all commercial tree species.

For each soil type shown in the Soils Map (Exhibit F) as being present on subject property, Table D displays the acreage data and the commercial tree species productivity, based on the 1990 Forestry Dep’t Ratings and the LMD ratings. Of the nine types of soil present on the property, six are capable of producing substantially more than 50 cubic feet of wood fiber per

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<sup>12</sup> Lane County’s definition of “commercial forest uses” was the central issue and the subject of extensive discussion in Holland v. Lane County, 16 Or LUBA 583 (1988). LUBA summarized the relevant provisions of the acknowledged county plan as follows:

The county adopted the following definition of “commercial forest land” as part of its “Working Paper: Forest Lands; March, 1982” (Forest Lands Paper) and “Addendum to Working Paper: Forest Lands; November, 1983” (Forest Lands Addendum) documents.

“‘Commercial’ forest land [is] land capable of producing crops of industrial wood in excess of 50 cubic feet per acre of annual growth.”

Ordinance No. 889, Ex. C. The Forest Lands Paper, at 10, contains an inventory of “Acres of Commercial Forest Land by Cubic Foot Site Class, Forest Type and Ownership.” This table recognizes the following commercial forest types – “Douglas fir,” “hemlock/cedar/spruce,” “other conifers” and “deciduous.”

16 Or LUBA at 586 [footnotes omitted].

acre annually. Based on soils, the subject property is capable of producing 97.45 cu.ft./acre/year of timber. The subject property, therefore, qualifies as Forest Land under this part of the test.

**TABLE D  
 SOILS  
 FOREST PRODUCTIVITY**

SOIL TYPE	ACRES	PERCENT	FOREST PRODUCTIVITY		
			LMD <sup>13</sup>	Dept. of Forestry <sup>14</sup> By soil type/by acreage <sup>15</sup>	
				By soil type (cu.ft./acre/yr)	By acreage (cu.ft./yr)
102 C Panther SCL, 2% to 12% slopes	1.7	1.326	No info. <sup>16</sup>	45	76.5
52D Hazelair SCL, 7% to 20% slopes	65	51.089	No info.	40	2600
89E Nekia SCL, 20% to 30% slopes	14	11.289	160	159	2226
89C Nekia SCL, 2% to 12% slopes	13	9.856	160	159	2067
78 McAlpin SCL	13	10.572	No Info.	169	2197
89D Neckia SCL, 12% to 20% slopes	.2	.129	160	159	31.8
1A Abiqua SCL, 0% to 3% slopes	19	14.958	203	161	3059
29 Cloquato SL	.9	.697	No Info.	120	108
125D Steiwer L, 12% to 20% slopes	.12	.086	No Info.	30	3.6
	126.92	100%		Site Productivity Approx. 97.45 cu.ft./acre/yr	

**(2) [A]djacent or nearby lands which are necessary to permit forest operations or practices.**

This part of the test inquires into whether the subject property must be kept in a resource designation in order to allow forest operations or practices to continue on adjacent or nearby lands.

<sup>13</sup> Lane County Soil Ratings for Forestry and Agriculture (based on NRCS data)

<sup>14</sup> Department of Forestry Forest Lands Soils Ratings (1990 revisions)

<sup>15</sup> The first number is the Forest Productivity for the soil type per acre per year (cu.ft./acre/year). The second number is the Forest Productivity for the soil type based on the number of acres of the soil (cu.ft./year)

<sup>16</sup> "No Info." Corresponds with the "none" designation on the Lane County Soils Rating data sheets. It indicates that map units lack site index information on Douglas fir. No site index has been collected by the NRCS due to lack of suitable sites or lack of time and/or funds.

There are approximately 770 nearby and adjacent acres. Approximately 72 percent are designated Forestland. Approximately 84 percent of adjacent tax lots are designated Forest. Please see Section II.D. and Tables A and B above for a more detailed analysis of the surrounding area. The subject property is in a sea of nearby land designated Forest. See Exhibit E. Thus, not only does the subject property's soils qualify for the Forest designation, but the subject property, though perhaps not "necessary," is highly desirable to enable adjacent and nearby lands to continue forest operations.

**(3) [O]ther forested lands that maintain soil, air, water and fish and wildlife resources.**

The targeted resources (soil, air, water and fish and wildlife resources) are generally not present on the subject property. There are no perennial streams or permanent water bodies. There is some relationship between the tree cover and air quality. The soil resources on the site have been exhaustively described. The existing tree cover (and root systems) are helpful in maintaining soil on site because of slope. The wildlife resources are similar throughout the area in terms of range of species and occurrence, without respect to whether the land is vacant or developed.

**Goal 5: Open spaces, scenic and historic areas, and natural resources.**

**To conserve open space and protect natural and scenic resources.**

**(1) What Goal 5 requires.**

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

Where a county is amending acknowledged plan and zoning designations, as here, the county must address Goal 5 if any of the area proposed for change encompasses lands included on the county's inventory of Goal 5 resources.<sup>17</sup> The county need not go through the Goal 5 conflict resolution process for alleged Goal 5 resources that are not on the acknowledged Goal 5 inventory.<sup>18</sup> The initial Goal 5 question, therefore, is whether the subject property includes any

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<sup>17</sup> See Urquhart v. Lane Council of Governments, 80 Or App 176, 721 P2d 870 (1986); Plotkin v. Washington County, 165 Or App 246, 997 P2d 226 (2000); Waugh v. Coos County, 26 Or LUBA 300, 310-12 (1993); 1000 Friends of Oregon v. Yamhill County, 27 Or LUBA 508, 522 (1994).

Goal 5 resources inventoried in the acknowledged county plan.

(2) **Goal 5 Resources on the Subject Property.**

The paragraphs below address the acknowledged Goal 5 resource inventories.

**Historic Resources:** The acknowledged list of historic resources is listed as "Historic Sites or Sites." The subject property is not on the list.

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

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

**Water Resources:** The *Water Resources Working Paper (1982)* inventories the following water resources which include or potentially include the subject property: Watersheds (specifically the Mohawk River watershed, a tributary to the McKenzie River and Willamette Basin); Surface Waters, including the Mohawk River, which lies, at its closest point, approximately 150 to 200 feet to the east of the subject property's most eastern boundary (across Marcola Road); and Groundwater.

The subject plan change and zone change do not increase development opportunities on the subject site. As discussed above, the subject property is already developed with a residence. Under F-2 zoning, the applicant is not entitled to any additional dwellings. Uses allowed in the F-2 zoning district are similar to those allowed in the E-40 zoning district. Therefore, the proposed zone change and plan change will have no impact on the watershed, surface waters or groundwater resources in the area.

**Riparian Resources:** The Flora & Fauna Working Paper (1982) and Addendum (1983) inventories Riparian resources. Riparian areas are inventoried to include all land within 100 feet of the banks of a Class 1 stream. Addendum at 7. There are no Class I streams on the subject property. The Mohawk River, a Class I stream, is approximately 125 to 200 feet from the subject property at its closest point. Furthermore, Marcola Road separates the subject property from the river. See Exhibit E. In any case, the proposed redesignation and rezoning do not increase development opportunities on the subject site. As discussed above, the subject property is already developed with a residence. Under F-2 zoning, the applicant is not entitled to any additional dwellings. Uses allowed in the F-2 zoning district are similar to those allowed in the E-40 zoning

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<sup>18</sup> Davenport v. City of Tigard, 23 Or LUBA 565 (1992).

district. Therefore, the proposed zone change and plan change will have no impact on the Mohawk River or its riparian resources, as defined.

**Wetland Resources:** At the time the Flora & Fauna Working Paper was prepared, the U.S. Fish and Wildlife Service had not completed its National Wetlands Inventory (“NWI”) mapping for the entire county. As a result, the county’s Goal 5 wetlands inventory was limited to five “major wetlands” areas, which do not include the subject property. Consideration of adding other “minor wetland” areas to the inventory was deferred by the county to a later date, to follow completion of the NWI mapping, but the reconsideration has not yet occurred. Thus, the county plan inventory of wetland resources does not include any such resources on the subject property.

**Sensitive Fish and Waterfowl Areas:** The inventory of these sites appears in the Flora & Fauna Working Paper Addendum at 1-4. The subject property is not included on the inventory.

**Natural Areas:** The inventory of these sites appears in the Flora & Fauna Working Paper at 26-32. The subject property is not included on the inventory.

**Big Game Range:** The plan classifies the entire county into three categories of Big Game Range: Major, Peripheral, and Impacted. See Flora & Fauna Working Paper at 23-25, Addendum at 14.

This application would affect Big Game Range because the entire county is mapped as some form of big game habitat. In practical terms, however, no conflict from this proposal is apparent. The proposed redesignation and rezoning do not increase development opportunities on the subject site. As discussed above, the subject property is already developed with a residence. Under F-2 zoning, the applicant is not entitled to any additional dwellings. Uses allowed in the F-2 zoning district are similar to those allowed in the E-40 zoning district. Therefore, the proposed zone change and plan change will have no impact on Big Game.

### (3) Goal 5 Program to Meet the Goal for Resources Present.

As described above, the following Goal 5 resources inventoried by the county are present on the subject property: Water Resources, including watersheds, surface water, and groundwater; and Big Game Range. This application includes a Goal 5 ESEE analysis for each of these resources. The Goal 5 analysis for each resource tracks, as closely as possible, the county’s acknowledged Goal 5 analysis for each resource included in working papers. What is summarized here, for each resource, is the applicant’s proposed “program to achieve the Goal,” which is the end product anticipated by the goal and the Goal 5 Rule. See OAR Chapter 660, Division 23.

**Water Resources:** The proposed program to achieve the goal is to allow the use because it is not conflicting. The proposed redesignation from Ag to Forest maintains the property in a

Resource designation. Therefore, there are no conflicts.

**Big Game Range:** The proposed program to achieve the goal is to allow the use because it is not conflicting. The proposed redesignation from Ag to Forest maintains the property in a Resource designation. Therefore, there are no conflicts.

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

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

**All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.**

Goal 6 protects the quality of land, air and water resources. The focus is on discharges from future development in combination with discharges from existing development. State and federal environmental standards are the benchmark for protection. Where there are state or federal standards for quality in air sheds or river basins, then the carrying capacity, nondegradation, and continued availability of the resources are standards.

The subject property is currently developed with a single residence and managed as a Commercial Forest operation. Historically it has been used for Forest operations, a permitted use under the existing Ag designation. Because the proposed designation of Forest matches the existing and historic use, there will be no impacts to land, water or air quality.

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

**To protect life and property from natural disasters and hazards. Developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural disasters and hazards without appropriate safeguards. Plans shall be based on an inventory of known areas of natural disaster and hazards.**

The phrase "areas of natural disasters and hazards" means "areas that are subject to natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, ground water, erosion and deposition, landslides, earthquakes, weak

foundation soils and other hazards unique to local or regional areas.” OAR 660-15-000. There are no such areas known on the subject property subject property.

**Goal 8: Recreational Needs**

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

The overriding purpose of Goal 8 is to address all recreational needs, but its primary focus is on siting and developing destination resorts, defined in Goal 8 as "self-contained development[s] providing visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities."

Goal 8 is not directly applicable to this proposal.

**Goal 9: Economic Development**

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

Goal 9 is focused on commercial and industrial development. The Goal 9 Rule, OAR 660-09, is explicitly limited to areas within urban growth boundaries. This goal is not directly applicable to this proposal.

**Goal 10: Housing**

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

**Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.**

Goal 10, like its implementing rule, is geared primarily to housing issues inside urban growth boundaries. The goal’s definition of “buildable lands,” for example, is limited to lands in urban and urbanizable areas. This site is outside any UGB. This goal is not applicable to this proposal.

**Goal 11: Public Facilities and Services**

**To plan and develop a timely, orderly and efficient arrangement of public facilities**



and services to serve as a framework for urban and rural development.

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan. In accordance with ORS 197.180 and Goal 2, state agencies that provide funding for transportation, water supply, sewage and solid waste facilities shall identify in their coordination programs how they will coordinate that funding with other state agencies and with the public facility plans of cities and counties.

"Public facilities and services" is defined in the Statewide Planning Goals to include: "[p]rojects, activities and facilities which the planning agency determines to be necessary for the public health, safety and welfare." The Goal 11 Rule defines a "public facility." "A public facility includes water, sewer, and transportation facilities, but does not include buildings, structures or equipment incidental to the direct operation of those facilities." OAR 660-11-005(5).

Goal 11 addresses facilities and services in urban and rural areas. The subject property is "resource" land and will remain rural after this approval. The subject proposal does not provide for any rural or urban development. Therefore, Goal 11 does not apply.

Resource designations have no required minimum level of services. However, Table E lists the services now available to the subject property.

**Table E**  
**Rural Public Facilities, Existing or Proposed**

Service	Provider
Fire	Marcola Rural Fire Protection District
Police	Lane County Sheriff and State Police
Schools	Marcola School District
Access	Marcola Road, a County Minor Arterial
Electric	Emerald People's Utility District

Telephone	Qwest Communications
Solid Waste	Sanipac
Sewer	Individual Septic System for existing dwelling
Water	Well for existing dwelling

**Goal 12: Transportation**

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

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services, (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.

Goal 12 is implemented through the Goal 12 Rule (OAR 660-12) adopted in 1991. The Rule has a section that specifically addresses proposals such this – amendments to acknowledged comprehensive plans and implementing regulations. OAR 660-12-060(1) provides that any such amendments that “significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility.”

There is no additional residential development allowed by this application. Therefore, the application will not affect a transportation facility. The rule spells out clearly what constitutes a “significant affect.” OAR 660-12-060(2) states:

**A plan or land use regulation amendment significantly affects a transportation facility if it:**

**(a) Changes the functional classification of an existing or planned transportation facility;**

**(b) Changes standards implementing a functional classification system;**

(c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or

(d) Would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.

The proposed redesignation/rezone will not trigger this section of the rule because it does not provide for any additional development. The site is developed with a single residence. It is not entitled to any additional development.

#### **Goal 13: Energy Conservation**

To conserve energy.

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

This goal is not directly applicable to individual land use decisions. Rather, its focus is on the adoption and the amendment of land use regulations.<sup>19</sup>

#### **Goal 14: Urbanization**

To provide for an orderly and efficient transition from rural to urban land use.

The subject proposal keeps the parcel in Resource designation. There, there is no transition. This goal does not apply.

#### **Goal 15: Willamette River Greenway**

#### **Goal 16: Estuarine Resources**

#### **Goal 17: Coastal Shorelands**

#### **Goal 18: Beaches and Dunes**

#### **Goal 19: Ocean Resources**

These five goals are not applicable as they deal with resources that are not present on the subject property.

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<sup>19</sup> See Brandt v. Marion County, 22 Or LUBA 473, 484 (1991), aff'd in part, rev'd in part, 112 Or App 30 (1992).

#### IV. COMPLIANCE WITH RURAL COMPREHENSIVE PLAN POLICIES

Any plan and zone change must comply with the relevant Rural Plan Policies. This requirement is based in statutes (ORS 197.175(2)), the Rural Plan Policies themselves (see, e.g. Rural Plan Policies at page 6), and the Lane Code (see, e.g., LC 16.400(6)(h)). This section, therefore, addresses the apparently relevant elements of the Rural Plan Policies. It is organized by Goal. Where possible to avoid duplicative discussion, reference is made to the discussion under the Statewide Planning Goals. However, the following discussion regarding the relationship between Goals 3 and 4 bears repeating.

OAR 660-006-0015(2) states,

*When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*

The “agricultural land” designation and the “forest land” designation are both resource designations. The designations have equal weight and importance to the state of Oregon. Through the above Rule, LCDC has acknowledged that many lands will qualify as both Forest and Ag land. The proper resource designation for the “duel” lands is left up to the local jurisdiction so long as the factors underlying the designation choice are identified.

As discussed more specifically under Goals 3 and 4 above, the subject property meets the definition of both forest land and agricultural land. The Lane County Rural Comprehensive Plan Agricultural Working Paper documents the factors used to select Farm or Forest designation on land that meets the definition of both. See Exhibit J. Each of those factors is discussed in detail below. Based on those factors, the subject property should be designated Forest land.

Because the subject property qualifies as both Ag and Forest land under Goal 3 and Goal 4, many of the RCP policies addressing Goal 3 are met by the subject property and many of the Goal 4 RCP policies are met by the subject property. It is inherent in the property’s duel qualification. However, when determining whether a property should be designated Forest or Ag, the key is not whether the property meets or furthers the policies under the RCP, but whether the property meets the factors established in the Plan for choosing between Forest or Ag.

The Agricultural Land Working Paper states,

*“Agricultural/Forestry Goal Interrelationship*

*In an inventory of agricultural lands and forest lands there will by many instances where*

*land will meet Goal definition for both categories. According to [Led's] policy, farm and forest uses are compatible and either designation may be made without taking an exception to the other goal. The factors used to select a designation need to be documented in the Plan. The policies within the Plan will support one designation over another depending on the situation. The county should consider the following items in addressing overlapping lands:*

- a. Identify Agricultural and Forest Lands Goal definitions and inventories*
- b. Segregate overlapping lands from single resource lands*
- c. Apply evaluations of local circumstances and Goal factors to overlapping land to determine appropriate designation*
- d. Designate overlapping lands as agricultural, forest or agricultural/forest through Plan policies and diagrams*
- e. Protect designated lands for appropriate uses through the zoning ordinance and other implementing measures.*

*It is intended that agricultural and forest practices be able to coexist without mutual interference while conserving those resource lands.*

Identify: The applicant has identified and addressed the proper definitions of farm and forest lands. In short, farm land is land consisting predominantly of Class I through IV soils. Forest land is land capable of producing 50 cu.ft./acre/year of timber fiber. As shown in Tables C and D above, the subject property meets both definitions.

Segregate: By filing this application, the applicant is separating the subject property from single resource property for consideration.

Evaluate Goal Factors: Goal 3 and 4 factors are thoroughly addressed in Section III, above. The analysis of Goal 3 factors shows that while the subject property meets the "soils" test of Ag land, it does not meet the "other suitable lands," "necessary lands," or "farm unit" tests. The analysis of Goal 4 factors shows that the subject property meets the "productivity" test for Forest lands and likely the "necessary lands" and the "other resource" tests. Just viewing the Goals 3 and 4 factors alone shows that the subject property is more appropriately designated Forest land.

Evaluate Local Circumstances: There is no exact definition of "local circumstances" in the Lane County RCP. The applicant interprets this provision to mean an evaluation of the subject property and surrounding designations, uses and land use patterns. Tables A and B and accompanying text, see pages 4 through 13 above, establish these factors for all properties in the surrounding area. That discussion is hereby incorporated. In summary, the subject parcel is located in a sea of Forest land and RR exception area land. See Exhibit E.

The subject property is currently and has historically been used for commercial timber production. It is in both Forest and Small Tract Forest Land tax deferral. The property was most

recently logged by the applicant in 2002. It is now regenerating for future harvests. Based on 2002 tree stump and site conditions, the site was also logged between 1955 and 1960. There is no evidence that the subject property has ever been in farm use, as defined by the statute.

**Designation:** The predominant designation by **lot/parcel** in the surrounding area is Residential (63%) followed by Forest (25%). The predominant designation, **by acreage**, in the surrounding area is Forest (72%). The predominant designation of **adjacent parcels by acreage** is Forest (84%). See Table B, above, for a more in depth analysis.

**Use:** The predominant use by **lot/parcel** in the surrounding area is residential (58%) followed by commercial forestry (34%). The predominant use, **by acreage**, in the surrounding area is commercial forestry (88%). The predominant use of **adjacent parcels by acreage** is commercial forestry (94%). See Table B, above, for a more in depth analysis.

In summary, all evidence indicates that the subject property is currently used for commercial forestry and is surrounded by commercial forestry. Evidence further indicates that the subject property has historically been used for commercial forestry. The property is not suited for farm use. Because the property is in commercial forestry, it would be difficult and expensive to convert the property to farm use. Conversion would require tree removal and major cultivation. Such conversion is generally unfeasible. Furthermore, farm uses are not common in the surrounding area.

### Goal Three: Agricultural Lands

#### Policy 8:

**Provide maximum protection to agricultural activities by minimizing activities, particularly residential, that conflict with such use. Whenever possible planning goals, policies and regulations should be interpreted in favor of agricultural activities.**

This policy has been interpreted by the Board of Commissioners, and the interpretation has been upheld on appeal. This policy addresses only conflicts that will result in a significant change in or a significant increase in the cost of accepted farming practices. When conflicts of this magnitude might result, the proposed rezoning must be conditioned to reduce the potential conflicts below the level that will result in a significant change or significant increase in the cost of accepted agricultural practices.<sup>20</sup>

No conflicts are apparent between the proposed rezoning and any adjacent or nearby

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<sup>20</sup> Gutoski v. Lane County, 34 Or LUBA 219, 225 n4 (1998), aff'd 155 Or App 369, 963 P.2d 145 (1998).

agricultural activity. There are no farming activities on adjacent land. Land directly south, while zoned E-40, is in forest production and in forest tax deferral. See Table B, above.

#### **Goal Four: Forest Lands**

##### **Policy 1:**

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

**Forest land shall include lands which are suitable for commercial forest uses including adjacent or nearby lands which are necessary to permit forest operations or practices and other forested lands that maintain soil, air, water, and fish and wildlife resources.**

This policy implements Statewide Planning Goal 4 by defining "forest lands" and requiring they be used consistent with the goal. The subject property qualifies as Forestland. See discussion in connection with Statewide Planning Goal 4 above. Therefore, the proposed plan change/zone change from AG/E-40 to Forest/F-2 furthers this policy by adding additional land to the State's forest land base.

##### **Policy 2:**

**Forest lands will be segregated into two categories, Non-impacted and Impacted and these categories shall be defined and mapped by the general characteristic specified in the Non-Impacted and Impacted Forest Land Zones General Characteristics**

The proposal is for a designation change from AG to Forest and a zone change from E-40 to F-2. The F-2 designation is supported by the general characteristic specified in Policy 16 below. Because the subject property is justified as being zoned Impacted, this policy has been met.

##### **Policy 3:**

**Prohibit residence on Non-Impacted Forest Lands except for the maintenance, repair or replacement of existing dwellings.**

Because the subject property is already developed with a residence, this policy further supports a zoning of F-2 Impacted Forestlands.

**Policy 16:**

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

- a. A conclusion that characteristics of the land correspond more closely to the characteristic of the proposed zoning than the characteristics of the other forest zone. The zoning characteristics referred to are specified below in subsection b and c. This conclusion shall be supported by a statement of reasons explaining why the facts support of the conclusion.
- b. **Non-impacted Forest Land Zone characteristics:**
  - (1) **Predominantly ownerships not developed by residences or no forest uses.”**

The County has determined that this provision focuses on the subject property itself (not surrounding property) and whether it is developed with residences or nonforest uses. See Exhibit P. The absence of residential development or other nonforest use is a characteristic of F-1 zoning.

The subject property is developed with a homestead dwelling constructed in 1900. Therefore, the subject property does not meet this F-1 characteristic

- (2) **Predominantly contiguous, ownerships of 80 acres or larger in size.**

Response: The County has determined that this provision focuses on properties contiguous to the subject property, their size and the predominance of their number. See Exhibit P. Having predominantly large properties contiguous to the subject property is a characteristic of F-1 zoning.

There are 11 properties adjacent to the subject property. Tax lot 200 is 64.27 acres; tax lot 201 is 51.10 acres; tax lot 202 is 48.31 acres; tax lot 299 is .57 acres; tax lot 500 is 87.31; tax lot 800 is 7.65 acres; tax lot 801 is 2.56 acres; tax lot 802 is .81 acres, tax lot 803 is .88 acres; tax lot 804 is 1.08 acres; and tax lot 600 is 1.96 acres.

Only one of the 11 lots is 80 acres or larger. Therefore, the subject property does not meet this F-1 characteristic.



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

Response: The County has determined that this provision focuses on property adjacent to the subject property, and whether it is utilized for commercial forest/farm uses. See Exhibit P. While not conclusive, the following factors can be considered in determining whether surrounding uses are being utilized for farm/forest use: parcel size, tax deferral, and other factual information. Having commercial farm/forest uses on property adjacent to the subject property is a characteristic of F-1 zoning.

There are 11 properties adjacent to the subject property. Tax lot 200 is in commercial forest production; tax lot 201 is in commercial forest production; tax lot 202 is in commercial forest production; tax lot 299 is in commercial forest production; tax lot 500 is in commercial forest production; tax lot 800 is in residential use and is too small to be in commercial forest production; tax lot 801 is in residential use and is too small to be in commercial forest production; tax lot 802 is in residential use and is too small to be in commercial forest production; tax lot 803 is in residential use and is too small to be in commercial forest production; tax lot 804 is in residential use and is too small to be in commercial forest production; and tax lot 600 is in residential use and is too small to be in commercial forest production.

Of the 11 lots, five are in commercial forest production and six are not because they are too small, developed with residences and there is no indication that they have forest deferral. Therefore, the subject property does not meet this F-1 characteristic.

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

Response: The County has determined that this provisions focuses on the subject property and the type of access to it. See Exhibit P. Access by an arterial road or forest management road is a characteristic of F-1 zoning.

The subject property has direct access to Marcola Road, a local collector. The purpose of Marcola road is to move traffic from Hwy 228 to Springfield and to support local residential transportation. Therefore, the subject property does not meet this F-1 characteristic.

*“(5) Primarily under commercial forest management.”*

Response: The Hearings Official has determined that this provision focuses on the subject property and its use. See Exhibit P. While not exhaustive, the following factors can be considered in determining whether the property is under commercial forest management: recent harvests, tax deferral, soils and other factual information. Managing the subject

property primarily for commercial forest use is a characteristic of F-1 zoning.

The subject property has a history of harvests and is in Forest tax deferral and STFO tax deferral. Soils produce, but the site has fairly low productivity. See Table D. The site is developed with a residence. Despite being developed with a residence, the subject property is primarily under commercial forest management. Therefore, the subject property meets this F-1 characteristic.

**F-1 Zoning Test**

<b>Non-impacted Forest Land Zone (F-1, RCP) Characteristics</b>	<b>Does the Subject Property Meet this Element?</b>
<i>1. Predominantly Ownerships not developed by residences or nonforest uses</i>	No. The property is developed with a residence.
<i>2. Predominantly contiguous, ownerships of 80 acres or larger in size</i>	No. Only one contiguous ownership out of 11 is 80 acres or larger
<i>3. Predominantly ownership contiguous, to other lands utilized for commercial forest or commercial farm uses.</i>	No. Only five contiguous ownerships out of 11 are utilized for commercial forest or farm uses
<i>4. Accessed by arterial roads or roads intended primarily for forest management.</i>	No. Adjacent to Marcola Road, a local county road.
<i>5. Primarily under commercial forest management.</i>	Yes.
<b>CONCLUSION</b>	<b>Should not be zoned F-1 because it only meets one of the five characteristics (1 of 5)</b>

**(c) Impacted Forest Zone characteristics: \*\*\*"**

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

Response: The Hearings Official has determined that this provision focuses on the subject property itself (not surrounding property) and whether it is developed with residences or nonforest uses. See Exhibit P. A property developed with residence or other nonforest use is a characteristic of F-2 zoning. This criterion is a mirror of Policy 16(b)(1).

The subject property is developed with a residence constructed in 1900. See Exhibits F, G and I. It is currently occupied. Therefore, the subject property meets this F-2

characteristic.

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

Response: The Hearings Official has determined that this provision focuses on the subject property itself (not surrounding property) and its size. See Exhibit P. This is different from Policy 16(b)(2). Property containing 80 acres or less is a characteristic of F-2 zoning.

The subject property is larger than 80 acres at 126.85 acres. Therefore, the subject property does not meet this F-2 characteristic.

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

Response: The Hearings Official has determined that this provisions focuses on land surrounding the subject property. See Exhibit P. Ownerships contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan is a characteristic of F-2 zoned land.

There are 11 properties adjacent to the subject property. Tax lot 200 is 64.27 acres and undeveloped; tax lot 201 is 51.10 and undeveloped; tax lot 202 is 48.31 acres and undeveloped; tax lot 299 is .57 acres and undeveloped; tax lot 500 is 87.31 and undeveloped; tax lot 800 is 7.65 acres zoned RR5 within an exception area and developed with a residence; tax lot 801 is 2.56 acres zoned RR5 within an exception area and developed with a residence; tax lot 802 is .81 acres zoned RR5 within an exception area and developed with a residence; tax lot 803 is .88 acres zoned RR5 within an exception area and developed with a residence; tax lot 804 is 1.08 acres zoned RR5 within an exception area and developed with a residence; and tax lot 600 is 1.96 acres zoned RR5 within an exception area and developed with a residence.

Of the 11 lots, 10 are less than 80 acres; six are less than 80 acres AND developed with residences; six are developed with residences; and six are within a RR exception area. Therefore, the subject property meets this F-2 characteristic.

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

Response: The Hearings Official has determined that this provision focuses on the subject property itself (not surrounding property) and access to services. See

Exhibit P. In Lane County, rural services typically include: power, road access, telephone, police, ambulance, fire, and schools. Not typically included are public stormwater, public water or public sewer.

The subject property has direct access onto Marcola Road, a local county road. Power and telephone services are already connected to the site to serve the existing dwelling. The site is served by the Mohawk Rural Fire Protection District, the Lane County Sheriff's Department, the State police department, Mohawk ambulance services and the Marcola School district. See discussion under Goal 11. In summary, the subject property is already developed with a residence which has access to power, transportation facilities, telephone, police, ambulance, fire and schools. Therefore, the subject property meets this F-2 characteristic.

**F-2 Zoning Test**

<b>F-2 Zoning Criteria</b>	<b>Does the Subject Property Meet this Element?</b>
Predominantly ownerships developed by residences or nonforest uses.	Yes. Property is developed with a residence
Predominantly ownerships 80 acres or less in size.	No. Parcel is 126 acres in size.
Ownerships generally contiguous to tracts containing less than 80 acres and residences and/or adjacent to developed or committed areas for which an exception has been taken in the Rural Comprehensive Plan."	Yes. 10 out of 11 lots are less than 80 acres; Six are less than 80 acres and developed; and six are within a RR exception area.
Provided with a level of public facilities and services, and roads, intended primarily for direct services to rural residences.	Yes. The area is highly developed. The property is adjacent to Marcola Road with access to power, cable, DSL, police, fire and emergency services. And is near the communities of Marcola and Mabel.
<b>CONCLUSION</b>	<b>The subject property should be zoned F-2 because it meets three of the four F-2 characteristics (3 of 4)</b>

Based on the above analysis, the "characteristics of the land correspond more closely to the characteristic of the proposed zoning [F-2] than the characteristics of the other forest zone [F-1]." Therefore, F-2 zoning is supported.

**Goal Five: Opens Spaces, Scenic and Historic Areas and Natural Resources**

**Flora and Fauna Policy 7:**

Because of incomplete County coverage by, and interpretation of, the National Wetlands Inventory, wetland resources are to be considered "significant" in terms of OAR 660-16-000/025 and placed in "1B" and "1C" categories. Major wetlands designated "1C" resources shall be protected per the "3C" option through a combination of existing County Coastal and Greenway zoning regulations, and federal/state ownership; where these do not occur, an appropriate wetlands zoning district shall be developed and applied. Other wetlands from the National Wetlands Inventory shall be evaluated per "1B" requirements within two years of the date of Plan adoption, and decisions made on the protection or use of the resource. The County shall consider enlarging the list of protected per Goal 5 requirements if it is clearly demonstrated that an unprotected significant wetland(s) is likely to be significantly impacted by a land use action over which the County has jurisdiction.

See discussion of wetlands resources under Statewide Planning Goal 5. The County has not yet supplemented its inventory of wetlands resources, as anticipated by this policy. The subject property contains no wetland resources inventoried in the county plan. Hence, this policy is not directly applicable to this development proposal. Furthermore, this proposal does not result in any development or uses that would otherwise disturb wetlands. Forest practices on the land are governed by the Forest Practices Act.

No other Comprehensive Plan policies apply.

**V. COMPLIANCE WITH LANE CODE CRITERIA FOR PLAN CHANGES**

LC 16.400(6)(h) sets out the criteria for amending the county plan designation. Each of the criteria is addressed here. Where a criterion incorporates a Statewide Planning Goal, LCDC Rule, or Rural Plan Policy, reference is made the relevant part of the narrative above so as to avoid repetition.

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

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

This criterion makes general reference to other sources of standards that apply to plan changes. Those other standards are addressed elsewhere in this narrative.

**(bb) For Major and Minor Amendments as defined in LC 16.400(8)(a) below, the Plan amendment or component is:**

**(i-i) necessary to correct an identified error in the application of the Plan; OR**

**(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; OR**

**(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; OR**

**(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; OR**

**(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.**

This criterion offers a smorgasbord of policy choices from which the county may select to justify initiating the plan change. At least two are relevant to this application. Item (iv-iv) allows the plan change if it implements the Rural Plan Policies. Goal Four, Policy 1 of the Rural Plan Policies anticipates the preservation of Forest lands by maintaining a forest land base. This proposal implements that policy because the subject property qualifies as forest land under the Goal 4 definition.

Item (v-v) invites the county to make plan changes that are desirable, appropriate or proper. This proposal also meets that criterion. Where lands qualify as both farm and forest lands, OAR 660-006-0015(2) states,

*When lands satisfy the definition requirements of both agricultural land and forest land, an exception is not required to show why one resource designation is chosen over another. The plan need only document the factors that were used to select an agricultural, forest, agricultural/forest, or other appropriate designation.*

Furthermore, the Lane County Rural Comprehensive Plan Agricultural Lands working paper, page 6, provides:

*“Agricultural/Forestry Goal Interrelationship*

*In an inventory of agricultural lands and forest lands there will by many instances where land will meet Goal definition for both categories. According to [LCDC's] policy, farm and forest uses are compatible and either designation may be made without taking an exception to the other goal. The factors used to select a designation need to be documented in the Plan. The policies within the Plan will support one designation over another depending on the situation. The county should consider the following items in addressing overlapping lands:  
\*\*\*"*

Those items and the analysis are discussed in detail under Section IV, above. The analysis shows that a plan change to Forest is desirable, appropriate and proper based on the review set forth.

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

Compliance with individual policies in the Rural Plan Policies is discussed thoroughly above.

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

The existing structure of the plan anticipates Resource plan designations. As discussed above, this designation is also consistent with relevant policies in the Rural Plan Policies.

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

- (a) **Amendments to the Rural Comprehensive Plan shall be classified according to the following criteria:**
- (i) **Minor Amendment. An amendment limited to the Plan Diagram only and, if requiring an exception to the Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to other uses not allowed by an applicable goal.**

This is a minor amendment to the plan which requests a change to the Plan Diagram for the subject property – from Agriculture to Forest. No goal exceptions are requested. This application demonstrates that the subject property is not Agricultural land, but Forest land.

- (c) **Minor amendment proposals initiated by an applicant shall provide adequate documentation to allow complete evaluation of the proposal to determine if the**

**findings required by LC 16.400(6)(h)(iii) above can be affirmatively made. Unless waived in writing by the Planning Director, the applicant shall supply documentation concerning the following:**

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

This description has been provided throughout this supporting statement.

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

The required analysis is provided above.

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

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

See detailed discussion in Section II, above. To summarize, the subject property is located in a sea of Forest land. Furthermore, it is adjacent to an RR exception area. Some of these uses are on land planned and zoned for resource use, and others are on land that is planned and zoned for Nonresource uses. See Tables A and B and supporting narrative, above.

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

The public facilities and services available or to be provided to the site are discussed in detail above. For a discussion of each facility and service, see the Goal 11 discussion above. For a further discussion of transportation facilities, see the Goal 12 discussion above. In summary, because the site is already developed with a residence, because it is in a highly developed area, and because it is close to the rural communities of Marcola and Mable, all facilities and services are available to the site.

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

This discussion appears in detail in other parts of this statement. The proximate natural resources to consider are those that are identified as Goal 5 resources in the comprehensive plan. The impact on these resources is discussed as part of the Goal 5 analysis above.



This proposal will have no adverse impact on proximate resource lands because the subject property will remain in resource designation and zoning.

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

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

**(gg) For a proposed amendment to a nonresource designation or a Marginal Lands designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983).**

This provision is not applicable.

**V. COMPLIANCE WITH LANE CODE CRITERIA FOR ZONE CHANGES**

This proposal requests a change from E-40 zoning to F-2 zoning. LC 16.252 sets out standards for zone changes. The facts relevant to the zone change standards are largely redundant with the facts relevant to plan policies and the Statewide Planning Goals. The LC 16.252 standards are stated here and addressed, with appropriate references to other parts of this narrative.

**LC 16.252(2): Criteria.**

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

**General purposes of Chapter 16:**

LC 16.003 sets forth 14 broadly-worded purpose statements that include a provision to ensure that development is commensurate with the character and physical limitations of the land. Rezoning from E-40 to F-2 implements the proposed plan amendment to Forest land. The public interest is served by recognizing that the land is Forest land rather than Agricultural land.

**Purpose of F-2 Zone:**

The F-2 zone is intended to preserve forestland in Lane County while recognizing that some forest lands are better than others. The proposed zoning is consistent with these stated purposes of the zone by recognizing that the subject property lies in a heavily developed area and is more appropriately zoned F-2.

**Rural Comprehensive Plan Criteria:**

The Rural Plan Policies provide the policy basis for comprehensive plan and implementing regulations, provide direction for land use decisions, and fulfill LCDC planning requirements. Compliance with relevant Comprehensive Plan policies is addressed elsewhere in this narrative.

**Lane Code Criteria:**

**LC 16.004(4):**

**Prior to any rezoning, that will result in the potential for additional parcelization, subdivision or water demands or intensification of uses beyond normal single-family residential water usage, all requirements to affirmatively demonstrate adequacy of long-term water supply must be met as described in LC 13.050(13)(a)-(d).**

The request is a rezone from E-40 to F-2. These zoning districts both implement resource designations. The rezone will not result in any additional parcelization. In fact, the minimum lot size for partitions and subdivision is larger in the F-2 zoning district than in the E-40 district.

**IV. CONCLUSION:**

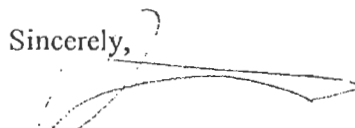
The subject property qualifies as both Agricultural land and Forest land based on soils and productivity. The Statewide Planning Goals give equal weight and value to Forest lands and Ag lands. Lands that qualify as both can be given either designation so long as the factors used to determine the designation are identified. See OAR 660-006-0015(2). The factors that Lane County used to determine the designation of these dual lands are identified in the Agricultural Working Paper of the Lane County Comprehensive Plan. See Exhibit J. The main factor requires an evaluation of (1) local circumstances and (2) Goal factors. Local circumstances, which include the existing and past use of the subject property and surrounding land usage, zoning and designation, establish that the subject property is more properly designated Forest. Goal factors establish that the subject property meets both Goal 3 and Goal 4 factors and is therefore properly designated as either. Therefore, because the subject property meets Goal 4 factors and because local circumstances establish that the property is more properly designated Forest, the proposed

Fisher Plan Change and Zone Change Application  
May 16, 2006  
Page 44 of 44

redesignation should be approve.

Whether Forest designated land should be zoned F-1 or F-2 is determined by Forest Policy 16 in the Rural Comprehensive Plan. An evaluation of these policies establishes that the subject property is properly zoned F-2, rather than F-1. Therefore, the proposed rezone to F-2 should be approved.

Sincerely,



Kimberly J.R. O'Dea, AICP  
Attorney at Law



LAND MANAGEMENT DIVISION

GENERAL LAND USE APPLICATION

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

For Office Use Only: FILE #

CODE:

FEE:

Applicant (print name): Ed Fishere

Mailing address: PO Box 751 OAKridge OR 97463

Phone: see agent Email: See Agent

Applicant Signature: [Signature]

Agent (print name): Kim C. Dea Law Office of Bill Klass PC

Mailing address: 375 West 4th Ste 204 Eugene 97401

Phone: Email:

Agent Signature: [Signature]

Land Owner (print name): Raven Ventures, LLC Ramon Fisher, president

Mailing address: 37803 Upper Corp Creek 97478

Phone: See Agent Email: see Agent

Land Owner Signature: [Signature]

LOCATION

16-01-08 Tl 700 (portion)

Township Range Section Taxlot

Marecola Rd

Site address

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

Plan change from Ag to Forest  
Zone change from E-40 to F-2

EXHIBIT A

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

NO

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

**ACREAGE:** 26.78 78

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

State Hwy

County Rd

Public Rd

Private Easement

**GENERAL ACCESS REQUIREMENTS**

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

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

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

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

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

**EXISTING IMPROVEMENTS**

Does the property contain any roads, structures, etc.?

Dwelling and outbuildings

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

No significant physical features See Attached narrative

**APPROVAL CRITERIA**

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

Base Zone: Plan Change Zone Change

Approval Criteria: See Narrative

Combining Zone(s): NONE

**WRITTEN STATEMENT**

Explain your proposal. Attach additional pages if necessary.

See Attached narrative.



## LAND MANAGEMENT DIVISION

# APPLICATION STANDARDS for land use applications

PUBLIC WORKS DEPARTMENT 125 E 8<sup>th</sup> AVENUE, EUGENE OR 97401 PLANNING: 682-3801

To maintain prompt processing of land use applications, the following standards are now in effect. ALL requirements described below must be met when a land use application is submitted. If not, it will be considered unacceptable for processing. These standards apply to all applications *except* land divisions, time extensions and renewals of Home Occupations or Temporary Mobile Homes. If you have questions about these standards, please refer them to the Planner on duty.

The application statement and exhibits must take the following form:

1. Supply one master copy, typewritten or laser printed, *single sided*. The other copies mentioned below can be in duplex form. No handwritten documents will be accepted except for those submitted as exhibits (such as letters of support). Be sure to use ink (no pencil) for exhibits.
2. Multiple copies. For Hearings Official review, *four* full copies are needed. For Hearings Official rezone applications six copies (as notice to DLCD is sent) are required. For Planning Commission review, *sixteen* full copies are needed. Two copies are adequate for Planning Director applications. Also submit a copy of the file on 3-1/2" disk or CD in Word or compatible format for Hearings Official or Planning Commission applications. At a minimum, the electronic copy shall contain the text portion of the submittal.
3. All documents including drawings are to be on 8-1/2" by 11" paper only. Larger drawings or maps may be submitted on the side for display exhibits, but the appropriate number of reduced-sized copies must accompany them within the application statements.
4. Do not use light colored markers to highlight maps. Light colors will not photocopy. Bear in mind that dark colors may not differentiate items as would the color original. Consider using dashed lines, etc. for this function.
5. Do not bind application documents. Provide stapled or clipped loose-leaf copies only.

6. <sup>Narrative plus labeled Exhibits</sup> Number the pages of the submittal, to insure that they can be reassembled if they should get out of order.

7. <sup>MA</sup> Date all revisions and supplements, and include the planning application file number as a reference on the document. Provide multiple copies per #2 above.

Each application must be accompanied by the following graphic exhibits:

8. <sup>MA</sup> Current Assessor's Map clearly showing entire ownership of the applicant, and neighboring (directly adjacent) properties. This can be obtained from private vendors or the County Assessment and Taxation counter. Outline the subject property ownership with dark marker.

9. <sup>MA</sup> A Site Plan drawn to LMD standards showing proposed development on the site. Refer to the handout entitled "How to Draw a Site Plan". This requirement can be waived if actual site development is not presently being proposed (such as in a Plan Amendment).

The following are mandatory for applications to the Planning Commission, and advisory for all other types of applications:

10. <sup>MA</sup> One or more "landscape" photos of property, in the form of enlarged laser reprints or original photos mounted on 8-1/2 by 11 sheets of paper. This can be photographed by the applicant or agent. Provide a written index if appropriate.

11. <sup>MA</sup> Air photo excerpt clearly showing the ownership and surrounding area. (Can be obtained from private vendors.) Outline the ownership with dark marker. (over)

N/A

For all Plan Amendment and Rezoning requests, supply written evidence of adequate water supply as set forth in Lane Code 13.050(13) -- this may require well testing and/or a report by a hydrologist or geologist. On a case by case basis, well testing may also be required of other types of applications (e.g., RV parks).

Additional written submittals for certain other applications, such as dwellings in the County's forest (F-2) zone, may be required. This includes cases where state law may differ from Lane Code requirements. Contact staff for more information on this issue.

Beyond explaining submittal and approval standards at a Pre-Application conference, and processing the application once received, LMD staff resources are not sufficient to support the provision of continuing in-depth assistance to persons making applications for land use approvals. By law, the "burden of proof" is upon the applicant in providing documentation sufficient to warrant approval of the proposal.

Although not a requirement, it is *strongly advised* that for complex proposals such as Plan Amendments or Rezoning, or proposals likely to be contested, applicants obtain the services of a private land use professional (planning consultant or land use attorney) in preparing and managing the application.

ZCW



LOCATION MAP  
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USGS 25 km E of Eugene, Oregon, United States 01 Jul 1977

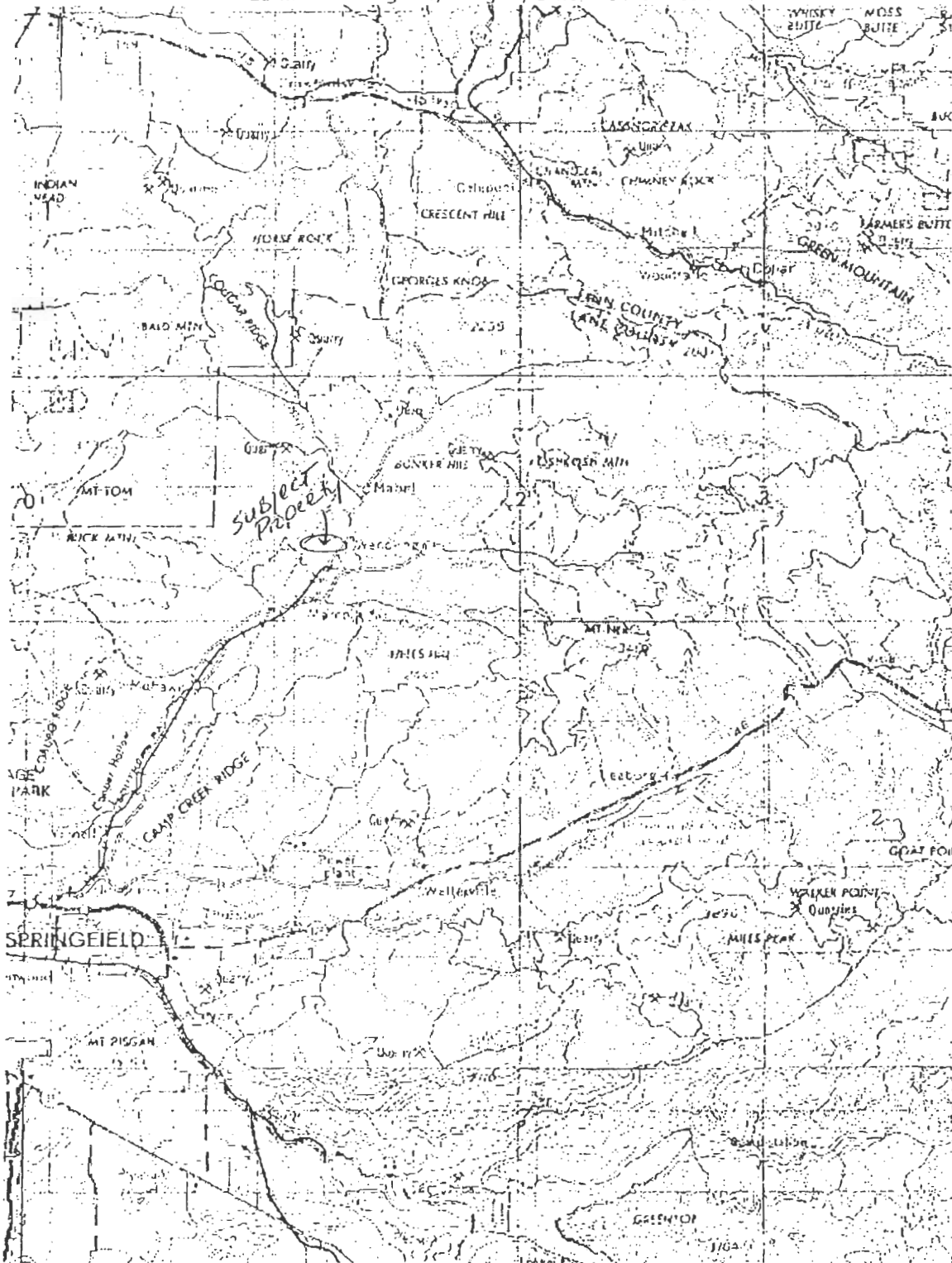


Image courtesy of the U.S. Geological Survey

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221

Exhibit B

Section 7 T.16S.R.1W.W.M.

16 01 07

LANE COUNTY

1:400'

See Map 16 01 06

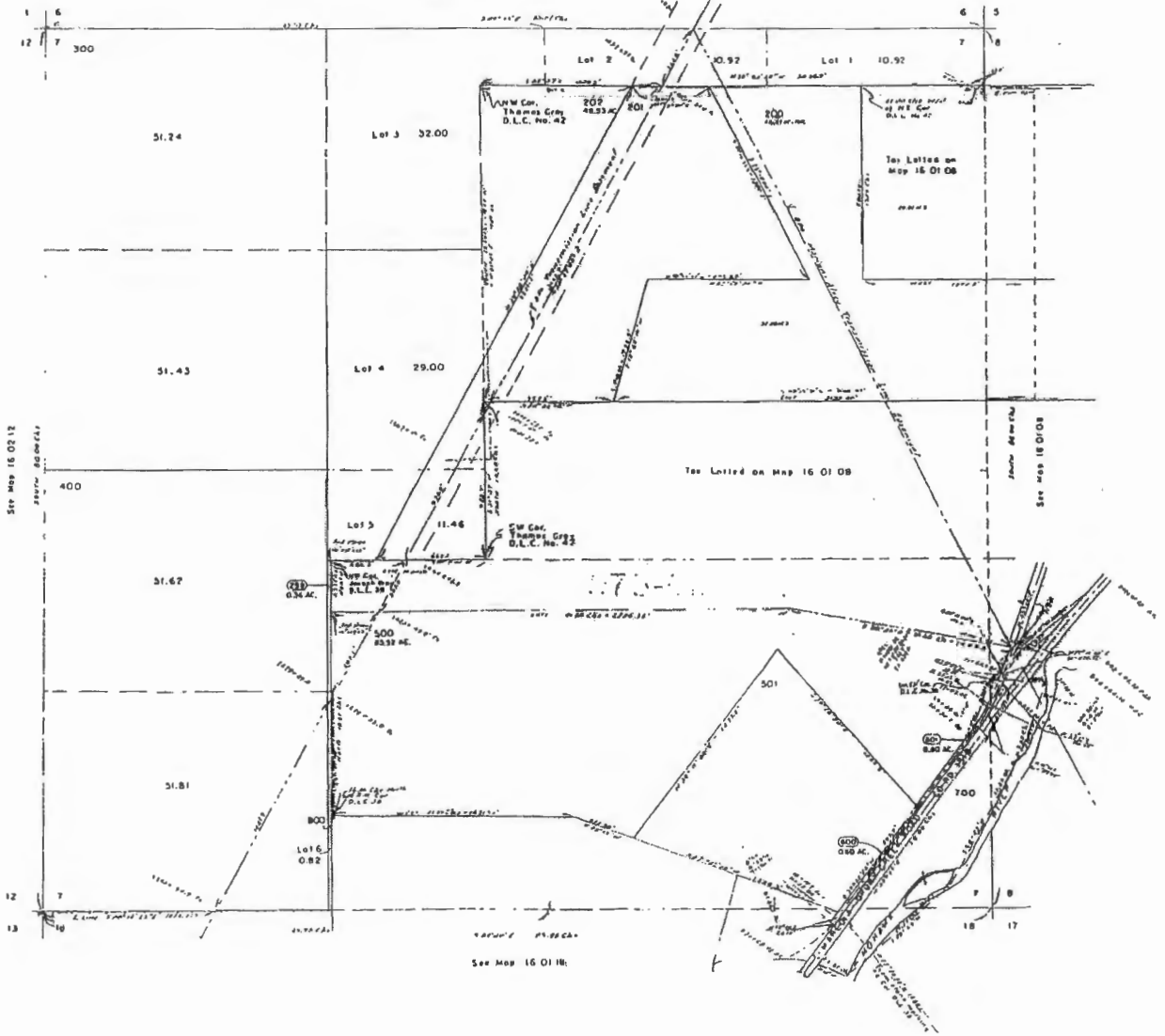
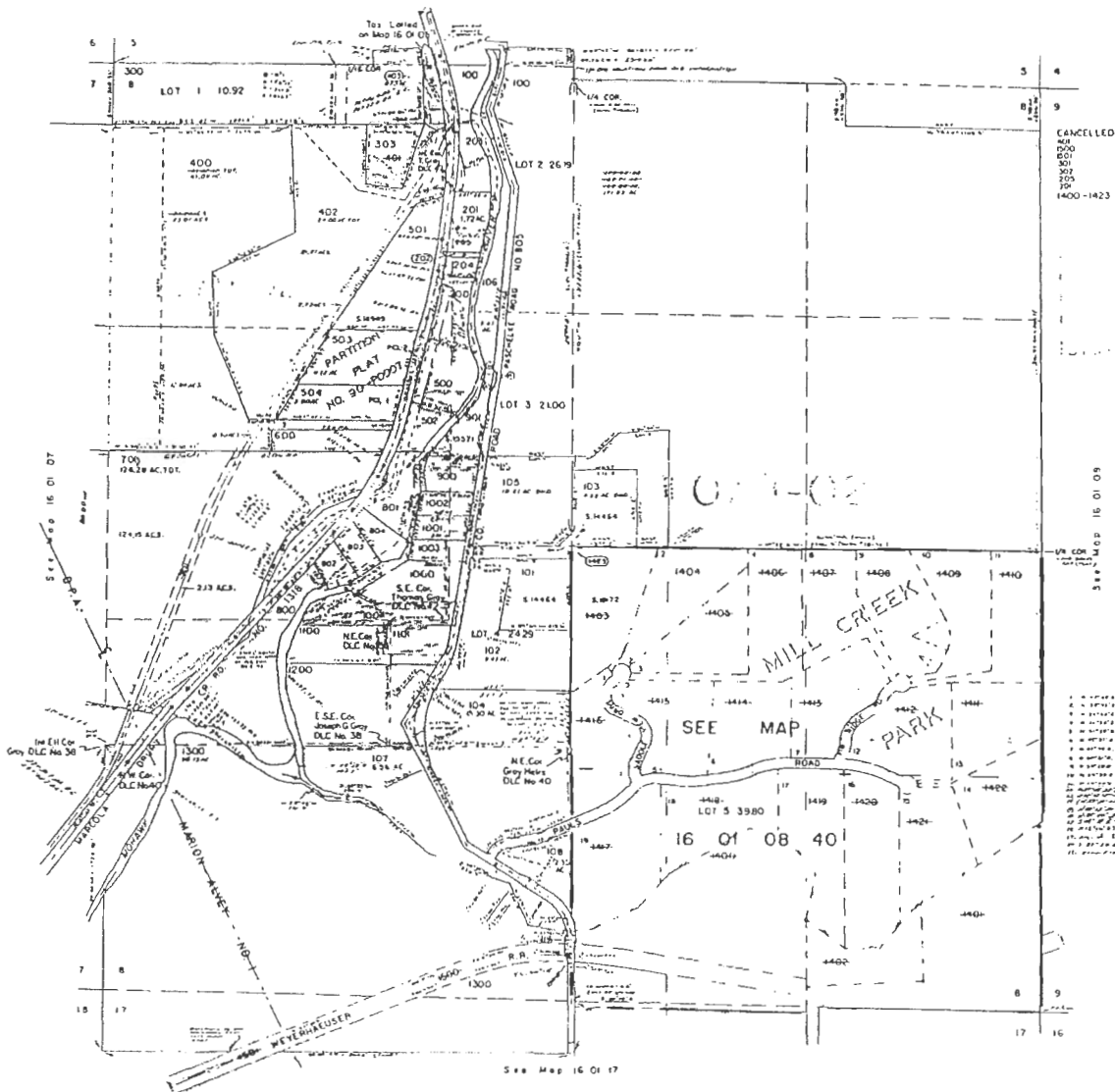


EXHIBIT C

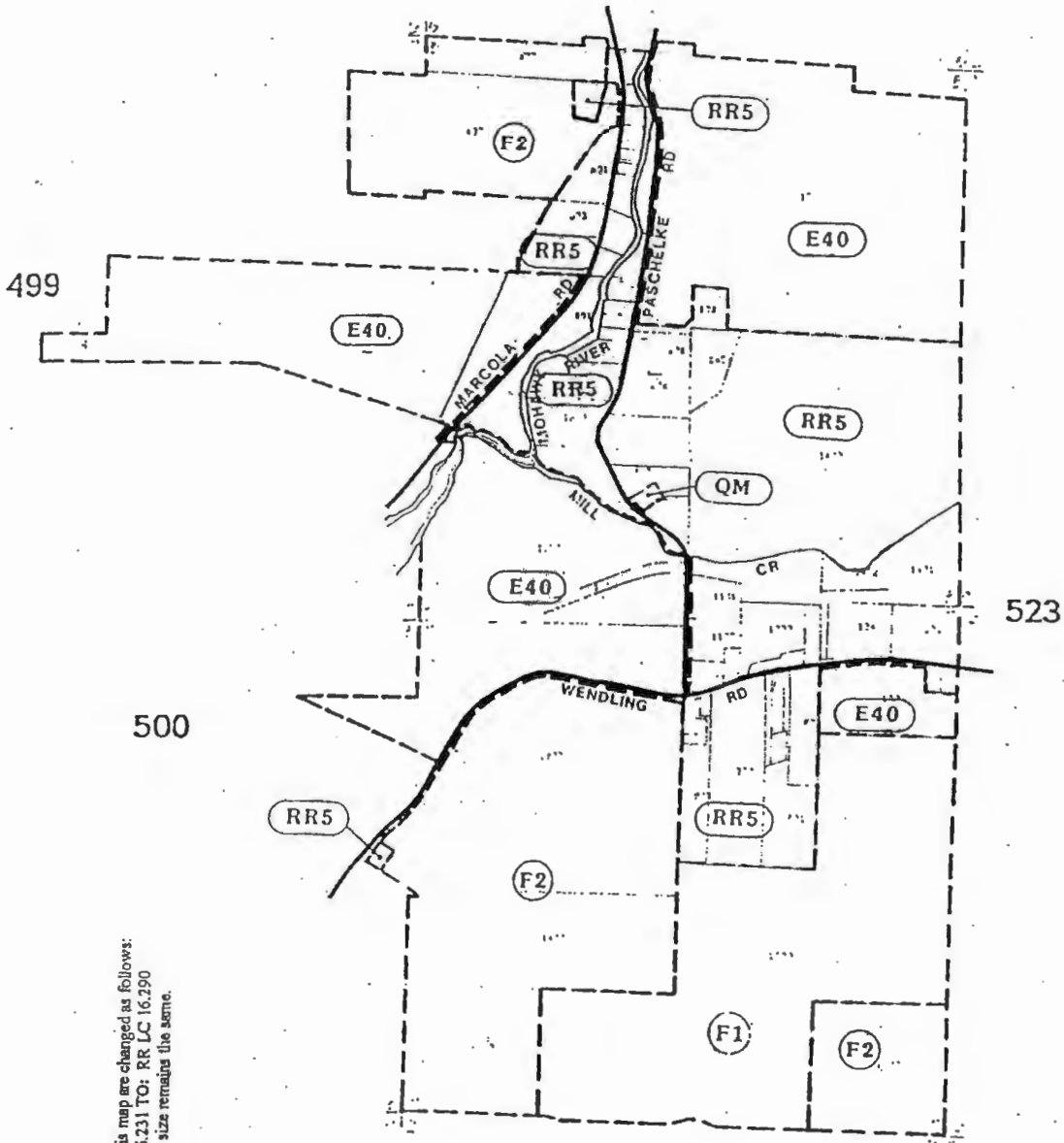
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See Map 16 01 05



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510



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

The zones on this map are changed as follows:  
 From: RG, RA 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



le county



OFFICIAL ZONING MAP

PLOT# 511

Township Range-Section

16 01 08

16 01 17

ORIGINAL ORD. # PA 884

DATE 2/29/1984

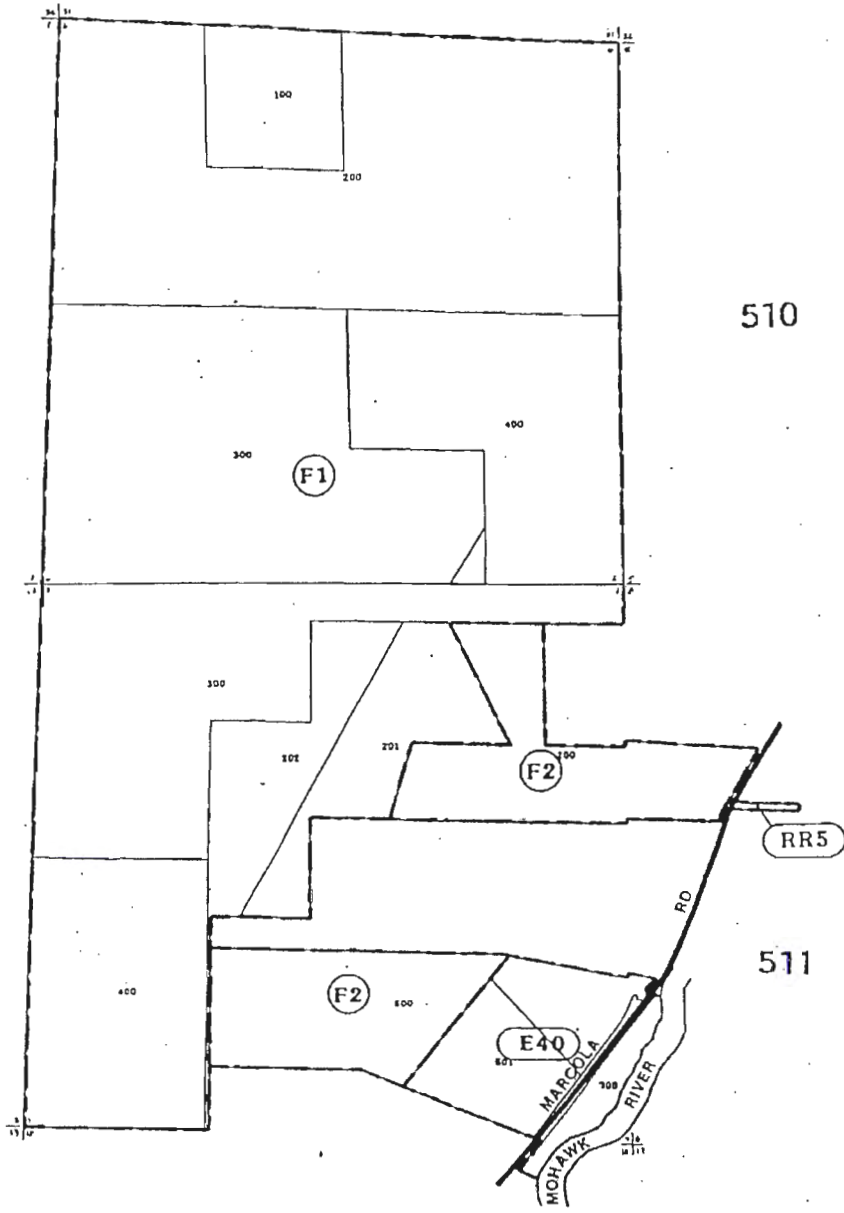
FILE #

EXHIBIT D

VISION # 1 ORD # PA 891

DATE Sept. 12, 1984

FILE #



488

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

The zones on this map are changed as follows:  
 From: RG, RA ~~XXXX~~ 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



	<b>OFFICIAL ZONING MAP</b>		<b>PLOT# 499</b>
	Township Range Section 16 01 06 / 16 01 07		
ORIGINAL ORD. #	PA 884	DATE 2/29/1984	FILE #
REVISION #	ORD #	DATE	CRD #

225



ADDENDUM TO WORKING PAPER:

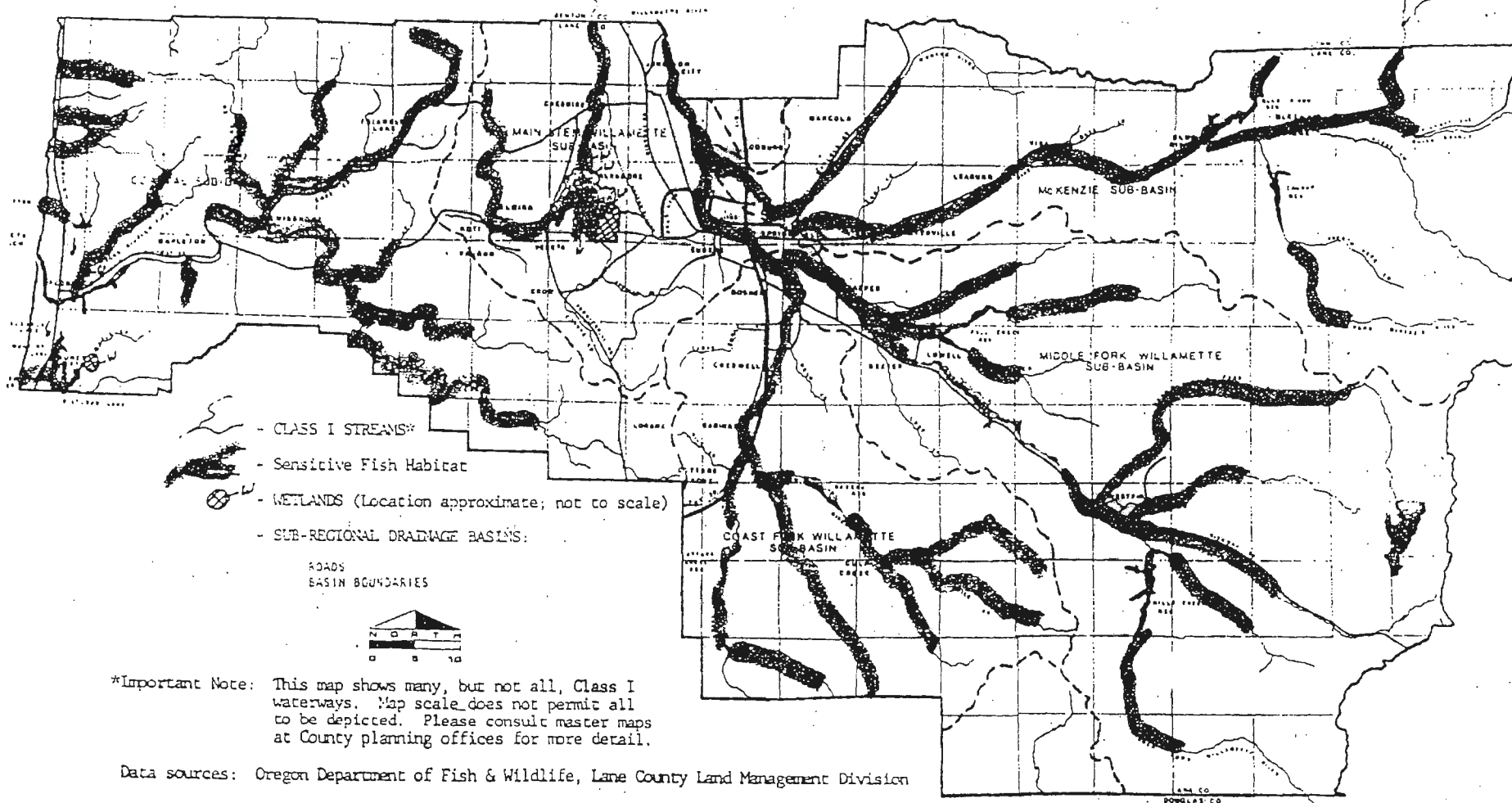
FLORA & FAUNA

November, 1983

EXHIBIT H

727

HABITAT DATA SUMMARY: "Revision Report to Flora and Fauna Working Paper"





## Special Assessment Programs

### Designated Forestland (ORS 321.358) (a.k.a. forest deferral)

There must be at least two contiguous<sup>1</sup> acres in the same ownership which meet minimum stocking and merchantable species requirements or an acceptable plan to meet the requirements must be in place. Severance tax will not be charged upon harvest and sale of the timber.

### Small Tract Forestland Option (ORS 321.706) (a.k.a. STFO)

There must be a minimum of 10 but less than 5,000 acres of qualified forestland in the state of Oregon in the same ownership under either the designated forestlands or highest and best use forestlands<sup>2</sup> program. All contiguous<sup>1</sup> parcels of forestland use in the same ownership (one or more of the owners) must be included. The value is 20% of the Forestland statutory value. Severance tax will be charged upon harvest and sale of the timber. An application for Designation of Land as Forestland and an application for Small Tract Forestland Option may be filed at the same time. When ownership changes, the new owner has 30 days to reapply. When disqualified, the property must remain out of the program for five years.

### Exclusive Farm Use (EFU) Zoned Farm (ORS 308A.062) (a.k.a. Zoned Farm)

Property must be in an Exclusive Farm Use zone and must be used to grow something for sale with the intent to make a profit. No minimum acreage requirement. No minimum income requirements.

### Non-Exclusive Farm Use (ORS 308A.068) (a.k.a. Non-EFU Farm, Farm Deferral)

A gross income requirement must be met for three out of five years before filing for the deferral and every five-year interval thereafter. This must be supported by a Schedule F or other farm income tax form. There is no minimum acreage requirement.

Income requirement:

0 – 6.5 acres:	\$650
6.5 – 30 acres:	multiply acreage by \$100
30+ acres:	\$3,000

### Wildlife Habitat Conservation and Management Plan (ORS 308A.424)

Land must be located in an area zoned for exclusive farm use, mixed farm and forest use, or forest use under a land use planning goal protecting agricultural land or forestland. Property owners should contact the Oregon Department of Fish and Wildlife (ODFW) to ascertain the requirements and develop a plan. After approval from the ODFW, an application must be made to the Assessor. A copy of the approved wildlife habitat conservation and management plan must be attached to the application.

### Open Space (ORS 308A.727)

As specified under ORS 308A.718, this change in special assessment is restricted to certain golf courses under ORS 308A.727 (land that is being used as a golf course open to the general public and all or a portion of the land is within or is contiguous to an urban growth boundary). If qualified, submit an application to the Assessor. Within 10 days of the application the Assessor will refer the application to the appropriate planning commission for approval under ORS 308A.309 and 308A.312. The application shall be acted upon in the same manner as an amendment to the comprehensive plan.

<sup>1</sup> Land that has a common boundary that is greater than a single point. Includes parcels separated by public or county roads, state highways, non-navigable streams or non-navigable rivers.

<sup>2</sup> Highest & Best Use Forestland (a.k.a. forestlands) is generally zoned F1 and are lands for which the most probable, reasonable and legal use of the land is predominately for the growth and harvesting of timber. This precludes alternative uses such as residential, farm or commercial, which may support a higher value. This is not a deferral program; the value shown is considered its worth until highest and best use changes. Most often the status changes because a homesite has been established. At that point, the landowner is notified to apply for deferral in order to keep the lower taxable value. Severance tax will not be charged upon harvest and sale of the timber.

PROPERTY REPORT - LANE COUNTY

Account # 0028710

Map, Tax Lot, & SIC # 16-01-08-00-00700

Site Address:	
Owner Name & Address: Ravin Ventures Llc 37803 Upper Camp Creek Rd Springfield, OR 97478	Taxpayer Name & Address: Ravin Ventures Llc 37803 Upper Camp Creek Rd Springfield, OR 97478
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 1178787	

Approximate Tax	126.85	Subdivision Name:		School District:	Marcola
Lot Acres	5,525,586'	Phase:		Elem	
Inc City:		Lot #	TL 00700	Middle	
UGB:		Recording #		High	
Census Tr/BlkGrp:	0200/2				

Zoning: Parent/Overlay	E40
Statistical Class:	
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	641 Forest, Unzoned Farm Land, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$135,149	\$0	\$135,149	\$23,864
2004	\$123,469	\$0	\$123,469	\$23,170

2005 Taxable Value  
\$ 23,864

2005 Taxes  
\$254.24

Tax Code Area  
07904

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
03-28-2004	\$0	Fisher Edward B & Lilli A	Ravin Ventures Llc	20-04-023175

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished		
Year Built:				Bsmt Garage Sqft	
Bedrooms				Att Garage Sqft	
Full Baths				Det Garage Sqft	
Half Baths				Att Carport Sqft	
% Improvmt Complete					
	Basement				
	First				
	Second				
	Attic				
	Total				

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*fd  
STFO d*

EXHIBIT I

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PROPERTY REPORT - LANE COUNTY

Account # 1178787

Map, Tax Lot, & SIC # 16-01-08-00-00700

Site Address:	
Owner Name & Address: Ravin Ventures Llc 37803 Upper Camp Creek Rd Springfield , OR 97478	Taxpayer Name & Address: Ravin Ventures Llc 37803 Upper Camp Creek Rd Springfield , OR 97478
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 0028710	

Approximate Tax	126.85	Subdivision Name:		School District:	Marcola
Lot Acres	5,525,586'	Phase:		Elem	
Inc City:		Lot #	TL 00700	Middle	
UGB:		Recording #		High	
Census Tr/BlkGrp:	0200/2				

Zoning: Parent/Overlay	E40
Statistical Class:	120 Class 2 Single Family Home
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	641 Forest, Unzoned Farm Land, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$236,244	\$69,920	\$306,164	\$172,321
2004	\$211,446	\$70,300	\$281,746	\$167,427

2005 Taxable Value  
\$ 172,321

2005 Taxes  
\$1,675.89

Tax Code Area  
07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
03-28-2004	\$0	Fisher Edward B & Lilli A	Ravin Ventures Llc	20-04-023175
09-29-1998	\$342,000	Dustrude, Ray O & Ida M H&w	Xx	98-07823100




Residential Building # 1 (of 1) Characteristics 21 stat 110 or 120

		Square feet	Base	Finished		
Year Built:	1900	Basement			Bsmt Garage Sqft	
Bedrooms	4	First	756	756	Att Garage Sqft	
Full Baths	1	Second	576	576	Det Garage Sqft	
Half Baths		Attic			Att Carport Sqft	
% Improvmt Complete	100	Total	1332	1332		

Comments:





\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

Assessment Map and Tax Lot Number Search Results

Map and Tax Lot   

2 record(s) selected. Record numbers 1 - 2 are displayed below.

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

Owner Name	Site Address	Mailing City	City	USG Zip	Account	Map and Tax Lot	SIC
RAVIN VENTURES LLC					0028710	16-01-08-00-00700	 
RAVIN VENTURES LLC					1178787	16-01-08-00-00700	 

\_\_\_\_\_

New Property Search | Applications

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PROPERTY REPORT - LANE COUNTY

Account # 0028710

Map, Tax Lot, & SIC # 16-01-08-00-00700

Site Address:	
Owner Name & Address: Ravin Ventures Llc 37803 Upper Camp Creek Rd Springfield , OR 97478	Taxpayer Name & Address: Ravin Ventures Llc 37803 Upper Camp Creek Rd Springfield , OR 97478
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 1178787	

Approximate Tax	126.85	Subdivision Name:		School District:	Marcola
Lot Acres	5,525,586'	Phase:		Elem	
Inc City:		Lot #	TL 00700	Middle	
UGB:		Recording #		High	
Census Tr/BlkGrp:	0200/2				

Zoning: Parent/Overlay	E40
Statistical Class:	
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	641 Forest, Unzoned Farm Land, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$135,149	\$0	\$135,149	\$23,864
2004	\$123,469	\$0	\$123,469	\$23,170
	<b>2005 Taxable Value</b> \$ 23,864	<b>2005 Taxes</b> \$254.24	<b>Tax Code Area</b> 07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
03-28-2004	\$0	Fisher Edward B & Lilli A	Ravin Ventures Llc	20-04-023175

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*Forest  
deferral  
STFO  
deferral*

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

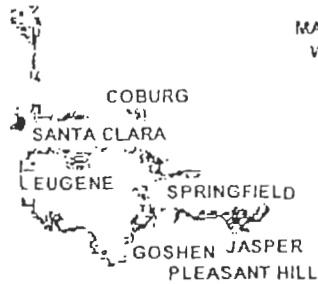
Map & Tax Lot #: 16-01-08-00-00700

Special Interest Code:

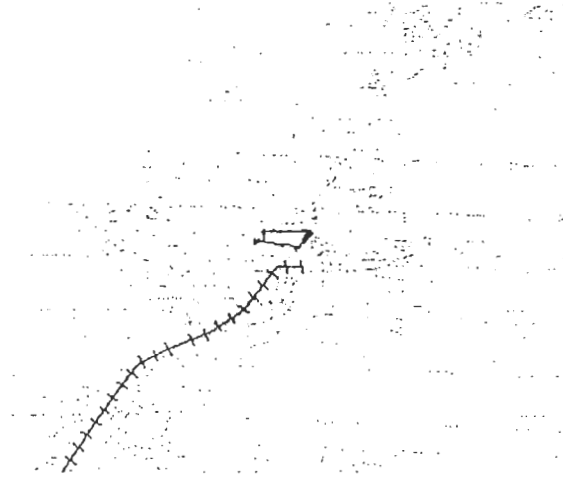
A & T Account #: 0028710

Tax Map View Tax Map Convert to PDF Document

Vicinity Map



Detail Map



Site Address State Plane Coordinates

X-Coord: 4305563

Y-Coord: 929489

Land Use

Code:	Description:
1150	MOBILE HOME - NOT IN MOBILE HOME PARK
N	MOBILE HOME
1111	SINGLE FAMILY HOUSING
S	SINGLE FAMILY
8310	TIMBERLANDS
T	TIMBER
9100	VACANT, UNUSED, UNDEVELOPED LAND
V	VACANT
9310	RIVERS, CREEKS, STREAMS
W	WATER

Zoning

Code:	Description:
LC	LANE COUNTY
E40	EXCLUSIVE FARM USE 40 ACRE MIN

Boundary Information

General

Incorporated City Limits:	
Urban Growth Boundary:	
Fire Protection Providers:	MVF MOHAWK VALLEY FD
Plan Designation:	
Node:	N
2000 Census Tract:	0200
2000 Block Group:	2
Year Annexed:	

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**KLID Detailed Property Report**

**Annexation #:**

2004 Transportation Analysis  
Zone: **503**

Approximate Acreage: **126.85**

Approximate Square Footage: **5,525,586**

**Environmental Findings**

Metro Flood Hazards:

Metro Wetlands:

**FEMA Flood Hazard Zones**

FIRM Map Number:

41039C0680F

Code:

X

**Soils**

Soil Map Unit Number:

52D

1A

89E

78

89C

102C

29

125D

89D

Soil Type Description:

**HAZELAIR SILTY CLAY LOAM, 7 TO 20 PERCENT SLOPES**

**ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES**

**NEKIA SILTY CLAY LOAM, 20 TO 30 PERCENT SLOPES**

**MCALPIN SILTY CLAY LOAM**

**NEKIA SILTY CLAY LOAM, 2 TO 12 PERCENT SLOPES**

**PANTHER SILTY CLAY LOAM, 2 TO 12 PERCENT SLOPES**

**CLOQUATO SILT LOAM**

**STEIWER LOAM, 12 TO 20 PERCENT SLOPES**

**NEKIA SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES**

Percentage  
of Tax Lot:

51

15

11

11

10

1

1

0

0

**Schools**

Code:

79J

Name:

MARCOLA

District:

Elementary School:

Middle School:

High School:

**Service Districts**

LTD Service Area:

LTD Ride Source:

Ambulance District:

EC Area: EAST/CENTRAL

Provider: **SPRINGFIELD DEPT OF FIRE & LIFE SAFETY**

Emerald People's Utility District: 5

Soil Water Conservation

District:

EAST LANE

Soil Water Conservation District 0

Zone:

**Political Districts**

Election Precinct:

100105

County Commissioner District:

5

EAST

County Commissioner:

FAYE STEWART

State Representative District:

11

State Representative Name:

PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District:

6

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**KLID Detailed Property Report**

State Senator: **WILLIAM MORRISETTE**  
 LCC Board Zones: **3**  
 EWEB Commissioner District:

Lane County Assessor's Office | Account Number: 0028710 | Map & Tax Lot: 16-01-03-00-00700

**Property Owner**

Owner1 Name: **RAVIN VENTURES LLC**  
 Owner Address: **37803 UPPER CAMP CREEK RD**

City	State	Country	Zip Code
<b>SPRINGFIELD</b>	<b>OREGON</b>		<b>97478</b>

**Taxpayer**

Taxpayer Name: **RAVIN VENTURES LLC**  
 Taxpayer Address: **37803 UPPER CAMP CREEK RD**

City	State	Country	Zip Code
<b>SPRINGFIELD</b>	<b>OREGON</b>		<b>97478</b>

**Property Legal Description**

Township: **16** Range: **01** Section: **08** Quarter: **00**  
 Subdivision Type: Subdivision Name: Division/Phase:  
 Lot/Tract/Unit Number: **TL 00700**  
 Subdivision Number:  
 Recording Number:

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	135,149	0	135,149	23,864
2004	123,469	0	123,469	23,170
2003	103,447	0	103,447	23,268
2002	94,899	0	94,899	22,589
2001	76,744	0	76,744	21,931
2000	82,522	0	82,522	21,292
1999	81,690	0	81,690	20,673
1998	82,520	0	82,520	20,072
1997	79,350	0	79,350	19,487
1996	74,860	0	74,860	25,300
1995	63,440	0	63,440	21,650

<b>23,864</b>	<b>0</b>	<b>0</b>
Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	254.24
2004	239.81
2003	240.55
2002	237.74
2001	260.60
2000	218.92
1999	4,593.28
1998	253.20
1997	253.07
1996	264.66
1995	205.85

236



**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator                      1178787

**Remarks:**

Potential Additional Tax - Small Tract Forestland; 94 Postponed Farm Tax \$4,334.33

**Special Assessment Program (if applicable)**

Code:	Description:
FORDF	FOREST DEFERRAL
STFO	SMALL TRACT FORESTLAND OPTION

**General Information**

Property Class:	641	FOREST, UNZONED FARM LAND, IMPROVED
Statistical Class:		
Neighborhood Code:	20161	
Property Use Type:	515	
Account Type:	RP	
Category:	LAND AND IMPROVEMENTS	
Mortgage Company Name:		
Total Acreage for this Account:	48.16	
Fire Acres:	48.16	

**Tax Code Area (Levy Code):** 07904 Levy Code Area (Levy Code) is used to determine the tax rates.

EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
03-28-2004		FISHER EDWARD B & LILLI A	RAVIN VENTURES LLC	2004-23175	K	Y

**Manufactured Structures**

Search Results | New Property Search | Applications Menu

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PROPERTY REPORT - LANE COUNTY

Account # 0028470

Map, Tax Lot, & SIC # 16-01-07-00-00200

Site Address:	
Owner Name & Address: Rosboro Lumber Co PO Box 20 Springfield, OR 97477	Taxpayer Name & Address: Rosboro Lumber Co PO Box 20 Springfield, OR 97477
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax	64.27	Subdivision Name:		School District:	Marcola
Lot Acres	2,799,601'	Phase:		Elem	
Inc City:		Lot #	TL 00200	Middle	
UGB:		Recording #		High	
Census Tr/BlkGrp:	0200/2				

Zoning: Parent/Overlay	F2
Statistical Class:	
Land Use:	8310 Timberlands
Property Class:	640 Forest, Unzoned Farm Land, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$95,044	\$0	\$95,044	\$8,194
2004	\$86,831	\$0	\$86,831	\$7,957
	<b>2005 Taxable Value</b>	<b>2005 Taxes</b>	<b>Tax Code Area</b>	
	\$ 8,194	\$58.84	07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
08-03-1989	\$179,500	Weyerhaeuser Real Est Co	Rosboro Lumber Co	89-03548600
12-16-1988	\$0	Weyerhaeuser Co		89-00102900

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*Forest  
adjacent*

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

Map & Tax Lot #: 16-01-07-00-00200

Special Interest Code:

A & T Account #: 0028470

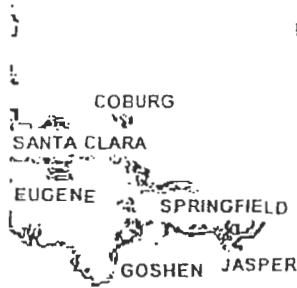
Tax Map

View Tax Map

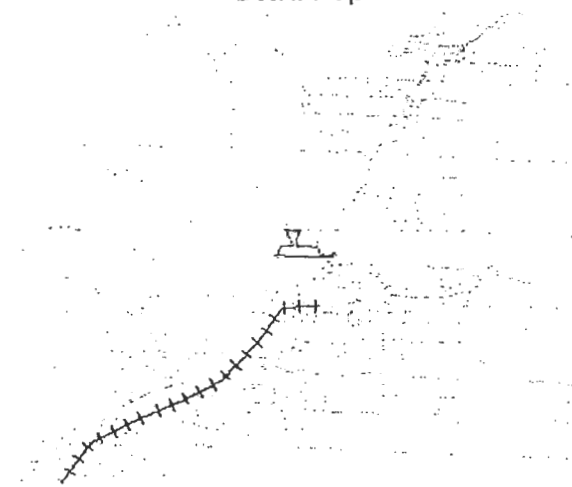
Convert to PDF Document

Vicinity Map

Detail Map



MABEL WENDLING, VIDA, LEABURG, DEERHORN



Site Address State Plane Coordinates

X-Coord: 4305749

Y-Coord: 930682

Land Use

Code:

Description:

Land Use Code and Description: 8310

TIMBERLANDS

Use Code and Description: T

TIMBER

Zoning

Code:

Description:

Zoning Jurisdiction: LC

LANE COUNTY

Parent Zone 1:

F2

IMPACTED FOREST LANDS

General Information

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

Plan Designation:

Node:

N

2000 Census Tract:

0200

2000 Block Group:

2

Year Annexed:

Annexation #:

2004 Transportation Analysis

503

Zone:

Approximate Acreage:

64.27

Approximate Square Footage:

2,799,601

Environmental Findings

Metro Flood Hazards:

Metro Wetlands:

RLID Detailed Property report

FEMA Flood Hazard Zones

FIRM Map Number: 41039C0680F Community Number: 415591 Post - FIRM Date: 1985-12-18 Panel Printed? (Y/N): Y
Code: X Description: Areas determined to be outside of 500-year flood.

Soils

Table with 3 columns: Soil Map Unit Number, Soil Type Description, Percentage of Tax Lot. Rows include 89D, 89C, 52D, 78, 36D, 89E, 1A, 15E.

Schools

District: 79J Name: MARCOLA
Elementary School:
Middle School:
High School:

Service Districts

LTD Service Area:
LTD Ride Source:
Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District: EAST LANE

Soil Water Conservation District Zone: 0

Political Districts

Election Precinct: 100105
County Commissioner District: 5 EAST
County Commissioner: FAYE STEWART
State Representative District: 11
State Representative Name: PHIL BARNHART
City Council Ward:
City Councilor Name:
State Senate District: 6
State Senator: WILLIAM MORRISSETTE
LCC Board Zones: 3

EWEB Commissioner District:

Land County Assessor's Office Account Number: 102647 Map & Tax Lot: 16-01-07-00-00200

Property Owner

Owner1 Name: ROSBORO LUMBER CO
Owner Address: PO BOX 20

City State Country Zip Code

240

KLID Detailed Property Report

SPRINGFIELD OREGON UNITED STATES 97477

**Taxpayer**

Taxpayer Name: ROSBORO LUMBER CO  
 Taxpayer Address: PO BOX 20

City State Country Zip Code  
 SPRINGFIELD OREGON UNITED STATES 97477

Property Legal Description

Township: 16 Range: 01 Section: 07 Quarter: 00  
 Subdivision Type: Subdivision Name: Division/Phase:  
 Lot/Tract/Unit Number: TL 00200  
 Subdivision Number:  
 Recording Number:

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	95,044	0	95,044	8,194
2004	86,831	0	86,831	7,957
2003	72,750	0	72,750	7,724
2002	63,351	0	63,351	7,546
2001	51,231	0	51,231	7,326
2000	55,088	0	55,088	7,113
1999	54,540	0	54,540	1,800
1998	55,090	0	55,090	1,754
1997	52,970	0	52,970	1,703
1996	49,970	0	49,970	2,040
1995	42,350	0	42,350	1,890

8,194 0 0  
 Taxable Value Exemption Amount Regular (EAR) Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	58.84
2004	57.16
2003	55.59
2002	54.41
2001	62.76
2000	62.64
1999	16.28
1998	16.04
1997	15.73
1996	15.83
1995	12.50

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year

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**RLID Detailed Property Report**

- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Potential Additional Tax**

**Special Assessment Program (if applicable)**

Code:  
**FORDF**

Description:  
**FOREST DEFERRAL**

**General Information**

Property Class: **640** **FOREST, UNZONED FARM LAND, VACANT**

Statistical Class:

Neighborhood Code: **20161**

Property Use Type: **515**

Account Type: **RP**

Category: **LAND AND IMPROVEMENTS**

Mortgage Company Name:

Total Acreage for this Account: **65.39**

Fire Acres:

**Tax Code Area (Levy Code): 07904**

**EMERALD PEOPLES UTILITY DISTRICT**  
**LANE COMMUNITY COLLEGE**  
**LANE COUNTY**  
**LANE EDUCATION SERVICE DISTRICT**  
**MARCOLA SCHOOL DISTRICT 79J**

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
08-03-1989	179,500	WEYERHAEUSER REAL EST CO	ROSBORO LUMBER CO	8903548600	N	N
12-16-1988		WEYERHAEUSER CO		89- 102900	6	N

**Manufactured Structures**

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

PROPERTY REPORT - LANE COUNTY

Account # 0981413

Map, Tax Lot, & SIC # 16-01-07-00-00201

Site Address:	
Owner Name & Address: U S Government 834 Pearl St Department Of Interior Eugene , OR 97401	Taxpayer Name & Address: U S Government 834 Pearl St Department Of Interior Eugene , OR 97401
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	51.10 2,225,916'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00201	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	F1
Statistical Class:	
Land Use:	6719 Other Publicly Owned Property
Property Class:	600 Forest, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$26,150	\$0	\$26,150	\$17,477
2004	\$28,228	\$0	\$28,228	\$16,968
2005 Taxable Value		2005 Taxes	Tax Code Area	
\$ 0		\$0.00	07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished		
Year Built:				Bsmt Garage Sqft	
Bedrooms				Att Garage Sqft	
Full Baths				Det Garage Sqft	
Half Baths				Att Carport Sqft	
% Improvmt Complete					

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*NO SA  
5/19  
Francisco  
Lambert*

243

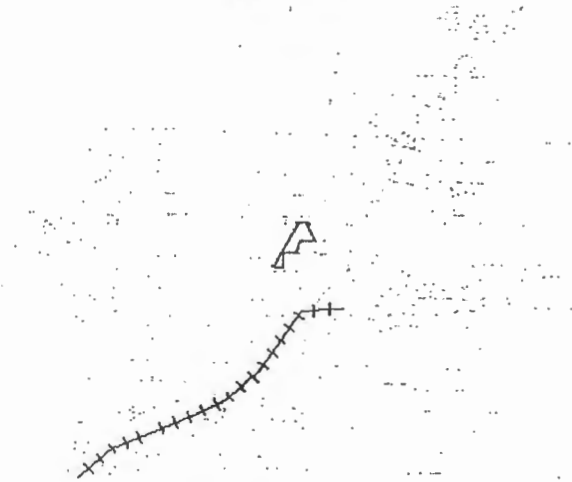
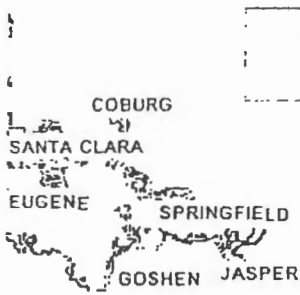
LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

Map & Tax Lot #: 16-01-07-00-00201

Special Interest Code:

A & T Account #: 0981413



Site Address State Plane Coordinates

X-Coord: 4304075

Y-Coord: 930831

Land Use:

Code:

Description:

Land Use Code and Description: 6719

OTHER PUBLICLY OWNED PROPERTY

Use Code and Description: G

GOVERNMENT RELATED

Zoning Jurisdiction:

Code:

Description:

LC

LANE COUNTY

Parent Zone 1:

F1

NONIMPACTED FOREST LANDS

Additional Information:

**General**

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

Plan Designation:

Node:

N

2000 Census Tract:

0200

2000 Block Group:

2

Year Annexed:

Annexation #:

2004 Transportation Analysis

Zone:

503

Approximate Acreage:

51.10

Approximate Square Footage:

2,225,916

**Environmental Findings**

Metro Flood Hazards:

Metro Wetlands:



RLID Detailed Property Report

FEMA Flood Hazard Zones

FIRM Map Number: 41039C0680F Community Number: 415591 Post - FIRM Date: 1985-12-18 Panel Printed? (Y/N): Y
Code: X Description: Areas determined to be outside of 500-year flood.

Soils

Table with 3 columns: Soil Map Unit Number, Soil Type Description, Percentage of Tax Lot. Rows include 89E, 89D, 52D, 102C, 15E with corresponding soil descriptions and percentages.

Schools

District: 79J Name: MARCOLA
Elementary School:
Middle School:
High School:

Service Districts

LTD Service Area:
LTD Ride Source:
Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5
Soil Water Conservation District: EAST LANE
Soil Water Conservation District Zone: 0

Political Districts

Election Precinct: 100105
County Commissioner District: 5 EAST
County Commissioner: FAYE STEWART
State Representative District: 11
State Representative Name: PHIL BARNHART
City Council Ward:
City Councilor Name:
State Senate District: 6
State Senator: WILLIAM MORRISETTE
LCC Board Zones: 3
EWEB Commissioner District:

Lane County Assessor's Office | Account Number: 0981413 | Map & Tax Lot: 16-01-07-00-00201

Property Owner

Owner1 Name: U S GOVERNMENT
Owner Address: 834 PEARL ST
DEPARTMENT OF INTERIOR
BONNEVILLE POWER ADMIN

City: EUGENE State: OREGON Country: UNITED STATES Zip Code: 97401
Taxpayer

295

**KLID Detailed Property Report**

Taxpayer Name: **U S GOVERNMENT**  
 Taxpayer Address: **834 PEARL ST**  
**DEPARTMENT OF INTERIOR**  
**BONNEVILLE POWER ADMIN**

City: **EUGENE** State: **OREGON** Country: **UNITED STATES** Zip Code: **97401**

**Property Legal Description:**

Township: **16** Range: **01** Section: **07** Quarter: **00**  
 Subdivision Type: Subdivision Name: Division/Phase:  
 Lot/Tract/Unit Number: **TL 00201**  
 Subdivision Number:  
 Recording Number:

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	26,150	0	26,150	17,477
2004	28,228	0	28,228	16,968
2003	26,150	0	26,150	16,474
2002	22,090	0	22,090	15,994
2001	17,960	0	17,960	15,528
2000	19,950	0	19,950	15,076
1999	19,750	0	19,750	14,637
1998	19,950	0	19,950	14,211
1997	19,180	0	19,180	13,797
1996	18,090	0	18,090	18,090
1995	15,330	0	15,330	15,330

0 Taxable Value      17,477 Exemption Amount Regular (EAR)      0 Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	0.00
2004	0.00
2003	0.00
2002	0.00
2001	0.00
2000	0.00
1999	0.00
1998	0.00
1997	0.00
1996	0.00
1995	0.00

**Current Exemptions**

Tax Year	Amount	Description
2005	17,477	Federal Government

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

Active for the 2005 Tax Year

296

KLID Detailed Property Report

- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

Remarks:

Special Assessment Program (if applicable)

Code:

Description:

General Information

Property Class:	600	FOREST, VACANT
Statistical Class:		
Neighborhood Code:	69600	
Property Use Type:		
Account Type:	RP	
Category:	LAND AND IMPROVEMENTS	
Mortgage Company Name:		
Total Acreage for this Account:	50.68	

Fire Acres:

Tax Code Area (Levy Code): 07904 : LANE COUNTY - VACANT LAND - 07904 - 07904  
 EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J

Sales Information

Sales Date:      Sales Price:      Grantor:      Grantee:      Instrument #:      Analysis Code:      Mult Acct?:

Manufactured Structures

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

PROPERTY REPORT - LANE COUNTY

Account # 0981421

Map, Tax Lot, & SIC # 16-01-07-00-00202

Site Address:	
Owner Name & Address: Weyerhaeuser Company PO Box 9777 Federal Way , WA 98063	Taxpayer Name & Address: Weyerhaeuser Company PO Box 9777 Federal Way , WA 98063
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	48.31 2,104,384'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00202	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	F1
Statistical Class:	
Land Use:	8310 Timberlands
Property Class:	600 Forest, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$16,014	\$0	\$16,014	\$13,076
2004	\$15,335	\$0	\$15,335	\$12,696
	2005 Taxable Value \$ 13,076	2005 Taxes \$93.89	Tax Code Area 07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

Map & Tax Lot #: 16-01-07-00-00202

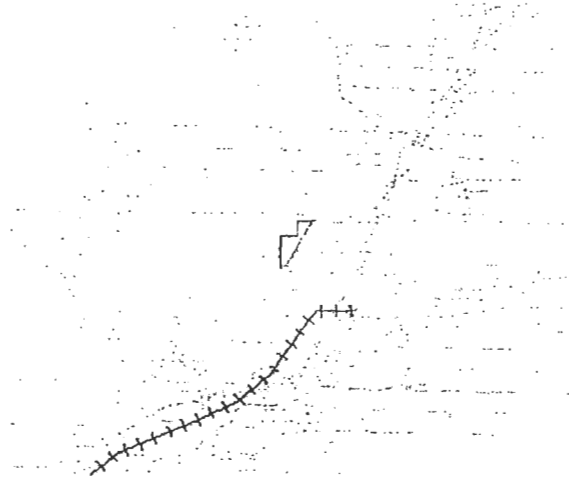
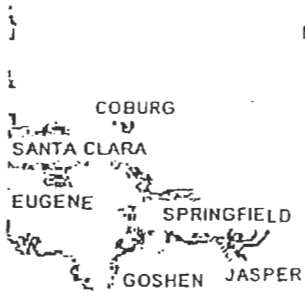
Special Interest Code:

A & T Account #: 0981421

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4303119

Y-Coord: 930858

Land Use:

Land Use Code and Description: 8310

Description:  
TIMBERLANDS

Use Code and Description: T

TIMBER

Zoning:

Zoning Jurisdiction:

Code:

Description:

LC

LANE COUNTY

Parent Zone 1:

F1

NONIMPACTED FOREST LANDS

Boundary Information:

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

Plan Designation:

Node:

N

2000 Census Tract:

0200

2000 Block Group:

2

Year Annexed:

Annexation #:

2004 Transportation Analysis

Zone:

503

Approximate Acreage:

48.31

Approximate Square Footage:

2,104,384

Environmental Findings

Metro Flood Hazards:

Metro Wetlands:

**FEMA Flood Hazard Zones**

FIRM Map Number: 41039C0680F  
 Code: X  
 Community Number: 415591  
 Description: Areas determined to be outside of 500-year flood.  
 Post - FIRM Date: 1985-12-18  
 Panel Printed? (Y/N): Y

**Soils**

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
89E	NEKIA SILTY CLAY LOAM, 20 TO 30 PERCENT SLOPES	80
102C	PANTHER SILTY CLAY LOAM, 2 TO 12 PERCENT SLOPES	12
13F	BLACHLY CLAY LOAM, 30 TO 50 PERCENT SLOPES	5
52D	HAZELAIR SILTY CLAY LOAM, 7 TO 20 PERCENT SLOPES	4
89D	NEKIA SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES	0
15E	BLACHLY-MCCULLY CLAY LOAMS, 3 TO 30 PERCENT SLOPES	0

**Schools**

District: 79J  
 Elementary School:  
 Middle School:  
 High School:  
 Name: MARCOLA

**Service Districts**

LTD Service Area:  
 LTD Ride Source:  
 Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5  
 Soil Water Conservation District: EAST LANE  
 Soil Water Conservation District Zone: 0

**Political Districts**

Election Precinct: 100105  
 County Commissioner District: 5 EAST  
 County Commissioner: FAYE STEWART  
 State Representative District: 11  
 State Representative Name: PHIL BARNHART  
 City Council Ward:  
 City Councilor Name:  
 State Senate District: 6  
 State Senator: WILLIAM MORRISETTE  
 LCC Board Zones: 3

**EWEB Commissioner District:**

Land County Assessor's Office Account Number: 00214211 Map & Tax Lot: 16-01-07-00-00202

**Property Owner**

Owner1 Name: WEYERHAEUSER COMPANY  
 Owner Address: PO BOX 9777

City	State	Country	Zip Code
FEDERAL WAY	WASHINGTON	UNITED STATES	98063

**RLID Detailed Property Report**

**Taxpayer**

Taxpayer Name: **WEYERHAEUSER COMPANY**

Taxpayer Address: **PO BOX 9777**

City	State	Country	Zip Code
<b>FEDERAL WAY</b>	<b>WASHINGTON</b>	<b>UNITED STATES</b>	<b>98063</b>

Property Legal Description

Township: <b>16</b>	Range: <b>01</b>	Section: <b>07</b>	Quarter: <b>00</b>
Subdivision Type:	Subdivision Name:	Division/Phase:	
Lot/Tract/Unit Number: <b>TL 00202</b>			
Subdivision Number:			
Recording Number:			

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	16,014	0	16,014	13,076
2004	15,335	0	15,335	12,696
2003	14,170	0	14,170	12,326
2002	21,821	0	21,821	12,340
2001	17,646	0	17,646	11,981
2000	18,975	0	18,975	11,632
1999	18,790	0	18,790	2,960
1998	18,980	0	18,980	2,880
1997	18,250	0	18,250	2,796
1996	17,690	0	17,690	3,370
1995	14,990	0	14,990	3,130

13,076	0	0
Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	93.89
2004	91.21
2003	88.71
2002	88.95
2001	102.64
2000	102.44
1999	26.78
1998	26.31
1997	25.83
1996	26.15
1995	20.68

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year

# RLID Detailed Property Report

- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

## Remarks:

### Special Assessment Program (if applicable)

Code:  
FOR

Description:  
FOREST

### General Information

Property Class:	600	FOREST, VACANT
Statistical Class:		
Neighborhood Code:	69600	
Property Use Type:	514	
Account Type:	RP	
Category:	LAND AND IMPROVEMENTS	
Mortgage Company Name:	WEYERHAEUSER TIMBER	
Total Acreage for this Account:	48.53	
Fire Acres:		

**Tax Code Area (Levy Code): 07904**  
EMERALD PEOPLES UTILITY DISTRICT  
LANE COMMUNITY COLLEGE  
LANE COUNTY  
LANE EDUCATION SERVICE DISTRICT  
MARCOLA SCHOOL DISTRICT 79J

### Sales Information

Sales Date:    Sales Price:    Grantor:    Grantee:    Instrument #:    Analysis Code:    Mult Acct?:

### Manufactured Structures

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)



PROPERTY REPORT - LANE COUNTY

Account # 0028488

Map, Tax Lot, & SIC # 16-01-07-00-00300

Site Address:	
Owner Name & Address: Dept Of Interior BLM O&C PO Box 10226 Eugene , OR 97440	Taxpayer Name & Address: US Government Dept Of Interior BLM O&C PO Box 10226 Eugene , OR 97440
Multiple Owners? Yes.*	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	159.54 6,949,562'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00300	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	F1
Statistical Class:	
Land Use:	6719 Other Publicly Owned Property
Property Class:	600 Forest, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$80,759	\$0	\$80,759	\$80,759
2004	\$87,176	\$0	\$87,176	\$87,176
	2005 Taxable Value \$ 0	2005 Taxes \$0.00	Tax Code Area 07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*NO SA*

KLID Property Report

PROPERTY REPORT - LANE COUNTY

Account # 0028488

Map, Tax Lot, & SIC # 16-01-07-00-00300

Site Address:	
Owner Name & Address: Dept Of Interior BLM O&C PO Box 10226 Eugene , OR 97440	Taxpayer Name & Address: US Government Dept Of Interior BLM O&C PO Box 10226 Eugene , OR 97440
Multiple Owners? Yes.*	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	159.54 6,949,562'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00300	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	F1
Statistical Class:	
Land Use:	6719 Other Publicly Owned Property
Property Class:	600 Forest, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$80,759	\$0	\$80,759	\$80,759
2004	\$87,176	\$0	\$87,176	\$87,176
	2005 Taxable Value \$ 0	2005 Taxes \$0.00	Tax Code Area 07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

Map & Tax Lot #: 16-01-07-00-00300

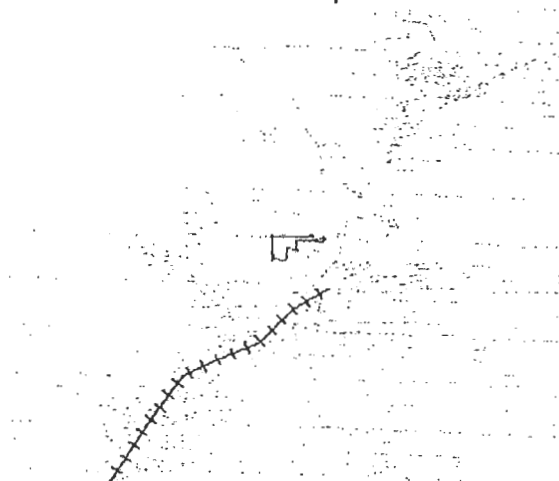
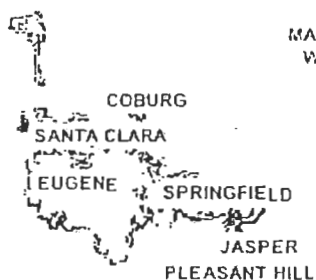
Special Interest Code:

A & T Account #: 0028488

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4302168

Y-Coord: 931325

Land Use

Code:

Description:

Land Use Code and Description: 6719

6719

OTHER PUBLICLY OWNED PROPERTY

Use Code and Description: G

G

GOVERNMENT RELATED

Zoning

Code:

Description:

Zoning Jurisdiction: LC

LC

LANE COUNTY

Parent Zone 1: F1

F1

NONIMPACTED FOREST LANDS

Boundary Information

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

Plan Designation:

Node: N

N

2000 Census Tract: 0200

0200

2000 Block Group: 2

2

Year Annexed:

Annexation #:

2004 Transportation Analysis

Zone: 503

503

Approximate Acreage: 159.54

159.54

Approximate Square Footage: 6,949,562

6,949,562

Environmental Findings

Metro Flood Hazards:

Metro Wetlands:

255

**RLID Detailed Property Report**

**FEMA Flood Hazard Zones**

FIRM Map Number: 41039C0680F  
 Community Number: 415591  
 Post - FIRM Date: 1985-12-18  
 Panel Printed? (Y/N): Y  
 Code: X  
 Description: Areas determined to be outside of 500-year flood.

**Soils**

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
13F	BLACHLY CLAY LOAM, 30 TO 50 PERCENT SLOPES	54
15E	BLACHLY-MCCULLY CLAY LOAMS, 3 TO 30 PERCENT SLOPES	30
89E	NEKIA SILTY CLAY LOAM, 20 TO 30 PERCENT SLOPES	10
36D	CUMLEY SILTY CLAY LOAM, 2 TO 20 PERCENT SLOPES	3
89F	NEKIA SILTY CLAY LOAM, 30 TO 50 PERCENT SLOPES	1
113E	RITNER COBBLY SILTY CLAY LOAM, 12 TO 30 PERCENT SLOPES	1
80F	MCCULLY CLAY LOAM, 30 TO 50 PERCENT SLOPES	0
89D	NEKIA SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES	0

**Schools**

District: 79J  
 Name: MARCOLA  
 Elementary School:  
 Middle School:  
 High School:

**Service Districts**

LTD Service Area:  
 LTD Ride Source:  
 Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5  
 Soil Water Conservation District: EAST LANE  
 Soil Water Conservation District Zone: 0

**Political Districts**

Election Precinct: 100105  
 County Commissioner District: 5 EAST  
 County Commissioner: FAYE STEWART  
 State Representative District: 11  
 State Representative Name: PHIL BARNHART  
 City Council Ward:  
 City Councilor Name:  
 State Senate District: 6  
 State Senator: WILLIAM MORRISETTE  
 LCC Board Zones: 3  
 EWEB Commissioner District:

Lane County Assessor's Office Account Number: 00284881 Map & Tax Lot: 16-01-07-00-00300

**Property Owner**

Owner1 Name: DEPT OF INTERIOR BLM O&C  
 Owner Address: PO BOX 10226

**KLID Detailed Property Report**

City: EUGENE State: OREGON Country: UNITED STATES Zip Code: 97440

Owner2 Name: US GOVERNMENT DEPT OF INTERIOR BLM O&C  
 Owner Address: PO BOX 10226

City: EUGENE State: OREGON Country: UNITED STATES Zip Code: 97440

**Taxpayer**

Taxpayer Name: US GOVERNMENT DEPT OF INTERIOR BLM O&C  
 Taxpayer Address: PO BOX 10226

City: EUGENE State: OREGON Country: UNITED STATES Zip Code: 97440

**Property Legal Description:**

Township: 16 Range: 01 Section: 07 Quarter: 00  
 Subdivision Type: Subdivision Name: Division/Phase:  
 Lot/Tract/Unit Number: TL 00300  
 Subdivision Number:  
 Recording Number:

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	80,759	0	80,759	80,759
2004	87,176	0	87,176	87,176
2003	80,759	0	80,759	80,759
2002	205,975	0	205,975	149,250
2001	167,460	0	167,460	144,903
2000	186,070	0	186,070	140,683
1999	184,230	0	184,230	136,585
1998	186,090	0	186,090	132,607
1997	178,930	0	178,930	128,745
1996	168,800	0	168,800	168,800
1995	143,050	0	143,050	143,050

0 Taxable Value      80,759 Exemption Amount Regular (EAR)      0 Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	0.00
2004	0.00
2003	0.00
2002	0.00
2001	0.00
2000	0.00
1999	0.00
1998	0.00
1997	0.00
1996	0.00
1995	0.00

**Current Exemptions**

**RLID Detailed Property Report**

Tax Year	Amount	Description
2005	80,759	Federal Government

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code: Description:

**General Information**

Property Class: 600 FOREST, VACANT  
Statistical Class:  
Neighborhood Code: 69600  
Property Use Type:  
Account Type: RP  
Category: LAND AND IMPROVEMENTS  
Mortgage Company Name:  
Total Acreage for this Account: 156.51  
Fire Acres:

Tax Code Area (Levy Code): 07904

EMERALD PEOPLES UTILITY DISTRICT  
LANE COMMUNITY COLLEGE  
LANE COUNTY  
LANE EDUCATION SERVICE DISTRICT  
MARCOLA SCHOOL DISTRICT 79J

**Sales Information**

Sales Date: Sales Price: Grantor: Grantee: Instrument #: Analysis Code: Mult Acct?:

**Manufactured Structures**

Search Results | New Property Search | Applications Menu

PROPERTY REPORT - LANE COUNTY

Account # 0028496

Map, Tax Lot, & SIC # 16-01-07-00-00400

Site Address:	
Owner Name & Address: Weyerhaeuser Company PO Box 9777 Federal Way, WA 98063	Taxpayer Name & Address: Weyerhaeuser Company PO Box 9777 Federal Way, WA 98063
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax	102.80	Subdivision Name:		School District:	Marcola
Lot Acres	4,477,968'	Phase:		Elem	
Inc City:		Lot #	TL 00400	Middle	
UGB:		Recording #		High	
Census Tr/BlkGrp:	0200/2				

Zoning: Parent/Overlay	F1
Statistical Class:	
Land Use:	8310 Timberlands
Property Class:	600 Forest, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value	
			Real Market	Assessed
2005	\$33,892	\$0	\$33,892	\$27,702
2004	\$32,375	\$0	\$32,375	\$26,896
2005 Taxable Value		2005 Taxes	Tax Code Area	
\$ 27,702		\$198.91	07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
05-31-2000	\$2,420,400	Giustina Land & Timber Co	Weyerhaeuser Co	20-00-030710
11-15-1997	\$1,042,455	Ruby F Wilkins Tr	Giustina Land & Timber Co	97-08174300

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

fd

### LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

Map & Tax Lot #: 16-01-07-00-00400

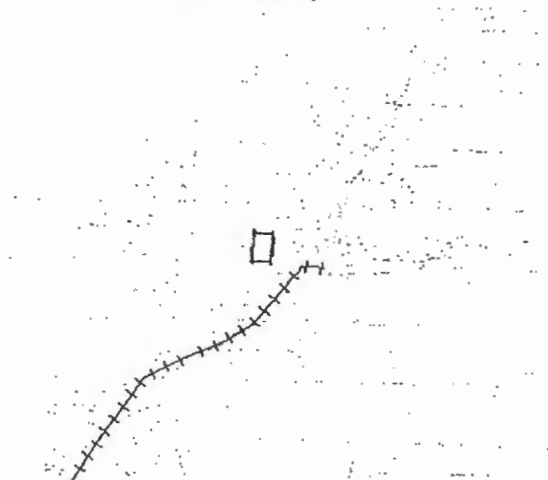
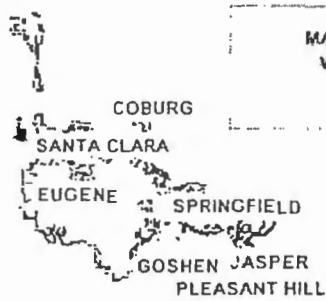
Special Interest Code:

A & T Account #: 0028496

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4301627

Y-Coord: 928683

Land Use Code and Description: 8310  
Use Code and Description: T

Code:  
8310  
T

Description:  
TIMBERLANDS  
TIMBER

Zoning Jurisdiction:  
Parent Zone 1:

Code:  
LC  
F1

Description:  
LANE COUNTY  
NONIMPACTED FOREST LANDS

**General**

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

Plan Designation:

Node:

N

2000 Census Tract:

0200

2000 Block Group:

2

Year Annexed:

Annexation #:

2004 Transportation Analysis  
Zone:

503

Approximate Acreage:

102.80

Approximate Square Footage:

4,477,968

**Environmental Findings**

Metro Flood Hazards:

Metro Wetlands:



**FEMA Flood Hazard Zones**

Map number, community number, and panel number for the FEMA Flood Hazard Zones. The map number is 41039C0680F, the community number is 415591, and the panel number is 1985-12-18. The panel printed? (Y/N) is Y.

FIRM Map Number:

41039C0680F

Community Number:

415591

Post - FIRM Date:

1985-12-18

Panel Printed? (Y/N):

Y

Code:

X

Description:

Areas determined to be outside of 500-year flood.

**Soils**

Soil Map Unit Number:

Soil Type Description:

Percentage of Tax Lot:

89E

NEKIA SILTY CLAY LOAM, 20 TO 30 PERCENT SLOPES

50

89F

NEKIA SILTY CLAY LOAM, 30 TO 50 PERCENT SLOPES

40

89D

NEKIA SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES

8

80F

MCCULLY CLAY LOAM, 30 TO 50 PERCENT SLOPES

2

13F

BLACHLY CLAY LOAM, 30 TO 50 PERCENT SLOPES

0

**Schools**

Code:

79J

Name:

MARCOLA

District:

Elementary School:

Middle School:

High School:

**Service Districts**

LTD Service Area:

LTD Ride Source:

Ambulance District:

EC Area: EAST/CENTRAL

Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation

District:

EAST LANE

Soil Water Conservation District 0

Zone:

**Political Districts**

Election Precinct:

100105

County Commissioner District:

5

EAST

County Commissioner:

FAYE STEWART

State Representative District:

11

State Representative Name:

PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District:

6

State Senator:

WILLIAM MORRISETTE

LCC Board Zones:

3

EWEB Commissioner District:

Lane County Assessor's Office | Account Number: 0028496 | Map & Tax Lot: 16-01-07-00-00400

**Property Owner**

Owner1 Name: WEYERHAEUSER COMPANY

Owner Address: PO BOX 9777

City	State	Country	Zip Code
FEDERAL WAY	WASHINGTON	UNITED STATES	98063

Taxpayer

RLID Detailed Property report

Taxpayer Name: **WEYERHAEUSER COMPANY**  
 Taxpayer Address: **PO BOX 9777**

City	State	Country	Zip Code
<b>FEDERAL WAY</b>	<b>WASHINGTON</b>	<b>UNITED STATES</b>	<b>98063</b>

Property Legal Description:

Township: 16	Range: 01	Section: 07	Quarter: 00
Subdivision Type:	Subdivision Name:	Division/Phase:	
Lot/Tract/Unit Number: <b>TL 00400</b>			
Subdivision Number:			
Recording Number:			

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	33,892	0	33,892	27,702
2004	32,375	0	32,375	26,896
2003	29,973	0	29,973	26,113
2002	41,043	0	41,043	28,005
2001	33,191	0	33,191	27,190
2000	35,690	0	35,690	26,398
1999	35,330	0	35,330	6,780
1998	35,690	0	35,690	6,595
1997	34,320	0	34,320	6,403
1996	32,380	0	32,380	7,580
1995	27,440	0	27,440	7,120
	<b>27,702</b>	<b>0</b>	<b>0</b>	

Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)
		Tax (See Explanation of Tax)
	Tax Year	
	2005	198.91
	2004	193.22
	2003	187.94
	2002	201.96
	2001	232.93
	2000	232.49
	1999	61.33
	1998	60.28
	1997	134.36
	1996	124.07
	1995	100.22

Explanation of Tax

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

Account Status

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed

RLID Detailed Property Report

1460 1 0 1 1

- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code: Description:  
FOR FOREST

**General Information**

Property Class: 600 FOREST, VACANT  
 Statistical Class:  
 Neighborhood Code: 69600  
 Property Use Type: 514  
 Account Type: RP  
 Category: LAND AND IMPROVEMENTS  
 Mortgage Company Name: WEYERHAEUSER TIMBER  
 Total Acreage for this Account: 103.43  
 Fire Acres:

**Tax Code Area (Levy Code): 07904**  
 EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
05-31-2000	2,420,400	GIUSTINA LAND & TIMBER CO	WEYERHAEUSER CO	2000-30710	N	Y
11-15-1997	1,042,455	RUBY F WILKINS TR	GIUSTINA LAND & TIMBER CO	9708174300	N	N
04-17-1995		WILKINS, RUBY F		9502661800	6	N
04-17-1995		WILKINS, RUBY F		9502661900	6	N
02-16-1995		DEXTER FOREST FIBRE INC		9501051800	K	N

**Manufactured Structures**

Search Results | New Property Search | Applications Menu

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PROPERTY REPORT - LANE COUNTY

Account # 1597234

Map, Tax Lot, & SIC # 16-01-07-00-00299

Site Address:	
Owner Name & Address: Weyerhaeuser Company PO Box 9777 Federal Way , WA 98063	Taxpayer Name & Address: Weyerhaeuser Company PO Box 9777 Federal Way , WA 98063
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	0.57 24,829'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00299	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	F1
Statistical Class:	
Land Use:	6719 Other Publicly Owned Property
Property Class:	640 Forest, Unzoned Farm Land, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$840	\$0	\$840	\$97
2004	\$768	\$0	\$768	\$94
	2005 Taxable Value \$ 97	2005 Taxes \$0.70	Tax Code Area 07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
05-31-2000	\$2,240,204	Giustina Land & Timber Co	Weyerhaeuser Co	20-00-030710
12-02-1997	\$1,042,455	Ruby F Wilkins Living Trust	Weyerhaeuser Co	23-62/9781743

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

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LANE COUNTY REGIONAL LAND INFORMATION DATABASE

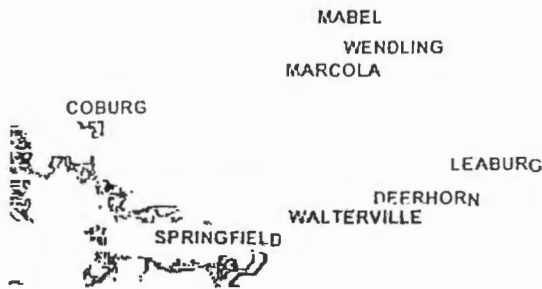
Site Address:

Map & Tax Lot #: 16-01-07-00-00299

Special Interest Code:

A & T Account #: 1597234

Tax Map ▾	View Tax Map	Convert to PDF Document
Vicinity Map		Detail Map



Site Address State Plane Coordinates

X-Coord: 4302493

Y-Coord: 928943

Land Use

Land Use Code and Description:

Code: 6719

Description:

OTHER PUBLICLY OWNED PROPERTY

Use Code and Description:

G

GOVERNMENT RELATED

Zoning

Zoning Jurisdiction:

Code: LC

Description:

LANE COUNTY

Parent Zone 1:

F1

NONIMPACTED FOREST LANDS

Boundary Information

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

MVF

MOHAWK VALLEY FD

Plan Designation:

Node:

N

2000 Census Tract:

0200

2000 Block Group:

2

Year Annexed:

Annexation #:

2004 Transportation Analysis

Zone:

503

Approximate Acreage:

0.57

Approximate Square Footage:

24,829

Environmental Findings

Metro Flood Hazards:

Metro Wetlands:

**RLID Detailed Property Report**

**FEMA Flood Hazard Zones**

FIRM Map Number: 41039C0680F  
 Code: X  
 Community Number: 415591  
 Description: Areas determined to be outside of 500-year flood.  
 Post - FIRM Date: 1985-12-18  
 Panel Printed? (Y/N): Y

**Soils**

Soil Map Unit Number: 89E  
 Soil Type Description: NEKIA SILTY CLAY LOAM, 20 TO 30 PERCENT SLOPES  
 Percentage of Tax Lot: 100

**Schools**

District: 79J  
 Elementary School:  
 Middle School:  
 High School:  
 Code: 79J  
 Name: MARCOLA

**Service Districts**

LTD Service Area:  
 LTD Ride Source:  
 Ambulance District: EC Area: EAST/CENTRAL  
 Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5  
 Soil Water Conservation District: EAST LANE  
 Soil Water Conservation District Zone: 0

**Political Districts**

Election Precinct: 100105  
 County Commissioner District: 5  
 County Commissioner: FAYE STEWART  
 State Representative District: 11  
 State Representative Name: PHIL BARNHART  
 City Council Ward:  
 City Councilor Name:  
 State Senate District: 6  
 State Senator: WILLIAM MORRISETTE  
 LCC Board Zones: 3  
 EWEB Commissioner District:

Lane County Assessor's Office    Parcel ID Number: 1557234    Map & Tax Lot: 15-01-07-00-00299

**Property Owner**

Owner1 Name: WEYERHAEUSER COMPANY  
 Owner Address: PO BOX 9777

City	State	Country	Zip Code
FEDERAL WAY	WASHINGTON	UNITED STATES	98063

**Taxpayer**

Taxpayer Name: WEYERHAEUSER COMPANY  
 Taxpayer Address: PO BOX 9777

City	State	Country	Zip Code
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**KLID Detailed Property Report**

**FEDERAL WAY**

**WASHINGTON**

**UNITED STATES**

**98063**

Property Legal Description

Township: 16

Range: 01

Section: 07

Quarter: 00

Subdivision Type:

Subdivision Name:

Division/Phase:

Lot/Tract/Unit Number: TL 00299

Subdivision Number:

Recording Number:

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	840	0	840	97
2004	768	0	768	94
2003	643	0	643	25
2002	596	0	596	24
2001	482	0	482	23
2000	519	0	519	22
1999	510	0	510	20
1998	520	0	520	22
1997	500	0	500	20
	<b>97</b>	<b>0</b>	<b>0</b>	

Taxable Value

Exemption Amount Regular (EAR)

Frozen Assessed Value (FZNPU)

Tax Year

Tax (See Explanation of Tax)

2005	0.70
2004	0.68
2003	0.17
2002	0.17
2001	0.20
2000	0.19
1999	0.18
1998	0.20
1997	0.18

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

Potential Additional Tax

Special Assessment Program (if applicable)

Code:

FORDF

Description:

FOREST DEFERRAL

**General Information**

Property Class: 640

FOREST, UNZONED FARM LAND,  
VACANT

Statistical Class:

Neighborhood Code: 20161

Property Use Type: 515

Account Type: RP

Category: LAND AND IMPROVEMENTS

Mortgage Company Name: WEYERHAEUSER TIMBER

Total Acreage for this Account: 0.36

Fire Acres:

Tax Code Area (Levy Code): 07904

EMERALD PEOPLES UTILITY DISTRICT

LANE COMMUNITY COLLEGE

LANE COUNTY

LANE EDUCATION SERVICE DISTRICT

MARCOLA SCHOOL DISTRICT 79J

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
05-31-2000	2,240,204	GIUSTINA LAND & TIMBER CO	WEYERHAEUSER CO	2000-30710	N	Y
12-02-1997	1,042,455	RUBY F WILKINS LIVING TRUST	WEYERHAEUSER CO	97- 81743	N	Y
08-06-1997		RUBY F WILKINS TR		9705379900	6	

**Manufactured Structures**

Search Results | New Property Search | Applications Menu



**PROPERTY REPORT - LANE COUNTY**

Account # 0980266

Map, Tax Lot, & SIC # 16-01-07-00-00800

Site Address:	
Owner Name & Address: Weyerhaeuser Company PO Box 9777 Federal Way , WA 98063	Taxpayer Name & Address: Weyerhaeuser Company PO Box 9777 Federal Way , WA 98063
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	1.08 47,045'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00800	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	F1
Statistical Class:	
Land Use:	
Property Class:	040 Miscellaneous, Tract, Unbuildable

**Property Value and Taxes**

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$500	\$0	\$500	\$500
2004	\$500	\$0	\$500	\$500
2005 Taxable Value		2005 Taxes	Tax Code Area	
\$ 500		\$3.33	07904	

**Two Most Recent Sales**

Date	Price	Grantor	Grantee	Instrument #
05-31-2000	\$2,240,204	Giustina Land & Timber Co	Weyerhaeuser Co	20-00-030710
11-15-1997	\$1,042,455	Ruby F Wilkins Tr		97-08174300

**Residential Building # 0 (of 0 ) Characteristics**

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

**Comments:**

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*MOSA*

### LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

Map & Tax Lot #: 16-01-07-00-00800

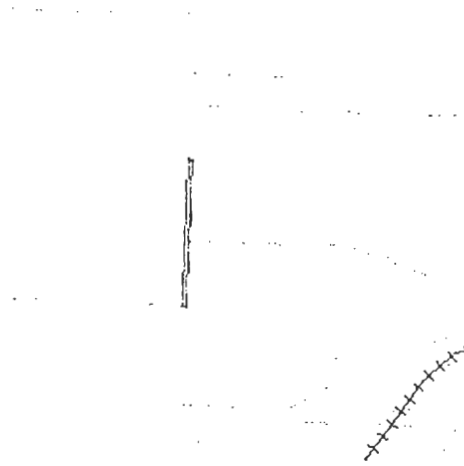
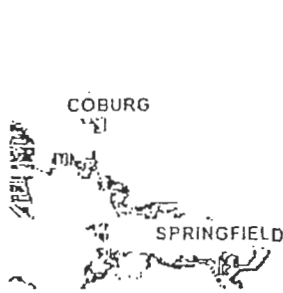
Special Interest Code:

A & T Account #: 0980266

Tax Map ▾	View Tax Map	Convert to PDF Document
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Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4302460

Y-Coord: 927912

Land Use

Code: Description:

Land Use Code and Description: 6719

OTHER PUBLICLY OWNED PROPERTY

Use Code and Description: G

GOVERNMENT RELATED

Zoning

Code: Description:

Zoning Jurisdiction: LC

LANE COUNTY

Parent Zone 1: F1

NONIMPACTED FOREST LANDS

Fire Protection Providers:

MVF MOHAWK VALLEY FD

General

Incorporated City Limits:

Urban Growth Boundary:

Plan Designation:

Node: N

2000 Census Tract: 0200

2000 Block Group: 2

Year Annexed:

Annexation #:

2004 Transportation Analysis Zone: 503

Approximate Acreage: 1.08

Approximate Square Footage: 47,045

Environmental Findings

Metro Flood Hazards:

Metro Wetlands:

**RLID Detailed Property Report**

Total Service Area: 16-01-07-00-00800. Registration between 01-01-2000 and 01-01-2001. This report is based on the current property information. The information is based on the information provided in the RLID maps as appropriate.

**FEMA Flood Hazard Zones**

FIRM Map Number: **41039C0680F** Community Number: **415591** Post - FIRM Date: **1985-12-18** Panel Printed? (Y/N): **Y**  
 Code: **X** Description: **Areas determined to be outside of 500-year flood.**

**Soils**

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
89D	NEKIA SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES	51
89E	NEKIA SILTY CLAY LOAM, 20 TO 30 PERCENT SLOPES	30
89F	NEKIA SILTY CLAY LOAM, 30 TO 50 PERCENT SLOPES	19

**Schools**

District: **79J** Name: **MARCOLA**  
 Elementary School:  
 Middle School:  
 High School:

**Service Districts**

LTD Service Area:  
 LTD Ride Source:  
 Ambulance District: **EC** Area: **EAST/CENTRAL** Provider: **SPRINGFIELD DEPT OF FIRE & LIFE SAFETY**

Emerald People's Utility District: **5**  
 Soil Water Conservation District: **EAST LANE**  
 Soil Water Conservation District Zone: **0**

**Political Districts**

Election Precinct: **100105**  
 County Commissioner District: **5** EAST  
 County Commissioner: **FAYE STEWART**  
 State Representative District: **11**  
 State Representative Name: **PHIL BARNHART**  
 City Council Ward:  
 City Councilor Name:  
 State Senate District: **6**  
 State Senator: **WILLIAM MORRISETTE**  
 LCC Board Zones: **3**  
 EWEB Commissioner District:

Land County Assessor's Office Account Number: 00802001 Map & Tax Lot: 16-01-07-00-00800

**Property Owner**

Owner1 Name: **WEYERHAEUSER COMPANY**  
 Owner Address: **PO BOX 9777**

City	State	Country	Zip Code
<b>FEDERAL WAY</b>	<b>WASHINGTON</b>	<b>UNITED STATES</b>	<b>98063</b>

**Taxpayer**

Taxpayer Name: **WEYERHAEUSER COMPANY**  
 Taxpayer Address: **PO BOX 9777**

**RLID Detailed Property Report**

City: **FEDERAL WAY** State: **WASHINGTON** Country: **UNITED STATES** Zip Code: **98063**

**Property Legal Description:**

Township: **16** Range: **01** Section: **07** Quarter: **00**  
 Subdivision Type: Subdivision Name: Division/Phase:  
 Lot/Tract/Unit Number: **TL 00800**  
 Subdivision Number:  
 Recording Number:

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	500	0	500	500
2004	500	0	500	500
2003	500	0	500	500
2002	500	0	500	500
2001	500	0	500	500
2000	500	0	500	492
1999	500	0	500	478
1998	500	0	500	464
1997	500	0	500	450
1996	500	0	500	500
1995	500	0	500	500
	<b>500</b>	<b>0</b>	<b>0</b>	

Taxable Value: **500** Exemption Amount Regular (EAR): **0** Frozen Assessed Value (FZNPU): **0**

Tax Year	Tax (See Explanation of Tax)
2005	3.33
2004	3.33
2003	3.34
2002	3.35
2001	4.02
2000	4.12
1999	4.17
1998	4.18
1997	4.16
1996	3.87
1995	3.30

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge

KLID Detained Property Report

- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

Remarks:

Special Assessment Program (if applicable)

Code:

Description:

General Information

Property Class: 040

MISCELLANEOUS, TRACT,  
UNBUILDABLE

Statistical Class:

Neighborhood Code: 20161

Property Use Type:

Account Type: RP

Category: LAND AND IMPROVEMENTS

Mortgage Company Name: WEYERHAEUSER TIMBER

Total Acreage for this Account: 0.82

Fire Acres:

Tax Code Area (Levy Code): 07904

EMERALD PEOPLES UTILITY DISTRICT

LANE COMMUNITY COLLEGE

LANE COUNTY

LANE EDUCATION SERVICE DISTRICT

MARCOLA SCHOOL DISTRICT 79J

Sales Information

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
05-31-2000	2,240,204	GIUSTINA LAND & TIMBER CO	WEYERHAEUSER CO	2000-30710	N	Y
11-15-1997	1,042,455	RUBY F WILKINS TR		9708174300	N	
08-06-1997		RUBY F WILKINS TR		9705379900	6	
07-08-1997		WILKINS, RUBY F		9704595400	6	
04-17-1995		WILKINS, RUBY F		9502661800	6	
04-17-1995		WILKINS, RUBY F		9502661900	6	

Manufactured Structures

Search Results | New Property Search | Applications Menu

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PROPERTY REPORT - LANE COUNTY

Account # 0028504

Map, Tax Lot, & SIC # 16-01-07-00-00500

Site Address:	
Owner Name & Address: Paschelke James W 975 Hayden Bridge Rd Springfield , OR 97477	Taxpayer Name & Address: Paschelke James W 975 Hayden Bridge Rd Springfield , OR 97477
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	87.31 3,803,224'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00500	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	F2
Statistical Class:	
Land Use:	
Property Class:	640 Forest, Unzoned Farm Land, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$99,924	\$0	\$99,924	\$4,611
2004	\$91,289	\$0	\$91,289	\$4,477
	<b>2005 Taxable Value</b> \$ 4,611	<b>2005 Taxes</b> \$113.19	<b>Tax Code Area</b> 07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
08-06-2001	\$300,000	Paschelke Kathryn I	Paschelke James W	20-01-049318

Residential Building # 0 (of 0 ) Characteristics

	Square feet		Base	Finished	
	Year Built:	Bedrooms			
Basement					Bsmt Garage Sqft
First					Att Garage Sqft
Second					Det Garage Sqft
Attic					Att Carport Sqft
Total					
Full Baths					
Half Baths					
% Improvmt Complete					

<b>Comments:</b>
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*STFD  
deferral*

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

Map & Tax Lot #: 16-01-07-00-00500

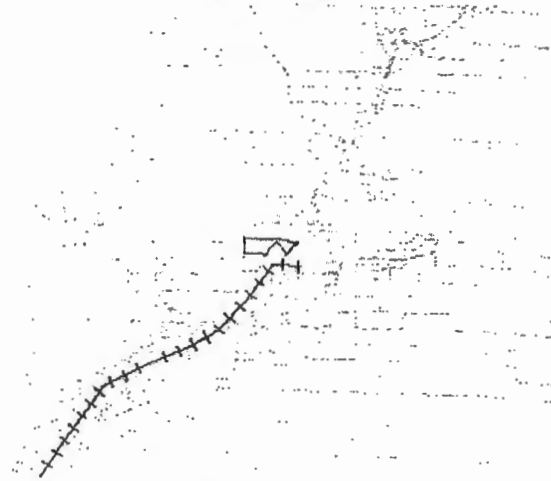
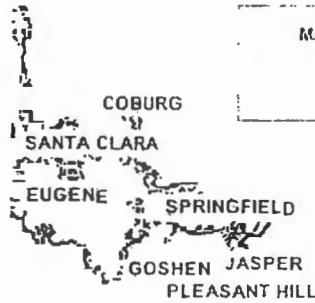
Special Interest Code:

A & T Account #: 0028504

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4304763

Y-Coord: 928695

Land Use

Code: Description:

Zoning

Code:

Description:

Zoning Jurisdiction:

Code:

Description:

Parent Zone 1:

LC

LANE COUNTY

Boundary Information:

F2

IMPACTED FOREST LANDS

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

MVF

MOHAWK VALLEY FD

Plan Designation:

Node:

N

2000 Census Tract:

0200

2000 Block Group:

2

Year Annexed:

Annexation #:

2004 Transportation Analysis

Zone:

503

Approximate Acreage:

87.31

Approximate Square Footage:

3,803,224

Environmental Findings

Metro Flood Hazards:

Metro Wetlands:

FEMA Flood Hazard Zones

RLID Detailed Property Report

FIRM Map Number: 41039C0680F Community Number: 415591 Post - FIRM Date: 1985-12-18 Panel Printed? (Y/N): Y

Code: X Description: Areas determined to be outside of 500-year flood.

Soils

Table with 3 columns: Soil Map Unit Number, Soil Type Description, and Percentage of Tax Lot. Rows include soil types like NEKIA SILTY CLAY LOAM, STEIWER LOAM, etc.

Schools

District: 79J Name: MARCOLA

Elementary School: Middle School: High School:

Service Districts

LTD Service Area: LTD Ride Source:

Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District: EAST LANE

Soil Water Conservation District Zone: 0

Political Districts

Election Precinct: 100105 County Commissioner District: 5 EAST

County Commissioner: FAYE STEWART

State Representative District: 11

State Representative Name: PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District: 6

State Senator: WILLIAM MORRISETTE

LCC Board Zones: 3

EWEB Commissioner District:

Lane County Assessor's Office | Account Number: 9028504 | Map & Tax Lot: 16-01-07-00-00500

Property Owner

Owner1 Name: PASCHELKE JAMES W

Owner Address: 975 HAYDEN BRIDGE RD

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RLID Detailed Property Report

City: SPRINGFIELD State: OREGON Country: UNITED STATES Zip Code: 97477

**Taxpayer**

Taxpayer Name: PASCHELKE JAMES W  
 Taxpayer Address: 975 HAYDEN BRIDGE RD

City: SPRINGFIELD State: OREGON Country: UNITED STATES Zip Code: 97477

Property Legal Description:

Township: 16 Range: 01 Section: 07 Quarter: 00  
 Subdivision Type: Subdivision Name: Division/Phase:  
 Lot/Tract/Unit Number: TL 00500  
 Subdivision Number:  
 Recording Number:

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	99,924	0	99,924	4,611
2004	91,289	0	91,289	4,477
2003	76,486	0	76,486	21,914
2002	42,117	0	42,117	12,591
2001	34,061	0	34,061	12,789
2000	36,625	0	36,625	12,899
1999	36,270	0	36,270	3,550
1998	36,640	0	36,640	12,500
1997	35,230	0	35,230	12,060
1996	33,240	0	33,240	16,890
1995	28,170	0	28,170	17,040

4,611	0	0
Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)
	Tax Year	Tax (See Explanation of Tax)
	2005	113.19
	2004	95.24
	2003	220.30
	2002	130.42
	2001	146.86
	2000	147.02
	1999	73.20
	1998	146.96
	1997	148.29
	1996	168.47
	1995	143.14

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

Active for the 2005 Tax Year

277

**KLID Detailed Property Report**

- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Potential Additional Tax - Small Tract Forestland  
Special Assessment Program (if applicable)**

Code:	Description:
STFO	SMALL TRACT FORESTLAND OPTION

**General Information**

Property Class:	640	FOREST, UNZONED FARM LAND, VACANT
Statistical Class:		
Neighborhood Code:	20161	
Property Use Type:	10001675	
Account Type:	RP	
Category:	LAND AND IMPROVEMENTS	
Mortgage Company Name:		
Total Acreage for this Account:	85.92	
Fire Acres:	85.92	
Tax Code Area (Levy Code):	07904	
EMERALD PEOPLES UTILITY DISTRICT		
LANE COMMUNITY COLLEGE		
LANE COUNTY		
LANE EDUCATION SERVICE DISTRICT		
MARCOLA SCHOOL DISTRICT 79J		

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
08-06-2001	300,000	PASCHELKE KATHRYN I	PASCHELKE JAMES W	2001- 49318	6	Y

**Manufactured Structures**

Search Results | New Property Search | Applications Menu

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PROPERTY REPORT - LANE COUNTY

Account # 0028512

Map, Tax Lot, & SIC # 16-01-07-00-00501

Site Address:	
Owner Name & Address: Bonneville Power Admin PO Box 3621 Portland, OR 97208	Taxpayer Name & Address: US Government PO Box 3621 Portland, OR 97208
Multiple Owners? Yes.*	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	30.46 1,326,838'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00501	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	E40
Statistical Class:	
Land Use:	8040 Pasture, Cows, Sheep, Cattle
Property Class:	400 Tract, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$107,797	\$0	\$107,797	\$58,214
2004	\$97,998	\$0	\$97,998	\$56,518
	2005 Taxable Value \$ 0	2005 Taxes \$0.00	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

MUSA

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## LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

Map & Tax Lot #: 16-01-07-00-00501

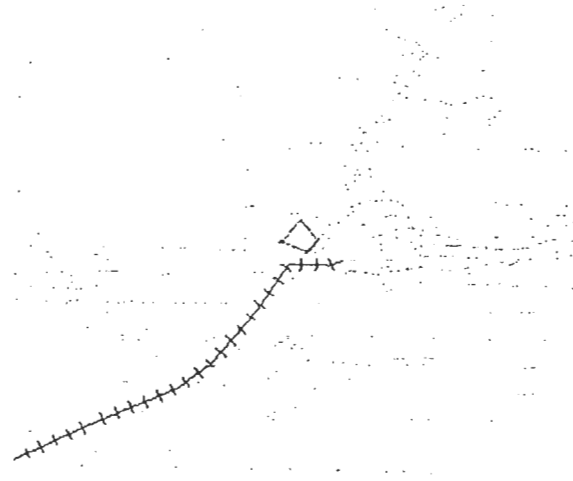
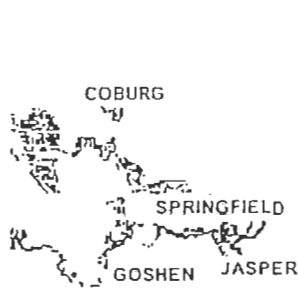
Special Interest Code:

A & T Account #: 0028512

Tax Map ▾	View Tax Map	Convert to PDF Document
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Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4305080

Y-Coord: 927599

Land Use

Land Use Code and Description: **8040**  
 Use Code and Description: **A**

Code: **8040** Description: **PASTURE, COWS, SHEEP, CATTLE**  
 Code: **A** Description: **AGRICULTURE**

Zoning Jurisdiction:

Code: **LC** Description: **LANE COUNTY**

Parent Zone 1:

Code: **E40** Description: **EXCLUSIVE FARM USE 40 ACRE MIN**

Emergency Information

**General**

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

Code: **MVF** Description: **MOHAWK VALLEY FD**

Plan Designation:

Node: **N**

2000 Census Tract: **0200**

2000 Block Group: **2**

Year Annexed:

Annexation #:

2004 Transportation Analysis Zone: **503**

Approximate Acreage: **30.46**

Approximate Square Footage: **1,326,838**

Environmental Findings

Metro Flood Hazards:

Metro Wetlands:

280

**RLID Detailed Property Report**

**FEMA Flood Hazard Zones**

FIRM Map Number: **41039C0680F** Community Number: **415591** Post - FIRM Date: **1985-12-18** Panel Printed? (Y/N): **Y**  
 Code: **X** Description: **Areas determined to be outside of 500-year flood.**

**Soils**

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
78	MCALPIN SILTY CLAY LOAM	59
1A	ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES	23
26	CHEHALIS SILTY CLAY LOAM, OCCASIONALLY FLOODED	16
125F	STEIWER LOAM, 20 TO 50 PERCENT SLOPES	2

**Schools**

District: **79J** Name: **MARCOLA**  
 Elementary School:  
 Middle School:  
 High School:

**Service Districts**

LTD Service Area:  
 LTD Ride Source:

Ambulance District: **EC** Area: **EAST/CENTRAL** Provider: **SPRINGFIELD DEPT OF FIRE & LIFE SAFETY**

**Emerald People's Utility District: 5**

Soil Water Conservation District: **EAST LANE**  
 Soil Water Conservation District Zone: **0**

**Political Districts**

Election Precinct: **100105**  
 County Commissioner District: **5** EAST  
 County Commissioner: **FAYE STEWART**  
 State Representative District: **11**  
 State Representative Name: **PHIL BARNHART**  
 City Council Ward:  
 City Councilor Name:  
 State Senate District: **6**  
 State Senator: **WILLIAM MORRISETTE**  
 LCC Board Zones: **3**  
 EWEB Commissioner District:

Le to County Assessor's Office Account Number: 023512 Map & Tax Lot: 15-01-07-00-00591

**Property Owner**

Owner1 Name: **BONNEVILLE POWER ADMIN**  
 Owner Address: **PO BOX 3621**

City: **PORTLAND** State: **OREGON** Country: **UNITED STATES** Zip Code: **97208**

Owner2 Name: **DEPARTMENT OF INTERIOR**  
 Owner Address: **PO BOX 3621**

RLID Detailed Property Report

4460000000

City State Country Zip Code  
 PORTLAND OREGON UNITED STATES 97208

Owner3 Name: US GOVERNMENT  
 Owner Address: PO BOX 3621

City State Country Zip Code  
 PORTLAND OREGON UNITED STATES 97208

**Taxpayer**  
 Taxpayer Name: US GOVERNMENT  
 Taxpayer Address: PO BOX 3621

City State Country Zip Code  
 PORTLAND OREGON UNITED STATES 97208

Property Legal Description:  
 Township: 16 Range: 01 Section: 07 Quarter: 00  
 Subdivision Type: Subdivision Name: Division/Phase:  
 Lot/Tract/Unit Number: TL 00501  
 Subdivision Number:  
 Recording Number:

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	107,797	0	107,797	58,214
2004	97,998	0	97,998	56,518
2003	82,352	0	82,352	54,872
2002	73,529	0	73,529	53,274
2001	59,780	0	59,780	51,722
2000	66,420	0	66,420	50,216
1999	65,760	0	65,760	48,753
1998	66,420	0	66,420	47,333
1997	63,870	0	63,870	45,954
1996	60,250	0	60,250	60,250
1995	51,060	0	51,060	51,060

0 Taxable Value 58,214 Exemption Amount Regular (EAR) 0 Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	0.00
2004	0.00
2003	0.00
2002	0.00
2001	0.00
2000	0.00
1999	0.00
1998	0.00
1997	0.00
1996	0.00
1995	0.00

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**Current Exemptions**

Tax Year	Amount	Description
2005	58,214	Federal Government

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code: Description:

**General Information**

Property Class: 400 TRACT, VACANT  
 Statistical Class:  
 Neighborhood Code: 20161  
 Property Use Type:  
 Account Type: RP  
 Category: LAND AND IMPROVEMENTS  
 Mortgage Company Name:  
 Total Acreage for this Account: 31.59  
 Fire Acres:

**Tax Code Area (Levy Code): 07902**  
 EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J  
 MOHAWK VALLEY RURAL FIRE PROTECTION DIST

**Sales Information**

Sales Date: Sales Price: Grantor: Grantee: Instrument #: Analysis Code: Mult Acct?:

**Manufactured Structures**

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

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PROPERTY REPORT - LANE COUNTY

Account # 1476421

Map, Tax Lot, & SIC # 16-01-07-00-00601

Site Address:	
Owner Name & Address: Paschelke James W 975 Hayden Bridge Rd Springfield, OR 97477	Taxpayer Name & Address: Paschelke James W 975 Hayden Bridge Rd Springfield, OR 97477
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	0.68 29,621'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00601	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning:	Parent/Overlay	E40
Statistical Class:		
Land Use:	4111	Railroad Right-of-Way
Property Class:	010	Miscellaneous, Residential, Unbuildable

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$580	\$0	\$580	\$580
2004	\$580	\$0	\$580	\$580

2005 Taxable Value \$ 580      2005 Taxes \$21.87      Tax Code Area 07904

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
09-27-2001	\$0	Paschelke Kathryn I	Paschelke James W	20-01-063941
01-07-1992	\$375	3 Cs Inv Co		92-00133200

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

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### LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

Map & Tax Lot #: 16-01-07-00-00601

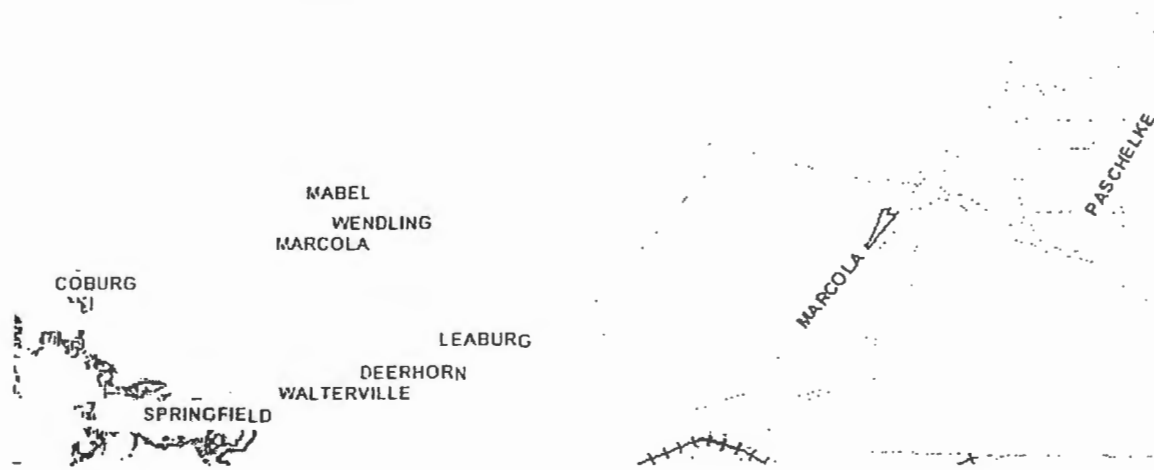
Special Interest Code:

A & T Account #: 1476421

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4306452

Y-Coord: 928287

Land Use

Code:

Description:

Land Use Code and Description: 4111

RAILROAD RIGHT-OF-WAY

Use Code and Description: B

RAILROAD

Zoning

Code:

Description:

Zoning Jurisdiction: LC

LANE COUNTY

Parent Zone 1: E40

EXCLUSIVE FARM USE 40 ACRE MIN

Boundary information

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers: MVF

MOHAWK VALLEY FD

Plan Designation:

Node: N

2000 Census Tract: 0200

2000 Block Group: 2

Year Annexed:

Annexation #:

2004 Transportation Analysis Zone: 503

Approximate Acreage: 0.68

Approximate Square Footage: 29,621

Environmental Findings

Metro Flood Hazards:

Metro Wetlands:

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KLID Detailed Property Report

FEMA Flood Hazard Zones

FIRM Map Number: 41039C0680F Community Number: 415591 Post - FIRM Date: 1985-12-18 Panel Printed? (Y/N): Y
Code: X Description: Areas determined to be outside of 500-year flood.

Soils Soil Map Unit Number: 26 Soil Type Description: CHEHALIS SILTY CLAY LOAM, OCCASIONALLY FLOODED Percentage of Tax Lot: 100

Schools

District: 79J Code: 79J Name: MARCOLA

Elementary School:
Middle School:
High School:

Service Districts

LTD Service Area:
LTD Ride Source:

Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District: EAST LANE

Soil Water Conservation District Zone: 0

Political Districts

Election Precinct: 100105
County Commissioner District: 5 EAST
County Commissioner: FAYE STEWART
State Representative District: 11
State Representative Name: PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District: 6
State Senator: WILLIAM MORRISETTE

LCC Board Zones: 3

EWEB Commissioner District:

Local County Assessors Office: App. Unit: 16-01-07-00-00601 Map & Tax Lot: 16-01-07-00-00601

Property Owner

Owner1 Name: PASCHELKE JAMES W
Owner Address: 975 HAYDEN BRIDGE RD

City: SPRINGFIELD State: OREGON Country: UNITED STATES Zip Code: 97477

Taxpayer

Taxpayer Name: PASCHELKE JAMES W
Taxpayer Address: 975 HAYDEN BRIDGE RD

City: SPRINGFIELD State: OREGON Country: UNITED STATES Zip Code: 97477

Handwritten mark: 86

KLID Detailed Property Report

Property Legal Description

Township: 16 Range: 01 Section: 07 Quarter: 00  
Subdivision Type: Subdivision Name: Division/Phase:  
Lot/Tract/Unit Number: TL 00601  
Subdivision Number:  
Recording Number:

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	580	0	580	580
2004	580	0	580	580
2003	580	0	580	580
2002	580	0	580	580
2001	580	0	580	580
2000	580	0	580	571
1999	580	0	580	554
1998	580	0	580	538
1997	580	0	580	522
1996	580	0	580	580
1995	580	0	580	580

580 Taxable Value      0 Exemption Amount Regular (EAR)      0 Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	21.87
2004	21.88
2003	21.88
2002	21.89
2001	22.68
2000	19.78
1999	22.84
1998	22.86
1997	22.83
1996	22.50
1995	21.83

Explanation of Tax

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

Account Status

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure

- Bankruptcy
- Code Split Indicator

Remarks:

Special Assessment Program (if applicable)

Code:

Description:

General Information

Property Class: 010 MISCELLANEOUS, RESIDENTIAL, UNBUILDABLE

Statistical Class:

Neighborhood Code: 20161

Property Use Type:

Account Type: RP

Category: LAND AND IMPROVEMENTS

Mortgage Company Name:

Total Acreage for this Account: 0.80

Fire Acres: 0.8

Tax Code Area (Levy Code): 07904

EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J

Sales Information

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
09-27-2001		PASCHELKE KATHRYN I	PASCHELKE JAMES W	2001- 63941	6	Y
01-07-1992	375	3 CS INV CO		92- 133200	8	

Manufactured Structures

Search Results | New Property Search | Applications Menu

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RLID Property Report

PROPERTY REPORT - LANE COUNTY

Account # 0028538

Map, Tax Lot, & SIC # 16-01-07-00-00700

Site Address:	
Owner Name & Address: Paschelke James W 975 Hayden Bridge Rd Springfield, OR 97477	Taxpayer Name & Address: Paschelke James W 975 Hayden Bridge Rd Springfield, OR 97477
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	12.01 523,156'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00700	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	E40
Statistical Class:	
Land Use:	9101 Broadleaf Brush
Property Class:	640 Forest, Unzoned Farm Land, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$13,865	\$0	\$13,865	\$851
2004	\$12,667	\$0	\$12,667	\$826
	2005 Taxable Value \$ 851	2005 Taxes \$24.11	Tax Code Area 07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
09-27-2001	\$0	Paschelke Kathryn I	Paschelke James W	20-01-063941

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished		
Year Built:				Bsmt Garage Sqft	
Bedrooms				Att Garage Sqft	
Full Baths				Det Garage Sqft	
Half Baths				Att Carport Sqft	
% Improvmt Complete					
	Basement				
	First				
	Second				
	Attic				
	Total				

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*STHO Deferral*

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LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

Map & Tax Lot #: 16-01-07-00-00700

Special Interest Code:

A & T Account #: 0028538

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4306271

Y-Coord: 927679

Land Use

Code:

Description:

Land Use Code and Description: 9101

BROADLEAF BRUSH

Use Code and Description: V

VACANT

Zoning

Code:

Description:

Zoning Jurisdiction: LC

LANE COUNTY

Parent Zone 1:

E40

EXCLUSIVE FARM USE 40 ACRE MIN

Boundary Information

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

MVF

MOHAWK VALLEY FD

Plan Designation:

Node:

N

2000 Census Tract:

0200

2000 Block Group:

2

Year Annexed:

Annexation #:

2004 Transportation Analysis

503

Zone:

Approximate Acreage:

12.01

Approximate Square Footage:

523,156

Environmental Findings

Metro Flood Hazards:

B

Areas bet limits of the 100-yr and 500-yr flood; or certain areas subject to 100-yr flooding with ave depths >1 foot or where the contributing drainage area is >1 square mile; or areas

protected by levees from the base flood.

Metro Wetlands:

FEMA Flood Hazard Zones

Note: Some zones and elevation are based on FIRM maps. Registration between maps may have changed since the last update. Community numbers are based on the current city or county map. For additional information, contact the date of map publication. Consult FIRM maps of appropriate authority.

FIRM Map Number:	Community Number:	Post - FIRM Date:	Panel Printed? (Y/N):
41039C0680F	415591	1985-12-18	Y
Code:	Description:		
AE	Areas of 100-year flood, base flood elevations determined.		
FW	Floodway areas inside the 100-year flood, base flood elevations determined.		
X	Areas determined to be outside of 500-year flood.		
X5	Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.		

Soils

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
26	CHEHALIS SILTY CLAY LOAM, OCCASIONALLY FLOODED	52
29	CLOQUATO SILT LOAM	46
96	NEWBERG LOAM	2

Schools

District:	Code:	Name:
	79J	MARCOLA

Elementary School:

Middle School:

High School:

Service Districts

LTD Service Area:

LTD Ride Source:

Ambulance District:	EC Area: EAST/CENTRAL	Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY
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Emerald People's Utility District: 5

Soil Water Conservation District:	EAST LANE
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Soil Water Conservation District Zone: 0

Political Districts

Election Precinct:	100105	
County Commissioner District:	5	EAST
County Commissioner:	FAYE STEWART	
State Representative District:	11	
State Representative Name:	PHIL BARNHART	
City Council Ward:		
City Councilor Name:		
State Senate District:	6	
State Senator:	WILLIAM MORRISSETTE	
LCC Board Zones:	3	
EWEB Commissioner District:		

Lane County, Assessor's Office | Account Number: 0028536 | Map & Tax Lot: 16-01-07-00-00700

Property Owner

Owner1 Name: PASCHELKE JAMES W

**RLID Detailed Property Report**

Owner Address: 975 HAYDEN BRIDGE RD

City: SPRINGFIELD State: OREGON Country: UNITED STATES Zip Code: 97477

**Taxpayer**

Taxpayer Name: PASCHELKE JAMES W  
 Taxpayer Address: 975 HAYDEN BRIDGE RD

City: SPRINGFIELD State: OREGON Country: UNITED STATES Zip Code: 97477

**Property Legal Description**

Township: 16 Range: 01 Section: 07 Quarter: 00  
 Subdivision Type: Subdivision Name: Division/Phase:  
 Lot/Tract/Unit Number: TL 00700  
 Subdivision Number:  
 Recording Number:

**Property Value and Tax**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	13,865	0	13,865	851
2004	12,667	0	12,667	826
2003	10,612	0	10,612	4,051
2002	9,842	0	9,842	5,169
2001	7,959	0	7,959	5,278
2000	8,559	0	8,559	5,346
1999	8,470	0	8,470	840
1998	8,560	0	8,560	5,140
1997	8,230	0	8,230	4,960
1996	7,760	0	7,760	7,200
1995	6,580	0	6,580	7,300

851	0	0
Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	24.11
2004	23.93
2003	47.16
2002	52.64
2001	60.52
2000	59.35
1999	25.60
1998	62.36
1997	61.25
1996	73.85
1995	62.66

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**



- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Potential Additional Tax - Small Tract Forestland  
Special Assessment Program (if applicable)**

Code:  
STFO

Description:  
**SMALL TRACT FORESTLAND OPTION**

**General Information**

Property Class: 640 **FOREST, UNZONED FARM LAND, VACANT**  
 Statistical Class:  
 Neighborhood Code: 20161  
 Property Use Type: 10001675  
 Account Type: RP  
 Category: **LAND AND IMPROVEMENTS**  
 Mortgage Company Name:  
 Total Acreage for this Account: 13.85  
 Fire Acres: 13.85

**Tax Code Area (Levy Code): 07904** Levy Code and Assessment Rate at Effective 2005-01-01 (1.00%)

**EMERALD PEOPLES UTILITY DISTRICT  
LANE COMMUNITY COLLEGE  
LANE COUNTY  
LANE EDUCATION SERVICE DISTRICT  
MARCOLA SCHOOL DISTRICT 79J**

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
09-27-2001		PASCHELKE KATHRYN I	PASCHELKE JAMES W	2001- 63941	6	Y

**Manufactured Structures**

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

PROPERTY REPORT - LANE COUNTY

Account # 0028652

Map, Tax Lot, & SIC # 16-01-08-00-00400

Site Address:	
Owner Name & Address: Rosboro Lumber Co PO Box 20 Springfield , OR 97477	Taxpayer Name & Address: Rosboro Lumber Co PO Box 20 Springfield , OR 97477
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 1607850	

Approximate Tax	41.74	Subdivision Name:		School District:	Marcola
Lot Acres	1,818,194'	Phase:		Elem	
Inc City:		Lot #	TL 00400	Middle	
UGB:		Recording #		High	
Census Tr/BlkGrp:	0200/2				

Zoning: Parent/Overlay	F2
Statistical Class:	
Land Use:	8310 Timberlands
Property Class:	649 Forest, Unzoned Farm Land, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$18,921	\$0	\$18,921	\$1,347
2004	\$17,286	\$0	\$17,286	\$1,308

2005 Taxable Value \$ 1,347      2005 Taxes \$13.10      Tax Code Area 07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
08-03-1989	\$179,500	Weyerhaeuser Real Est Co		89-03548600
12-16-1988	\$0	Weyerhaeuser Co		89-00102900

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished		
Year Built:				Bsmt Garage Sqft	
Bedrooms				Att Garage Sqft	
Full Baths				Det Garage Sqft	
Half Baths				Att Carport Sqft	
% Improvmt Complete					
	Basement				
	First				
	Second				
	Attic				
	Total				

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

PROPERTY REPORT - LANE COUNTY

Account # 1607850

Map, Tax Lot, & SIC # 16-01-08-00-00400

Site Address:	
Owner Name & Address: Rosboro Lumber Co PO Box 20 Springfield, OR 97477	Taxpayer Name & Address: Rosboro Lumber Co PO Box 20 Springfield, OR 97477
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 0028652	

Approximate Tax Lot Acres	41.74 1,818,194'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00400	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	F2
Statistical Class:	
Land Use:	8310 Timberlands
Property Class:	649 Forest, Unzoned Farm Land, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$76,293	\$0	\$76,293	\$9,344
2004	\$69,699	\$0	\$69,699	\$9,072
	2005 Taxable Value \$ 9,344	2005 Taxes \$67.09	Tax Code Area 07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

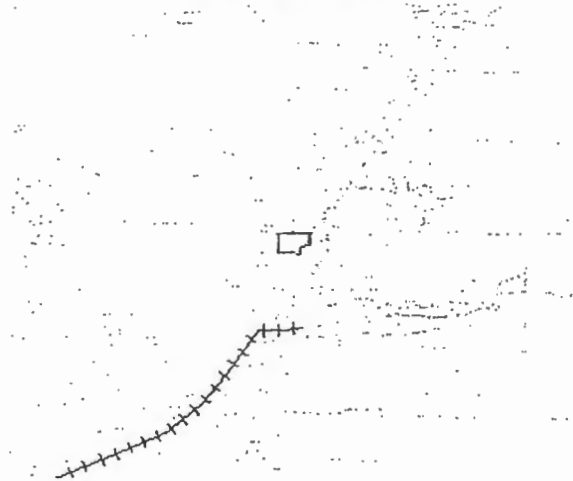
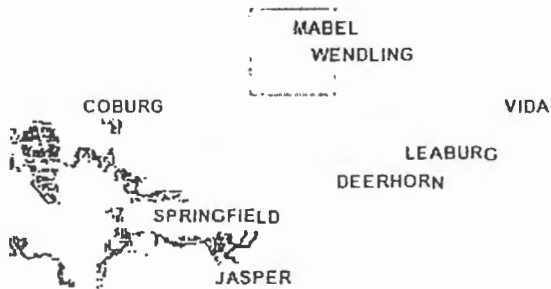
Map & Tax Lot #: 16-01-08-00-00400

Special Interest Code:

A & T Account #: 0028652

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4306641

Y-Coord: 931462

Land Use

Land Use Code and Description: 8310

Description: TIMBERLANDS

Use Code and Description: T

TIMBER

Zoning

Zoning Jurisdiction:

Code: LC

Description: LANE COUNTY

Parent Zone 1:

F2

IMPACTED FOREST LANDS

Boundary Information

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

MVF

MOHAWK VALLEY FD

Plan Designation:

Node:

N

2000 Census Tract:

0200

2000 Block Group:

2

Year Annexed:

Annexation #:

2004 Transportation Analysis

Zone:

503

Approximate Acreage:

41.74

Approximate Square Footage:

1,818,194

Environmental Findings

Metro Flood Hazards:

Metro Wetlands:

FEMA Flood Hazard Zones

FIRM Map Number: 41039C0680F  
 Code: X  
 Soils

Community Number: 415591  
 Description: Areas determined to be outside of 500-year flood.

Post - FIRM Date: 1985-12-18  
 Panel Printed? (Y/N): Y

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
89D	NEKIA SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES	50
89E	NEKIA SILTY CLAY LOAM, 20 TO 30 PERCENT SLOPES	24
78	MCALPIN SILTY CLAY LOAM	13
89C	NEKIA SILTY CLAY LOAM, 2 TO 12 PERCENT SLOPES	10
15E	BLACHLY-MCCULLY CLAY LOAMS, 3 TO 30 PERCENT SLOPES	3

Schools

District: 79J  
 Elementary School:  
 Middle School:  
 High School:  
 Name: MARCOLA

Service Districts

LTD Service Area:  
LTD Ride Source:

Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5  
Soil Water Conservation District: EAST LANE  
Soil Water Conservation District Zone: 0

Political Districts

Election Precinct: 100105  
 County Commissioner District: 5 EAST  
 County Commissioner: FAYE STEWART  
 State Representative District: 11  
 State Representative Name: PHIL BARNHART  
 City Council Ward:  
 City Councilor Name:  
 State Senate District: 6  
 State Senator: WILLIAM MORRISETTE  
 LCC Board Zones: 3  
 EWEB Commissioner District:

Lane County Assessor's Office Account Number: 0026652 ; Map & Tax Lot: 16-01-08-00-00400

Property Owner

Owner1 Name: ROSBORO LUMBER CO  
Owner Address: PO BOX 20

City	State	Country	Zip Code
SPRINGFIELD	OREGON	UNITED STATES	97477

Taxpayer Name: ROSBORO LUMBER CO

**RLID Detailed Property Report**

1 4 8 0 5 0 1 7

Taxpayer Address: **PO BOX 20**

City: **SPRINGFIELD** State: **OREGON** Country: **UNITED STATES** Zip Code: **97477**

Property Legal Description

Township: **16** Range: **01** Section: **08** Quarter: **00**  
 Subdivision Type: Subdivision Name: Division/Phase:

Lot/Tract/Unit Number: **TL 00400**

Subdivision Number:

Recording Number:

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	18,921	0	18,921	1,347
2004	17,286	0	17,286	1,308
2003	14,483	0	14,483	1,270
2002	13,432	0	13,432	1,271
2001	10,862	0	10,862	1,234
2000	11,680	0	11,680	1,198
1999	11,560	0	11,560	310
1998	11,680	0	11,680	297
1997	51,210	0	51,210	2,236
1996	48,310	0	48,310	2,680
1995	40,940	0	40,940	2,480

1,347 Taxable Value      0 Exemption Amount Regular (EAR)      0 Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	13.10
2004	12.68
2003	12.40
2002	12.57
2001	14.14
2000	13.94
1999	3.69
1998	3.28
1997	58.66
1996	58.79
1995	54.39

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge

- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator                      1607850

**Remarks:**

**Potential Additional Tax**

**Special Assessment Program (if applicable)**

Code:

FORDF

Description:

FOREST DEFERRAL

**General Information**

Property Class:                      649

**FOREST, UNZONED FARM LAND,  
MANUFACTURED STRUCTURE**

Statistical Class:

Neighborhood Code:              20161

Property Use Type:                515

Account Type:                      RP

Category:                            LAND AND IMPROVEMENTS

Mortgage Company Name:

Total Acreage for this Account: 5.00

Fire Acres:

Tax Code Area (Levy Code): 07902

EMERALD PEOPLES UTILITY DISTRICT

LANE COMMUNITY COLLEGE

LANE COUNTY

LANE EDUCATION SERVICE DISTRICT

MARCOLA SCHOOL DISTRICT 79J

MOHAWK VALLEY RURAL FIRE PROTECTION DIST

**Sales Information**

Sales Date: Sales Price:                      Grantor:                      Grantee: Instrument #: Analysis Code: Mult Acct?:

08-03-1989    179,500    WEYERHAEUSER REAL EST CO                      8903548600              N

12-16-1988                      WEYERHAEUSER CO                      89- 102900              6

**Manufactured Structures**

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

PROPERTY REPORT - LANE COUNTY

Account # 1440807

Map, Tax Lot, & SIC # 16-01-08-00-00402

Site Address: 93152 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Jeffers Leo D PO Box 667 Marcola , OR 97454	Taxpayer Name & Address: Jeffers Leo D PO Box 667 Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 1543196	

Approximate Tax Lot Acres	23.60 1,028,016'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00402	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	F2
Statistical Class:	110 Class 1 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	641 Forest, Unzoned Farm Land, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$36,284	\$41,100	\$77,384	\$32,094
2004	\$30,927	\$41,820	\$72,747	\$31,292
	2005 Taxable Value \$ 32,094	2005 Taxes \$312.13	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
10-20-2003	\$0	Jeffers Lucile	Jeffers Leo D	20-03-105580
11-03-1994	\$1	Tuomi, Brenda L		94-07856800

Residential Building # 1 (of 1) Characteristics 21 stat 110 or 120

		Square feet	Base	Finished		
Year Built:	1930	Basement			Bsmt Garage Sqft	
Bedrooms	3	First	936	936	Att Garage Sqft	
Full Baths	1	Second			Det Garage Sqft	
Half Baths		Attic			Att Carport Sqft	
% Improvmt Complete	100	Total	936	936		

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

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RLID Property Report

PROPERTY REPORT - LANE COUNTY

Account # 1543196

Map, Tax Lot, & SIC # 16-01-08-00-00402

Site Address:	
Owner Name & Address: Jeffers Leo D PO Box 667 Marcola, OR 97454	Taxpayer Name & Address: Jeffers Leo D PO Box 667 Marcola, OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 1440807	

Approximate Tax	23.60	Subdivision Name:		School District:	Marcola
Lot Acres	1,028,016'	Phase:		Elem	
Inc City:		Lot #	TL 00402	Middle	
UGB:		Recording #		High	
Census Tr/BlkGrp:	0200/2				

Zoning: Parent/Overlay	F2
Statistical Class:	
Land Use:	1111 Single Family Housing
Property Class:	641 Forest, Unzoned Farm Land, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$140,510	\$0	\$140,510	\$5,119
2004	\$128,367	\$0	\$128,367	\$4,970

2005 Taxable Value  
\$ 5,119

2005 Taxes  
\$97.13

Tax Code Area  
07904

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
10-20-2003	\$0	Jeffers Lucile	Jeffers Leo D	20-03-105580

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

**LANE COUNTY REGIONAL LAND INFORMATION DATABASE**

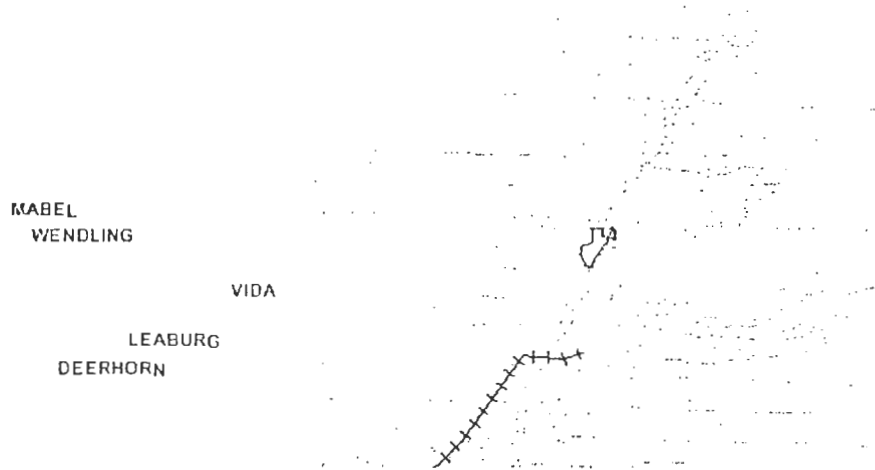
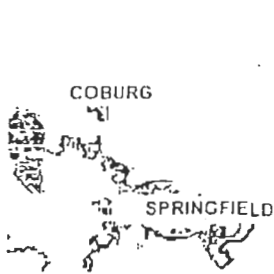
Site Address: **93152 MARCOLA RD**  
 Map & Tax Lot #: **16-01-08-00-00402**  
 A & T Account #: **1440807**

Special Interest Code:

[Tax Map](#) [View Tax Map](#) [Convert to PDF Document](#)

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: **4307654**

Y-Coord: **931801**

Site Address Information:

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
93152			MARCOLA		RD		
	Mailing City		State	Zip Code	Zip+4	Carrier Route	
	MARCOLA		OR	97454	9752	H069	
Create Date: 1986-07-02				Update Date: 1995-03-03			

Land Use

Code:	Description:
1111	SINGLE FAMILY HOUSING
S	SINGLE FAMILY

Zoning

Code:	Description:
LC	LANE COUNTY
F2	IMPACTED FOREST LANDS

Fire Protection Information

**General**  
 Incorporated City Limits:  
 Urban Growth Boundary:  
 Fire Protection Providers: **MVF MOHAWK VALLEY FD**  
 Plan Designation:  
 Node: **N**

2000 Census Tract: **0200**  
 2000 Block Group: **2**

Year Annexed:  
 Annexation #:

2004 Transportation Analysis **503**

**RLID Detailed Property Report**

Page 2 of 2

**Zone:**

**Approximate Acreage: 23.60**

**Approximate Square Footage: 1,028,016**

**Environmental Findings**

**Metro Flood Hazards:**

**Metro Wellands:**

**FEMA Flood Hazard Zones**

**FIRM Map Number:**

**41039C0680F**

**Code:**

**X**

**Community Number:**

**415591**

**Description:**

**Areas determined to be outside of 500-year flood.**

**Post - FIRM Date:**

**1985-12-18**

**Panel Printed? (Y/N):**

**Y**

**Soils**

**Soil Map Unit Number:**

**89D**

**1A**

**78**

**Soil Type Description:**

**NEKIA SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES**

**ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES**

**MCALPIN SILTY CLAY LOAM**

**Percentage of Tax Lot:**

**61**

**23**

**15**

**Schools**

**District:**

**Elementary School:**

**Middle School:**

**High School:**

**Code:**

**79J**

**Name:**

**MARCOLA**

**Service Districts**

**LTD Service Area:**

**LTD Ride Source:**

**Ambulance District:**

**EC Area: EAST/CENTRAL**

**Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY**

**Emerald People's Utility District: 5**

**Soil Water Conservation District:**

**EAST LANE**

**Soil Water Conservation District Zone: 0**

**Political Districts**

**Election Precinct:**

**100105**

**County Commissioner District:**

**5**

**EAST**

**County Commissioner:**

**FAYE STEWART**

**State Representative District:**

**11**

**State Representative Name:**

**PHIL BARNHART**

**City Council Ward:**

**City Councilor Name:**

**State Senate District:**

**6**

**State Senator:**

**WILLIAM MORRISETTE**

**LCC Board Zones:**

**3**

**EWEB Commissioner District:**

**Lane County Assessor's Office Account Number: 1440827 Map & Tax Lot: 16-01-08-00-00402**

**Property Owner**

**Owner1 Name: JEFFERS LEO D**

**Owner Address: PO BOX 667**

City: MARCOLA State: OREGON Country: UNITED STATES Zip Code: 97454

**Taxpayer**

Taxpayer Name: JEFFERS LEO D  
 Taxpayer Address: PO BOX 667

City: MARCOLA State: OREGON Country: UNITED STATES Zip Code: 97454

**Property Legal Description**

Township: 16 Range: 01 Section: 08 Quarter: 00  
 Subdivision Type: Subdivision Name: Division/Phase:

Lot/Tract/Unit Number: TL 00402

Subdivision Number:

Recording Number:

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	36,284	41,100	77,384	32,094
2004	30,927	41,820	72,747	31,292
2003	26,879	33,920	60,799	29,740
2002	25,343	34,610	59,953	28,995
2001	21,220	26,220	47,440	27,738
2000	22,818	28,190	51,008	27,302
1999	22,590	29,670	52,260	26,570
1998	22,820	25,360	48,180	26,054
1997	21,940	25,620	47,560	25,295
1996	20,700	21,350	42,050	30,730
1995	17,540	20,140	37,680	28,110

32,094 Taxable Value      0 Exemption Amount Regular (EAR)      0 Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	312.13
2004	303.42
2003	290.31
2002	286.84
2001	317.88
2000	317.74
1999	316.27
1998	287.45
1997	281.62
1996	302.14
1995	232.37

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

Active for the 2005 Tax Year

- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator                      1543196

**Remarks:**

**Potential Additional Tax**

**Special Assessment Program (if applicable)**

Code:  
FORDF

Description:  
FOREST DEFERRAL

**General Information**

Property Class:                      641                      FOREST, UNZONED FARM LAND, IMPROVED  
 Statistical Class:                      110                      CLASS 1 SINGLE FAMILY HOME  
 Neighborhood Code:                      20161  
 Property Use Type:                      515  
 Account Type:                      RP  
 Category:                      LAND AND IMPROVEMENTS  
 Mortgage Company Name:  
 Total Acreage for this Account:    5.00  
 Fire Acres:

Tax Code Area (Levy Code):    07902  
 EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J  
 MOHAWK VALLEY RURAL FIRE PROTECTION DIST

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
10-20-2003		JEFFERS LUCILE	JEFFERS LEO D	2003- 105580	8	Y
11-03-1994	1	TUOMI, BRENDA L		9407856800	K	

**Manufactured Structures**

**Building 1 Characteristics**

Account:                      1440807                      Map & Tax Lot:                      16-01-08-00-00402  
 Inspection Date:  
 Building Type:    21 STAT 110 OR 120                      Roofstyle:    GABLE                      Bedrooms:                      3  
 Class:                      1+                      Roof Cover:    METAL                      Full Baths:                      1  
 Year Built:                      1930                      Heating:                      OTHER                      Half Baths:  
 Effect Year Built: 1925                      Exterior Wall: SHINGLE-WOOD                      Fireplaces:                      NO  
 Depreciation:    29                      Percent Improv. Complete: 100  
Floor                      Base Area    Finished Area                      Parking Area  
 Basement:                      Bsmt Gar sqft:

**KLID Detailed Property Report**

First:	936	936 Att Gar sqft:
Second:		Att Port sqft:
Attic:		Det Gar sqft:
		Driveway Sqft:
TOTAL	936	936 Paved Patio Sqft:

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

**RLID Property Report**

**PROPERTY REPORT - LANE COUNTY**

Account # 0028686

Map, Tax Lot, & SIC # 16-01-08-00-00501

Site Address: <b>93146 MARCOLA RD MARCOLA OR 97454</b>	
Owner Name & Address: <b>Henson William Isaiah PO Box 2772 La Pine , OR 97739</b>	Taxpayer Name & Address: <b>Henson William Isaiah PO Box 2772 La Pine , OR 97739</b>
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax	5.95	Subdivision Name:		School District:	Marcola
Lot Acres	259,182'		Phase:		Elem
Inc City:		Lot #	TL 00501	Middle	
UGB:		Recording #		High	
Census Tr/BlkGrp:	0200/2				

Zoning: Parent/Overlay	RR5
Statistical Class:	130 Class 3 Single Family Home
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	401 Tract, Improved

**Property Value and Taxes**

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$115,497	\$117,070	\$232,567	\$144,245
2004	\$104,998	\$90,750	\$195,748	\$140,044
	<b>2005 Taxable Value</b> \$ 144,245	<b>2005 Taxes</b> \$1,402.84	<b>Tax Code Area</b> 07902	

**Two Most Recent Sales**

Date	Price	Grantor	Grantee	Instrument #
------	-------	---------	---------	--------------

**Residential Building # 1 (of 1) Characteristics 31 stat 130**

		Square feet		
		Base	Finished	
Year Built:	1964	Basement		
Bedrooms	3	First	1290	1290
Full Baths	1	Second		
Half Baths		Attic		
% Improvmt Complete	100	Total	1290	1290

Bsmt Garage Sqft	
Att Garage Sqft	702
Det Garage Sqft	
Att Carport Sqft	

**Comments:**

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*F SA*

PROPERTY REPORT - LANE COUNTY

Account # 0028686

Map, Tax Lot, & SIC # 16-01-08-00-00501

Site Address: 93148 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Henson William Isaiah PO Box 2772 La Pine , OR 97739	Taxpayer Name & Address: Henson William Isaiah PO Box 2772 La Pine , OR 97739
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	5.95 259,182'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00501	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	130 Class 3 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$115,497	\$117,070	\$232,567	\$144,245
2004	\$104,998	\$90,750	\$195,748	\$140,044
	2005 Taxable Value \$ 144,245	2005 Taxes \$1,402.84	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
------	-------	---------	---------	--------------

Residential Building # 1 (of 1) Characteristics 31 stat 130

		Square feet		
		Base	Finished	
Year Built:	1964	Basement		Bsmt Garage Sqft
Bedrooms	3	First	1290 1290	Att Garage Sqft
Full Baths	1	Second		Det Garage Sqft
Half Baths		Attic		Att Carport Sqft
% Improvmt Complete	100	Total	1290 1290	

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.



**LANE COUNTY REGIONAL LAND INFORMATION DATABASE**

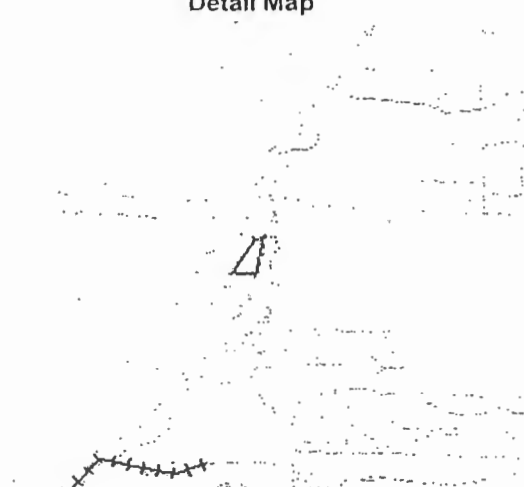
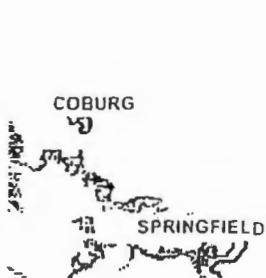
Site Address: 93146 MARCOLA RD  
 Map & Tax Lot #: 16-01-08-00-00501  
 A & T Account #: 0028686

Special Interest Code:

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4308137

Y-Coord: 931055

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
93146			MARCOLA		RD		
	Mailing City		State	Zip Code	Zip+4	Carrier Route	
MARCOLA			OR	97454	9752	H069	
Create Date: 1986-07-02				Update Date:			

Land Use

Code:	Description:
Land Use Code and Description: 1150	MOBILE HOME - NOT IN MOBILE HOME PARK
Use Code and Description: N	MOBILE HOME

Zoning

Code:	Description:
Zoning Jurisdiction: LC	LANE COUNTY
Parent Zone 1: RR5	RURAL RESIDENTIAL 5 ACRE MIN

Site Address Information

**General**

Incorporated City Limits:	
Urban Growth Boundary:	
Fire Protection Providers: MVF	MOHAWK VALLEY FD
Plan Designation:	
Node: N	
2000 Census Tract: 0200	
2000 Block Group: 2	
Year Annexed:	
Annexation #:	
2004 Transportation Analysis 503	

**RLID Detailed Property Report**

Zone:

Approximate Acreage: **5.95**

Approximate Square Footage: **259,182**

**Environmental Findings**

Metro Flood Hazards:

Metro Wellands:

**FEMA Flood Hazard Zones**

FIRM Map Number:

**41039C0680F**

Community Number:

**415591**

Post - FIRM Date:

**1985-12-18**

Panel Printed? (Y/N):

**Y**

Code:

**X**

Description:

**Areas determined to be outside of 500-year flood.**

**Soils**

Soil Map Unit Number:

**1A**

Soil Type Description:

**ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES**

Percentage  
of Tax Lot:

**100**

**Schools**

Code:

**79J**

Name:

**MARCOLA**

District:

Elementary School:

Middle School:

High School:

**Service Districts**

LTD Service Area:

LTD Ride Source:

Ambulance District:

**EC Area: EAST/CENTRAL**

Provider: **SPRINGFIELD DEPT OF FIRE & LIFE SAFETY**

Emerald People's Utility District: **5**

Soil Water Conservation  
District:

**EAST LANE**

Soil Water Conservation District  
Zone:

**0**

**Political Districts**

Election Precinct:

**100105**

County Commissioner District:

**5**

**EAST**

County Commissioner:

**FAYE STEWART**

State Representative District:

**11**

State Representative Name:

**PHIL BARNHART**

City Council Ward:

City Councilor Name:

State Senate District:

**6**

State Senator:

**WILLIAM MORRISETTE**

LCC Board Zones:

**3**

EWEB Commissioner District:

Local County Assessor's Office Account Number: 00000000 - Map & Tax Lot: 16-01-08-03-00501

**Property Owner**

Owner1 Name: **HENSON WILLIAM ISIAIAH**

Owner Address: **PO BOX 2772**

City	State	Country	Zip Code
<b>LA PINE</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97739</b>

KLID Detailed Property Report

**Taxpayer**

Taxpayer Name: HENSON WILLIAM ISAIAH  
 Taxpayer Address: PO BOX 2772

City: LA PINE      State: OREGON      Country: UNITED STATES      Zip Code: 97739

Property Legal Description:

Township: 16      Range: 01      Section: 08      Quarter: 00  
 Subdivision Type:      Subdivision Name:      Division/Phase:  
 Lot/Tract/Unit Number: TL 00501  
 Subdivision Number:  
 Recording Number:

Property Value and Taxes

	Land Value		Improvement Value		Total Value	
	Real Market		Real Market		Real Market	Assessed
2005	115,497		117,070		232,567	144,245
2004	104,998		90,750		195,748	140,044
2003	88,234		75,000		163,234	135,965
2002	78,781		110,290		189,071	132,005
2001	64,050		93,470		157,520	128,160
2000	71,170		100,510		171,680	124,427
1999	70,460		105,800		176,260	120,803
1998	71,170		90,430		161,600	117,284
1997	68,430		91,340		159,770	113,868
1996	64,560		76,120		140,680	140,680
1995	54,710		71,810		126,520	126,520

144,245      0      0  
 Taxable Value      Exemption Amount Regular (EAR)      Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	1,402.84
2004	1,357.94
2003	1,327.22
2002	1,305.91
2001	1,468.71
2000	1,448.07
1999	1,437.93
1998	1,293.95
1997	1,267.80
1996	1,383.20
1995	1,045.93

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year

**RLID Detailed Property Report**

- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code:

Description:

**General Information**

Property Class: **401** **TRACT, IMPROVED**  
 Statistical Class: **130** **CLASS 3 SINGLE FAMILY HOME**  
 Neighborhood Code: **20161**  
 Property Use Type:  
 Account Type: **RP**  
 Category: **LAND AND IMPROVEMENTS**  
 Mortgage Company Name:  
 Total Acreage for this Account: **6.28**  
 Fire Acres:

**Tax Code Area (Levy Code): 07902**  
**EMERALD PEOPLES UTILITY DISTRICT**  
**LANE COMMUNITY COLLEGE**  
**LANE COUNTY**  
**LANE EDUCATION SERVICE DISTRICT**  
**MARCOLA SCHOOL DISTRICT 79J**  
**MOHAWK VALLEY RURAL FIRE PROTECTION DIST**

**Sales Information**

Sales Date: Sales Price: Grantor: Grantee: Instrument #: Analysis Code: Mult Acct?:

**Manufactured Structures**

**Building 1 Characteristics**

Account:	<b>0028686</b>	Map & Tax Lot:	<b>16-01-08-00-00501</b>		
Inspection Date:	<b>12-01-1993</b>	Roofstyle:	<b>GABLE</b>	Bedrooms:	<b>3</b>
Building Type:	<b>31 STAT 130</b>	Roof Cover:	<b>COMP SHINGLE MEDIUM</b>	Full Baths:	<b>1</b>
Class:	<b>3+</b>	Heating:	<b>FORCED HOT AIR</b>	Half Baths:	
Year Built:	<b>1964</b>	Exterior Wall:	<b>WOOD SIDING</b>	Fireplaces:	<b>NO</b>
Effect Year Built:	<b>1964</b>	Depreciation:	<b>22</b>	Percent Improv. Complete:	<b>100</b>
Floor		Base Area	Finished Area		Parking Area
Basement:				Bsmt Gar sqft:	
First:		<b>1290</b>	<b>1290</b>	Att Gar sqft:	<b>702</b>
Second:				Att Port sqft:	
Attic:				Det Gar sqft:	
				Driveway Sqft:	
TOTAL		<b>1290</b>	<b>1290</b>	Paved Patio Sqft:	



PROPERTY REPORT - LANE COUNTY

Account # 0985539

Map, Tax Lot, & SIC # 16-01-08-00-00503

Site Address: 93066 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Douglas Kenneth L & Ellen J 93066 Marcola Rd Marcola , OR 97454	Taxpayer Name & Address: Douglas Kenneth L & Ellen J 93066 Marcola Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	4.12 179,467'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00503	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	130 Class 3 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$105,021	\$134,290	\$239,311	\$151,757
2004	\$95,474	\$104,100	\$199,574	\$147,337
	<b>2005 Taxable Value</b> \$ 151,757	<b>2005 Taxes</b> \$1,475.90	<b>Tax Code Area</b> 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 1 (of 1) Characteristics 31 stat 130

		Square feet	Base	Finished		
Year Built:	1973	Basement			Bsmt Garage Sqft	
Bedrooms	3	First	1482	1482	Att Garage Sqft	552
Full Baths	2	Second			Det Garage Sqft	
Half Baths		Attic			Att Carport Sqft	
% Improvmt Complete	100	Total	1482	1482		

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*Handwritten initials/signature*

**LANE COUNTY REGIONAL LAND INFORMATION DATABASE**

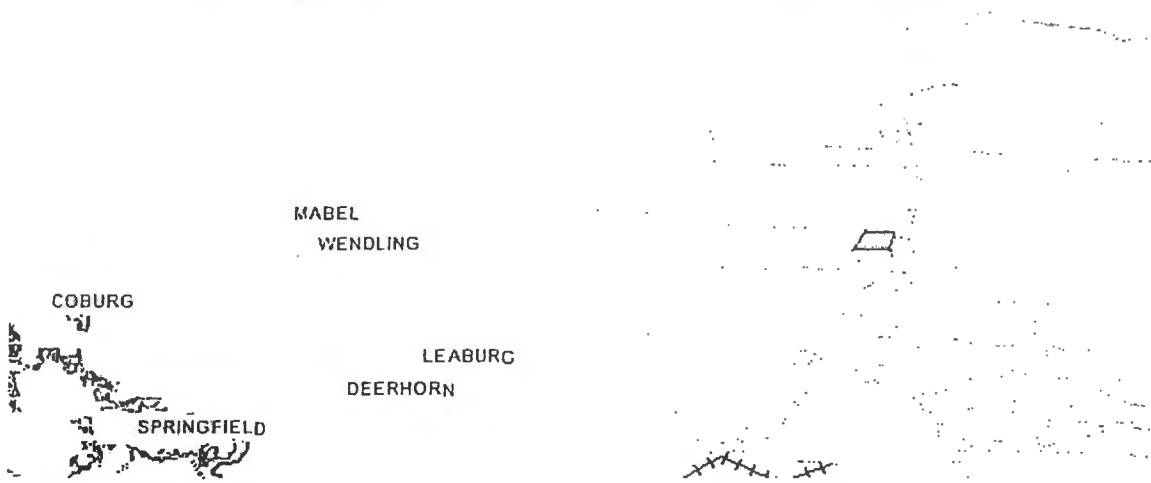
Site Address: 93066 MARCOLA RD  
 Map & Tax Lot #: 16-01-08-00-00503  
 A & T Account #: 0985539

Special Interest Code:

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4307923

Y-Coord: 930606

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
93066			MARCOLA		RD		
	Mailing City		State	Zip Code	Zip+4	Carrier Route	
	MARCOLA		OR	97454	9714	H069	

Create Date: 1986-07-02

Update Date:

Land Use

Code:	Description:
1111	SINGLE FAMILY HOUSING
S	SINGLE FAMILY

Zoning Jurisdiction:

Code:	Description:
LC	LANE COUNTY
RR5	RURAL RESIDENTIAL 5 ACRE MIN

Parent Zone 1:

Boundary Information

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers: MVF MOHAWK VALLEY FD

Plan Designation:

Node: N

2000 Census Tract: 0200

2000 Block Group: 2

Year Annexed:

Annexation #:

2004 Transportation Analysis 503

**RLID Detailed Property Report**

Zone:

Approximate Acreage: **4.12**

Approximate Square Footage: **179,467**

**Environmental Findings**

Metro Flood Hazards:

Metro Wetlands:

**FEMA Flood Hazard Zones**

FIRM Map Number:

41039C0680F

Code:

X

Community Number:

415591

Description:

Areas determined to be outside of 500-year flood.

Post - FIRM Date:

1985-12-18

Panel Printed? (Y/N):

Y

**Soils**

Soil Map Unit Number:

1A

Soil Type Description:

ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES

Percentage of Tax Lot:

100

**Schools**

Code:

79J

Name:

MARCOLA

District:

Elementary School:

Middle School:

High School:

**Service Districts**

LTD Service Area:

LTD Ride Source:

Ambulance District:

EC Area: EAST/CENTRAL

Provider:

SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District:

EAST LANE

Soil Water Conservation District Zone:

0

**Political Districts**

Election Precinct:

100105

County Commissioner District:

5

EAST

County Commissioner:

FAYE STEWART

State Representative District:

11

State Representative Name:

PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District:

6

State Senator:

WILLIAM MORRISETTE

LCC Board Zones:

3

EWEB Commissioner District:

Map & Tax Lot: 16-01-00-00-00503

**Property Owner**

Owner1 Name: DOUGLAS KENNETH L & ELLEN J

Owner Address: 93066 MARCOLA RD

City

MARCOLA

State

OREGON

Country

UNITED STATES

Zip Code

97454



KLID Detailed Property Report

**Taxpayer**

Taxpayer Name: **DOUGLAS KENNETH L & ELLEN J**  
 Taxpayer Address: **93066 MARCOLA RD**

City: **MARCOLA** State: **OREGON** Country: **UNITED STATES** Zip Code: **97454**

**Property Legal Description**

Township: **16** Range: **01** Section: **08** Quarter: **00**  
 Subdivision Type: Subdivision Name: Division/Phase:  
 Lot/Tract/Unit Number: **TL 00503**  
 Subdivision Number:  
 Recording Number:

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	105,021	134,290	239,311	151,757
2004	95,474	104,100	199,574	147,337
2003	80,231	86,030	166,261	143,046
2002	71,635	126,510	198,145	138,880
2001	58,240	107,210	165,450	134,835
2000	64,710	115,280	179,990	130,908
1999	64,070	121,350	185,420	127,095
1998	64,720	103,720	168,440	123,393
1997	62,230	104,720	166,950	119,799
1996	58,710	88,070	146,780	146,780
1995	49,750	83,360	133,110	133,110

151,757 Taxable Value      0 Exemption Amount Regular (EAR)      0 Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	1,475.90
2004	1,428.65
2003	1,396.34
2002	1,373.93
2001	1,545.21
2000	1,523.49
1999	1,512.82
1998	1,361.34
1997	1,333.83
1996	1,443.18
1995	1,100.41

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year

- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code: Description:

**General Information**

Property Class: 401 TRACT, IMPROVED  
 Statistical Class: 130 CLASS 3 SINGLE FAMILY HOME  
 Neighborhood Code: 20161  
 Property Use Type:  
 Account Type: RP  
 Category: LAND AND IMPROVEMENTS  
 Mortgage Company Name:  
 Total Acreage for this Account: 4.12  
 Fire Acres:

Tax Code Area (Levy Code): 07902  
 EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J  
 MOHAWK VALLEY RURAL FIRE PROTECTION DIST

**Sales Information**

Sales Date: Sales Price: Grantor: Grantee: Instrument #: Analysis Code: Mult Acct?:

**Manufactured Structures**

**Building 1 Characteristics**

Account:	0985539	Map & Tax Lot:	16-01-08-00-00503	
Inspection Date:	12-02-1993	Roofstyle:	GABLE Bedrooms: 3	
Building Type:	31 STAT 130	Roof Cover:	COMP SHINGLE Full Baths: 2 MEDIUM	
Class:	3+	Heating:	RADIANT - CEILING Half Baths:	
Year Built:	1973	Exterior Wall:	T 111 PLYWOOD Fireplaces: YES	
Effect Year Built:	1973	Depreciation:	19 Percent Improv. Complete: 100	
Floor		Base Area	Finished Area	Parking Area
Basement:			Bsmt Gar sqft:	
First:		1482	1482 Att Gar sqft:	552
Second:			Att Port sqft:	
Attic:			Del Gar sqft:	
			Driveway Sqft:	400
TOTAL		1482	1482 Paved Patio Sqft:	500



PROPERTY REPORT - LANE COUNTY

Account # 1111549

Map, Tax Lot, & SIC # 16-01-08-00-00504

Site Address: 93016 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Myers Randall S & Ebony L 93016 Marcola Rd Marcola , OR 97454	Taxpayer Name & Address: Myers Randall S & Ebony L 93016 Marcola Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	3.03 131,987'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00504	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	190 Manufactured Home On Real Property
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	409 Tract, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$100,335	\$22,440	\$122,775	\$77,072
2004	\$91,215	\$20,780	\$111,995	\$74,827
	2005 Taxable Value \$ 77,072	2005 Taxes \$749.56	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
12-12-2002	\$136,000	Willis Jerry L	Myers Randall S & Ebony L	20-03-062991
06-10-1998	\$115,000	Stone, Robert Pirtle		98-04643200

Manufactured Structure

Model Year:	1980	Make:	Hillcrest
Serial Number:		Plate Number:	
Length:	66	Width:	14
Model:			

Comments:
-----------

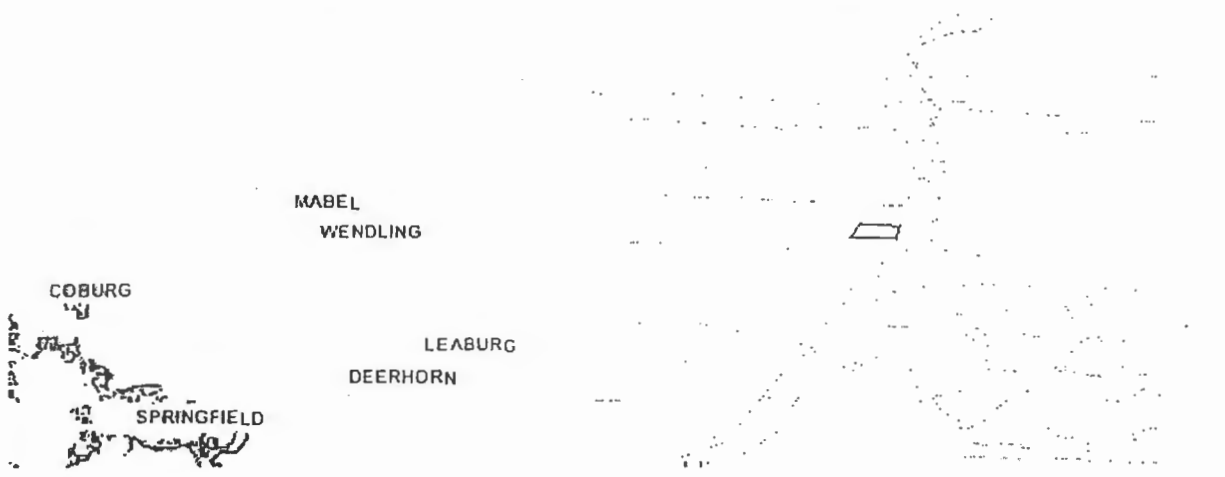
\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*MW SA*

**LANE COUNTY REGIONAL LAND INFORMATION DATABASE**

Site Address: **93016 MARCOLA RD**  
 Map & Tax Lot #: **16-01-08-00-00504**  
 A & T Account #: **1111549**

Special Interest Code:



Site Address State Plane Coordinates  
 X-Coord: **4307812**  
 Y-Coord: **930359**

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
<b>93016</b>			<b>MARCOLA</b>		<b>RD</b>		
	Mailing City		State	Zip Code	Zip+4	Carrier Route	
<b>MARCOLA</b>			<b>OR</b>	<b>97454</b>	<b>9714</b>	<b>H069</b>	
Create Date: <b>1986-07-02</b>				Update Date:			

Land Use	Code	Description
Land Use Code and Description:	<b>1150</b>	<b>MOBILE HOME - NOT IN MOBILE HOME PARK</b>
Use Code and Description:	<b>N</b>	<b>MOBILE HOME</b>

Zoning Jurisdiction:	Code:	Description:
Zoning Jurisdiction:	<b>LC</b>	<b>LANE COUNTY</b>
Parent Zone 1:	<b>RR5</b>	<b>RURAL RESIDENTIAL 5 ACRE MIN</b>

Boundary Information

**General**

Incorporated City Limits:		
Urban Growth Boundary:		
Fire Protection Providers:	<b>MVF</b>	<b>MOHAWK VALLEY FD</b>
Plan Designation:		
Node:	<b>N</b>	
2000 Census Tract:	<b>0200</b>	
2000 Block Group:	<b>2</b>	
Year Annexed:		
Annexation #:		
2004 Transportation Analysis	<b>503</b>	

Zone:

Approximate Acreage: 3.03

Approximate Square Footage: 131,987

Environmental Findings

Metro Flood Hazards:

Metro Wetlands:

FEMA Flood Hazard Zones

FIRM Map Number:

41039C0680F

Code:

X

Community Number:

415591

Description:

Areas determined to be outside of 500-year flood.

Post - FIRM Date:

1985-12-18

Panel Printed? (Y/N):

Y

Soils

Soil Map Unit Number:

1A

78

Soil Type Description:

ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES

MCALPIN SILTY CLAY LOAM

Percentage of Tax Lot:

95

5

Schools

District:

Elementary School:

Middle School:

High School:

Service Districts

LTD Service Area:

LTD Ride Source:

Ambulance District:

Code:

79J

Name:

MARCOLA

EC Area: EAST/CENTRAL

Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation

District:

EAST LANE

Soil Water Conservation District

Zone:

0

Political Districts

Election Precinct:

100105

County Commissioner District:

5

EAST

County Commissioner:

FAYE STEWART

State Representative District:

11

State Representative Name:

PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District:

6

State Senator:

WILLIAM MORRISETTE

LCC Board Zones:

3

EWEB Commissioner District:

Lane County Assessor's Office Account Number: 1111543 ; Map & Tax Lot: 16-01-08-00-00504

Property Owner

Owner1 Name: MYERS RANDALL S & EBONY L

Owner Address: 93016 MARCOLA RD

City

State

Country

Zip Code

MARCOLA OREGON UNITED STATES 97454

**Taxpayer**

Taxpayer Name: MYERS RANDALL S & EBONY L  
 Taxpayer Address: 93016 MARCOLA RD

City State Country Zip Code  
 MARCOLA OREGON UNITED STATES 97454

**Property Legal Description**

Township: 16 Range: 01 Section: 08 Quarter: 00  
 Subdivision Type: Subdivision Name: Division/Phase:  
 Lot/Tract/Unit Number: TL 00504  
 Subdivision Number:  
 Recording Number:

**Property Value History**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	100,335	22,440	122,775	77,072
2004	91,215	20,780	111,995	74,827
2003	76,652	19,610	96,262	72,648
2002	68,440	19,040	87,480	70,532
2001	57,060	4,360	61,420	53,647
2000	63,400	4,690	68,090	52,084
1999	62,770	4,940	67,710	50,567
1998	63,400	4,220	67,620	49,094
1997	60,960	4,220	65,180	47,664
1996	57,510	4,220	61,730	61,730
1995	48,740	4,220	52,960	52,960

77,072 0 0  
 Taxable Value Exemption Amount Regular (EAR) Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	749.56
2004	725.56
2003	709.15
2002	697.77
2001	614.79
2000	606.15
1999	601.90
1998	541.63
1997	530.70
1996	606.95
1995	437.81

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year

- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code:	Description:
<b>General Information</b>	
Property Class: 409	TRACT, MANUFACTURED STRUCTURE
Statistical Class: 190	MANUFACTURED HOME ON REAL PROPERTY
Neighborhood Code: 20161	
Property Use Type:	
Account Type: RP	
Category: LAND AND IMPROVEMENTS	
Mortgage Company Name: WELLS FARGO REAL ESTATE TAX SERVICES LLC	
Total Acreage for this Account: 3.00	
Fire Acres:	

**Tax Code Area (Levy Code): 07902**  
 EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J  
 MOHAWK VALLEY RURAL FIRE PROTECTION DIST

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
12-12-2002	136,000	WILLIS JERRY L	MYERS RANDALL S & EBONY L	2003-62991	0	N
06-10-1998	115,000	STONE, ROBERT PIRTLE		9804643200	0	
10-28-1992		STONE, NONDA FAYE		9206262000	6	
05-17-1990	45,000	MC DOWALL, RICHARD L		9002531400	0	

**Manufactured Structures**

Model Year: 1980                      Make: HILLCREST                      Model:  
 Serial Number:                      Plate Number: EM32394                      LOIS Number: L129568  
 Length: 66                              Width: 14

**Building 1 Characteristics**

Account: 1111549                      Map & Tax Lot: 16-01-08-00-00504  
 Inspection Date: 12-02-1993                      Roofstyle: OTHER                      Bedrooms:  
 Building Type: 11 MANUFACTURED STRUCTURE                      Roof Cover: METAL                      Full Baths:  
 Class:                                      Heating:                                      Half Baths:



Year Built:  
Effect Year Built: 1980

Exterior Wall:  
Depreciation:

Fireplaces:  
Percent Improv. Complete: 100

Floor

Base Area Finished Area

Parking Area

Basement:

Bsmt Gar sqft:

First:

Att Gar sqft:

Second:

Att Port sqft:

Attic:

Det Gar sqft:

Driveway Sqft:

TOTAL

Paved Patio Sqft:

PROPERTY REPORT - LANE COUNTY

Account # 0028702

Map, Tax Lot, & SIC # 16-01-08-00-00600

Site Address: 93000 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Christoffersen Merina E 93000 Marcola Rd Marcola, OR 97454	Taxpayer Name & Address: Christoffersen Merina E 93000 Marcola Rd Marcola, OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	1.96 85,378'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00600	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	190 Manufactured Home On Real Property
Land Use:	1111 Single Family Housing
Property Class:	409 Tract, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$98,998	\$90,220	\$189,218	\$107,505
2004	\$89,999	\$83,540	\$173,539	\$104,374

2005 Taxable Value \$ 107,505      2005 Taxes \$1,045.53      Tax Code Area 07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
10-31-2002	\$148,500	Wechter Carolyn S & Tracy K	Christoffersen Merina E	20-02-085010
07-25-1996	\$134,900	Mc Lean, Robert A & Lisa M H&w		96-05063200

Residential Building # 1 (of 2) Characteristics 21 stat 110 or 120

		Square feet	Base	Finished		
Year Built:	1930	Basement			Bsmt Garage Sqft	
Bedrooms	1	First	704	704	Att Garage Sqft	
Full Baths	1	Second			Det Garage Sqft	
Half Baths		Attic			Att Carport Sqft	
% Improvmt Complete	100	Total	704	704		

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*NO SA*

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address: 93000 MARCOLA RD  
 Map & Tax Lot #: 16-01-08-00-00600  
 A & T Account #: 0028702

Special Interest Code:



Site Address State Plane Coordinates  
 X-Coord: 4307733  
 Y-Coord: 930148

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
93000			MARCOLA		RD		
Mailing City			State	Zip Code	Zip+4	Carrier Route	
MARCOLA			OR	97454	9714	H069	
Create Date: 1986-07-02				Update Date:			

Land Use	Code:	Description:
Land Use Code and Description:	1111	SINGLE FAMILY HOUSING
Use Code and Description:	S	SINGLE FAMILY
Zoning	Code:	Description:
Zoning Jurisdiction:	LC	LANE COUNTY
Parent Zone 1:	RR5	RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers: MVF MOHAWK VALLEY FD

Plan Designation:

Node: N

2000 Census Tract: 0200

2000 Block Group: 2

Year Annexed:

Annexation #:

2004 Transportation Analysis 503

KLID Detailed Property Report

Zone:

Approximate Acreage: 1.96

Approximate Square Footage: 85,378

Environmental Findings

Metro Flood Hazards:

Metro Wetlands:

FEMA Flood Hazard Zones

FIRM Map Number: 41039C0680F Community Number: 415591 Post - FIRM Date: 1985-12-18 Panel Printed? (Y/N): Y

Code: X Description: Areas determined to be outside of 500-year flood.

Soils

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
1A	ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES	76
78	MCALPIN SILTY CLAY LOAM	24

Schools

District: 79J Name: MARCOLA  
Elementary School:  
Middle School:  
High School:

Service Districts

LTD Service Area:  
LTD Ride Source:

Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District: EAST LANE

Soil Water Conservation District Zone: 0

Political Districts

Election Precinct: 100105  
County Commissioner District: 5 EAST  
County Commissioner: FAYE STEWART  
State Representative District: 11  
State Representative Name: PHIL BARNHART  
City Council Ward:  
City Councilor Name:  
State Senate District: 6  
State Senator: WILLIAM MORRISETTE  
LCC Board Zones: 3  
EWEB Commissioner District:

Parcel Number: 0028792 Map & Tax Lot: 16-01-08-00-00900

Property Owner

Owner1 Name: CHRISTOFFERSEN MERINA E  
Owner Address: 93000 MARCOLA RD

City State Country Zip Code

MARCOLA OREGON UNITED STATES 97454

**Taxpayer**

Taxpayer Name: CHRISTOFFERSEN MERINA E  
 Taxpayer Address: 93000 MARCOLA RD

City State Country Zip Code  
 MARCOLA OREGON UNITED STATES 97454

**Property Legal Description**

Township: 16 Range: 01 Section: 08 Quarter: 00  
 Subdivision Type: Subdivision Name: Division/Phase:  
 Lot/Tract/Unit Number: TL 00600  
 Subdivision Number:  
 Recording Number:

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	98,998	90,220	189,218	107,505
2004	89,999	83,540	173,539	104,374
2003	75,630	78,810	154,440	101,334
2002	67,527	76,510	144,037	98,383
2001	54,900	57,960	112,860	95,517
2000	61,000	62,320	123,320	92,735
1999	60,400	65,600	126,000	90,034
1998	61,010	56,070	117,080	87,412
1997	58,660	56,280	114,940	84,866
1996	55,340	52,400	107,740	107,740
1995	46,900	16,690	63,590	63,590

107,505 0 0  
 Taxable Value Exemption Amount Regular (EAR) Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	1,045.53
2004	1,012.06
2003	989.17
2002	973.29
2001	1,094.62
2000	1,079.24
1999	1,071.68
1998	964.38
1997	944.89
1996	1,059.33
1995	525.68

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year

**KLID Detailed Property Report**

- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code:	Description:
<b>General Information</b>	
Property Class: 409	TRACT, MANUFACTURED STRUCTURE
Statistical Class: 190	MANUFACTURED HOME ON REAL
	PROPERTY
Neighborhood Code: 20161	
Property Use Type:	
Account Type: RP	
Category: LAND AND IMPROVEMENTS	
Mortgage Company Name: VALUE TREE	
Total Acreage for this Account: 1.91	
Fire Acres:	

**Tax Code Area (Levy Code): 07902**  
**EMERALD PEOPLES UTILITY DISTRICT**  
**LANE COMMUNITY COLLEGE**  
**LANE COUNTY**  
**LANE EDUCATION SERVICE DISTRICT**  
**MARCOLA SCHOOL DISTRICT 79J**  
**MOHAWK VALLEY RURAL FIRE PROTECTION DIST**

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
10-31-2002	148,500	WECHTER CAROLYN S & TRACY K	CHRISTOFFERSEN MERINA E	2002-85010	0	N
07-25-1996	134,900	MC LEAN, ROBERT A & LISA M H&W		9605063200	M	
02-21-1996	65,900	GRIFFIN, MARJORIE		9601281100	0	
07-19-1995		GRIFFIN, MARJORIE		9503961200	6	

**Manufactured Structures**

**Building 1 Characteristics**

Account: 0028702	Map & Tax Lot: 16-01-08-00-00600		
Inspection Date: 05-14-1996	Roofstyle: GABLE	Bedrooms: 1	
Building Type: 21 STAT 110 OR 120	Roof Cover: COMPOSITION ROLL	Full Baths: 1	
Class: 2-	Heating: OTHER	Half Baths:	
Year Built: 1930	Exterior Wall: WOOD SIDING	Fireplaces: NO	
Effect Year:		Percent Improv.:	

Built:	1930	Depreciation:	28	Complete:	100
Floor		<u>Base Area</u>	<u>Finished Area</u>		<u>Parking Area</u>
Basement:				Bsmt Gar sqft:	
First:		704	704	Att Gar sqft:	
Second:				Att Port sqft:	
Attic:				Det Gar sqft:	
				Driveway Sqft:	
TOTAL		704	704	Paved Patio Sqft:	

**Building 2 Characteristics**

Account:	0028702	Map & Tax Lot:	16-01-08-00-00600	Bedrooms:	
Inspection Date:	05-14-1996	Roofstyle:	NOT AVAILABLE	Full Baths:	
Building Type:	11 MANUFACTURED STRUCTURE	Roof Cover:		Half Baths:	
Class:		Heating:		Fireplaces:	
Year Built:		Exterior Wall:		Percent Improv. Complete:	100
Effect Year Built:	1996	Depreciation:			
Floor		<u>Base Area</u>	<u>Finished Area</u>		<u>Parking Area</u>
Basement:				Bsmt Gar sqft:	
First:				Att Gar sqft:	
Second:				Att Port sqft:	
Attic:				Det Gar sqft:	
				Driveway Sqft:	
TOTAL				Paved Patio Sqft:	

Search Results | New Property Search | Applications Menu

PROPERTY REPORT - LANE COUNTY

Account # 0028587

Map, Tax Lot, & SIC # 16-01-08-00-00200

Site Address: 93079 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Fox Lee & Judith 93099 Marcola Rd Marcola , OR 97454	Taxpayer Name & Address: Fox Lee & Judith 93099 Marcola Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 4104665	

Approximate Tax Lot Acres	1.90 82,764'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00200	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	130 Class 3 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$94,302	\$106,460	\$200,762	\$118,878
2004	\$85,730	\$82,530	\$168,260	\$115,416

2005 Taxable Value  
\$ 118,878

2005 Taxes  
\$1,156.14

Tax Code Area  
07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
07-14-1994	\$0	Stiers, Hazel H		94-05301300
07-06-1994	\$0	Stiers, Bill		94-05301200

Residential Building # 1 (of 1) Characteristics 31 stat 130

		Square feet	Base	Finished	
Year Built:	1968	Basement			Bsmt Garage Sqft
Bedrooms	2	First	1520	1520	Att Garage Sqft
Full Baths	1	Second			Det Garage Sqft
Half Baths		Attic			Att Carport Sqft
% Improvmt Complete	100	Total	1520	1520	

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

NO SA



PROPERTY REPORT - LANE COUNTY

Account # 0028587

Map, Tax Lot, & SIC # 16-01-08-00-00200

Site Address: 93099 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Fox Lee & Judith 93099 Marcola Rd Marcola , OR 97454	Taxpayer Name & Address: Fox Lee & Judith 93099 Marcola Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 4104665	

Approximate Tax Lot Acres	1.90 82,764'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00200	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	130 Class 3 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$94,302	\$106,460	\$200,762	\$118,878
2004	\$85,730	\$82,530	\$168,260	\$115,416
2005 Taxable Value		2005 Taxes	Tax Code Area	
\$ 118,878		\$1,156.14	07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
07-14-1994	\$0	Stiers, Hazel H		94-05301300
07-06-1994	\$0	Stiers, Bill		94-05301200

Residential Building # 1 (of 1) Characteristics 31 stat 130

		Square feet	Base	Finished		
Year Built:	1968	Basement			Bsmt Garage Sqft	
Bedrooms	2	First	1520	1520	All Garage Sqft	
Full Baths	1	Second			Det Garage Sqft	
Half Baths		Attic			All Carport Sqft	
% Improvmt Complete	100	Total	1520	1520		

Comments:

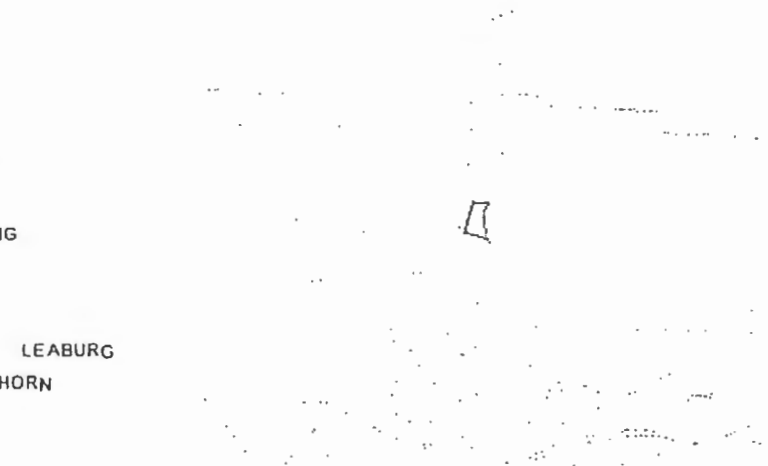
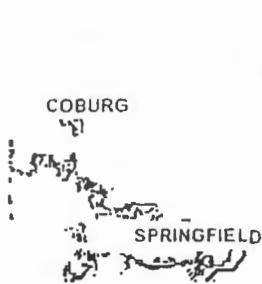
\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address: 93099 MARCOLA RD  
 Map & Tax Lot #: 16-01-08-00-00200  
 A & T Account #: 0028587

Special Interest Code:

Tax Map View Tax Map Convert to PDF Document  
 Vicinity Map Detail Map



Site Address State Plane Coordinates

X-Coord: 4308437

Y-Coord: 930707

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
93099			MARCOLA		RD		
	Mailing City		State	Zip Code	Zip+4	Carrier Route	
	MARCOLA		OR	97454	9714	H069	

Create Date: 1986-07-02

Update Date:

Land Use:

Land Use Code and Description:

Code:

Description:

1111

SINGLE FAMILY HOUSING

Use Code and Description:

S

SINGLE FAMILY

Zoning:

Code:

Description:

Zoning Jurisdiction:

LC

LANE COUNTY

Parent Zone 1:

RR5

RURAL RESIDENTIAL 5 ACRE MIN

Secondary Information

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

MVF

MOHAWK VALLEY FD

Plan Designation:

Node:

N

2000 Census Tract:

0200

2000 Block Group:

2

Year Annexed:

Annexation #:

2004 Transportation Analysis

503

Zone:

Approximate Acreage: 1.90

Approximate Square Footage: 82,764

**Environmental Findings**

Metro Flood Hazards:

Metro Wetlands:

**FEMA Flood Hazard Zones**

FIRM Map Number:

41039C0680F

Code:

AE

FW

X

X5

Environmental Findings: Flood Hazard Zones

Flood Hazard Zones: Flood Hazard Zones are determined by the Federal Emergency Management Agency (FEMA) and are based on the Flood Insurance Rate Study (FIRIS) and the Flood Insurance Study (FIS). Flood Hazard Zones are used to determine the flood insurance rates for properties in the area.

Community Number: 415591 Post - FIRM Date: 1985-12-18 Panel Printed? (Y/N): Y

Description:

Areas of 100-year flood, base flood elevations determined.

Floodway areas inside the 100-year flood, base flood elevations determined.

Areas determined to be outside of 500-year flood.

Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.

**Soils**

Soil Map Unit Number:

1A

22

20B

Soil Type Description:

ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES

CAMAS GRAVELLY SANDY LOAM, OCCASIONALLY FLOODED

BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES

Percentage of Tax Lot:

62

29

9

**Schools**

District:

Elementary School:

Middle School:

High School:

**Service Districts**

LTD Service Area:

LTD Ride Source:

Code:

79J

Name:

MARCOLA

Ambulance District:

EC Area: EAST/CENTRAL

Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation

District:

EAST LANE

Soil Water Conservation District

Zone:

0

**Political Districts**

Election Precinct:

100105

County Commissioner District:

5

EAST

County Commissioner:

FAYE STEWART

State Representative District:

11

State Representative Name:

PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District:

6

State Senator:

WILLIAM MORRISETTE

LCC Board Zones:

3

**KLID Detailed Property Report**

EWEB Commissioner District:

Lane County Assessor's Office | Account Number: 0028587 | Map & Tax Lot: 16-01-08-00-00200

**Property Owner**

Owner1 Name: **FOX LEE & JUDITH**

Owner Address: **93099 MARCOLA RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

**Taxpayer**

Taxpayer Name: **FOX LEE & JUDITH**

Taxpayer Address: **93099 MARCOLA RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

**Property Legal Description**

Township: **16** Range: **01** Section: **08** Quarter: **00**

Subdivision Type: Subdivision Name: Division/Phase:

Lot/Tract/Unit Number: **TL 00200**

Subdivision Number:

Recording Number:

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	94,302	106,460	200,762	118,878
2004	85,730	82,530	168,260	115,416
2003	72,043	68,210	140,253	112,054
2002	64,325	100,310	164,635	108,790
2001	48,650	81,620	130,270	105,621
2000	54,060	87,760	141,820	102,545
1999	53,520	92,380	145,900	99,558
1998	54,060	78,960	133,020	96,658
1997	51,980	79,760	131,740	93,843
1996	49,040	66,470	115,510	115,510
1995	41,560	62,710	104,270	104,270

118,878	0	0
Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	1,156.14
2004	1,119.13
2003	1,093.82
2002	1,076.25
2001	1,210.42
2000	1,193.41
1999	1,185.05
1998	1,066.38
1997	1,044.83
1996	1,135.73
1995	861.99

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property.

Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

Account Status

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

Remarks:

Special Assessment Program (if applicable)

Code:

Description:

General Information

Property Class: 401 TRACT, IMPROVED  
 Statistical Class: 130 CLASS 3 SINGLE FAMILY HOME  
 Neighborhood Code: 20161  
 Property Use Type:  
 Account Type: RP  
 Category: LAND AND IMPROVEMENTS  
 Mortgage Company Name:  
 Total Acreage for this Account: 1.84  
 Fire Acres:

Tax Code Area (Levy Code): 07902  
 EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARQOLA SCHOOL DISTRICT 79J  
 MOHAWK VALLEY RURAL FIRE PROTECTION DIST

Sales Information

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
07-14-1994		STIERS, HAZEL H		9405301300	8	
07-06-1994		STIERS, BILL		9405301200	6	

Manufactured Structures

Building 1 Characteristics

Account:	0028587	Map & Tax Lot:	16-01-08-00-00200
Inspection Date:	01-25-2002	Roofstyle:	GABLE Bedrooms: 2
Building Type:	31 STAT 130	Roof Cover:	COMPOSITION Full Baths: 1
Class:	3	Heating:	FORCED HOT AIR Half Baths:
Year Built:	1968	Exterior Wall:	T 111 PLYWOOD Fireplaces: YES

KLID Detailed Property Report

Effect Year Built:	1968	Depreciation:	21	Percent Improv. Complete:	100
<u>Floor</u>		<u>Base Area</u>	<u>Finished Area</u>		<u>Parking Area</u>
Basement:				Bsmt Gar sqft:	
First:		1520	1520	Att Gar sqft:	
Second:				Att Port sqft:	
Attic:				Det Gar sqft:	
				Driveway Sqft:	
TOTAL		1520	1520	Paved Patio Sqft:	

Search Results | New Property Search | Applications Menu

PROPERTY REPORT - LANE COUNTY

Account # 0028678

Map, Tax Lot, & SIC # 16-01-08-00-00500

Site Address: 93031 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Brown Lawrence F & Iris 93031 Marcola Rd Marcola , OR 97454	Taxpayer Name & Address: Brown Lawrence F & Iris 93031 Marcola Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 4250807	

Approximate Tax Lot Acres	2.73 118,919'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00500	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	130 Class 3 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$100,349	\$76,140	\$176,489	\$107,420
2004	\$91,227	\$59,020	\$150,247	\$104,291
	<b>2005 Taxable Value</b> \$ 107,420	<b>2005 Taxes</b> \$1,044.70	<b>Tax Code Area</b> 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
------	-------	---------	---------	--------------

Residential Building # 1 (of 1) Characteristics 31 stat 130

		Square feet	Base	Finished		
Year Built:	1940	Basement			Bsmt Garage Sqft	
Bedrooms	3	First	1143	1143	Att Garage Sqft	598
Full Baths	1	Second			Det Garage Sqft	
Half Baths		Attic			Att Carport Sqft	
% Improvmt Complete	100	Total	1143	1143		

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*W519*

PROPERTY REPORT - LANE COUNTY

Account # 4250807

Map, Tax Lot, & SIC # 16-01-08-00-00500

Site Address:	
Owner Name & Address: Armstrong Richard J & Jenice 93031 Marcola Rd Marcola , OR 97454	Taxpayer Name & Address: Armstrong Richard J & Jenice 93031 Marcola Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 0028678	

Approximate Tax	2.73	Subdivision Name:		School District:	Marcola
Lot Acres	118,919'	Phase:		Elem	
Inc City:		Lot #		Middle	
UGB:		Recording #		High	
Census Tr/BlkGrp:	0200/2				

Zoning: Parent/Overlay	RR5
Statistical Class:	199      Manufactured Home In A Park
Land Use:	1111      Single Family Housing
Property Class:	409      Tract, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value	
			Real Market	Assessed
2005	\$0	\$32,940	\$32,940	\$32,940
2004	\$0	\$30,500	\$30,500	\$30,500
	<b>2005 Taxable Value</b> \$ 32,940	<b>2005 Taxes</b> \$309.52	<b>Tax Code Area</b> 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
------	-------	---------	---------	--------------

Manufactured Structure

Model Year:	1999	Make:	Skyline
Serial Number:	33910624L	Plate Number:	X249235
Length:	48	Width:	27
Model:			

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.



**LANE COUNTY REGIONAL LAND INFORMATION DATABASE**

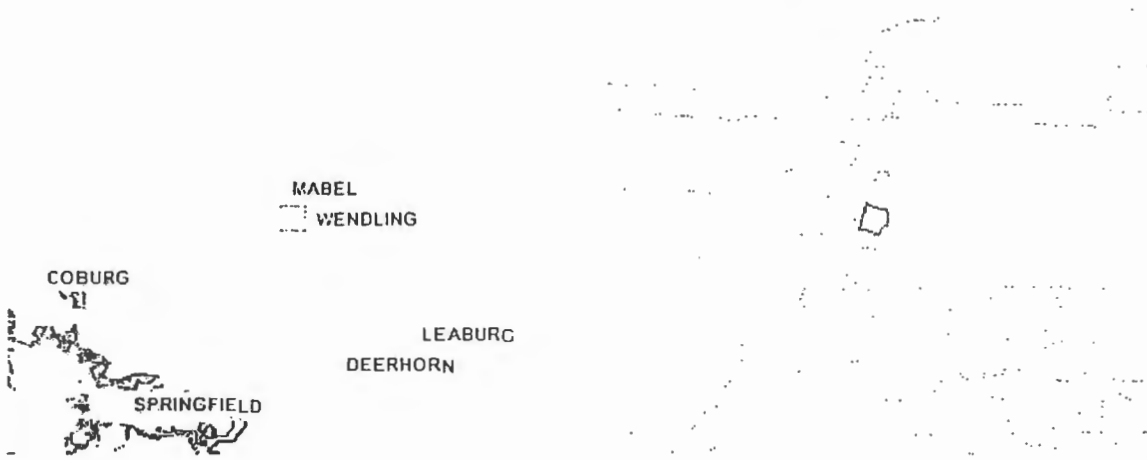
Site Address: 93031 MARCOLA RD  
 Map & Tax Lot #: 16-01-08-00-00500  
 A & T Account #: 0028678

Special Interest Code:

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4308430

Y-Coord: 930495

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
93031			MARCOLA		RD		
	Malling City		State	Zip Code	Zip+4	Carrier Route	
MARCOLA			OR	97454	9714	H069	
Create Date: 1999-01-11				Update Date: 1999-01-11			

Land Use

Land Use Code and Description

Code:	Description:
1111	SINGLE FAMILY HOUSING
S	SINGLE FAMILY

Zoning Jurisdiction:

Code:

Description:

Parent Zone 1:

LC

LANE COUNTY

RR5

RURAL RESIDENTIAL 5 ACRE MIN

Fire Protection Providers:

MVF

MOHAWK VALLEY FD

**General**

Incorporated City Limits:

Urban Growth Boundary:

Plan Designation:

Node:

N

2000 Census Tract:

0200

2000 Block Group:

2

Year Annexed:

Annexation #:

2004 Transportation Analysis

503

**RLID Detailed Property Report**

Zone:

Approximate Acreage: **2.73**

Approximate Square Footage: **118,919**

**Environmental Findings**

Metro Flood Hazards:

Metro Wetlands:

**FEMA Flood Hazard Zones**

FIRM Map Number:

**41039C0680F**

Community Number:

**415591**

Post - FIRM Date:

**1985-12-18**

Panel Printed? (Y/N):

**Y**

Code:

Description:

**AE**

**Areas of 100-year flood, base flood elevations determined.**

**FW**

**Floodway areas inside the 100-year flood, base flood elevations determined.**

**X**

**Areas determined to be outside of 500-year flood.**

**X5**

**Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.**

**Soils**

Soil Map Unit Number:

Soil Type Description:

Percentage of Tax Lot:

**1A**

**ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES**

**61**

**20B**

**BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES**

**39**

**Schools**

Code:

Name:

District:

**79J**

**MARCOLA**

Elementary School:

Middle School:

High School:

**Service Districts**

LTD Service Area:

LTD Ride Source:

Ambulance District:

**EC Area: EAST/CENTRAL**

Provider: **SPRINGFIELD DEPT OF FIRE & LIFE SAFETY**

Emerald People's Utility District: **5**

Soil Water Conservation

District:

**EAST LANE**

Soil Water Conservation District **0**

Zone:

**Political Districts**

Election Precinct:

**100105**

County Commissioner District:

**5**

**EAST**

County Commissioner:

**FAYE STEWART**

State Representative District:

**11**

State Representative Name:

**PHIL BARNHART**

City Council Ward:

City Councilor Name:

State Senate District:

**6**

State Senator:

**WILLIAM MORRISETTE**

LCC Board Zones:

**3**

EWEB Commissioner District:

**RLID Detailed Property Report**

Lane County Assessor's Office | Account Number: 0026678 | Map & Tax Lot: 16-01-08-00-00500

**Property Owner**

Owner1 Name: **BROWN LAWRENCE F & IRIS**  
 Owner Address: **93031 MARCOLA RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

**Taxpayer**  
 Taxpayer Name: **BROWN LAWRENCE F & IRIS**  
 Taxpayer Address: **93031 MARCOLA RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

**Property Legal Description**

Township: <b>16</b>	Range: <b>01</b>	Section: <b>08</b>	Quarter: <b>00</b>
Subdivision Type:	Subdivision Name:	Division/Phase:	
Lot/Tract/Unit Number: <b>TL 00500</b>			
Subdivision Number:			
Recording Number:			

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	100,349	76,140	176,489	107,420
2004	91,227	59,020	150,247	104,291
2003	76,662	48,780	125,442	101,253
2002	68,449	71,730	140,179	98,304
2001	55,650	60,790	116,440	95,441
2000	61,830	65,360	127,190	92,661
1999	61,220	68,800	130,020	89,962
1998	61,840	58,800	120,640	87,342
1997	59,460	59,390	118,850	84,798
1996	56,090	49,490	105,580	105,580
1995	47,530	46,690	94,220	94,220
	<b>107,420</b>	<b>0</b>	<b>0</b>	
	Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)	

Tax Year	Tax (See Explanation of Tax)
2005	1,044.70
2004	1,011.26
2003	988.38
2002	972.51
2001	1,093.75
2000	1,078.38
1999	1,070.83
1998	963.61
1997	944.12
1996	1,038.09
1995	778.91

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and

**RLID Detailed Property Report**

omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code:

Description:

**General Information**

Property Class: **401** **TRACT, IMPROVED**  
 Statistical Class: **130** **CLASS 3 SINGLE FAMILY HOME**  
 Neighborhood Code: **20161**  
 Property Use Type:  
 Account Type: **RP**  
 Category: **LAND AND IMPROVEMENTS**  
 Mortgage Company Name:  
 Total Acreage for this Account: **2.65**  
 Fire Acres:

**Tax Code Area (Levy Code): 07902**  
**EMERALD PEOPLES UTILITY DISTRICT**  
**LANE COMMUNITY COLLEGE**  
**LANE COUNTY**  
**LANE EDUCATION SERVICE DISTRICT**  
**MARCOLA SCHOOL DISTRICT 79J**  
**MOHAWK VALLEY RURAL FIRE PROTECTION DIST**

**Sales Information**

Sales Date: Sales Price: Grantor: Grantee: Instrument #: Analysis Code: Mult Acct?:

**Manufactured Structures**

**Building 1 Characteristics**

Account:	0028678	Map & Tax Lot:	16-01-08-00-00500		
Inspection Date:	12-07-1993	Roofstyle:	GABLE	Bedrooms:	3
Building Type:	31 STAT 130	Roof Cover:	COMP SHINGLE MEDIUM	Full Baths:	1
Class:	3	Heating:	OTHER	Half Baths:	
Year Built:	1940	Exterior Wall:	OTHER	Fireplaces:	NO
Effect Year Built:	1930	Depreciation:	28	Percent Improv. Complete:	100
Floor		Base Area	Finished Area		Parking Area

KLID Detailed Property Report

Basement:		Bsmt Gar sqft:	
First:	1143	1143 Att Gar sqft:	598
Second:		Att Port sqft:	
Attic:		Det Gar sqft:	
		Driveway Sqft:	
TOTAL	1143	1143 Paved Patio Sqft:	

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RLID Property Report

PROPERTY REPORT - LANE COUNTY

Account # 0028694

Map, Tax Lot, & SIC # 16-01-08-00-00502

Site Address: 93027 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Loretta Ann Macauley Trust 4757 Jasper Rd Springfield, OR 97478	Taxpayer Name & Address: Macauley Harold M 4757 Jasper Rd Springfield, OR 97478
Multiple Owners? Yes.*	
Additional Account Numbers for this Tax Lot & SIC: 4144802	

Approximate Tax Lot Acres	1.19 51,836'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00502	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	107 Non-living Unit Of Residential Variety
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	409 Tract, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$81,723	\$1,700	\$83,423	\$45,273
2004	\$74,294	\$1,570	\$75,864	\$43,954

2005 Taxable Value  
\$ 45,273

2005 Taxes  
\$440.30

Tax Code Area  
07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
06-23-1992	\$0	Mac Auley, Loretta Ann		92-03491100

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished		
Year Built:				Bsmt Garage Sqft	
Bedrooms				Att Garage Sqft	
Full Baths				Det Garage Sqft	
Half Baths				Att Carport Sqft	
% Improvmt Complete					
	Basement				
	First				
	Second				
	Attic				
	Total				

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*MJA*

PROPERTY REPORT - LANE COUNTY

Account # 0028694

Map, Tax Lot, & SIC # 16-01-08-00-00502

Site Address: 93027 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Loretta Ann Macauley Trust 4757 Jasper Rd Springfield, OR 97478	Taxpayer Name & Address: Macauley Harold M 4757 Jasper Rd Springfield, OR 97478
Multiple Owners? Yes.*	
Additional Account Numbers for this Tax Lot & SIC: 4144802	

Approximate Tax Lot Acres	1.19 51,836'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00502	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	107 Non-living Unit Of Residential Variety
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	409 Tract, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$81,723	\$1,700	\$83,423	\$45,273
2004	\$74,294	\$1,570	\$75,864	\$43,954
	2005 Taxable Value \$ 45,273	2005 Taxes \$440.30	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
06-23-1992	\$0	Mac Auley, Loretta Ann		92-03491100

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished		
Year Built:				Bsmt Garage Sqft	
Bedrooms				Att Garage Sqft	
Full Baths				Det Garage Sqft	
Half Baths				Att Carport Sqft	
% Improvmt Complete					
	Basement				
	First				
	Second				
	Attic				
	Total				

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

**LANE COUNTY REGIONAL LAND INFORMATION DATABASE**

Site Address: 93027 MARCOLA RD  
 Map & Tax Lot #: 16-01-08-00-00502  
 A & T Account #: 0028694

Special Interest Code:

Vicinity Map

Detail Map



Site Address, State, Pinpoint Coordinates

X-Coord: 4308249

Y-Coord: 930192

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
93027			MARCOLA		RD		
	Mailing City		State	Zip Code	Zip+4	Carrier Route	
	MARCOLA		OR	97454	9714	H069	

Create Date: 1983-09-25

Update Date:

Land Use

Code:	Description:
Land Use Code and Description: 1150	MOBILE HOME - NOT IN MOBILE HOME PARK
Use Code and Description: N	MOBILE HOME

Code:	Description:
Zoning Jurisdiction: LC	LANE COUNTY
Parent Zone 1: RR5	RURAL RESIDENTIAL 5 ACRE MIN

Fire Protection Information

**General**

Incorporated City Limits:	
Urban Growth Boundary:	
Fire Protection Providers: MVF	MOHAWK VALLEY FD
Plan Designation:	
Node: N	
2000 Census Tract: 0200	
2000 Block Group: 2	
Year Annexed:	
Annexation #:	
2004 Transportation Analysis 503	



**RLID Detailed Property Report**

**Zone:**

**Approximate Acreage:** 1.19

**Approximate Square Footage:** 51,836

**Environmental Findings**

**Metro Flood Hazards:**

**Metro Wellands:**

**FEMA Flood Hazard Zones**

**FIRM Map Number:**

41039C0680F

**Code:**

FW

X

X5

**Community Number:**

415591

**Description:**

Floodway areas inside the 100-year flood, base flood elevations determined.

Areas determined to be outside of 500-year flood.

Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.

**Post - FIRM Date:**

1985-12-18

**Panel Printed? (Y/N):**

Y

**Soils**

**Soil Map Unit Number:**

1A

20B

29

**Soil Type Description:**

ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES

BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES

CLOQUATO SILT LOAM

**Percentage of Tax Lot:**

68

30

3

**Schools**

**District:**

Elementary School:

Middle School:

High School:

**Service Districts**

**LTD Service Area:**

**LTD Ride Source:**

**Code:**

79J

**Name:**

MARCOLA

**Ambulance District:**

EC Area: EAST/CENTRAL

**Provider:** SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

**Emerald People's Utility District:** 5

**Soil Water Conservation District:**

EAST LANE

**Soil Water Conservation District Zone:** 0

**Political Districts**

**Election Precinct:**

100105

**County Commissioner District:**

5

EAST

**County Commissioner:**

FAYE STEWART

**State Representative District:**

11

**State Representative Name:**

PHIL BARNHART

**City Council Ward:**

**City Councilor Name:**

**State Senate District:**

6

**State Senator:**

WILLIAM MORRISETTE

**LCC Board Zones:**

3

**EWEB Commissioner District:**

**RLID Detailed Property Report**

1869 01 0

Lane County Assessor's Office | Account Number: 0028694 | Map & Tax Lot: 16-01-08-00-00502

**Property Owner**

Owner1 Name: **LORETTA ANN MACAULEY TRUST**  
 Owner Address: **4757 JASPER RD**

City	State	Country	Zip Code
<b>SPRINGFIELD</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97478</b>

Owner2 Name: **MACAULEY HAROLD M**  
 Owner Address: **4757 JASPER RD**

City	State	Country	Zip Code
<b>SPRINGFIELD</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97478</b>

Owner3 Name: **MACAULEY LORETTA ANNTE**  
 Owner Address: **4757 JASPER RD**

City	State	Country	Zip Code
<b>SPRINGFIELD</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97478</b>

Owner4 Name: **WILLOUGHBY SHERRY TE**  
 Owner Address: **4757 JASPER RD**

City	State	Country	Zip Code
<b>SPRINGFIELD</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97478</b>

**Taxpayer**

Taxpayer Name: **MACAULEY HAROLD M**  
 Taxpayer Address: **4757 JASPER RD**

City	State	Country	Zip Code
<b>SPRINGFIELD</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97478</b>

Property Description:

Township: 16	Range: 01	Section: 08	Quarter: 00
Subdivision Type:	Subdivision Name:	Division/Phase:	
Lot/Tract/Unit Number: <b>TL 00502</b>			
Subdivision Number:			
Recording Number:			

Property Information:

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	81,723	1,700	83,423	45,273
2004	74,294	1,570	75,864	43,954
2003	62,432	1,480	63,912	42,674
2002	55,743	1,440	57,183	41,431
2001	45,320	1,310	46,630	40,224
2000	50,360	1,110	51,470	39,052
1999	49,860	1,170	51,030	37,915
1998	50,360	1,000	51,360	36,811
1997	48,420	1,000	49,420	35,739
1996	45,680	1,000	46,680	46,680

**RLID Detailed Property Report**

1995	38,710	1,000	39,710	39,710
45,273	0	0		
Taxable Value	Exemption Amount	Regular (EAR)	Frozen Assessed Value (FZNPU)	
Tax Year	Tax (See Explanation of Tax)			
2005			440.30	
2004			426.20	
2003			416.56	
2002			409.87	
2001			460.97	
2000			454.48	
1999			451.31	
1998			406.12	
1997			397.92	
1996			458.97	
1995			328.28	

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code: Description:

**General Information**

Property Class: 409 TRACT, MANUFACTURED STRUCTURE  
 Statistical Class: 107 NON-LIVING UNIT OF RESIDENTIAL VARIETY  
 Neighborhood Code: 20161  
 Property Use Type:  
 Account Type: RP  
 Category: LAND AND IMPROVEMENTS  
 Mortgage Company Name:  
 Total Acreage for this Account: 1.14  
 Fire Acres:

Tax Code Area (Levy Code): 07902 EMERALD PEOPLES UTILITY DISTRICT

KLID Detailed Property Report

Page 3 of 3

LANE COMMUNITY COLLEGE  
LANE COUNTY  
LANE EDUCATION SERVICE DISTRICT  
MARCOLA SCHOOL DISTRICT 79J  
MOHAWK VALLEY RURAL FIRE PROTECTION DIST

Sales Information

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
06-23-1992		MAC AULEY, LORETTA ANN		9203491100	6	

Manufactured Structures

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

PROPERTY REPORT - LANE COUNTY

Account # 0028744

Map, Tax Lot, & SIC # 16-01-08-00-00900

Site Address: 92980 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Anderson William H 92980 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Anderson William H 92980 Paschelke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	1.29 56,192'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00900	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning:	Parent/Overlay	RR5
Statistical Class:	130	Class 3 Single Family Home
Land Use:	1111	Single Family Housing
Property Class:	401	Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value	
			Real Market	Assessed
2005	\$96,907	\$103,330	\$200,237	\$124,614
2004	\$88,098	\$80,100	\$168,198	\$120,984
	<b>2005 Taxable Value</b>	<b>2005 Taxes</b>	<b>Tax Code Area</b>	
	\$ 124,614	\$1,267.92	07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
------	-------	---------	---------	--------------

Residential Building # 1 (of 1) Characteristics 31 stat 130

		Square feet		
		Base	Finished	
Year Built:	1924	Basement		Bsmt Garage Sqft
Bedrooms	3	First	1422 1422	Att Garage Sqft
Full Baths	1	Second		Det Garage Sqft
Half Baths		Attic		Att Carport Sqft
% Improvmt Complete	100	Total	1422 1422	

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

MO SA

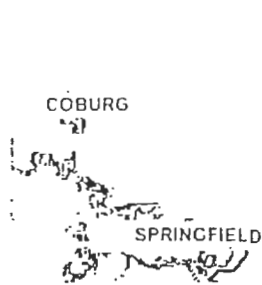
## LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address: 92980 PASCHELKE RD  
 Map & Tax Lot #: 16-01-08-00-00900  
 A & T Account #: 0028744

Special Interest Code:

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4308405

Y-Coord: 929929

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit	
92980			PASCHELKE		RD			
			Mailing City		State	Zip Code	Zip+4	Carrier Route
			MARCOLA		OR	97454	9715	H069

Create Date: 1986-07-02

Update Date:

Land Use

Code:

Description:

Land Use Code and Description: 1111

SINGLE FAMILY HOUSING

Use Code and Description: S

SINGLE FAMILY

Zoning

Code:

Description:

Zoning Jurisdiction: LC

LANE COUNTY

Parent Zone 1: RR5

RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information

**General**

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers: MVF

MOHAWK VALLEY FD

Plan Designation:

Node: N

2000 Census Tract: 0200

2000 Block Group: 2

Year Annexed:

Annexation #:

2004 Transportation Analysis 503

Zone:

Approximate Acreage: 1.29

Approximate Square Footage: 56,192

Environmental Findings

Metro Flood Hazards:

A6

Areas of 100-year flood; base flood elevations and flood hazard factors determined.

Metro Wetlands:

FEMA Flood Hazard Zones

FIRM Map Number:  
41039C0680F

Community Number:  
415591

Post - FIRM Date:  
1985-12-18

Panel Printed? (Y/N):  
Y

Code:

Description:

FW

Floodway areas inside the 100-year flood, base flood elevations determined.

X

Areas determined to be outside of 500-year flood.

X5

Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.

Soils

Soil Map Unit Number:

Soil Type Description:

Percentage of Tax Lot:

20B

BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES

100

Schools

Code:

Name:

District:

79J

MARCOLA

Elementary School:

Middle School:

High School:

Service Districts

LTD Service Area:

LTD Ride Source:

Ambulance District:

EC Area: EAST/CENTRAL

Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District:

EAST LANE

Soil Water Conservation District Zone: 0

Political Districts

Election Precinct: 100105

County Commissioner District: 5

EAST

County Commissioner: FAYE STEWART

State Representative District: 11

State Representative Name: PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District: 6

State Senator: WILLIAM MORRISETTE

LCC Board Zones: 3

EWEB Commissioner District:

Lane County Assessor's Office | Account Number: 0028744 | Map & Tax Lot: 16-01-08-00-00900

KLID Detailed Property Report

Page 1 of 2

**Property Owner**

Owner1 Name: **ANDERSON WILLIAM H**  
 Owner Address: **92980 PASCHELKE RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

**Taxpayer**

Taxpayer Name: **ANDERSON WILLIAM H**  
 Taxpayer Address: **92980 PASCHELKE RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

**County, Legal Description**

Township: <b>16</b>	Range: <b>01</b>	Section: <b>08</b>	Quarter: <b>00</b>
Subdivision Type:	Subdivision Name:	Division/Phase:	
Lot/Tract/Unit Number: <b>TL 00900</b>			
Subdivision Number:			
Recording Number:			

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	96,907	103,330	200,237	124,614
2004	88,098	80,100	168,198	120,984
2003	74,032	66,200	140,232	117,460
2002	66,100	97,360	163,460	114,039
2001	53,740	82,510	136,250	110,717
2000	59,710	88,720	148,430	107,492
1999	59,120	93,390	152,510	104,361
1998	59,720	79,820	139,540	101,321
1997	57,420	80,630	138,050	98,370
1996	54,170	67,190	121,360	121,360
1995	45,910	63,390	109,300	109,300

124,614	0	0
Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	1,267.92
2004	1,229.12
2003	1,202.59
2002	1,184.18
2001	1,324.82
2000	1,265.98
1999	1,298.22
1998	1,173.84
1997	1,151.23
1996	1,249.25
1995	959.57

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any



discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code:

Description:

**General Information**

Property Class:	401	TRACT, IMPROVED
Statistical Class:	130	CLASS 3 SINGLE FAMILY HOME
Neighborhood Code:	20161	
Property Use Type:		
Account Type:	RP	
Category:	LAND AND IMPROVEMENTS	
Mortgage Company Name:		
Total Acreage for this Account:	1.75	
Fire Acres:	1.75	

**Tax Code Area (Levy Code):** 07902 See the website for the location of the Levy Code

EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J  
 MOHAWK VALLEY RURAL FIRE PROTECTION DIST

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
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**Manufactured Structures**

**Building 1 Characteristics**

Account:	0028744	Map & Tax Lot:	16-01-08-00-00900		
Inspection Date:	11-30-1993	Roofstyle:	GABLE	Bedrooms:	3
Building Type:	31 STAT 130	Roof Cover:	COMP SHINGLE MEDIUM	Full Baths:	1
Class:	3	Heating:	OTHER	Half Baths:	
Year Built:	1924	Exterior Wall:	SHINGLE-WOOD	Fireplaces:	YES
Effect Year Built:	1936	Depreciation:	27	Percent Improv. Complete:	100

<u>Floor</u>	<u>Base Area</u>	<u>Finished Area</u>	<u>Parking Area</u>
Basement:		Bsmt Gar sqft:	

First:	1422	1422 Att Gar sqft:
Second:		Att Port sqft:
Attic:		Det Gar sqft:
		Driveway Sqft:
TOTAL	1422	1422 Paved Patio Sqft:

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

PROPERTY REPORT - LANE COUNTY

Account # 1423142

Map, Tax Lot, & SIC # 16-01-08-00-00106

Site Address: 92951 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Ortis Ernest E & Gayle L 93130 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Ortis Ernest E & Gayle L 93130 Paschelke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 4191977	

Approximate Tax Lot Acres	2.80 121,968'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00106	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning:	Parent/Overlay	E40; RR5
Statistical Class:	107	Non-living Unit Of Residential Variety
Land Use:	1111	Single Family Housing
Property Class:	409	Tract, Manufactured Structure

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	\$107,690	\$3,960	\$111,650	\$61,530
2004	\$97,900	\$3,670	\$101,570	\$59,738
	<b>2005 Taxable Value</b>	<b>2005 Taxes</b>	<b>Tax Code Area</b>	
	\$ 61,530	\$598.40	07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0 ) Characteristics

	Square feet		Base	Finished	
	Basement	First			
Year Built:					Bsmt Garage Sqft
Bedrooms					Att Garage Sqft
Full Baths					Det Garage Sqft
Half Baths					Att Carport Sqft
% Improvmt Complete					

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*MUSA*

RLID Property Report

PROPERTY REPORT - LANE COUNTY

Account # 1423142

Map, Tax Lot, & SIC # 16-01-08-00-00106

Site Address: 93130 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Ortis Ernest E & Gayle L 93130 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Ortis Ernest E & Gayle L 93130 Paschelke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 4191977	

Approximate Tax	2.80	Subdivision Name:		School District:	Marcola
Lot Acres	121,968'	Phase:		Elem	
Inc City:		Lot #	TL 00106	Middle	
UGB:		Recording #		High	
Census Tr/BlkGrp:	0200/2				

Zoning: Parent/Overlay	E40; RR5
Statistical Class:	107 Non-living Unit Of Residential Variety
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	409 Tract, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$107,690	\$3,960	\$111,650	\$61,530
2004	\$97,900	\$3,670	\$101,570	\$59,738
	2005 Taxable Value \$ 61,530	2005 Taxes \$598.40	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

PROPERTY REPORT - LANE COUNTY

Account # 4191977

Map, Tax Lot, & SIC # 16-01-08-00-00106

Site Address:	
Owner Name & Address: Ortis Ernest E & Gayle L 93130 Paschelke Rd Marcola, OR 97454	Taxpayer Name & Address: Ortis Ernest E & Gayle L 93130 Paschelke Rd Marcola, OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 1423142	

Approximate Tax	2.80	Subdivision Name:		School District:	Marcola
Lot Acres	121,968'			Phase:	
Inc City:		Lot #		Middle	
UGB:		Recording #		High	
Census Tr/BlkGrp:	0200/2				

Zoning:	Parent/Overlay	E40; RR5
Statistical Class:	190	Manufactured Home On Real Property
Land Use:	9101	Broadleaf Brush
Property Class:	409	Tract, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$0	\$54,550	\$54,550	\$49,844
2004	\$0	\$50,510	\$50,510	\$48,392

2005 Taxable Value \$ 49,844      2005 Taxes \$482.81      Tax Code Area 07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Manufactured Structure

Model Year:	1992	Make:	Golden West
Serial Number:	10749	Plate Number:	X216522
Length:	56	Width:	27
Model:			

<b>Comments:</b>
------------------

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

**LANE COUNTY REGIONAL LAND INFORMATION DATABASE**

Site Address: 92951 PASCHELKE RD

Map & Tax Lot #: 16-01-08-00-00106

Special Interest Code:

A & T Account #: 1423142



Site Address State Plane Coordinates

X-Coord: 4308667

Y-Coord: 930902

File Address Information:

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
92951			PASCHELKE		RD		
	Mailing City		State	Zip Code	Zip+4	Carrier Route	
	MARCOLA		OR	97454	9715	H069	

Create Date: 1989-10-25

Update Date:

Land Use:

Use Code and Description:

Code:	Description:
1111	SINGLE FAMILY HOUSING
S	SINGLE FAMILY

Zoning:

Code and Description:

Code:	Description:
LC	LANE COUNTY
E40	EXCLUSIVE FARM USE 40 ACRE MIN
RR5	RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information:

**General**

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers: MVF MOHAWK VALLEY FD

Plan Designation:

Node: N

2000 Census Tract: 0200

2000 Block Group: 2

Year Annexed:

Annexation #:

2004 Transportation Analysis Zone: 503

Approximate Acreage: 2.80

Approximate Square Footage: 121,968

Environmental Findings

Metro Flood Hazards: A6 Areas of 100-year flood; base flood elevations and flood hazard factors determined.

Metro Wetlands:

FEMA Flood Hazard Zones

FIRM Map Number: 41039C0680F Community Number: 415591 Post - FIRM Date: 1985-12-18 Panel Printed? (Y/N): Y

Code: FW Description: Floodway areas inside the 100-year flood, base flood elevations determined.

X Areas determined to be outside of 500-year flood.

X5 Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.

Soils

Table with 3 columns: Soil Map Unit Number, Soil Type Description, Percentage of Tax Lot. Rows include 22 CAMAS GRAVELLY SANDY LOAM, OCCASIONALLY FLOODED (77%) and 20B BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES (23%).

Schools

District: 79J Name: MARCOLA

Elementary School:

Middle School:

High School:

Service Districts

LTD Service Area:

LTD Ride Source:

Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District: EAST LANE

Soil Water Conservation District Zone: 0

Political Districts

Election Precinct: 100105

County Commissioner District: 5 EAST

County Commissioner: FAYE STEWART

State Representative District: 11

State Representative Name: PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District: 6

State Senator: WILLIAM MORRISETTE

LCC Board Zones: 3

EWEB Commissioner District:

RLID Detailed Property Report

Lane County Assessor's Office | Account Number: 1423142 | Map & Tax Lot: 16-01-08-00-00106

**Property Owner**

Owner1 Name: **ORTIS ERNEST E & GAYLE L**

Owner Address: **93130 PASCHELKE RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

**Taxpayer**

Taxpayer Name: **ORTIS ERNEST E & GAYLE L**

Taxpayer Address: **93130 PASCHELKE RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

Property Legal Description:

Township: **16**                      Range: **01**                      Section: **08**                      Quarter: **00**

Subdivision Type:                      Subdivision Name:                      Division/Phase:

Lot/Tract/Unit Number: **TL 00106**

Subdivision Number:

Recording Number:

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	107,690	3,960	111,650	61,530
2004	97,900	3,670	101,570	59,738
2003	82,269	3,460	85,729	57,998
2002	73,455	3,360	76,815	56,309
2001	59,720	3,050	62,770	54,669
2000	66,360	3,280	69,640	53,077
1999	65,700	3,450	69,150	51,531
1998	66,360	2,950	69,310	50,030
1997	63,810	2,950	66,760	48,573
1996	60,200	2,950	63,150	63,150
1995	51,020	2,950	53,970	19,800

<b>61,530</b>	<b>0</b>	<b>0</b>
Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	598.40
2004	579.25
2003	566.15
2002	557.06
2001	228.11
2000	224.90
1999	223.33
1998	551.97
1997	540.80
1996	620.91
1995	163.68

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and



omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

Potential Additional Tax; 96 Postponed Farm Tax \$1,132.22

Special Assessment Program (if applicable)

Code:

Description:

**General Information**

Property Class:	409	TRACT, MANUFACTURED STRUCTURE
Statistical Class:	107	NON-LIVING UNIT OF RESIDENTIAL VARIETY
Neighborhood Code:	20161	
Property Use Type:		
Account Type:	RP	
Category:	LAND AND IMPROVEMENTS	
Mortgage Company Name:		
Total Acreage for this Account:	3.41	
Fire Acres:		

**Tax Code Area (Levy Code): 07902**  
 EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J  
 MOHAWK VALLEY RURAL FIRE PROTECTION DIST

**Sales Information**

Sales Date:    Sales Price:    Grantor:    Grantee:    Instrument #:    Analysis Code:    Mult Acct?:

**Manufactured Structures**

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

PROPERTY REPORT - LANE COUNTY

Account # 0028546

Map, Tax Lot, & SIC # 16-01-08-00-00100

Site Address:	
Owner Name & Address: Jensen Jerald J & C D 93151 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Jensen Jerald J & C D 93151 Paschelke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 1178761	

Approximate Tax Lot Acres	168.13 7,323,743'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00100	Middle	
Census Tr/BlkGrp:	0200/3	Recording #		High	

Zoning: Parent/Overlay	E40; RR5
Statistical Class:	
Land Use:	4111 Railroad Right-of-Way
Property Class:	551 Farm, Efu, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$268,042	\$0	\$268,042	\$3,017
2004	\$244,877	\$0	\$244,877	\$2,930

2005 Taxable Value \$ 3,017      2005 Taxes \$142.70      Tax Code Area 07904

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*Faint handwritten signature*

PROPERTY REPORT - LANE COUNTY

Account # 1178761

Map, Tax Lot, & SIC # 16-01-08-00-00100

Site Address: 93151 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Jensen Jerald J & C D 93151 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Jensen Jerald J & C D 93151 Paschelke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 0028546	

Approximate Tax Lot Acres	168.13 7,323,743'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00100	Middle	
Census Tr/BlkGrp:	0200/3	Recording #		High	

Zoning: Parent/Overlay	E40; RR5
Statistical Class:	160 Class 6 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	551 Farm, Efu, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$282,775	\$637,740	\$920,515	\$539,082
2004	\$253,631	\$707,380	\$961,011	\$523,505
	2005 Taxable Value \$ 539,082	2005 Taxes \$5,242.79	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
03-18-1987	\$145,000	Earnest, Rosa S		87-02338300

Residential Building # 1 (of 2 ) Characteristics 31 stat 130

		Square feet	Base	Finished		
Year Built:	1877	Basement			Bsmt Garage Sqft	
Bedrooms	2	First	1210	1210	Att Garage Sqft	
Full Baths	1	Second			Det Garage Sqft	
Half Baths		Attic			Att Carport Sqft	602
% Improvmt Complete	100	Total	1210	1210		

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

PROPERTY REPORT - LANE COUNTY

Account # 1178761

Map, Tax Lot, & SIC # 16-01-08-00-00100

Site Address: 93221 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Jensen Jerald J & C D 93151 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Jensen Jerald J & C D 93151 Paschelke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 0028546	

Approximate Tax Lot Acres	168.13 7,323,743'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00100	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	E40; RR5
Statistical Class:	160 Class 6 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	551 Farm, Efu, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$282,775	\$637,740	\$920,515	\$539,082
2004	\$253,631	\$707,380	\$961,011	\$523,505

2005 Taxable Value	2005 Taxes	Tax Code Area
\$ 539,082	\$5,242.79	07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
03-18-1987	\$145,000	Earnest, Rosa S		87-02338300

Residential Building # 1 (of 2 ) Characteristics 31 stat 130

		Square feet	Base	Finished		
Year Built:	1877	Basement			Bsmt Garage Sqft	
Bedrooms	2	First	1210	1210	Att Garage Sqft	
Full Baths	1	Second			Det Garage Sqft	
Half Baths		Attic			Att Carport Sqft	602
% Improvmt Complete	100	Total	1210	1210		

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

## LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

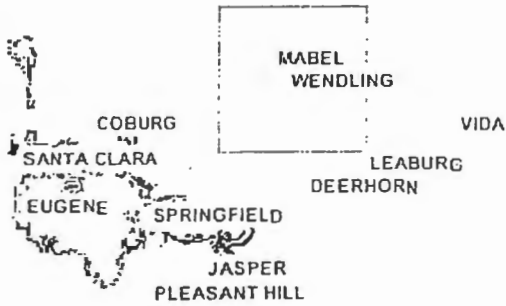
Map & Tax Lot #: 16-01-08-00-00100

Special Interest Code:

A & T Account #: 0028546

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4310316

Y-Coord: 931066

Land Use

Use Code and Description: 4111 RAILROAD RIGHT-OF-WAY

Code: Description:  
4111 RAILROAD RIGHT-OF-WAY

Land Use Code and Description: 4111

Use Code and Description: B

RAILROAD

Land Use Code and Description: 8310

TIMBERLANDS

Use Code and Description: T

TIMBER

Land Use Code and Description: 9100

VACANT, UNUSED, UNDEVELOPED LAND

Use Code and Description: V

VACANT

Zoning

Use Code and Description: LC LANE COUNTY EXCLUSIVE FARM USE 40 ACRE MIN

Code: Description:  
LC LANE COUNTY  
E40 EXCLUSIVE FARM USE 40 ACRE MIN  
RR5 RURAL RESIDENTIAL 5 ACRE MIN

Zoning Jurisdiction: LC

Parent Zone 1: E40

Parent Zone 2: RR5

Boundary Information

**General**

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers: MVF

MOHAWK VALLEY FD

Plan Designation:

Node: N

2000 Census Tract: 0200

2000 Block Group: 3

Year Annexed:

Annexation #:

2004 Transportation Analysis

507

Zone:

**RLID Detailed Property Report**

Approximate Acreage: **168.13**  
 Approximate Square Footage: **7,323,743**

**Environmental Findings**  
 Metro Flood Hazards:  
 Metro Wetlands:

**FEMA Flood Hazard Zones**

To be printed in conjunction with the Flood Hazard Panel. FEMA zones, height areas, base flood elevation, wetland and flood hazard zones. See the Flood Hazard Panel for more information. Based on the current city lot and city lot number. For more information, see the Flood Hazard Panel. Some FEMA maps are approximated as they are.

FIRM Map Number: **41039C0680F**      Community Number: **415591**      Post - FIRM Date: **1985-12-18**      Panel Printed? (Y/N): **Y**

Code: **AE**      Description: **Areas of 100-year flood, base flood elevations determined.**  
**FW**      **Floodway areas inside the 100-year flood, base flood elevations determined.**  
**X**      **Areas determined to be outside of 500-year flood.**  
**X5**      **Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.**

**Soils**

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
89D	NEKIA SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES	45
78	MCALPIN SILTY CLAY LOAM	19
45C	DUPEE SILT LOAM, 3 TO 20 PERCENT SLOPES	8
113E	RITNER COBBLY SILTY CLAY LOAM, 12 TO 30 PERCENT SLOPES	6
63D	JORY SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES	5
20B	BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES	5
22	CAMAS GRAVELLY SANDY LOAM, OCCASIONALLY FLOODED	5
89E	NEKIA SILTY CLAY LOAM, 20 TO 30 PERCENT SLOPES	4
113G	RITNER COBBLY SILTY CLAY LOAM, 30 TO 60 PERCENT SLOPES	2
36D	CUMLEY SILTY CLAY LOAM, 2 TO 20 PERCENT SLOPES	1

**Schools**

District: **79J**      Name: **MARCOLA**  
 Elementary School:  
 Middle School:  
 High School:

**Service Districts**

LTD Service Area:  
 LTD Ride Source:

Ambulance District: **EC** Area: **EAST/CENTRAL**      Provider: **SPRINGFIELD DEPT OF FIRE & LIFE SAFETY**

Emerald People's Utility District: **5**

Soil Water Conservation District: **EAST LANE**

Soil Water Conservation District Zone: **0**

**Political Districts**

Election Precinct: **100105**  
 County Commissioner District: **5**      **EAST**  
 County Commissioner: **FAYE STEWART**

State Representative District: 11  
 State Representative Name: PHIL BARNHART  
 City Council Ward:  
 City Councilor Name:  
 State Senate District: 6  
 State Senator: WILLIAM MORRISETTE  
 LCC Board Zones: 3  
 EWEB Commissioner District:

Lane County Assessor's Office | Account Number: 0028546 | Map & Tax Lot: 16-01-08-00-00100

**Property Owner**

Owner1 Name: JENSEN JERALD J & C D  
 Owner Address: 93151 PASCHELKE RD

City	State	Country	Zip Code
MARCOLA	OREGON	UNITED STATES	97454

**Taxpayer**

Taxpayer Name: JENSEN JERALD J & C D  
 Taxpayer Address: 93151 PASCHELKE RD

City	State	Country	Zip Code
MARCOLA	OREGON	UNITED STATES	97454

**Property Legal Description:**

Township: 16                      Range: 01                      Section: 08                      Quarter: 00  
 Subdivision Type:                      Subdivision Name:                      Division/Phase:

Lot/Tract/Unit Number: TL 00100

Subdivision Number:

Recording Number:

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	268,042	0	268,042	3,017
2004	244,877	0	244,877	2,930
2003	205,167	0	205,167	2,845
2002	190,276	0	190,276	2,762
2001	153,875	0	153,875	2,750
2000	165,458	0	165,458	2,671
1999	163,810	0	163,810	2,590
1998	165,460	0	165,460	2,590
1997	159,100	0	159,100	2,515
1996	150,090	0	150,090	3,010
1995	131,660	0	131,660	2,800

3,017	0	0
Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	142.70
2004	124.47
2003	123.38
2002	124.55
2001	124.81
2000	80.90

1999	123.06
1998	120.40
1997	126.01
1996	117.57
1995	102.30

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator                    1178761 1178761

**Remarks:**

**Potential Additional Tax**

**Special Assessment Program (if applicable)**

Code:	Description:
ZFARM	ZONED FARM

**General Information**

Property Class:	551	FARM, EFU, IMPROVED
Statistical Class:		
Neighborhood Code:	20161	
Property Use Type:	502	
Account Type:	RP	
Category:	LAND AND IMPROVEMENTS	
Mortgage Company Name:		
Total Acreage for this Account:	89.10	
Fire Acres:	89.1	

**Tax Code Area (Levy Code):** 07904  
 EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J

**Sales Information**

Sales Date:    Sales Price:    Grantor:    Grantee:    Instrument #:    Analysis Code:    Mult Acct?:

**Manufactured Structures**

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)



PROPERTY REPORT - LANE COUNTY

Account # 1178803

Map, Tax Lot, & SIC # 16-01-08-00-00801

Site Address: 92985 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Charlotte Higgins-lee Rev Liv Trust PO Box 1479 Springfield, OR 97477	Taxpayer Name & Address: Charlotte Higgins-lee Rev Liv Trust PO Box 1479 Springfield, OR 97477
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	2.56 111,514'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00801	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	130 Class 3 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	406 Tract, Waterfront, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value	
			Real Market	Assessed
2005	\$91,968	\$116,820	\$208,788	\$123,038
2004	\$83,608	\$90,560	\$174,168	\$119,454
2005 Taxable Value \$ 123,038		2005 Taxes \$1,252.59	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
05-05-2005	\$0	Higgins-lee Charlotte	Charlotte Higgins-lee Rev Liv Trust	20-05-032541
11-22-2004	\$239,900	Armstrong Mabel K	Higgins-lee Charlotte	20-04-092845

Residential Building # 1 (of 1) Characteristics 31 stat 130

		Square feet			
		Base	Finished		
Year Built:	1968	Basement		Bsmt Garage Sqft	
Bedrooms	3	First	1284	Att Garage Sqft	
Full Baths	1	Second		Det Garage Sqft	852
Half Baths		Attic		Att Carport Sqft	
% Improvmt Complete	100	Total	1284		

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

NOJA

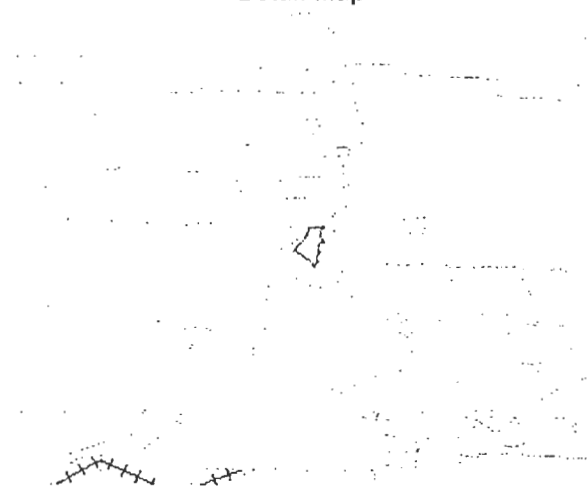
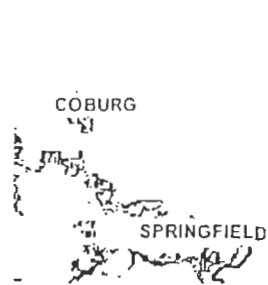
## LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address: 92985 MARCOLA RD  
 Map & Tax Lot #: 16-01-08-00-00801  
 A & T Account #: 1178803

Special Interest Code:

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4307974

Y-Coord: 929749

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
92985			MARCOLA		RD		
	Mailing City		State	Zip Code	Zip+4	Carrier Route	
	MARCOLA		OR	97454	9751	H069	

Create Date: 1986-07-02

Update Date:

Land Use

Use Code and Description:

Land Use Code and Description:

Code: 1111 Description: SINGLE FAMILY HOUSING

Use Code and Description:

S Description: SINGLE FAMILY

Zoning Jurisdiction:

Code: LC Description: LANE COUNTY

Parent Zone 1:

RR5 RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

MVF MOHAWK VALLEY FD

Plan Designation:

Node:

N

2000 Census Tract:

0200

2000 Block Group:

2

Year Annexed:

Annexation #:

2004 Transportation Analysis 503

**Zone:**

Approximate Acreage: 2.56  
 Approximate Square Footage: 111,514

**Environmental Findings**

Metro Flood Hazards:  
 Metro Wetlands:

**FEMA Flood Hazard Zones**

FIRM Map Number: 41039C0680F  
 Community Number: 415591  
 Post - FIRM Date: 1985-12-18  
 Panel Printed? (Y/N): Y

Code: FW  
 Description: Floodway areas inside the 100-year flood, base flood elevations determined.  
 X Areas determined to be outside of 500-year flood.  
 X5 Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.

**Soils**

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
29	CLOQUATO SILT LOAM	43
20B	BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES	38
1A	ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES	19

**Schools**

District: 79J  
 Name: MARCOLA  
 Elementary School:  
 Middle School:  
 High School:

**Service Districts**

LTD Service Area:  
 LTD Ride Source:  
 Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5  
 Soil Water Conservation District: EAST LANE  
 Soil Water Conservation District Zone: 0

**Political Districts**

Election Precinct: 100105  
 County Commissioner District: 5 EAST  
 County Commissioner: FAYE STEWART  
 State Representative District: 11  
 State Representative Name: PHIL BARNHART  
 City Council Ward:  
 City Councilor Name:  
 State Senate District: 6  
 State Senator: WILLIAM MORRISETTE  
 LCC Board Zones: 3  
 EWEB Commissioner District:

Lane County Assessor's Office | Account Number: 1178803 | Map & Tax Lot: 16-01-08-00-00801

**Property Owner**

Owner1 Name: CHARLOTTE HIGGINS-LEE REV LIV TRUST  
 Owner Address: PO BOX 1479

City	State	Country	Zip Code
SPRINGFIELD	OREGON		97477

**Taxpayer**

Taxpayer Name: CHARLOTTE HIGGINS-LEE REV LIV TRUST  
 Taxpayer Address: PO BOX 1479

City	State	Country	Zip Code
SPRINGFIELD	OREGON		97477

**Property Legal Description**

Township: 16                      Range: 01                      Section: 08                      Quarter: 00  
 Subdivision Type:                      Subdivision Name:                      Division/Phase:  
 Lot/Tract/Unit Number: TL 00801  
 Subdivision Number:  
 Recording Number:

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	91,968	116,820	208,788	123,038
2004	83,608	90,560	174,168	119,454
2003	70,260	74,840	145,100	115,975
2002	62,733	110,070	172,803	112,597
2001	51,003	93,280	144,283	109,317
2000	58,480	86,290	144,770	106,133
1999	57,900	90,830	148,730	103,042
1998	58,480	77,630	136,110	100,041
1997	56,230	78,410	134,640	97,127
1996	53,050	65,340	118,390	118,390
1995	44,960	49,930	94,890	94,890

123,038	0	0
Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	1,252.59
2004	1,214.29
2003	1,188.09
2002	1,169.91
2001	1,308.77
2000	1,250.17
1999	1,282.52
1998	1,159.72
1997	1,137.40
1996	1,220.05
1995	840.45

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and

omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code:

Description:

**General Information**

Property Class: 406 TRACT, WATERFRONT, IMPROVED  
 Statistical Class: 130 CLASS 3 SINGLE FAMILY HOME  
 Neighborhood Code: 20161  
 Property Use Type:  
 Account Type: RP  
 Category: LAND AND IMPROVEMENTS

**Mortgage Company Name:**

Total Acreage for this Account: 1.61  
 Fire Acres: 1.61

**Tax Code Area (Levy Code): 07902** Lane County Assessment and Parcel ID 2004-09 Issued Rates

- EMERALD PEOPLES UTILITY DISTRICT
- LANE COMMUNITY COLLEGE
- LANE COUNTY
- LANE EDUCATION SERVICE DISTRICT
- MARCOLA SCHOOL DISTRICT 79J
- MOHAWK VALLEY RURAL FIRE PROTECTION DIST

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
05-05-2005		HIGGINS-LEE CHARLOTTE	CHARLOTTE HIGGINS-LEE REV LIV TRUST	2005-32541	8	N
11-22-2004	239,900	ARMSTRONG MABEL K	HIGGINS-LEE CHARLOTTE	2004-92845	Y	N
01-19-1989	68,350	SAPP, GARY W	XX	89-292900	V	N

**Manufactured Structures**

**Building 1 Characteristics**

Account: 1178803 Map & Tax Lot: 16-01-08-00-00801  
 Inspection Date: 10-23-2000 Roofstyle: GABLE Bedrooms: 3  
 COMP SHINGLE

**RLID Detailed Property Report**

Building Type: **31 STAT 130**  
 Class: **3-**  
 Year Built: **1968**  
 Effect Year Built: **1980**

Roof Cover: **MEDIUM**  
 Heating: **OTHER**  
 Exterior Wall: **T 111 PLYWOOD**  
 Depreciation: **15**

Full Baths: **1**  
 Half Baths: **0**  
 Fireplaces: **NO**  
 Percent Improv. Complete: **100**

<u>Floor</u>	<u>Base Area</u>	<u>Finished Area</u>	<u>Parking Area</u>
Basement:			Bsmt Gar sqft:
First:	1284	1284	Att Gar sqft:
Second:			Att Port sqft:
Attic:			Det Gar sqft: <b>852</b>
			Driveway Sqft:
<b>TOTAL</b>	<b>1284</b>	<b>1284</b>	Paved Patio Sqft:

Search Results | New Property Search | Applications Menu

PROPERTY REPORT - LANE COUNTY

Account # 1186723

Map, Tax Lot, & SIC # 16-01-08-00-00802

Site Address: 92945 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Raybould James 92945 Marcola Rd Marcola , OR 97454	Taxpayer Name & Address: Raybould James 92945 Marcola Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	0.81 35,284'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00802	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	190      Manufactured Home On Real Property
Land Use:	1150      Mobile Home - Not In Mobile Home Park
Property Class:	406      Tract, Waterfront, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Total Value Assessed
2005	\$65,481	\$47,090	\$112,571	\$63,368
2004	\$59,529	\$39,240	\$98,769	\$61,522
	2005 Taxable Value \$ 63,368	2005 Taxes \$672.28	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
07-09-2002	\$0	Raybould James E	Raybould James	20-02-058006
02-28-2002	\$85,000	Blakeney Mary F Te	Raybould James	20-02-058632

Manufactured Structure

Model Year:	1982	Make:	Homette
Serial Number:	03910105R	Plate Number:	
Length:	56	Width:	12
Model:			

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

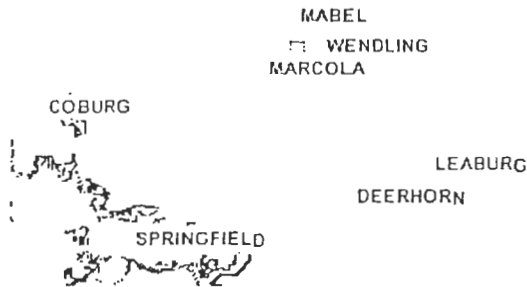
NOJA

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

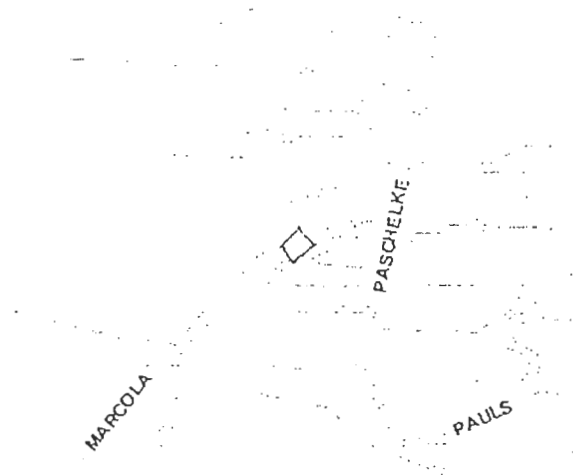
Site Address: 92945 MARCOLA RD  
 Map & Tax Lot #: 16-01-08-00-00802  
 A & T Account #: 1186723

Special Interest Code:

Vicinity Map



Detail Map



Site Address State Plane Coordinates

X-Coord: 4307693

Y-Coord: 929403

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
92945			MARCOLA		RD		
	Mailing City		State	Zip Code	Zip+4	Carrier Route	
	MARCOLA		OR	97454	9751	H069	
	Create Date: 1986-07-02			Update Date: 1990-03-05			

Land Use

Code:	Description:
1150	MOBILE HOME - NOT IN MOBILE HOME PARK
N	MOBILE HOME

Zoning

Code:	Description:
LC	LANE COUNTY
RR5	RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information

General

Incorporated City Limits:	
Urban Growth Boundary:	
Fire Protection Providers:	MVF MOHAWK VALLEY FD
Plan Designation:	
Node:	N
2000 Census Tract:	0200
2000 Block Group:	2
Year Annexed:	
Annexation #:	
2004 Transportation Analysis	503



RLID Detailed Property Report

Zone:

Approximate Acreage: 0.81

Approximate Square Footage: 35,284

Environmental Findings

Metro Flood Hazards:

Metro Wellands:

FEMA Flood Hazard Zones

FIRM Map Number:

41039C0680F

Code:

X

X5

Findings of environmental and natural resource studies.

Map of the subject property is shown on FEMA's map. Registered to be taken from the State of Illinois Department of Transportation, Office of the State Engineer, Bureau of Waterways, Flood Control and River Conservation, Division of Flood Control, State of Illinois, 1985-12-18.

Community Number: 415591 Post - FIRM Date: 1985-12-18 Panel Printed? (Y/N): Y

Description:

Areas determined to be outside of 500-year flood.

Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.

Soils

Soil Map Unit Number:

29

20B

Soil Type Description:

CLOQUATO SILT LOAM

BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES

Percentage of Tax Lot:

60

40

Schools

District:

Elementary School:

Middle School:

High School:

Service Districts

LTD Service Area:

LTD Ride Source:

Code:

79J

Name:

MARCOLA

Ambulance District:

EC Area: EAST/CENTRAL

Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation

District:

EAST LANE

Soil Water Conservation District

Zone:

0

Political Districts

Election Precinct:

100105

County Commissioner District:

5

EAST

County Commissioner:

FAYE STEWART

State Representative District:

11

State Representative Name:

PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District:

6

State Senator:

WILLIAM MORRISETTE

LCC Board Zones:

3

EWEB Commissioner District:

Lane County Assessor's Office | Account Number: 1186723 | Map & Tax Lot: 16-01-08-00-00802

Property Owner

Owner1 Name: RAYBOULD JAMES

Owner Address: 92945 MARCOLA RD

City	State	Country	Zip Code
MARCOLA	OREGON	UNITED STATES	97454

**Taxpayer**

Taxpayer Name: RAYBOULD JAMES  
 Taxpayer Address: 92945 MARCOLA RD

City	State	Country	Zip Code
MARCOLA	OREGON	UNITED STATES	97454

Property Legal Description:

Township: 16                      Range: 01                      Section: 08                      Quarter: 00  
 Subdivision Type:                      Subdivision Name:                      Division/Phase:  
 Lot/Tract/Unit Number: TL 00802  
 Subdivision Number:  
 Recording Number:

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	65,481	47,090	112,571	63,368
2004	59,529	39,240	98,769	61,522
2003	50,025	36,000	86,025	59,730
2002	44,968	0	44,968	32,594
2001	36,560	0	36,560	31,645
2000	40,620	0	40,620	30,723
1999	40,220	0	40,220	29,828
1998	40,630	0	40,630	28,959
1997	39,070	0	39,070	28,116
1996	36,860	0	36,860	36,860
1995	31,240	0	31,240	31,240

63,368	0	0
Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	672.28
2004	652.55
2003	639.05
2002	378.45
2001	418.65
2000	372.55
1999	411.05
1998	375.49
1997	315.78
1996	341.96
1995	262.49

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code:	Description:
<b>General Information</b>	
Property Class: 406	TRACT, WATERFRONT, IMPROVED
Statistical Class: 190	MANUFACTURED HOME ON REAL PROPERTY
Neighborhood Code: 20161	
Property Use Type:	
Account Type: RP	
Category: LAND AND IMPROVEMENTS	
Mortgage Company Name:	
Total Acreage for this Account: 1.00	
Fire Acres: 1.0	
Tax Code Area (Levy Code): 07902	
EMERALD PEOPLES UTILITY DISTRICT	
LANE COMMUNITY COLLEGE	
LANE COUNTY	
LANE EDUCATION SERVICE DISTRICT	
MARCOLA SCHOOL DISTRICT 79J	
MOHAWK VALLEY RURAL FIRE PROTECTION DIST	

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
07-09-2002		RAYBOULD JAMES E	RAYBOULD JAMES	2002-58006	8	Y
02-28-2002	85,000	BLAKENEY MARY F TE	RAYBOULD JAMES	2002-58632	Y	Y
03-31-2000		BLAKENEY MARY FRANCES	BLAKENEY FAMILY TRUST	2000-034104	6	N
04-28-1999		BLAKENEY MARY FRANCES ET AL	BLAKENEY MARY FRANCES LIFE ESTATE	99-056824	6	N
07-07-1998		BLAKENEY, MARY FRANCES		9805351300	7	
04-23-1998		BLAKENEY TR		9803161000	6	

**Manufactured Structures**

Model Year: 1982	Make: HOMETTE	Model:
Serial Number: 03910105R	Plate Number: EM46329	LOIS Number: L232746

Length: 56

Width: 12

Building 1 Characteristics

Account: 1186723

Map & Tax Lot: 16-01-08-00-00802

Inspection Date:

Roofstyle: GABLE

Bedrooms:

Building Type: 11 MANUFACTURED STRUCTURE

Roof Cover: COMP SHINGLE MEDIUM

Full Baths:

Class:

Heating:

Half Baths:

Year Built:

Exterior Wall:

Fireplaces:

Effect Year Built: 1981

Depreciation:

Percent Improv. Complete: 100

Floor

Base Area Finished Area

Parking Area

Basement:

Bsmt Gar sqft:

First:

Att Gar sqft:

Second:

Att Port sqft:

Attic:

Det Gar sqft:

Driveway Sqft:

TOTAL

Paved Patio Sqft:

PROPERTY REPORT - LANE COUNTY

Account # 1297868

Map, Tax Lot, & SIC # 16-01-08-00-00803

Site Address: 92955 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Spencer Rene D & Richard K 92955 Marcola Rd Marcola , OR 97454	Taxpayer Name & Address: Spencer Rene D & Richard K 92955 Marcola Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	0.88 38,333'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00803	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	130 Class 3 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	406 Tract, Waterfront, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$75,997	\$158,400	\$234,397	\$135,405
2004	\$69,089	\$122,790	\$191,879	\$131,461

2005 Taxable Value \$ 135,405      2005 Taxes \$1,372.87      Tax Code Area 07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
01-10-2002	\$116,500	Mccall Laurie, Conservator For Etal	Spencer Rene D & Richard K	20-02-003437
10-27-1993	\$87,500	Reynolds, Michael V		93-07402400

Residential Building # 1 (of 1 ) Characteristics 31 stat 130

		Square feet			
		Base	Finished		
Year Built:	1982	Basement		Bsmt Garage Sqft	
Bedrooms	3	First	900 900	Att Garage Sqft	
Full Baths	1	Second	392 392	Det Garage Sqft	1216
Half Baths		Attic		Att Carport Sqft	
% Improvmt Complete	100	Total	1292 1292		

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

NO SA

PROPERTY REPORT - LANE COUNTY

Account # 1297868

Map, Tax Lot, & SIC # 16-01-08-00-00803

Site Address: 92955 MARCOLA RD 1 MARCOLA OR 97454	
Owner Name & Address: Spencer Rene D & Richard K 92955 Marcola Rd Marcola , OR 97454	Taxpayer Name & Address: Spencer Rene D & Richard K 92955 Marcola Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	0.88 38,333'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00803	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning:	Parent/Overlay	RR5
Statistical Class:	130	Class 3 Single Family Home
Land Use:	1150	Mobile Home - Not In Mobile Home Park
Property Class:	406	Tract, Waterfront, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$75,997	\$158,400	\$234,397	\$135,405
2004	\$69,089	\$122,790	\$191,879	\$131,461

2005 Taxable Value	2005 Taxes	Tax Code Area
\$ 135,405	\$1,372.87	07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
01-10-2002	\$116,500	Mccall Laurie, Conservator For Etal	Spencer Rene D & Richard K	20-02-003437
10-27-1993	\$87,500	Reynolds, Michael V		93-07402400

Residential Building # 1 (of 1) Characteristics 31 stat 130

		Square feet	Base	Finished		
Year Built:	1982	Basement			Bsmt Garage Sqft	
Bedrooms	3	First	900	900	Att Garage Sqft	
Full Baths	1	Second	392	392	Det Garage Sqft	1216
Half Baths		Attic			Att Carport Sqft	
% Improvmt Complete	100	Total	1292	1292		

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

**LANE COUNTY REGIONAL LAND INFORMATION DATABASE**

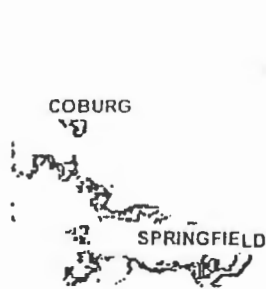
Site Address: 92955 MARCOLA RD  
 Map & Tax Lot #: 16-01-08-00-00803  
 A & T Account #: 1297868

Special Interest Code:

Tax Map View Tax Map Convert to PDF Document

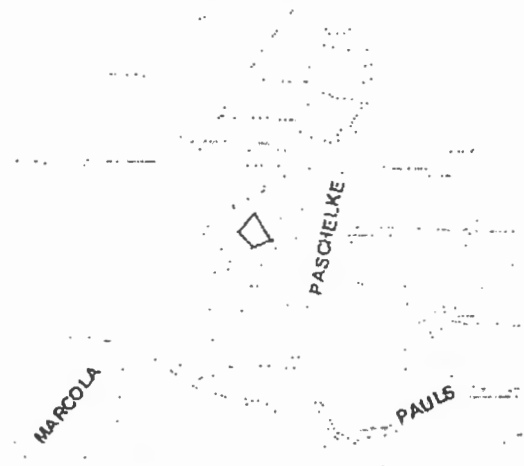
Vicinity Map

Detail Map



MABEL  
 WENDLING  
 MARCOLA

LEABURG  
 DEERHORN



Site Address State Plane Coordinates  
 X-Coord: 4307833  
 Y-Coord: 929508

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
92955			MARCOLA		RD		
Mailing City			State	Zip Code	Zip+4	Carrier Route	
MARCOLA			OR	97454	9751	H069	
Create Date: 1986-07-02				Update Date: 2002-07-10			

Land Use

Code:	Description:
1111	SINGLE FAMILY HOUSING
S	SINGLE FAMILY

Zoning

Code:	Description:
LC	LANE COUNTY
RR5	RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information:

General

Incorporated City Limits:	
Urban Growth Boundary:	
Fire Protection Providers:	MVF MOHAWK VALLEY FD
Plan Designation:	
Node:	N
2000 Census Tract:	0200
2000 Block Group:	2
Year Annexed:	
Annexation #:	

2004 Transportation Analysis 503

Zone:

Approximate Acreage: 0.88  
Approximate Square Footage: 38,333

Environmental Findings

Metro Flood Hazards:  
Metro Wetlands:

FEMA Flood Hazard Zones

FIRM Map Number: 41039C0680F  
Community Number: 415591  
Post - FIRM Date: 1985-12-18  
Panel Printed? (Y/N): Y  
Code: X  
Description: Areas determined to be outside of 500-year flood.

Soils

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
29	CLOQUATO SILT LOAM	88
20B	BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES	12

Schools

District: 79J  
Name: MARCOLA  
Elementary School:  
Middle School:  
High School:

Service Districts

LTD Service Area:  
LTD Ride Source:

Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District: EAST LANE

Soil Water Conservation District Zone: 0

Political Districts

Election Precinct: 100105  
County Commissioner District: 5 EAST  
County Commissioner: FAYE STEWART  
State Representative District: 11  
State Representative Name: PHIL BARNHART  
City Council Ward:  
City Councilor Name:  
State Senate District: 6  
State Senator: WILLIAM MORRISSETTE  
LCC Board Zones: 3

EWEB Commissioner District:

Lane County Assessor's Office, Account Number: 1297666 | Map & Tax Lot: 16-01-08-00-00303

Property Owner

Owner1 Name: SPENCER RENE D & RICHARD K  
Owner Address: 92955 MARCOLA RD

City State Country Zip Code



Property Report

MARCOLA OREGON UNITED STATES 97454

Taxpayer

Taxpayer Name: SPENCER RENE D & RICHARD K  
 Taxpayer Address: 92955 MARCOLA RD

City State Country Zip Code  
 MARCOLA OREGON UNITED STATES 97454

Property Legal Description

Township: 16 Range: 01 Section: 08 Quarter: 00  
 Subdivision Type: Subdivision Name: Division/Phase:  
 Lot/Tract/Unit Number: TL 00803  
 Subdivision Number:  
 Recording Number:

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	75,997	158,400	234,397	135,405
2004	69,089	122,790	191,879	131,461
2003	58,059	101,480	159,539	127,632
2002	56,358	105,000	161,358	112,161
2001	45,820	88,980	134,800	108,894
2000	50,910	95,680	146,590	105,722
1999	50,410	100,710	151,120	102,643
1998	50,920	86,080	137,000	99,653
1997	48,960	86,950	135,910	96,750
1996	46,190	72,460	118,650	118,650
1995	39,140	68,360	107,500	107,500

135,405 0 0  
 Taxable Value Exemption Amount Regular (EAR) Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	1,372.87
2004	1,330.71
2003	1,301.88
2002	1,165.60
2001	1,303.93
2000	1,245.38
1999	1,277.77
1998	1,155.43
1997	1,133.21
1996	1,222.60
1995	766.55

Explanation of Tax

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

Account Status

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year

- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code:

Description:

**General Information**

Property Class: 406 TRACT, WATERFRONT, IMPROVED  
 Statistical Class: 130 CLASS 3 SINGLE FAMILY HOME  
 Neighborhood Code: 20161  
 Property Use Type:  
 Account Type: RP  
 Category: LAND AND IMPROVEMENTS  
 Mortgage Company Name: TOTAL MORTGAGE SOLUTIONS LP  
 Total Acreage for this Account: 1.04  
 Fire Acres: 1.04

Tax Code Area (Levy Code): 07902  
 EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J  
 MOHAWK VALLEY RURAL FIRE PROTECTION DIST

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
01-10-2002	116,500	MCCALL LAURIE, CONSERVATOR FOR ETAL	SPENCER RENE D & RICHARD K	2002- 3437	V	N
10-27-1993	87,500	REYNOLDS, MICHAEL V		9307402400	0	
11-13-1991		REYNOLDS, KRISTINE I		9105862700	6	

**Manufactured Structures**

**Building 1 Characteristics**

Account: 1297868 Map & Tax Lot: 16-01-08-00-00803  
 Inspection Date: 03-20-2003 Roofstyle: FLAT OR SHED Bedrooms: 3  
 Building Type: 31 STAT 130 Roof Cover: COMPOSITION FULL BATHS: 1  
 Class: 3 Heating: Half Baths:  
 Year Built: 1982 Exterior Wall: T 111 PLYWOOD Fireplaces: NO  
 Effect Year Built: 1993 Depreciation: 9 Percent Improv. Complete: 100  
 Floor: Base Area Finished Area Parking Area  
 Basement: Bsmt Gar sqft:

RLID Detailed Property Report

First:	900	900 Att Gar sqft:	
Second:	392	392 Att Port sqft:	
Attic:		Det Gar sqft:	1216
		Driveway Sqft:	
TOTAL	1292	1292 Paved Patio Sqft:	576

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

PROPERTY REPORT - LANE COUNTY

Account # 1371440

Map, Tax Lot, & SIC # 16-01-08-00-00804

Site Address: 92961 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Boartfield David L & S L PO Box 999 Marcola , OR 97545	Taxpayer Name & Address: Boartfield David L & S L PO Box 999 Marcola , OR 97545
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	1.08 47,045'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00804	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	190 Manufactured Home On Real Property
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	409 Tract, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$85,085	\$100,550	\$185,635	\$128,501
2004	\$77,350	\$93,100	\$170,450	\$124,758

2005 Taxable Value	2005 Taxes	Tax Code Area
\$ 128,501	\$1,305.72	07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
07-21-1998	\$165,000	Bates, Patsy R		98-06769700
03-20-1996	\$0	Bates, Patsy R		96-01994400

Manufactured Structure

Model Year:	1994	Make:	Skyline
Serial Number:		Plate Number:	
Length:	66	Width:	27
Model:			

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*RD JA*

**LANE COUNTY REGIONAL LAND INFORMATION DATABASE**

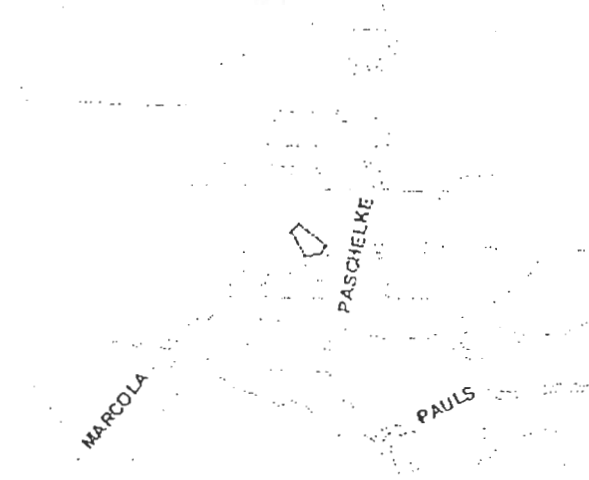
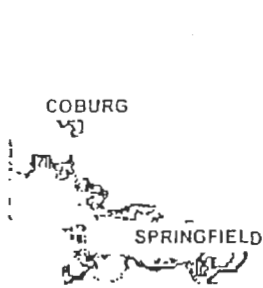
Site Address: 92961 MARCOLA RD  
 Map & Tax Lot #: 16-01-08-00-00804  
 A & T Account #: 1371440

Special Interest Code:

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4307970

Y-Coord: 929609

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
92961			MARCOLA		RD		
	Mailing City		State	Zip Code	Zip+4	Carrier Route	
	MARCOLA		OR	97454	9751	H069	
	Create Date: 1994-02-23			Update Date: 1994-02-24			

Land Use

Land Use Code and Description:	Code:	Description:
	1150	MOBILE HOME - NOT IN MOBILE HOME PARK
	N	MOBILE HOME

Zoning

Zoning Jurisdiction:	Code:	Description:
	LC	LANE COUNTY
Parent Zone 1:	RR5	RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information

General

Incorporated City Limits:		
Urban Growth Boundary:		
Fire Protection Providers:	MVF	MOHAWK VALLEY FD
Plan Designation:		
Node:	N	
2000 Census Tract:	0200	
2000 Block Group:	2	
Year Annexed:		
Annexation #:		

2004 Transportation Analysis 503

Zone:

Approximate Acreage: 1.08

Approximate Square Footage: 47,045

**Environmental Findings**

Metro Flood Hazards:

Metro Wetlands:

**FEMA Flood Hazard Zones**

FIRM Map Number:

41039C0680F

Community Number:

415591

Post - FIRM Date:

1985-12-18

Panel Printed? (Y/N):

Y

Code:

X

Description:

Areas determined to be outside of 500-year flood.

X5

Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.

**Soils**

Soil Map Unit Number:

29

20B

Soil Type Description:

CLOQUATO SILT LOAM

BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES

Percentage of Tax Lot:

70

30

**Schools**

Code:

79J

Name:

MARCOLA

District:

Elementary School:

Middle School:

High School:

**Service Districts**

LTD Service Area:

LTD Ride Source:

Ambulance District:

EC Area: EAST/CENTRAL

Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation

District:

EAST LANE

Soil Water Conservation District 0

Zone:

**Political Districts**

Election Precinct:

100105

County Commissioner District:

5

EAST

County Commissioner:

FAYE STEWART

State Representative District:

11

State Representative Name:

PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District:

6

State Senator:

WILLIAM MORRISETTE

LCC Board Zones:

3

EWEB Commissioner District:

Lone County Assessor's Office | Account Number: 1371440 | Map & Tax Lot: 16-01-08-00-00804

**Property Owner**

Owner1 Name: BOARTFIELD DAVID L & S L

Owner Address: PO BOX 999

City: MARCOLA State: OREGON Country: UNITED STATES Zip Code: 97545

**Taxpayer**

Taxpayer Name: BOARTFIELD DAVID L & S L

Taxpayer Address: PO BOX 999

City: MARCOLA State: OREGON Country: UNITED STATES Zip Code: 97545

**Property Legal Description**

Township: 16 Range: 01 Section: 08 Quarter: 00

Subdivision Type: Subdivision Name: Division/Phase:

Lot/Tract/Unit Number: TL 00804

Subdivision Number:

Recording Number:

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	85,085	100,550	185,635	128,501
2004	77,350	93,100	170,450	124,758
2003	65,001	87,830	152,831	121,124
2002	58,037	85,270	143,307	117,596
2001	47,430	21,970	69,400	58,012
2000	52,700	18,620	71,320	56,322
1999	52,180	19,600	71,780	54,682
1998	52,710	16,750	69,460	53,089
1997	50,680	16,750	67,430	51,543
1996	47,810	16,750	64,560	64,560
1995	40,520	16,750	57,270	57,270

128,501 Taxable Value      0 Exemption Amount Regular (EAR)      0 Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	1,305.72
2004	1,265.72
2003	1,238.35
2002	1,219.37
2001	720.82
2000	670.47
1999	706.89
1998	641.71
1997	629.88
1996	690.77
1995	434.54

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code:		Description:
<b>General Information</b>		
Property Class:	409	TRACT, MANUFACTURED STRUCTURE
Statistical Class:	190	MANUFACTURED HOME ON REAL PROPERTY
Neighborhood Code:	20161	
Property Use Type:		
Account Type:	RP	
Category:	LAND AND IMPROVEMENTS	
Mortgage Company Name:		
Total Acreage for this Account:	1.39	
Fire Acres:	1.39	

**Tax Code Area (Levy Code): 07902** City of Medford, Oregon Tax Code 07902 - 07902 - 07902

- EMERALD PEOPLES UTILITY DISTRICT
- LANE COMMUNITY COLLEGE
- LANE COUNTY
- LANE EDUCATION SERVICE DISTRICT
- MARCOLA SCHOOL DISTRICT 79J
- MOHAWK VALLEY RURAL FIRE PROTECTION DIST

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
07-21-1998	165,000	BATES, PATSY R		9806769700	V	
03-20-1996		BATES, PATSY R		9601994400	8	
01-10-1994	54,000	TORRENCE, RONALD G & ROSALITA H&W		94- 201600	0	
04-17-1992	41,000	BUCKNER, CHARLES & JOVITA H&W		9202274700	0	
04-03-1991	35,000	HUDSON, GERNITH		9101714300	0	

**Manufactured Structures**

Model Year: 1994	Make: SKYLINE	Model:
Serial Number:	Plate Number: EM24288	LOIS Number: L121679
Length: 66	Width: 27	

**Building 1 Characteristics**



Account: 1371440

Map & Tax Lot: 16-01-08-00-00804

Inspection Date: 05-02-1994

Roofstyle: GABLE

Bedrooms:

Building Type: 11 MANUFACTURED STRUCTURE

Roof Cover: COMP SHINGLE MEDIUM

Full Baths:

Class:

Heating:

Half Baths:

Year Built:

Exterior Wall:

Fireplaces:

Effect Year Built: 1994

Depreciation:

Percent Improv. Complete: 100

Floor

Base Area Finished Area

Parking Area

Basement:

Bsmt Gar sqft:

First:

Att Gar sqft:

Second:

Att Port sqft:

Attic:

Det Gar sqft:

Driveway Sqft:

TOTAL

Paved Patio Sqft:

PROPERTY REPORT - LANE COUNTY

Account # 0028736

Map, Tax Lot, & SIC # 16-01-08-00-00800

Site Address: 92885 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Dustrude Ray O & Ida M 92885 Marcola Rd Marcola , OR 97454	Taxpayer Name & Address: Dustrude Ray O & Ida M 92885 Marcola Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 1178795, 4210181	

Approximate Tax Lot Acres	7.65 333,234'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00800	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	409 Tract, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$59,940	\$0	\$59,940	\$32,369
2004	\$54,491	\$0	\$54,491	\$31,426
	2005 Taxable Value \$ 32,369	2005 Taxes \$288.42	Tax Code Area 07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished		
Year Built:				Bsmt Garage Sqft	
Bedrooms				Att Garage Sqft	
Full Baths				Det Garage Sqft	
Half Baths				Att Carport Sqft	
% Improvmt Complete					
	Basement				
	First				
	Second				
	Attic				
	Total				

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

NO 5A

PROPERTY REPORT - LANE COUNTY

Account # 1178795

Map, Tax Lot, & SIC # 16-01-08-00-00800

Site Address: 92922 MARCOLA RD MARCOLA OR 97454	
Owner Name & Address: Dustrude Ray O & Ida M 92885 Marcola Rd Marcola, OR 97454	Taxpayer Name & Address: Dustrude Ray O & Ida M 92885 Marcola Rd Marcola, OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 0028736, 4210181	

Approximate Tax Lot Acres	7.65 333,234'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00800	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning:	Parent/Overlay	RR5
Statistical Class:	107	Non-living Unit Of Residential Variety
Land Use:	1111	Single Family Housing
Property Class:	409	Tract, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$74,743	\$25,210	\$99,953	\$61,805
2004	\$67,949	\$23,340	\$91,289	\$60,005
	2005 Taxable Value \$ 61,805	2005 Taxes \$601.08	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished		
Year Built:				Bsmt Garage Sqft	
Bedrooms				Att Garage Sqft	
Full Baths				Det Garage Sqft	
Half Baths				Att Carport Sqft	
% Improvmt Complete					
	Basement				
	First				
	Second				
	Attic				
	Total				

Comments:

\*This report extracts commonly used information from the Detailed Property Report. [Click here for the full Detailed Property Report.](#)

PROPERTY REPORT - LANE COUNTY

Account # 4210181

Map, Tax Lot, & SIC # 16-01-08-00-00800

Site Address:	
Owner Name & Address: Dustrude Ray O & Ida M 92885 Marcola Rd Marcola , OR 97454	Taxpayer Name & Address: Dustrude Ray O & Ida M 92885 Marcola Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 0028736, 1178795	

Approximate Tax Lot Acres	7.65 333,234'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #		Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	190      Manufactured Home On Real Property
Land Use:	9101      Broadleaf Brush
Property Class:	409      Tract, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$0	\$73,040	\$73,040	\$56,435
2004	\$0	\$67,630	\$67,630	\$54,791
	2005 Taxable Value \$ 56,435	2005 Taxes \$548.85	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
------	-------	---------	---------	--------------

Manufactured Structure

Model Year:	1994	Make:	Fleetwood
Serial Number:	16229	Plate Number:	X229233
Length:	58	Width:	24
Model:			

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

**LANE COUNTY REGIONAL LAND INFORMATION DATABASE**

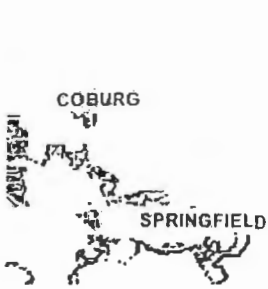
Site Address: 92885 MARCOLA RD  
 Map & Tax Lot #: 16-01-08-00-00800  
 A & T Account #: 0028736

Special Interest Code:

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates  
 X-Coord: 4307221  
 Y-Coord: 928680

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
92885			MARCOLA		RD		
	Mailing City		State	Zip Code	Zip+4	Carrier Route	
	MARCOLA		OR	97454	9750	H069	
	Create Date: 1994-07-12			Update Date: 1994-07-12			

Land Use

Code:	Description:
1150	MOBILE HOME - NOT IN MOBILE HOME PARK
N	MOBILE HOME

Zoning

Code:	Description:
LC	LANE COUNTY
RR5	RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information:

General

Incorporated City Limits:	
Urban Growth Boundary:	
Fire Protection Providers:	MVF MOHAWK VALLEY FD
Plan Designation:	
Node:	N
2000 Census Tract:	0200
2000 Block Group:	2
Year Annexed:	
Annexation #:	
2004 Transportation Analysis	503

Zone:

Approximate Acreage: 7.65

Approximate Square Footage: 333,234

Environmental Findings

Metro Flood Hazards:

Metro Wetlands:

FEMA Flood Hazard Zones

FIRM Map Number:

41039C0680F

Code:

AE

FW

X

X5

Community Number:

415591

Post - FIRM Date:

1985-12-18

Panel Printed? (Y/N):

Y

Description:

Areas of 100-year flood, base flood elevations determined.

Floodway areas inside the 100-year flood, base flood elevations determined.

Areas determined to be outside of 500-year flood.

Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.

Soils

Soil Map Unit Number:

29

1A

20B

Soil Type Description:

CLOQUATO SILT LOAM

ABIQUA SILTY CLAY LOAM, 0 TO 3 PERCENT SLOPES

BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES

Percentage of Tax Lot:

79

14

7

Schools

District:

Elementary School:

Middle School:

High School:

Service Districts

LTD Service Area:

LTD Ride Source:

Ambulance District:

Emerald People's Utility District: 5

Soil Water Conservation

District:

Soil Water Conservation District

Zone:

Political Districts

Election Precinct:

County Commissioner District:

County Commissioner:

State Representative District:

State Representative Name:

City Council Ward:

City Councilor Name:

State Senate District:

State Senator:

LCC Board Zones:

Code:

79J

Name:

MARCOLA

EC Area: EAST/CENTRAL

Provider:

SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

EAST LANE

0

100105

5

FAYE STEWART

11

PHIL BARNHART

6

WILLIAM MORRISETTE

3

**EWEB Commissioner District:**

Lane County Assessor's Office | Account Number: 00287361 | Map & Tax Lot: 16-01-08-00-00800

**Property Owner**

Owner1 Name: **DUSTRUDE RAY O & IDA M**  
 Owner Address: **92885 MARCOLA RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

**Taxpayer**

Taxpayer Name: **DUSTRUDE RAY O & IDA M**  
 Taxpayer Address: **92885 MARCOLA RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

**Property Legal Description**

Township: <b>16</b>	Range: <b>01</b>	Section: <b>08</b>	Quarter: <b>00</b>
Subdivision Type:	Subdivision Name:	Division/Phase:	
Lot/Tract/Unit Number: <b>TL 00800</b>			
Subdivision Number:			
Recording Number:			

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	59,940	0	59,940	32,369
2004	54,491	0	54,491	31,426
2003	45,791	0	45,791	30,511
2002	40,885	0	40,885	29,622
2001	33,240	0	33,240	28,759
2000	36,930	0	36,930	27,921
1999	36,560	0	36,560	27,108
1998	36,930	0	36,930	26,318
1997	35,510	0	35,510	25,551
1996	33,500	0	33,500	33,500
1995	28,390	0	28,390	28,390

<b>32,369</b>	<b>0</b>	<b>0</b>
Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)
		Tax (See Explanation of Tax)

Tax Year	Tax
2005	288.42
2004	281.76
2003	275.60
2002	269.71
2001	302.37
2000	260.90
1999	301.21
1998	296.54
1997	292.08
1996	315.88
1995	243.65

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property.

Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator                      1178795, 4210181

**Remarks:**

**Potential Additional Tax; 94 Postponed Farm Tax \$1,217.48**

**Special Assessment Program (if applicable)**

Code:	Description:
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**General Information**

Property Class:	409	TRACT, MANUFACTURED STRUCTURE
Statistical Class:		
Neighborhood Code:	20161	
Property Use Type:		
Account Type:	RP	
Category:	LAND AND IMPROVEMENTS	
Mortgage Company Name:		
Total Acreage for this Account:	4.98	
Fire Acres:	9.98	

**Tax Code Area (Levy Code): 07904** Levy Code: 07904 - Emerald Peoples Utility District

EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
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**Manufactured Structures**

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)



PROPERTY REPORT - LANE COUNTY

Account # 0028751

Map, Tax Lot, & SIC # 16-01-08-00-00901

Site Address: 93022 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Pierpoint Clifford & Helen F 92980 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Anderson William Harry 92980 Paschelke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 4052765	

Approximate Tax Lot Acres	1.57 68,389'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00901	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	107 Non-living Unit Of Residential Variety
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	409 Tract, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$97,321	\$2,850	\$100,171	\$54,998
2004	\$88,474	\$2,640	\$91,114	\$53,396

2005 Taxable Value \$ 54,998      2005 Taxes \$590.88      Tax Code Area 07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished		
Year Built:				Bsmt Garage Sqft	
Bedrooms				Att Garage Sqft	
Full Baths				Det Garage Sqft	
Half Baths				Att Carport Sqft	
% Improvmt Complete					
	Basement				
	First				
	Second				
	Attic				
	Total				

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*NO SA*

PROPERTY REPORT - LANE COUNTY

Account # 4052765

Map, Tax Lot, & SIC # 16-01-08-00-00901

Site Address:	
Owner Name & Address: Anderson William Harry 92980 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Anderson William Harry 92980 Paschelke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 0028751	

Approximate Tax Lot Acres	1.57 68,389'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #		Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	199      Manufactured Home In A Park
Land Use:	9100      Vacant, Unused, Undeveloped Land
Property Class:	409      Tract, Manufactured Structure

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$0	\$2,260	\$2,260	\$2,260
2004	\$0	\$2,090	\$2,090	\$2,090
	2005 Taxable Value \$ 2,260	2005 Taxes \$26.83	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
------	-------	---------	---------	--------------

Manufactured Structure

Model Year:	1961	Make:	Skyline
Serial Number:	51085	Plate Number:	X086236
Length:	52	Width:	10
Model:			

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

**LANE COUNTY REGIONAL LAND INFORMATION DATABASE**

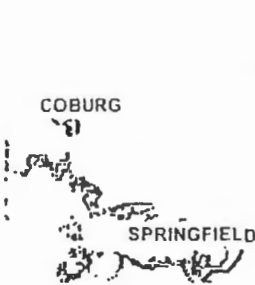
Site Address: 93022 PASCHELKE RD  
 Map & Tax Lot #: 16-01-08-00-00901  
 A & T Account #: 0028751

Special Interest Code:

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4308524

Y-Coord: 930173

Site Address information:

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
93022			PASCHELKE		RD		
	Mailing City		State	Zip Code	Zip+4	Carrier Route	
	MARCOLA		OR	97454	9758	H069	
	Create Date: 1988-06-13			Update Date: 1990-03-13			

Land Use

Code:	Description:
1150	MOBILE HOME - NOT IN MOBILE HOME PARK
N	MOBILE HOME

Zoning

Code:	Description:
LC	LANE COUNTY
RR5	RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information

General

Incorporated City Limits:	
Urban Growth Boundary:	
Fire Protection Providers:	MVF MOHAWK VALLEY FD
Plan Designation:	
Node:	N
2000 Census Tract:	0200
2000 Block Group:	2
Year Annexed:	
Annexation #:	
2004 Transportation Analysis	503

Zone:

Approximate Acreage: 1.57

Approximate Square Footage: 68,389

Environmental Findings

Metro Flood Hazards: A6 Areas of 100-year flood; base flood elevations and flood hazard factors determined.

Metro Wellands:

FEMA Flood Hazard Zones

FIRM Map Number: 41039C0680F Community Number: 415591 Post - FIRM Date: 1985-12-18 Panel Printed? (Y/N): Y

Code: FW Description: Floodway areas inside the 100-year flood, base flood elevations determined. X Areas determined to be outside of 500-year flood. X5 Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.

Soils

Soil Map Unit Number: 20B Soil Type Description: BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES Percentage of Tax Lot: 100

Schools

District: 79J Code: 79J Name: MARCOLA

Elementary School:

Middle School:

High School:

Service Districts

LTD Service Area:

LTD Ride Source:

Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District: EAST LANE

Soil Water Conservation District Zone: 0

Political Districts

Election Precinct: 100105

County Commissioner District: 5 EAST

County Commissioner: FAYE STEWART

State Representative District: 11

State Representative Name: PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District: 6

State Senator: WILLIAM MORRISETTE

LCC Board Zones: 3

EWEB Commissioner District:

Land County Assessor's Office Account Number: 00287511 Map & Tax Lot: 16-01-08-00-00001

408

**KLID Detailed Property Report**

14803017

**Property Owner**

Owner1 Name: **PIERPOINT CLIFFORD & HELEN F**  
 Owner Address: **92980 PASCHELKE RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

**Taxpayer**

Taxpayer Name: **ANDERSON WILLIAM HARRY**  
 Taxpayer Address: **92980 PASCHELKE RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

**Property Legal Description**

Township: **16**      Range: **01**      Section: **08**      Quarter: **00**  
 Subdivision Type:      Subdivision Name:      Division/Phase:  
 Lot/Tract/Unit Number: **TL 00901**  
 Subdivision Number:  
 Recording Number:  
**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	97,321	2,850	100,171	54,998
2004	88,474	2,640	91,114	53,396
2003	74,348	2,490	76,838	51,841
2002	66,383	2,420	68,803	50,331
2001	53,970	2,200	56,170	48,865
2000	59,970	2,370	62,340	47,442
1999	59,380	2,490	61,870	46,060
1998	59,980	2,130	62,110	44,718
1997	57,670	2,130	59,800	43,416
1996	54,410	2,130	56,540	56,540
1995	46,110	2,130	48,240	48,240

54,998	0	0
Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	590.88
2004	573.75
2003	562.05
2002	553.92
2001	615.99
2000	567.13
1999	604.26
1998	549.35
1997	539.39
1996	611.92
1995	374.84

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any

discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code:

Description:

**General Information**

Property Class:	409	TRACT, MANUFACTURED STRUCTURE
Statistical Class:	107	NON-LIVING UNIT OF RESIDENTIAL VARIETY
Neighborhood Code:	20161	
Property Use Type:		
Account Type:	RP	
Category:	LAND AND IMPROVEMENTS	
Mortgage Company Name:		
Total Acreage for this Account:	1.79	
Fire Acres:	1.79	

**Tax Code Area (Levy Code): 07902**  
 EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J  
 MOHAWK VALLEY RURAL FIRE PROTECTION DIST

**Sales Information**

Sales Date:    Sales Price:    Grantor:    Grantee:    Instrument #:    Analysis Code:    Mult Acct?:

**Manufactured Structures**

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

PROPERTY REPORT - LANE COUNTY

Account # 0028769

Map, Tax Lot, & SIC # 16-01-08-00-01000

Site Address: 92932 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Wolf James J 92932 Pascheke Rd Marcola , OR 97454	Taxpayer Name & Address: Wolf James J 92932 Pascheke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	2.63 114,563'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 01000	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	150 Class 5 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$59,327	\$359,890	\$419,217	\$269,998
2004	\$53,934	\$327,170	\$381,104	\$262,134

2005 Taxable Value	2005 Taxes	Tax Code Area
\$ 269,998	\$2,681.84	07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
10-21-1998	\$0	Nersesian, Marilyn T		98-08604200
03-17-1995	\$285,000	Hudson Tr		95-02210600

Residential Building # 1 (of 1) Characteristics 51 stat 150

		Square feet	Base	Finished		
Year Built:	1977	Basement			Bsmt Garage Sqft	
Bedrooms	3	First	2316	2316	Att Garage Sqft	484
Full Baths	3	Second	884	884	Det Garage Sqft	
Half Baths	1	Attic			Att Carport Sqft	
% Improvmt Complete	100	Total	3200	3200		

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*NW SA*

**LANE COUNTY REGIONAL LAND INFORMATION DATABASE**

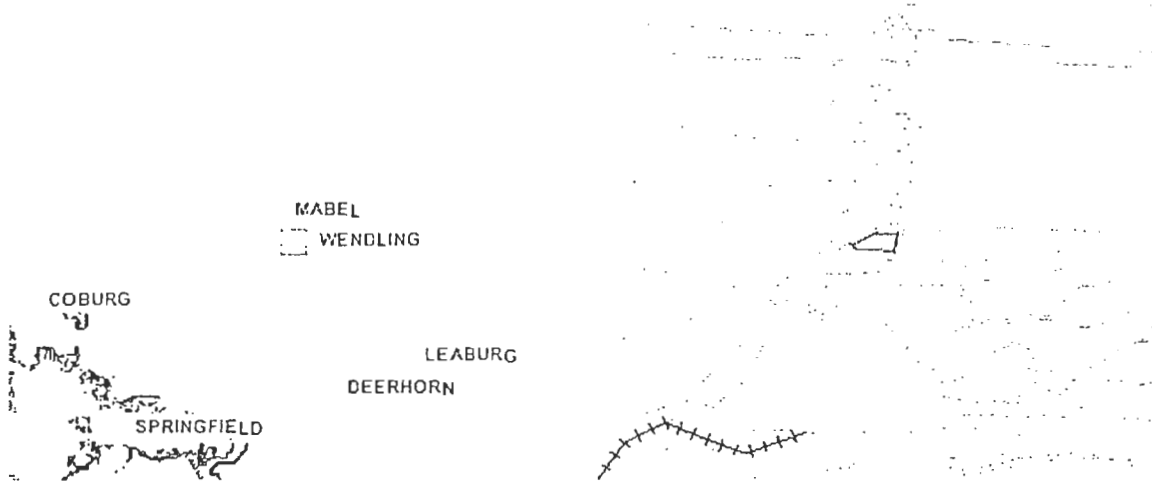
Site Address: 92932 PASCHELKE RD  
 Map & Tax Lot #: 16-01-08-00-01000  
 A & T Account #: 0028769

Special Interest Code:

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates  
 X-Coord: 4308184  
 Y-Coord: 929315

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
92932			PASCHELKE		RD		
Mailing City			State	Zip Code	Zip+4	Carrier Route	
MARCOLA			OR	97454	9715	H069	
Create Date: 1986-07-02				Update Date:			

Land Use

Code:	Description:
1111	SINGLE FAMILY HOUSING
S-	SINGLE FAMILY

Zoning

Code:	Description:
LC	LANE COUNTY
RR5	RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information

General

Incorporated City Limits:	
Urban Growth Boundary:	
Fire Protection Providers:	MVF MOHAWK VALLEY FD
Plan Designation:	
Node:	N
2000 Census Tract:	0200
2000 Block Group:	2
Year Annexed:	
Annexation #:	
2004 Transportation Analysis	503



Zone:

Approximate Acreage: 2.63

Approximate Square Footage: 114,563

Environmental Findings

Metro Flood Hazards:

A6 Areas of 100-year flood; base flood elevations and flood hazard factors determined.

Metro Wetlands:

FEMA Flood Hazard Zones

FIRM Map Number:

41039C0680F

Community Number:

415591

Post - FIRM Date:

1985-12-18

Panel Printed? (Y/N):

Y

Code:

Description:

AE

Areas of 100-year flood, base flood elevations determined.

FW

Floodway areas inside the 100-year flood, base flood elevations determined.

X

Areas determined to be outside of 500-year flood.

X5

Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.

Soils

Soil Map Unit Number:

Soil Type Description:

Percentage of Tax Lot:

26

CHEHALIS SILTY CLAY LOAM, OCCASIONALLY FLOODED

53

20B

BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES

47

Schools

District:

Code: 79J

Name: MARCOLA

Elementary School:

Middle School:

High School:

Service Districts

LTD Service Area:

LTD Ride Source:

Ambulance District:

EC Area: EAST/CENTRAL

Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District:

EAST LANE

Soil Water Conservation District Zone:

0

Political Districts

Election Precinct:

100105

County Commissioner District:

5

EAST

County Commissioner:

FAYE STEWART

State Representative District:

11

State Representative Name:

PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District:

6

State Senator:

WILLIAM MORRISETTE

LCC Board Zones:

3

EWEB Commissioner District:

Lane County Assessor's Office | Account Number: 0028769 | Map & Tax Lot: 16-01-08-00-01000

**Property Owner**

Owner1 Name: **WOLF JAMES J**

Owner Address: **92932 PASCHEKE RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

**Taxpayer**

Taxpayer Name: **WOLF JAMES J**

Taxpayer Address: **92932 PASCHEKE RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

Property Legal Description

Township: **16** Range: **01** Section: **08** Quarter: **00**

Subdivision Type: Subdivision Name: Division/Phase:

Lot/Tract/Unit Number: **TL 01000**

Subdivision Number:

Recording Number:

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	59,327	359,890	419,217	269,998
2004	53,934	327,170	381,104	262,134
2003	45,323	257,640	302,963	254,499
2002	40,467	236,370	276,837	247,086
2001	32,900	271,690	304,590	239,889
2000	36,550	292,140	328,690	232,902
1999	36,190	307,520	343,710	226,118
1998	36,560	262,840	299,400	219,532
1997	35,150	265,490	300,640	213,138
1996	33,160	221,240	254,400	254,400
1995	28,100	208,720	236,820	236,820

269,998	0	0
Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	2,681.84
2004	2,597.78
2003	2,540.29
2002	2,500.40
2001	2,805.13
2000	2,725.49
1999	2,747.51
1998	2,478.02
1997	2,429.05
1996	2,557.34
1995	2,013.77

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property.

Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

Account Status

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

Remarks:

Special Assessment Program (if applicable)

Code:

Description:

General Information

Property Class: 401 TRACT, IMPROVED  
 Statistical Class: 150 CLASS 5 SINGLE FAMILY HOME  
 Neighborhood Code: 20161  
 Property Use Type:  
 Account Type: RP  
 Category: LAND AND IMPROVEMENTS  
 Mortgage Company Name:  
 Total Acreage for this Account: 2.10  
 Fire Acres: 2.1

Tax Code Area (Levy Code): 07902

EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J  
 MOHAWK VALLEY RURAL FIRE PROTECTION DIST

Sales Information

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
10-21-1998		NERSESIAN, MARILYN T		9808604200	6	
03-17-1995	285,000	HUDSON TR		9502210600	Y	
10-13-1993	1	HUDSON, JAMES F & GERNITH LEE H&W		9306734700	8	

Manufactured Structures

Building 1 Characteristics

Account: 0028769 Map & Tax Lot: 16-01-08-00-01000  
 Inspection Date: 12-13-1993 Roofstyle: GABLE Bedrooms: 3

KLID Detailed Property Report

Building Type: 51 STAT 150  
 Class: 5  
 Year Built: 1977  
 Effect Year Built: 1977

Roof Cover: CEDAR SHAKE  
 MED  
 Heating: HEAT PUMP  
 Exterior Wall: T 111 PLYWOOD  
 Depreciation: 17

Full Baths: 3  
 Half Baths: 1  
 Fireplaces: YES  
 Percent Improv. Complete: 100

Floor

Base Area Finished Area

Parking Area

Basement:			Bsmt Gar sqft:	
First:	2316	2316	Att Gar sqft:	484
Second:	884	884	Att Port sqft:	
Attic:			Det Gar sqft:	
			Driveway Sqft:	660
<b>TOTAL</b>	<b>3200</b>	<b>3200</b>	<b>Paved Patio Sqft:</b>	

Search Results | New Property Search | Applications Menu

PROPERTY REPORT - LANE COUNTY

Account # 0028777

Map, Tax Lot, & SIC # 16-01-08-00-01001

Site Address:	
Owner Name & Address: Connolly John W & Judith J 92946 Paschelke Rd Marcola, OR 97454	Taxpayer Name & Address: Connolly John W & Judith J 92946 Paschelke Rd Marcola, OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	0.87 37,897'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 01001	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	107 Non-living Unit Of Residential Variety
Land Use:	9100 Vacant, Unused, Undeveloped Land
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$39,507	\$13,360	\$52,867	\$30,743
2004	\$35,916	\$11,130	\$47,046	\$29,848

2005 Taxable Value  
\$ 30,743

2005 Taxes  
\$354.99

Tax Code Area  
07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

NO 517

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

Map & Tax Lot #: 16-01-08-00-01001

Special Interest Code:

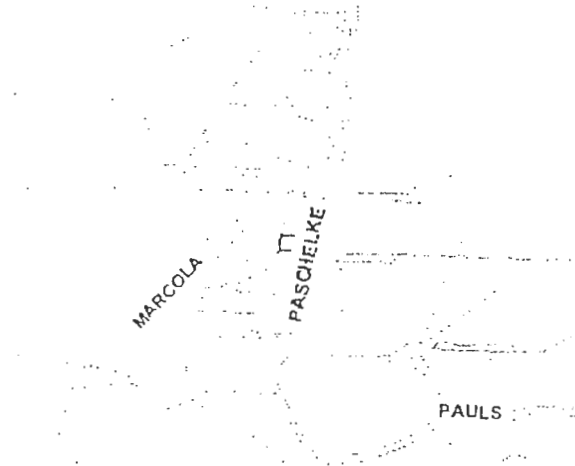
A & T Account #: 0028777

Tax Map View Tax Map Convert to PDF Document

Vicinity Map



Detail Map



Site Address State Plane Coordinates

X-Coord: 4308357

Y-Coord: 929645

Land Use

Use Code and Description

Land Use Code and Description:

Code:

Description:

9100

VACANT, UNUSED, UNDEVELOPED LAND

Use Code and Description:

V

VACANT

Zoning

Zoning Code and Description

Zoning Jurisdiction:

Code:

Description:

LC

LANE COUNTY

Parent Zone 1:

RR5

RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

MVF

MOHAWK VALLEY FD

Plan Designation:

Node:

N

2000 Census Tract:

0200

2000 Block Group:

2

Year Annexed:

Annexation #:

2004 Transportation Analysis

Zone:

503

Approximate Acreage:

0.87

Approximate Square Footage:

37,897

Environmental Findings

Metro Flood Hazards:

A6

Areas of 100-year flood; base flood elevations and flood hazard factors determined.

Metro Wetlands:

FEMA Flood Hazard Zones

This information is derived from the Flood Insurance Rate Study (FIRS) maps. A comparison between the current FIRS maps and the previous FIRS maps is available on the RLID website. The current FIRS maps are based on the current data available to the Federal Emergency Management Agency (FEMA).

FIRM Map Number: 41039C0680F Community Number: 415591 Post - FIRM Date: 1985-12-18 Panel Printed? (Y/N): Y

Code: FW X X5 Description: Floodway areas inside the 100-year flood, base flood elevations determined. Areas determined to be outside of 500-year flood. Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.

Soils

Soil Map Unit Number: 20B Soil Type Description: BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES Percentage of Tax Lot: 100

Schools

District: Elementary School: Middle School: High School: Code: 79J Name: MARCOLA

Service Districts

LTD Service Area: LTD Ride Source:

Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District: EAST LANE

Soil Water Conservation District Zone: 0

Political Districts

Election Precinct: 100105 County Commissioner District: 5 EAST

County Commissioner: FAYE STEWART

State Representative District: 11

State Representative Name: PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District: 6

State Senator: WILLIAM MORRISETTE

LCC Board Zones: 3

EWEB Commissioner District:

Lane County Assessor's Office Account Number: 0028777 | Map & Tax Lot: 16-01-08-00-01001

Property Owner

Owner1 Name: CONNOLLY JOHN W & JUDITH J

Owner Address: 92946 PASCHELKE RD

City: MARCOLA State: OREGON Country: UNITED STATES Zip Code: 97454

**Taxpayer**

Taxpayer Name: **CONNOLLY JOHN W & JUDITH J**  
 Taxpayer Address: **92946 PASCHELKE RD**

City: **MARCOLA** State: **OREGON** Country: **UNITED STATES** Zip Code: **97454**

Property Legal Description:  
 Township: **16** Range: **01** Section: **08** Quarter: **00**  
 Subdivision Type: Subdivision Name: Division/Phase:  
 Lot/Tract/Unit Number: **TL 01001**  
 Subdivision Number:  
 Recording Number:

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	39,507	13,360	52,867	30,743
2004	35,916	11,130	47,046	29,848
2003	30,182	10,210	40,392	28,979
2002	26,949	10,980	37,929	28,135
2001	21,910	9,980	31,890	27,316
2000	24,340	10,730	35,070	26,520
1999	24,100	700	24,800	18,437
1998	24,340	600	24,940	17,900
1997	23,400	600	24,000	17,379
1996	22,080	600	22,680	22,680
1995	18,710	600	19,310	19,310

2005: Land Value 30,743, Improvement Value 0, Total Value 30,743  
 Taxable Value: 30,743; Exemption Amount Regular (EAR): 0; Frozen Assessed Value (FZNPU): 0

Tax Year	Tax (See Explanation of Tax)
2005	354.99
2004	345.42
2003	338.88
2002	334.34
2001	369.04
2000	323.64
1999	275.46
1998	253.48
1997	249.49
1996	278.99
1995	215.64

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year





PROPERTY REPORT - LANE COUNTY

Account # 0028785

Map, Tax Lot, & SIC # 16-01-08-00-01002

Site Address: 92968 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Bresniker Shirley A 92968 Paschelke Rd Marcola, OR 97454	Taxpayer Name & Address: Bresniker Shirley A 92968 Paschelke Rd Marcola, OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	0.87 37,897'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 01002	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	140 Class 4 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value	
			Real Market	Assessed
2005	\$84,752	\$183,380	\$268,132	\$187,990
2004	\$77,048	\$146,700	\$223,748	\$182,515

2005 Taxable Value \$ 177,530      2005 Taxes \$1,782.55      Tax Code Area 07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
08-26-2005	\$0	David Robert Roy	Whom	20-05-067217
08-26-2005	\$284,925	Buhr-david Colette Kathryn	Bresniker Shirley A	20-05-067218

Residential Building # 1 (of 1) Characteristics 41 stat 140

		Square feet	Base	Finished		
Year Built:	1982	Basement			Bsmt Garage Sqft	
Bedrooms	3	First	1366	1366	Att Garage Sqft	672
Full Baths	2	Second	548	548	Det Garage Sqft	
Half Baths	1	Attic			Att Carport Sqft	
% Improvmt Complete	100	Total	1914	1914		

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

NO SA

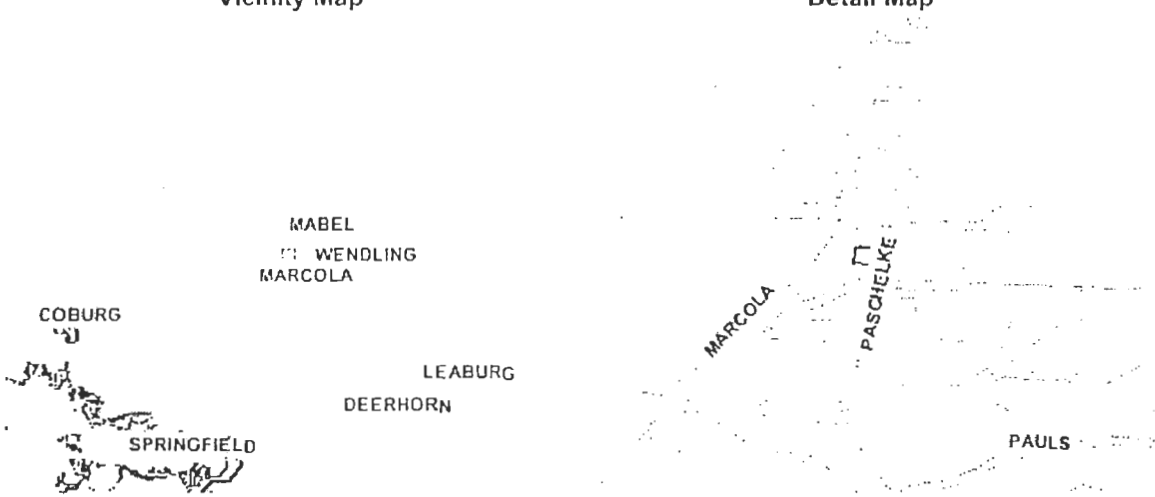
LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address: 92968 PASCHELKE RD  
 Map & Tax Lot #: 16-01-08-00-01002  
 A & T Account #: 0028785

Special Interest Code:

Vicinity Map

Detail Map



Site Address State Plane Coordinates  
 X-Coord: 4308369  
 Y-Coord: 929766

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
92968			PASCHELKE		RD		
	Mailing City		State	Zip Code	Zip+4	Carrier Route	
	MARCOLA		OR	97454	9715	H069	
	Create Date: 1986-07-02			Update Date:			

Land Use

Code:	Description:
1111	SINGLE FAMILY HOUSING
S	SINGLE FAMILY

Zoning

Code:	Description:
LC	LANE COUNTY
RR5	RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information

General

Incorporated City Limits:	
Urban Growth Boundary:	
Fire Protection Providers:	MVF MOHAWK VALLEY FD
Plan Designation:	
Node:	N
2000 Census Tract:	0200
2000 Block Group:	2
Year Annexed:	
Annexation #:	
2004 Transportation Analysis	503

Zone:

Approximate Acreage: 0.87

Approximate Square Footage: 37,897

Environmental Findings Please refer to report for more information on flood design.

Metro Flood Hazards: A6 Areas of 100-year flood; base flood elevations and flood hazard factors determined.

Metro Wetlands:

FEMA Flood Hazard Zones

FIRM Map Number: 41039C0680F Community Number: 415591 Post - FIRM Date: 1985-12-18 Panel Printed? (Y/N): Y

Code: FW Description: Floodway areas inside the 100-year flood, base flood elevations determined. X Areas determined to be outside of 500-year flood. X5 Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.

Soils

Soil Map Unit Number: 20B Soil Type Description: BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES Percentage of Tax Lot: 100

Schools

District: 79J Code: 79J Name: MARCOLA

Elementary School:

Middle School:

High School:

Service Districts

LTD Service Area:

LTD Ride Source:

Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District: EAST LANE

Soil Water Conservation District Zone: 0

Political Districts

Election Precinct: 100105 County Commissioner District: 5 EAST

County Commissioner: FAYE STEWART

State Representative District: 11

State Representative Name: PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District: 6

State Senator: WILLIAM MORRISETTE

LCC Board Zones: 3

EWEB Commissioner District:

Lane County Assessor's Office | Account Number: 0028785 | Map & Tax Lot: 16-01-08-00-01002

**RLID Detailed Property Report**

14803013

**Property Owner**

Owner1 Name: **BRESNIKER SHIRLEY A**  
 Owner Address: **92968 PASCHELKE RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

**Taxpayer**

Taxpayer Name: **BRESNIKER SHIRLEY A**  
 Taxpayer Address: **92968 PASCHELKE RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

Property Legal Description

Township: <b>16</b>	Range: <b>01</b>	Section: <b>08</b>	Quarter: <b>00</b>
Subdivision Type:	Subdivision Name:	Division/Phase:	
Lot/Tract/Unit Number: <b>TL 01002</b>			
Subdivision Number:			
Recording Number:			

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value	
			Real Market	Assessed
2005	84,752	183,380	268,132	187,990
2004	77,048	146,700	223,748	182,515
2003	64,747	158,240	222,987	177,199
2002	57,810	141,290	199,100	172,038
2001	47,000	162,400	209,400	167,027
2000	52,220	174,620	226,840	162,162
1999	51,700	183,810	235,510	157,439
1998	52,220	157,100	209,320	152,853
1997	50,210	158,690	208,900	148,401
1996	47,370	132,240	179,610	179,610
1995	40,140	124,750	164,890	164,890

<b>177,530</b>	<b>10,460</b>	<b>0</b>
Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	1,782.55
2004	1,727.24
2003	1,689.48
2002	1,663.28
2001	1,863.67
2000	1,797.25
1999	1,825.86
1998	1,648.61
1997	1,616.43
1996	1,748.23
1995	1,096.30

**Current Exemptions**

Tax Year	Amount	Description
2005	10,460	Veteran 1

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code:

Description:

**General Information**

Property Class: 401 TRACT, IMPROVED  
 Statistical Class: 140 CLASS 4 SINGLE FAMILY HOME  
 Neighborhood Code: 20161  
 Property Use Type:  
 Account Type: RP  
 Category: LAND AND IMPROVEMENTS  
 Mortgage Company Name:  
 Total Acreage for this Account: 0.95  
 Fire Acres: 0.95

Tax Code Area (Levy Code): 07902

EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J  
 MOHAWK VALLEY RURAL FIRE PROTECTION DIST

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Accl?:
08-26-2005		DAVID ROBERT ROY	WHOM	2005-67217	8	N
08-26-2005	284,925	BUHR-DAVID COLETTE KATHRYN	BRESNIKER SHIRLEY A	2005-67218	V	N

**Manufactured Structures**

**Building 1 Characteristics**

Account: 0028785 Map & Tax Lot: 16-01-08-00-01002  
 Inspection Date: 12-01-1993 Roofstyle: GABLE Bedrooms: 3  
 Building Type: 41 STAT 140 Roof Cover: CEMENT TILE Full Baths: 2  
 Class: 4 Heating: HEAT PUMP Half Baths: 1

Year Built: 1982

Exterior Wall: WOOD SIDING

Fireplaces: NO

Effect Year Built: 1982

Depreciation: 14

Percent Improv. Complete: 100

Floor

Base Area

Finished Area

Parking Area

Basement:

Bsmt Gar sqft:

First:

1366

1366 Alt Gar sqft:

672

Second:

548

548 Alt Port sqft:

Attic:

Det Gar sqft:

Driveway Sqft:

TOTAL

1914

1914 Paved Patio Sqft:

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

PROPERTY REPORT - LANE COUNTY

Account # 0028793

Map, Tax Lot, & SIC # 16-01-08-00-01003

Site Address: 92946 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Connolly John W & Judith J 92946 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Connolly John W & Judith J 92946 Paschelke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	0.86 37,462'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 01003	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	140 Class 4 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	\$58,912	\$156,960	\$215,872	\$153,560
2004	\$53,557	\$125,570	\$179,127	\$149,087

2005 Taxable Value  
\$ 153,560

2005 Taxes  
\$1,549.43

Tax Code Area  
07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
------	-------	---------	---------	--------------

Residential Building # 1 (of 1) Characteristics 41 stat 140

		Square feet		
		Base	Finished	
Year Built:	1966	Basement		
Bedrooms	3	First	960	960
Full Baths	3	Second	900	900
Half Baths		Attic		
% Improvmt Complete	100	Total	1860	1860

Bsmt Garage Sqft	
Att Garage Sqft	870
Det Garage Sqft	
Att Carport Sqft	

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

ASJA



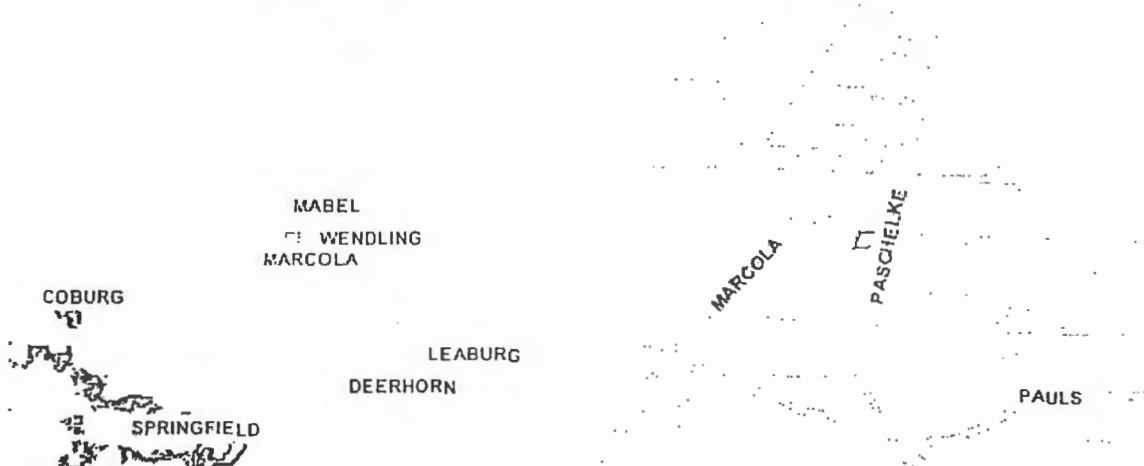
**LANE COUNTY REGIONAL LAND INFORMATION DATABASE**

Site Address: 92946 PASCHELKE RD

Map & Tax Lot #: 16-01-08-00-01003

Special Interest Code:

A & T Account #: 0028793



Site Address State Plane Coordinates  
 X-Coord: 4308330  
 Y-Coord: 929519

Site Address Information:

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
92946			PASCHELKE		RD		
Mailing City			State	Zip Code	Zip+4	Carrier Route	
MARCOLA			OR	97454	9715	H069	

Create Date: 1986-07-02

Update Date:

Land Use

Code:	Description:
1111	SINGLE FAMILY HOUSING
S	SINGLE FAMILY

Zoning

Code:	Description:
LC	LANE COUNTY
RR5	RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information

General

Incorporated City Limits:	
Urban Growth Boundary:	
Fire Protection Providers:	MVF MOHAWK VALLEY FD
Plan Designation:	
Node:	N
2000 Census Tract:	0200
2000 Block Group:	2
Year Annexed:	
Annexation #:	
2004 Transportation Analysis	503

Zone:

Approximate Acreage: 0.86

Approximate Square Footage: 37,462

**Environmental Findings**

Areas of 100-year flood; base flood elevations and flood hazard factors determined.

Metro Flood Hazards: A6

**Areas of 100-year flood; base flood elevations and flood hazard factors determined.**

Metro Wetlands:

**FEMA Flood Hazard Zones**

Note: Distinctions between flood hazard zones are based on FEMA maps. Reports that between panel boundaries are not intended to be a guarantee of accuracy. The information is provided for informational purposes only and is not intended to be used for any other purpose. For more information, please contact the appropriate agency.

FIRM Map Number:

Community Number:

Post - FIRM Date:

Panel Printed? (Y/N):

41039C0680F

415591

1985-12-18

Y

Code:

Description:

**FW**

**Floodway areas inside the 100-year flood, base flood elevations determined.**

**X**

**Areas determined to be outside of 500-year flood.**

**X5**

**Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.**

**Soils**

Soil Map Unit Number:

Soil Type Description:

Percentage of Tax Lot:

20B

BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES

100

**Schools**

Code:

Name:

District:

79J

MARCOLA

Elementary School:

Middle School:

High School:

**Service Districts**

LTD Service Area:

LTD Ride Source:

Ambulance District:

EC Area: EAST/CENTRAL

Provider: **SPRINGFIELD DEPT OF FIRE & LIFE SAFETY**

Emerald People's Utility District: 5

Soil Water Conservation

District:

EAST LANE

Soil Water Conservation District

Zone:

0

**Political Districts**

Election Precinct:

100105

County Commissioner District:

5

EAST

County Commissioner:

FAYE STEWART

State Representative District:

11

State Representative Name:

PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District:

6

State Senator:

WILLIAM MORRISETTE

LCC Board Zones:

3

EWEB Commissioner District:

Lane County Assessor's Office Account Number: 0028793 | Map & Tax Lot: 16-01-08-00-01003

RLID Detailed Property Report

**Property Owner**

Owner1 Name: CONNOLLY JOHN W & JUDITH J  
 Owner Address: 92946 PASCHELKE RD

City	State	Country	Zip Code
MARCOLA	OREGON	UNITED STATES	97454

**Taxpayer**

Taxpayer Name: CONNOLLY JOHN W & JUDITH J  
 Taxpayer Address: 92946 PASCHELKE RD

City	State	Country	Zip Code
MARCOLA	OREGON	UNITED STATES	97454

**Property Legal Description:**

Township: 16      Range: 01      Section: 08      Quarter: 00  
 Subdivision Type:      Subdivision Name:      Division/Phase:  
 Lot/Tract/Unit Number: TL 01003  
 Subdivision Number:  
 Recording Number:

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	58,912	156,960	215,872	153,560
2004	53,557	125,570	179,127	149,087
2003	45,006	135,450	180,456	144,745
2002	40,184	120,940	161,124	140,529
2001	32,670	139,010	171,680	136,436
2000	36,300	149,470	185,770	132,462
1999	35,940	157,340	193,280	128,604
1998	36,300	134,480	170,780	124,858
1997	34,900	135,840	170,740	121,221
1996	32,920	113,200	146,120	146,120
1995	27,900	106,790	134,690	134,690
	153,560	0	0	

Taxable Value      Exemption Amount Regular (EAR)      Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	1,549.43
2004	1,501.62
2003	1,468.93
2002	1,446.24
2001	1,619.56
2000	1,556.58
1999	1,586.79
1998	1,433.50
1997	1,405.67
1996	1,492.70
1995	1,169.47

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any



RLID Detailed Property Report

First:	960	960 Att Gar sqft:	870
Second:	900	900 Att Port sqft:	
Attic:		Det Gar sqft:	
		Driveway Sqft:	600
TOTAL	1860	1860 Paved Patio Sqft:	

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

PROPERTY REPORT - LANE COUNTY

Account # 0028801

Map, Tax Lot, & SIC # 16-01-08-00-01004

Site Address:	
Owner Name & Address: Wolf James J 92932 Pascheke Rd Marcola , OR 97454	Taxpayer Name & Address: Wolf James J 92932 Pascheke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	3.20 139,392'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 01004	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	
Land Use:	9100 Vacant, Unused, Undeveloped Land
Property Class:	400 Tract, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$52,474	\$0	\$52,474	\$28,340
2004	\$47,704	\$0	\$47,704	\$27,515
	2005 Taxable Value \$ 28,340	2005 Taxes \$221.49	Tax Code Area 07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
10-21-1998	\$0	Nersesian, Marilyn T		98-08604200
03-17-1995	\$285,000	Hudson Tr		95-02210600

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:
-----------

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

WSA

**LANE COUNTY REGIONAL LAND INFORMATION DATABASE**

Site Address:

Map & Tax Lot #: 16-01-08-00-01004

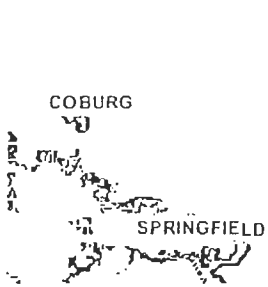
Special Interest Code:

A & T Account #: 0028801

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4307971

Y-Coord: 929132

Land Use

Code: Description:

Land Use Code and Description: 9100

VACANT, UNUSED, UNDEVELOPED LAND

Use Code and Description: V

VACANT

Zoning

Code: Description:

Zoning Jurisdiction: LC

LANE COUNTY

Parent Zone 1: RR5

RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers: MVF

MOHAWK VALLEY FD

Plan Designation:

Node: N

2000 Census Tract: 0200

2000 Block Group: 2

Year Annexed:

Annexation #:

2004 Transportation Analysis Zone: 503

Approximate Acreage: 3.20

Approximate Square Footage: 139,392

Environmental Findings

Code: Description:

Metro Flood Hazards: A6

Areas of 100-year flood; base flood elevations and flood hazard factors determined.

Metro Wetlands:

FEMA Flood Hazard Zones

Note: Flood hazard information is derived from approved FIRM maps. Boundaries between hazard zones are not necessarily exact. Community numbers are based on the current FIRM. FIRM maps are subject to change without notice. Consult FIRM for up-to-date information.

FIRM Map Number:	Community Number:	Post - FIRM Date:	Panel Printed? (Y/N):
41039C0680F	415591	1985-12-18	Y
Code:	Description:		
AE	Areas of 100-year flood, base flood elevations determined.		
FW	Floodway areas inside the 100-year flood, base flood elevations determined.		
X	Areas determined to be outside of 500-year flood.		
X5	Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.		

Soils

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
26	CHEHALIS SILTY CLAY LOAM, OCCASIONALLY FLOODED	65
20B	BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES	35

Schools

	Code:	Name:
District:	79J	MARCOLA
Elementary School:		
Middle School:		
High School:		

Service Districts

LTD Service Area:  
LTD Ride Source:

Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District: EAST LANE

Soil Water Conservation District Zone: 0

Political Districts

Election Precinct:	100105	
County Commissioner District:	5	EAST
County Commissioner:	FAYE STEWART	
State Representative District:	11	
State Representative Name:	PHIL BARNHART	
City Council Ward:		
City Councilor Name:		
State Senate District:	6	
State Senator:	WILLIAM MORRISETTE	
LCC Board Zones:	3	
EWEB Commissioner District:		

Lane County Assessor's Office Account Number: 0028801 | Map & Tax Lot: 16-01-08-00-01004

Property Owner

Owner1 Name: WOLF JAMES J  
Owner Address: 92932 PASCHEKE RD



KLID Detailed Property Report

1450 017

City State Country Zip Code  
 MARCOLA OREGON UNITED STATES 97454

**Taxpayer**

Taxpayer Name: WOLF JAMES J  
 Taxpayer Address: 92932 PASCHEKE RD

City State Country Zip Code  
 MARCOLA OREGON UNITED STATES 97454

Property Legal Description

Township: 16 Range: 01 Section: 08 Quarter: 00  
 Subdivision Type: Subdivision Name: Division/Phase:

Lot/Tract/Unit Number: TL 01004

Subdivision Number:

Recording Number:

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	52,474	0	52,474	28,340
2004	47,704	0	47,704	27,515
2003	40,088	0	40,088	26,714
2002	35,793	0	35,793	25,936
2001	29,100	0	29,100	25,181
2000	32,330	0	32,330	24,448
1999	32,010	0	32,010	23,736
1998	32,330	0	32,330	23,045
1997	31,090	0	31,090	22,374
1996	29,330	0	29,330	29,330
1995	24,860	0	24,860	24,860

28,340 0 0  
 Taxable Value Exemption Amount Regular (EAR) Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	221.49
2004	215.67
2003	210.27
2002	205.12
2001	233.72
2000	230.32
1999	232.71
1998	228.63
1997	224.72
1996	245.53
1995	182.31

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

Active for the 2005 Tax Year

- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

Remarks:

Special Assessment Program (if applicable)

Code: Description:

General Information

Property Class: 400 TRACT, VACANT  
 Statistical Class:  
 Neighborhood Code: 20161  
 Property Use Type:  
 Account Type: RP  
 Category: LAND AND IMPROVEMENTS  
 Mortgage Company Name:  
 Total Acreage for this Account: 2.85  
 Fire Acres: 2.85

Tax Code Area (Levy Code): 07904

EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J

Sales Information

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
10-21-1998		NERSESIAN, MARILYN T		9808604200	6	N
03-17-1995	285,000	HUDSON TR		9502210600	Y	
10-13-1993	1	HUDSON, JAMES F & GERNITH LEE H&W		9306734600	8	N

Manufactured Structures

Search Results | New Property Search | Applications Menu

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PROPERTY REPORT - LANE COUNTY

Account # 0028819

Map, Tax Lot, & SIC # 16-01-08-00-01100

Site Address: 92876 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Corn Evelyn L 92888 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Corn Evelyn L 92888 Paschelke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	2.75 119,790'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 01100	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	107 Non-living Unit Of Residential Variety
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$99,575	\$15,020	\$114,595	\$62,420
2004	\$90,523	\$12,520	\$103,043	\$60,602

2005 Taxable Value \$ 62,420      2005 Taxes \$663.06      Tax Code Area 07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
02-15-2005	\$0	Mingo Janet/corn Patrick/	Corn Evelyn L	20-05-011675
03-01-2001	\$0	Corn, Evelyn Lytle	Kirkpatrick Toni & Corn Patrick	20-01-12271

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished		
Year Built:				Bsmt Garage Sqft	
Bedrooms				Att Garage Sqft	
Full Baths				Det Garage Sqft	
Half Baths				Att Carport Sqft	
% Improvmt Complete					

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*NO SA*

PROPERTY REPORT - LANE COUNTY

Account # 0028819

Map, Tax Lot, & SIC # 16-01-08-00-01100

Site Address: 92878 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Corn Evelyn L 92888 Paschelke Rd Marcola, OR 97454	Taxpayer Name & Address: Corn Evelyn L 92888 Paschelke Rd Marcola, OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	2.75 119,790'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 01100	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	107 Non-living Unit Of Residential Variety
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$99,575	\$15,020	\$114,595	\$62,420
2004	\$90,523	\$12,520	\$103,043	\$60,602
	2005 Taxable Value \$ 62,420	2005 Taxes \$663.06	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
02-15-2005	\$0	Mingo Janet/corn Patrick/	Corn Evelyn L	20-05-011675
03-01-2001	\$0	Corn, Evelyn Lylle	Kirkpatrick Toni & Corn Patrick	20-01-12271

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

**LANE COUNTY REGIONAL LAND INFORMATION DATABASE**

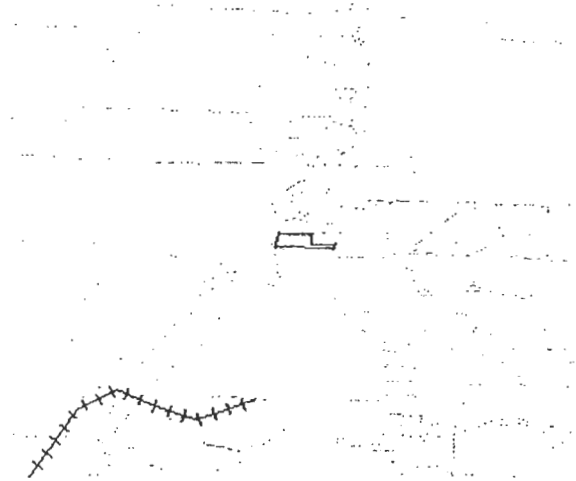
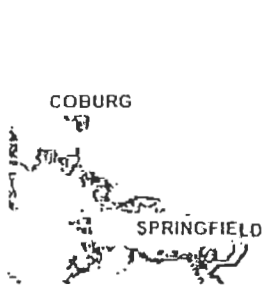
Site Address: 92876 PASCHELKE RD  
 Map & Tax Lot #: 16-01-08-00-01100  
 A & T Account #: 0028819

Special Interest Code:

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates  
 X-Coord: 4307777  
 Y-Coord: 928941

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
92876			PASCHELKE		RD		
	Mailing City		State	Zip Code	Zip+4	Carrier Route	
MARCOLA			OR	97454	9757	H069	

Create Date: 1986-07-02

Update Date:

Land Use

Code: Description:

Land Use Code and Description:

1150 MOBILE HOME - NOT IN MOBILE HOME PARK

Use Code and Description:

N MOBILE HOME

Zoning

Code: Description:

Zoning Jurisdiction:

LC LANE COUNTY

Parent Zone 1:

RR5 RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

MVF MOHAWK VALLEY FD

Plan Designation:

Node:

N

2000 Census Tract:

0200

2000 Block Group:

2

Year Annexed:

Annexation #:

2004 Transportation Analysis

503

Zone:

Approximate Acreage: 2.75

Approximate Square Footage: 119,790

Environmental Findings: Please refer to attached report for natural resource information.

Metro Flood Hazards: A6 Areas of 100-year flood; base flood elevations and flood hazard factors determined.

Metro Wellands:

FEMA Flood Hazard Zones

Notes: The information contained in this report is for informational purposes only. Registration between parcel boundaries and FEMA flood hazard zones is not guaranteed. Please refer to the FEMA Flood Insurance Rate Study (FIRMS) for the most current information. Please refer to the FEMA Flood Insurance Rate Study (FIRMS) for the most current information.

FIRM Map Number: 41039C0680F Community Number: 415591 Post - FIRM Date: 1985-12-18 Panel Printed? (Y/N): Y

Code: AE Description: Areas of 100-year flood, base flood elevations determined.
FW Floodway areas inside the 100-year flood, base flood elevations determined.
X Areas determined to be outside of 500-year flood.
X5 Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.

Soils

Table with 3 columns: Soil Map Unit Number, Soil Type Description, Percentage of Tax Lot. Rows include 26 CHEHALIS SILTY CLAY LOAM, OCCASIONALLY FLOODED (61%) and 20B BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES (39%).

Schools

District: 79J Name: MARCOLA
Elementary School:
Middle School:
High School:

Service Districts

LTD Service Area:
LTD Ride Source:
Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District: EAST LANE

Soil Water Conservation District Zone: 0

Political Districts

Election Precinct: 100105
County Commissioner District: 5 EAST
County Commissioner: FAYE STEWART
State Representative District: 11
State Representative Name: PHIL BARNHART
City Council Ward:
City Councilor Name:
State Senate District: 6
State Senator: WILLIAM MORRISETTE
LCC Board Zones: 3

442

EWEB Commissioner District:

Lane County Assessor's Office | Account Number: 0028819 | Map & Tax Lot: 16-01-08-00-01100

Property Owner

Owner1 Name: CORN EVELYN L  
 Owner Address: 92888 PASCHELKE RD

City	State	Country	Zip Code
MARCOLA	OREGON	UNITED STATES	97454

Taxpayer

Taxpayer Name: CORN EVELYN L  
 Taxpayer Address: 92888 PASCHELKE RD

City	State	Country	Zip Code
MARCOLA	OREGON	UNITED STATES	97454

Property Legal Description:

Township: 16	Range: 01	Section: 08	Quarter: 00
Subdivision Type:	Subdivision Name:	Division/Phase:	
Lot/Tract/Unit Number: TL 01100			
Subdivision Number:			
Recording Number:			

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	99,575	15,020	114,595	62,420
2004	90,523	12,520	103,043	60,602
2003	76,070	11,490	87,560	58,837
2002	67,920	12,350	80,270	57,123
2001	55,220	11,230	66,450	55,459
2000	61,360	9,520	70,880	53,844
1999	60,750	10,020	70,770	52,276
1998	61,360	8,560	69,920	50,753
1997	59,000	8,560	67,560	49,275
1996	55,660	8,560	64,220	64,220
1995	47,170	7,580	54,750	54,750

62,420	0	0
Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	663.06
2004	643.63
2003	630.34
2002	621.11
2001	691.56
2000	641.63
1999	678.25
1998	615.94
1997	604.63
1996	687.43
1995	508.62

Explanation of Tax

The tax shown is the amount certified in October, unless a value change has been processed on the property.

Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code:	Description:
<b>General Information</b>	
Property Class: 401	TRACT, IMPROVED
Statistical Class: 107	NON-LIVING UNIT OF RESIDENTIAL VARIETY
Neighborhood Code: 20161	
Property Use Type:	
Account Type: RP	
Category: LAND AND IMPROVEMENTS	
Mortgage Company Name:	
Total Acreage for this Account: 3.48	
Fire Acres: 3.48	

**Tax Code Area (Levy Code): 07902** City of Medford, Oregon, 2005 Tax Rates

- EMERALD PEOPLES UTILITY DISTRICT
- LANE COMMUNITY COLLEGE
- LANE COUNTY
- LANE EDUCATION SERVICE DISTRICT
- MARCOLA SCHOOL DISTRICT 79J
- MOHAWK VALLEY RURAL FIRE PROTECTION DIST

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
02-15-2005		MINGO JANET/CORN PATRICK/	CORN EVELYN L	2005-11675	8	N
03-01-2001		CORN, EVELYN LYTLE	KIRKPATRICK TONI & CORN PATRICK	2001-12271	6	N

**Manufactured Structures**

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)



PROPERTY REPORT - LANE COUNTY

Account # 0028827

Map, Tax Lot, & SIC # 16-01-08-00-01101

Site Address: 92884 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Corn Evelyn L 92888 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Corn Evelyn L 92888 Paschelke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	1.42 61,855'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 01101	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	120 Class 2 Single Family Home
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$90,583	\$90,660	\$181,243	\$127,657
2004	\$82,350	\$74,930	\$157,280	\$123,939

2005 Taxable Value	2005 Taxes	Tax Code Area
\$ 127,657	\$1,297.52	07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
02-16-2005	\$0	Campbell Jacque	Corn Evelyn L	20-05-011676
03-01-2001	\$0	Corn, Evelyn Lytle	Campbell Jacque	20-01-012270

Manufactured Structure

Model Year:	1978	Make:	Kit
Serial Number:		Plate Number:	
Length:	0	Width:	0
Model:			

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*ADJ*

PROPERTY REPORT - LANE COUNTY

Account # 0028827

Map, Tax Lot, & SIC # 16-01-08-00-01101

Site Address: 92888 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Corn Evelyn L 92888 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Corn Evelyn L 92888 Paschelke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	1.42 61,855'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 01101	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	120 Class 2 Single Family Home
Land Use:	1150 Mobile Home - Not In Mobile Home Park
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$90,583	\$90,660	\$181,243	\$127,657
2004	\$82,350	\$74,930	\$157,280	\$123,939

2005 Taxable Value  
\$ 127,657

2005 Taxes  
\$1,297.52

Tax Code Area  
07902

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
02-16-2005	\$0	Campbell Jacque	Corn Evelyn L	20-05-011676
03-01-2001	\$0	Corn, Evelyn Lytle	Campbell Jacque	20-01-012270

Manufactured Structure

Model Year:	1978	Make:	Kit
Serial Number:		Plate Number:	
Length:	0	Width:	0
Model:			

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

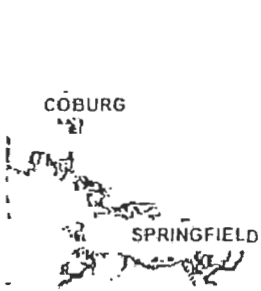
Site Address: 92884 PASCHELKE RD  
 Map & Tax Lot #: 16-01-08-00-01101  
 A & T Account #: 0028827

Special Interest Code:

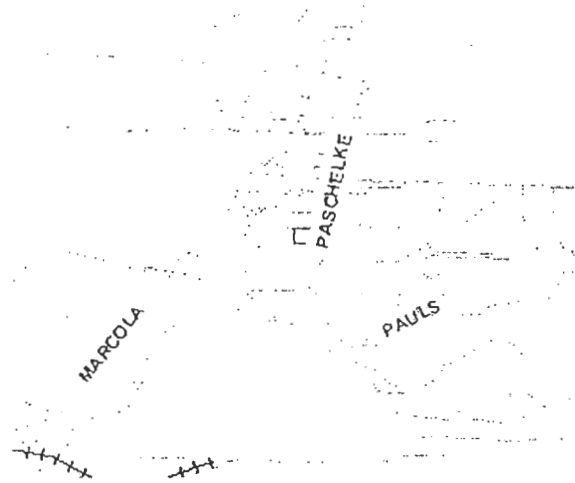
Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



MABEL  
 WENDLING  
 MARCOLA  
 LEABURG  
 DEERHORN



Site Address State Plane Coordinates

X-Coord: 4308022

Y-Coord: 928933

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
92884			PASCHELKE		RD		
		Mailing City	State	Zip Code	Zip+4	Carrier Route	
		MARCOLA	OR	97454	9757	H069	
		Create Date: 1983-08-09		Update Date: 2000-03-14			

Land Use

Use Code and Description:

Code:	Description:
1150	MOBILE HOME - NOT IN MOBILE HOME PARK
N	MOBILE HOME

Land Use Code and Description:

Use Code and Description:

Zoning

Code and Description:

Code:	Description:
LC	LANE COUNTY
RR5	RURAL RESIDENTIAL 5 ACRE MIN

Zoning Jurisdiction:

Parent Zone 1:

Boundary information

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

MVF MOHAWK VALLEY FD

Plan Designation:

Node:

N

2000 Census Tract:

0200

2000 Block Group:

2

Year Annexed:

Annexation #:

2004 Transportation Analysis

503

KLID Detailed Property Report

Zone:

Approximate Acreage: 1.42

Approximate Square Footage: 61,855

Environmental Findings: (viewed on 4/11/06) - see information with local jurisdiction.

Metro Flood Hazards:

Metro Wetlands:

FEMA Flood Hazard Zones

FIRM Map Number: 41039C0680F  
 Code: X  
 Community Number: 415591  
 Description: Areas determined to be outside of 500-year flood.  
 Post - FIRM Date: 1985-12-18  
 Panel Printed? (Y/N): Y

Soils

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
26	CHEHALIS SILTY CLAY LOAM, OCCASIONALLY FLOODED	100

Schools

District:	Code:	Name:
	79J	MARCOLA

Elementary School:  
 Middle School:  
 High School:

Service Districts

LTD Service Area:  
 LTD Ride Source:  
 Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District: EAST LANE

Soil Water Conservation District Zone: 0

Political Districts

Election Precinct: 100105  
 County Commissioner District: 5 EAST  
 County Commissioner: FAYE STEWART  
 State Representative District: 11  
 State Representative Name: PHIL BARNHART  
 City Council Ward:  
 City Councilor Name:  
 State Senate District: 6  
 State Senator: WILLIAM MORRISETTE  
 LCC Board Zones: 3

Land County Assessor's Office Account Number: 00288271 Map & Tax Lot: 16-01-08-00-01101

Property Owner

Owner1 Name: CORN EVELYN L  
 Owner Address: 92888 PASCHELKE RD

City	State	Country	Zip Code
MARCOLA	OREGON	UNITED STATES	97454

**RLID Detailed Property Report**

**Taxpayer**

Taxpayer Name: **CORN EVELYN L**

Taxpayer Address: **92888 PASCHELKE RD**

City: **MARCOLA** State: **OREGON** Country: **UNITED STATES** Zip Code: **97454**

Property Legal Description

Township: **16** Range: **01** Section: **08** Quarter: **00**  
 Subdivision Type: Subdivision Name: Division/Phase:

Lot/Tract/Unit Number: **TL 01101**

Subdivision Number:

Recording Number:

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	90,583	90,660	181,243	127,657
2004	82,350	74,930	157,280	123,939
2003	69,203	66,310	135,513	120,329
2002	61,789	67,660	129,449	116,824
2001	51,118	48,020	99,138	77,309
2000	58,250	49,040	107,290	75,057
1999	57,670	51,620	109,290	72,871
1998	58,250	44,120	102,370	70,749
1997	56,010	44,570	100,580	68,688
1996	52,840	37,140	89,980	89,980
1995	44,780	31,540	76,320	76,320

2005: Land Value 127,657, Improvement Value 0, Total Value 127,657  
 Taxable Value: 127,657; Exemption Amount Regular (EAR): 0; Frozen Assessed Value (FZNPU): 0

Tax Year	Tax (See Explanation of Tax)
2005	1,297.52
2004	1,257.77
2003	1,230.59
2002	1,211.73
2001	941.96
2000	888.51
1999	923.39
1998	836.55
1997	820.77
1996	940.70
1995	686.93

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year

- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code:	Description:
<b>General Information</b>	
Property Class: 401	TRACT, IMPROVED
Statistical Class: 120	CLASS 2 SINGLE FAMILY HOME
Neighborhood Code: 20161	
Property Use Type:	
Account Type: RP	
Category: LAND AND IMPROVEMENTS	
Mortgage Company Name:	
Total Acreage for this Account: 1.43	
Fire Acres: 1.43	

**Tax Code Area (Levy Code): 07902**  
 EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J  
 MOHAWK VALLEY RURAL FIRE PROTECTION DIST

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
02-16-2005		CAMPBELL JACQUE	CORN EVELYN L	2005- 11676	K	N
03-01-2001		CORN, EVELYN LYTLE	CAMPBELL JACQUE	2001- 12270	K	N

**Manufactured Structures**

Model Year: 1978	Make: KIT	Model:
Serial Number:	Plate Number: EM43451	LOIS Number: L224032
Length: 0	Width: 0	

**Building 1 Characteristics**

Account: 0028827	Map & Tax Lot: 16-01-08-00-01101	
Inspection Date: 01-18-2001	Roofstyle: HIP	Bedrooms: 2
Building Type: 21 STAT 110 OR 120	Roof Cover: COMP SHINGLE MEDIUM	Full Baths: 1
Class: 2	Heating:	Half Baths:
Year Built: 1920	Exterior Wall: WOOD SIDING	Fireplaces: NO
Effect Year Built: 1920	Depreciation: 30	Percent Improv. Complete: 100
<u>Floor</u>	<u>Base Area</u> <u>Finished Area</u>	<u>Parking Area</u>

KLID Detailed Property Report

14600010

Basement:		Bsmt Gar sqft:	
First:	936	Att Gar sqft:	600
Second:		Att Port sqft:	
Attic:		Det Gar sqft:	
		Driveway Sqft:	
<b>TOTAL</b>	<b>936</b>	<b>936 Paved Patio Sqft:</b>	

**Building 2 Characteristics**

Account:	0028827	Map & Tax Lot:	16-01-08-00-01101
Inspection Date:	01-18-2001	Roofstyle:	GABLE
Building Type:	11 MANUFACTURED STRUCTURE	Roof Cover:	COMP SHINGLE MEDIUM
Class:		Heating:	
Year Built:		Exterior Wall:	
Effect Year Built:	1978	Depreciation:	
		Bedrooms:	
		Full Baths:	
		Half Baths:	
		Fireplaces:	
		Percent Improv. Complete:	100

<u>Floor</u>	<u>Base Area</u>	<u>Finished Area</u>	<u>Parking Area</u>
Basement:		Bsmt Gar sqft:	
First:		Att Gar sqft:	
Second:		Att Port sqft:	
Attic:		Det Gar sqft:	
		Driveway Sqft:	
<b>TOTAL</b>		<b>Paved Patio Sqft:</b>	

Search Results | New Property Search | Applications Menu

PROPERTY REPORT - LANE COUNTY

Account # 0028835

Map, Tax Lot, & SIC # 16-01-08-00-01200

Site Address:	
Owner Name & Address: Joseph F & Penny L Miller Tr 92774 Paschelke Rd Marcola, OR 97454	Taxpayer Name & Address: Miller Joseph F Te 92774 Paschelke Rd Marcola, OR 97454
Multiple Owners? Yes.*	
Additional Account Numbers for this Tax Lot & SIC: 1178811	

Approximate Tax Lot Acres	7.25 315,810'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 01200	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$26,488	\$0	\$26,488	\$14,297
2004	\$24,080	\$0	\$24,080	\$13,881
2005 Taxable Value		2005 Taxes	Tax Code Area	
\$ 14,297		\$158.66	07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:
-----------

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

MUSA



PROPERTY REPORT - LANE COUNTY

Account # 0028835

Map, Tax Lot, & SIC # 16-01-08-00-01200

Site Address:	
Owner Name & Address: Joseph F & Penny L Miller Tr 92774 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Miller Joseph F Te 92774 Paschelke Rd Marcola , OR 97454
Multiple Owners? Yes.*	
Additional Account Numbers for this Tax Lot & SIC: 1178811	

Approximate Tax Lot Acres	7.25 315,810'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 01200	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$26,488	\$0	\$26,488	\$14,297
2004	\$24,080	\$0	\$24,080	\$13,881

2005 Taxable Value  
\$ 14,297

2005 Taxes  
\$158.66

Tax Code Area  
07904

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:
-----------

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

PROPERTY REPORT - LANE COUNTY

Account # 0028835

Map, Tax Lot, & SIC # 16-01-08-00-01200

Site Address:	
Owner Name & Address: Joseph F & Penny L Miller Tr 92774 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Miller Joseph F Te 92774 Paschelke Rd Marcola , OR 97454
Multiple Owners? Yes.*	
Additional Account Numbers for this Tax Lot & SIC: 1178811	

Approximate Tax Lot Acres	7.25 315,810'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 01200	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$26,488	\$0	\$26,488	\$14,297
2004	\$24,080	\$0	\$24,080	\$13,881

2005 Taxable Value  
\$ 14,297

2005 Taxes  
\$158.66

Tax Code Area  
07904

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
------	-------	---------	---------	--------------

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:
-----------

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

PROPERTY REPORT - LANE COUNTY

Account # 1178811

Map, Tax Lot, & SIC # 16-01-08-00-01200

Site Address: 92840 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Joseph F & Penny L Miller Tr 92774 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Miller Joseph F Te 92774 Paschelke Rd Marcola , OR 97454
Multiple Owners? Yes.*	
Additional Account Numbers for this Tax Lot & SIC: 0028835	

Approximate Tax	7.25	Subdivision Name:		School District:	Marcola
Lot Acres	315,810'	Phase:		Elem	
Inc City:		Lot #	TL 01200	Middle	
UGB:		Recording #		High	
Census Tr/BlkGrp:	0200/2				

Zoning: Parent/Overlay	RR5
Statistical Class:	120 Class 2 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value	
			Real Market	Assessed
2005	\$90,539	\$107,770	\$198,309	\$104,798
2004	\$82,309	\$89,070	\$171,379	\$101,746
	2005 Taxable Value \$ 104,798	2005 Taxes \$1,019.20	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
12-15-1995	\$85,000	Hendricks, Sherry P		96-00630000

Residential Building # 1 (of 1) Characteristics 21 stat 110 or 120

		Square feet	Base	Finished		
Year Built:	1967	Basement			Bsmt Garage Sqft	
Bedrooms	2	First	880	880	Att Garage Sqft	
Full Baths	1	Second			Det Garage Sqft	
Half Baths		Attic			Att Carport Sqft	
% Improvmt Complete	100	Total	880	880		

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

PROPERTY REPORT - LANE COUNTY

Account # 1178811

Map, Tax Lot, & SIC # 16-01-08-00-01200

Site Address: 92840 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Joseph F & Penny L Miller Tr 92774 Paschelke Rd Marcola, OR 97454	Taxpayer Name & Address: Miller Joseph F Te 92774 Paschelke Rd Marcola, OR 97454
Multiple Owners? Yes.*	
Additional Account Numbers for this Tax Lot & SIC: 0028835	

Approximate Tax Lot Acres	7.25 315,810'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 01200	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning:	Parent/Overlay	RR5
Statistical Class:	120	Class 2 Single Family Home
Land Use:	1111	Single Family Housing
Property Class:	401	Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$90,539	\$107,770	\$198,309	\$104,798
2004	\$82,309	\$89,070	\$171,379	\$101,746
	2005 Taxable Value \$ 104,798	2005 Taxes \$1,019.20	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
12-15-1995	\$85,000	Hendricks, Sherry P		96-00630000

Residential Building # 1 (of 1) Characteristics 21 stat 110 or 120

		Square feet	Base	Finished		
Year Built:	1967	Basement			Bsmt Garage Sqft	
Bedrooms	2	First	880	880	Att Garage Sqft	
Full Baths	1	Second			Det Garage Sqft	
Half Baths		Attic			Att Carport Sqft	
% Improvmt Complete	100	Total	880	880		

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

Map & Tax Lot #: 16-01-08-00-01200

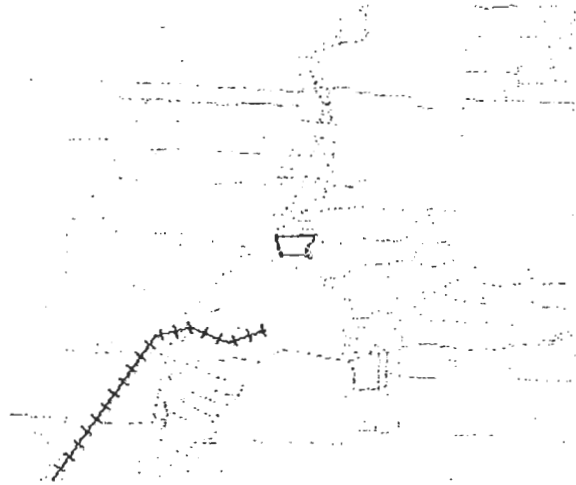
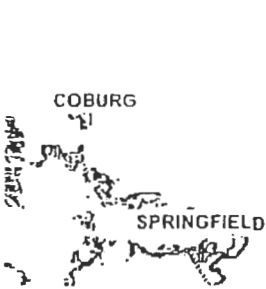
Special Interest Code:

A & T Account #: 0028835

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4307830

Y-Coord: 928663

Land Use

Code: Description:

Land Use Code and Description: 1111

SINGLE FAMILY HOUSING

Use Code and Description: S

SINGLE FAMILY

Land Use Code and Description: 9100

VACANT, UNUSED, UNDEVELOPED LAND

Use Code and Description: V

VACANT

Zoning

Code: Description:

Zoning Jurisdiction: LC

LANE COUNTY

Parent Zone 1: RR5

RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers: MVF

MOHAWK VALLEY FD

Plan Designation:

Node: N

2000 Census Tract: 0200

2000 Block Group: 2

Year Annexed:

Annexation #:

2004 Transportation Analysis

Zone: 503

Approximate Acreage: 7.25

Approximate Square Footage: 315,810

Environmental Findings

RLID Detailed Property Report

14502010

Metro Flood Hazards:  
Metro Wetlands:

FEMA Flood Hazard Zones

Note: Some information regarding flood hazard in FIRM maps is derived from data provided by the National Flood Insurance Program. Flood hazard information is based on the current data and may not reflect changes in the state of flood hazard. Contact FIRM maps or appropriate authority.

FIRM Map Number: 41039C0680F	Community Number: 415591	Post - FIRM Date: 1985-12-18	Panel Printed? (Y/N): Y
Code: AE	Description: Areas of 100-year flood, base flood elevations determined.		
FW	Floodway areas inside the 100-year flood, base flood elevations determined.		
X	Areas determined to be outside of 500-year flood.		
X5	Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.		

Soils

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
26	CHEHALIS SILTY CLAY LOAM, OCCASIONALLY FLOODED	61
20B	BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES	30
95	NEWBERG FINE SANDY LOAM	8
113G	RITNER COBBLY SILTY CLAY LOAM, 30 TO 60 PERCENT SLOPES	1

Schools

District:	Code:	Name:
Elementary School:	79J	MARCOLA
Middle School:		
High School:		

Service Districts

LTD Service Area:		
LTD Ride Source:		
Ambulance District:	EC Area: EAST/CENTRAL	Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5  
 Soil Water Conservation District: EAST LANE  
 Soil Water Conservation District Zone: 0

Political Districts

Election Precinct:	100105	
County Commissioner District:	5	EAST
County Commissioner:	FAYE STEWART	
State Representative District:	11	
State Representative Name:	PHIL BARNHART	
City Council Ward:		
City Councilor Name:		
State Senate District:	6	
State Senator:	WILLIAM MORRISETTE	
LCC Board Zones:	3	
EWEB Commissioner District:		

Lane County Assessor's Office Account Number: 0028835 Map & Tax Lot: 16-01-08-00-01200

**KLID Detailed Property Report**

**Property Owner**

Owner1 Name: **JOSEPH F & PENNY L MILLER TR**  
 Owner Address: **92774 PASCHELKE RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

Owner2 Name: **MILLER JOSEPH F TE**  
 Owner Address: **92774 PASCHELKE RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

Owner3 Name: **MILLER PENNY L TE**  
 Owner Address: **92774 PASCHELKE RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

**Taxpayer**

Taxpayer Name: **MILLER JOSEPH F TE**  
 Taxpayer Address: **92774 PASCHELKE RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

**Property Legal Description**

Township: **16**                      Range: **01**                      Section: **08**                      Quarter: **00**  
 Subdivision Type:                      Subdivision Name:                      Division/Phase:  
 Lot/Tract/Unit Number: **TL 01200**  
 Subdivision Number:  
 Recording Number:

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	26,488	0	26,488	14,297
2004	24,080	0	24,080	13,881
2003	20,236	0	20,236	13,477
2002	18,068	0	18,068	13,084
2001	14,690	0	14,690	12,703
2000	16,320	0	16,320	12,333
1999	16,160	0	16,160	11,974
1998	16,320	0	16,320	11,625
1997	15,690	0	15,690	11,286
1996	14,800	0	14,800	14,800
1995	12,540	0	12,540	12,540

<b>14,297</b>	<b>0</b>	<b>0</b>
Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	158.66
2004	155.72
2003	153.00





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PROPERTY REPORT - LANE COUNTY

Account # 0028553

Map, Tax Lot, & SIC # 16-01-08-00-00101

Site Address: 92947 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Ryan Thomas H & Mary Ellyn 92947 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Ryan Thomas H & Mary Ellyn 92947 Paschelke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	3.91 170,320'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00101	Middle	
Census Tr/BlkGrp:	0200/3	Recording #		High	

Zoning:	Parent/Overlay	RR5
Statistical Class:	140	Class 4 Single Family Home
Land Use:	1111	Single Family Housing
Property Class:	401	Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$120,673	\$120,860	\$241,533	\$158,929
2004	\$109,703	\$96,690	\$206,393	\$154,300
	2005 Taxable Value \$ 158,929	2005 Taxes \$1,601.65	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
08-24-1988	\$80,000	Earnest, Duane R & Deanna L H&w		88-03502100

Residential Building # 1 (of 1) Characteristics 41 stat 140

		Square feet	Base	Finished		
Year Built:	1966	Basement			Bsmt Garage Sqft	
Bedrooms	3	First	1266	1266	Att Garage Sqft	539
Full Baths	2	Second			Det Garage Sqft	
Half Baths		Attic			Att Carport Sqft	
% Improvmt Complete	100	Total	1266	1266		

**Comments:**

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*MSJ*

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address: 92947 PASCHELKE RD

Map & Tax Lot #: 16-01-08-00-00101

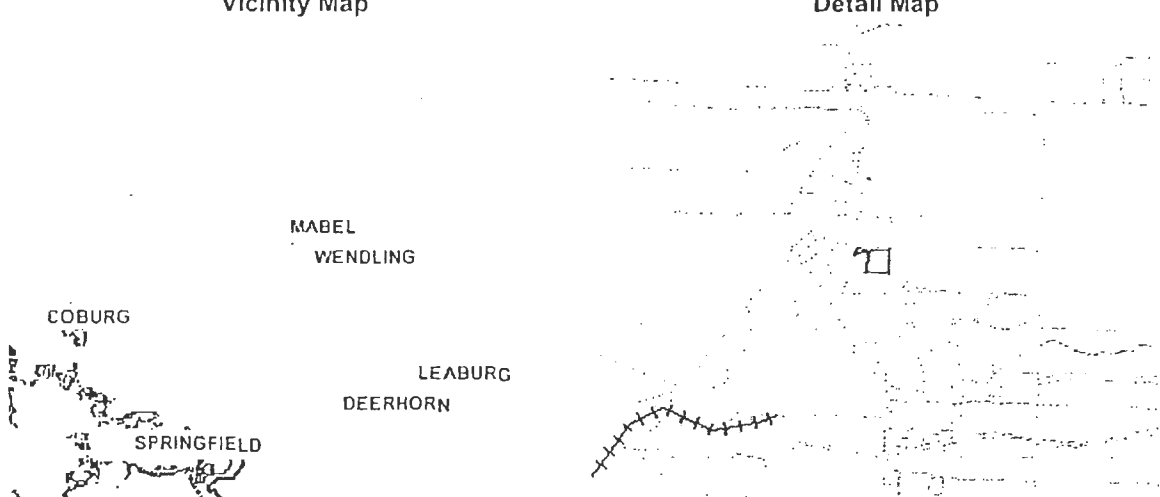
Special Interest Code:

A & T Account #: 0028553

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4308892

Y-Coord: 929288

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
92947			PASCHELKE		RD		
	Mailing City		State	Zip Code	Zip+4	Carrier Route	
	MARCOLA		OR	97454	9715	H069	
	Create Date: 1986-07-02			Update Date:			

Land Use

Code:	Description:
1111	SINGLE FAMILY HOUSING
S	SINGLE FAMILY

Zoning

Code:	Description:
LC	LANE COUNTY
RR5	RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information

General

Incorporated City Limits:	
Urban Growth Boundary:	
Fire Protection Providers:	MVF MOHAWK VALLEY FD
Plan Designation:	
Node:	N
2000 Census Tract:	0200
2000 Block Group:	3
Year Annexed:	
Annexation #:	

2004 Transportation Analysis 507

Zone:

Approximate Acreage: 3.91  
Approximate Square Footage: 170,320

Environmental Findings

Metro Flood Hazards:  
Metro Wetlands:

FEMA Flood Hazard Zones

FIRM Map Number: 41039C0680F  
Code: X  
Community Number: 415591  
Post - FIRM Date: 1985-12-18  
Panel Printed? (Y/N): Y  
Description: Areas determined to be outside of 500-year flood.

Soils

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
89D	NEKIA SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES	83
26	CHEHALIS SILTY CLAY LOAM, OCCASIONALLY FLOODED	10
78	MCALPIN SILTY CLAY LOAM	6
113G	RITNER COBBLY SILTY CLAY LOAM, 30 TO 60 PERCENT SLOPES	1

Schools

District: 79J  
Elementary School:  
Middle School:  
High School:  
Name: MARCOLA

Service Districts

LTD Service Area:  
LTD Ride Source:

Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District: EAST LANE

Soil Water Conservation District Zone: 0

Political Districts

Election Precinct: 100105  
County Commissioner District: 5 EAST  
County Commissioner: FAYE STEWART  
State Representative District: 11  
State Representative Name: PHIL BARNHART  
City Council Ward:  
City Councilor Name:  
State Senate District: 6  
State Senator: WILLIAM MORRISETTE  
LCC Board Zones: 3  
EWEB Commissioner District:

Lane County Assessor's Office Account Number: 0026553, Map & Tax Lot: 16-01-08-00-00101

Property Owner

Owner1 Name: RYAN THOMAS H & MARY ELLYN

RLID Detailed Property Report

Owner Address: 92947 PASCHELKE RD

City: MARCOLA State: OREGON Country: UNITED STATES Zip Code: 97454

**Taxpayer**

Taxpayer Name: RYAN THOMAS H & MARY ELLYN

Taxpayer Address: 92947 PASCHELKE RD

City: MARCOLA State: OREGON Country: UNITED STATES Zip Code: 97454

Property Legal Description

Township: 16 Range: 01 Section: 08 Quarter: 00

Subdivision Type: Subdivision Name: Division/Phase:

Lot/Tract/Unit Number: TL 00101

Subdivision Number:

Recording Number:

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	120,673	120,860	241,533	158,929
2004	109,703	96,690	206,393	154,300
2003	92,188	104,290	196,478	149,806
2002	82,311	93,120	175,431	145,443
2001	66,920	107,030	173,950	141,207
2000	74,360	115,090	189,450	137,094
1999	73,620	121,150	194,770	133,101
1998	74,360	103,550	177,910	129,224
1997	71,500	104,600	176,100	125,460
1996	67,450	87,170	154,620	154,620
1995	57,160	82,240	139,400	139,400

158,929 Taxable Value      0 Exemption Amount Regular (EAR)      0 Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	1,601.65
2004	1,552.17
2003	1,518.33
2002	1,494.85
2001	1,674.23
2000	1,610.49
1999	1,640.31
1998	1,481.68
1997	1,452.86
1996	1,576.27
1995	1,208.41

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

**Remarks:**

**Special Assessment Program (if applicable)**

Code:

Description:

**General Information**

Property Class:	401	TRACT, IMPROVED
Statistical Class:	140	CLASS 4 SINGLE FAMILY HOME
Neighborhood Code:	20161	
Property Use Type:		
Account Type:	RP	
Category:	LAND AND IMPROVEMENTS	
Mortgage Company Name:		
Total Acreage for this Account:	3.88	
Fire Acres:	3.88	

**Tax Code Area (Levy Code):** 07902

EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J  
 MOHAWK VALLEY RURAL FIRE PROTECTION DIST

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
08-24-1988	80,000	EARNEST, DUANE R & DEANNA L H&W		8803502100	N	

**Manufactured Structures**

**Building 1 Characteristics**

Account:	0028553	Map & Tax Lot:	16-01-08-00-00101
Inspection Date:	12-07-1993	Roofstyle:	GABLE Bedrooms: 3
Building Type:	41 STAT 140	Roof Cover:	COMP SHINGLE MEDIUM Full Baths: 2
Class:	4-	Heating:	FORCED HOT AIR Half Baths:
Year Built:	1966	Exterior Wall:	WOOD SIDING Fireplaces: YES
Effect Year Built:	1966	Depreciation:	21 Percent Improv. Complete: 100
<u>Floor</u>		<u>Base Area</u>	<u>Finished Area</u>
			<u>Parking Area</u>

**RLID Detailed Property Report**

Basement:		Bsmt Gar sqft:	
First:	1266	1266 Att Gar sqft:	539
Second:		Att Port sqft:	
Attic:		Det Gar sqft:	
		Driveway Sqft:	400
<b>TOTAL</b>	<b>1266</b>	<b>1266 Paved Patio Sqft:</b>	

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

PROPERTY REPORT - LANE COUNTY

Account # 0028561

Map, Tax Lot, & SIC # 16-01-08-00-00102

Site Address:	
Owner Name & Address: Ryan Thomas H & Mary Ellyn 92947 Paschelke Rd Marcola, OR 97454	Taxpayer Name & Address: Ryan Thomas H & Mary Ellyn 92947 Paschelke Rd Marcola, OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	8.04 350,222'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00102	Middle	
Census Tr/BlkGrp:	0200/3	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	
Land Use:	8040 Pasture, Cows, Sheep, Cattle
Property Class:	640 Forest, Unzoned Farm Land, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$81,857	\$0	\$81,857	\$2,546
2004	\$74,782	\$0	\$74,782	\$2,472
	2005 Taxable Value \$ 2,546	2005 Taxes \$36.28	Tax Code Area 07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
08-24-1988	\$80,000	Earnest, Duane R & Deanna L H&w	Ryan, Thomas H & Mary Ellyn	88-03502100

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished		
Year Built:				Bsmt Garage Sqft	
Bedrooms				Att Garage Sqft	
Full Baths				Det Garage Sqft	
Half Baths				Att Carport Sqft	
% Improvmt Complete					
	Basement				
	First				
	Second				
	Attic				
	Total				

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*Forest*



KLID Property Report

PROPERTY REPORT - LANE COUNTY

Account # 0028561

Map, Tax Lot, & SIC # 16-01-08-00-00102

Site Address:	
Owner Name & Address: Ryan Thomas H & Mary Ellyn 92947 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Ryan Thomas H & Mary Ellyn 92947 Paschelke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	8.04 350,222'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00102	Middle	
Census Tr/BlkGrp:	0200/3	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	
Land Use:	8040 Pasture, Cows, Sheep, Cattle
Property Class:	640 Forest, Unzoned Farm Land, Vacant

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	\$81,857	\$0	\$81,857	\$2,546
2004	\$74,782	\$0	\$74,782	\$2,472
2005 Taxable Value		2005 Taxes	Tax Code Area	
\$ 2,546		\$36.28	07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
08-24-1988	\$80,000	Earnest, Duane R & Deanna L H&w	Ryan, Thomas H & Mary Ellyn	88-03502100

Residential Building # 0 (of 0 ) Characteristics

	Square feet		Base	Finished	
	Year Built:	Bedrooms			
Basement					Bsmt Garage Sqft
First					Att Garage Sqft
Second					Det Garage Sqft
Attic					Att Carport Sqft
Total					
Half Baths					
% Improvmt Complete					

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

### LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

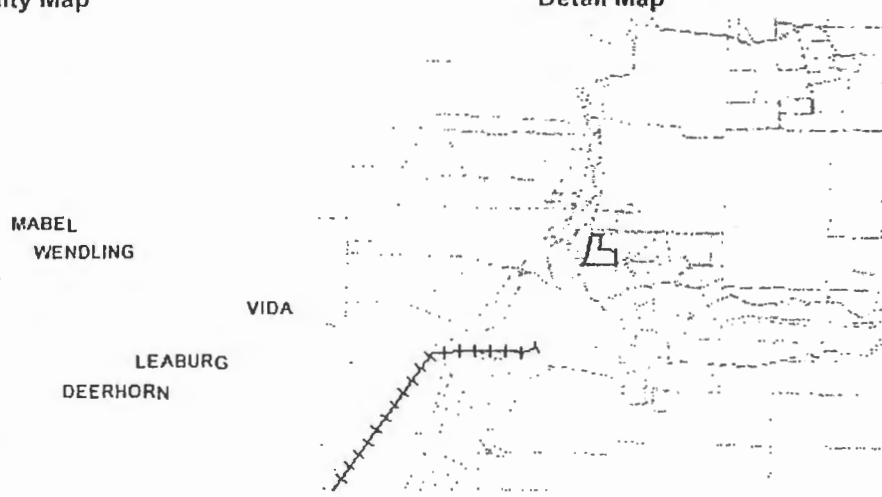
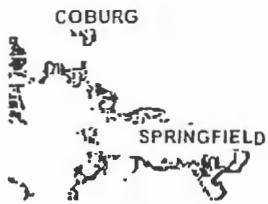
Map & Tax Lot #: 16-01-08-00-00102

Special Interest Code:

A & T Account #: 0028561

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4308751

Y-Coord: 928923

Land Use

Land Use Code and Description are not necessarily current.

Code: 8040

Description:

Land Use Code and Description:

A

**PASTURE, COWS, SHEEP, CATTLE**

Use Code and Description:

**AGRICULTURE**

Zoning

Parent zone and jurisdiction with jurisdiction. Lane County overlay zones are not currently in effect.

Code: LC

Description:

Zoning Jurisdiction:

LC

**LANE COUNTY**

Parent Zone 1:

RR5

**RURAL RESIDENTIAL 5 ACRE MIN**

Boundary Information

#### General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

MVF

**MOHAWK VALLEY FD**

Plan Designation:

Node:

N

2000 Census Tract:

0200

2000 Block Group:

3

Year Annexed:

Annexation #:

2004 Transportation Analysis

507

Zone:

Approximate Acreage:

8.04

Approximate Square Footage:

350,222

#### Environmental Findings

Metro Flood Hazards:

Metro Wetlands:



**RLID Detailed Property Report**

AUG 2006

City: **MARCOLA** State: **OREGON** Country: **UNITED STATES** Zip Code: **97454**

**Property Legal Description**

Township: **16** Range: **01** Section: **08** Quarter: **00**  
 Subdivision Type: Subdivision Name: Division/Phase:  
 Lot/Tract/Unit Number: **TL 00102**  
 Subdivision Number:  
 Recording Number:

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	81,857	0	81,857	2,546
2004	74,782	0	74,782	2,472
2003	62,656	0	62,656	659
2002	58,108	0	58,108	630
2001	46,992	0	46,992	612
2000	50,529	0	50,529	594
1999	50,020	0	50,020	580
1998	50,530	0	50,530	332
1997	48,590	0	48,590	322
1996	45,840	0	45,840	380
1995	38,850	0	38,850	360

2,546 Taxable Value      0 Exemption Amount Regular (EAR)      0 Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	36.28
2004	35.76
2003	22.59
2002	22.55
2001	23.24
2000	20.23
1999	23.25
1998	21.04
1997	20.98
1996	20.95
1995	20.38

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change

- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

Remarks:

Potential Additional Tax

Special Assessment Program (if applicable)

Code:

FORDF

Description:

FOREST DEFERRAL

General Information

Property Class: 640

FOREST, UNZONED FARM LAND,  
VACANT

Statistical Class:

Neighborhood Code: 20161

Property Use Type: 515

Account Type: RP

Category: LAND AND IMPROVEMENTS

Mortgage Company Name:

Total Acreage for this Account: 9.45

Fire Acres: 9.45

Tax Code Area (Levy Code): 07904

EMERALD PEOPLES UTILITY DISTRICT

LANE COMMUNITY COLLEGE

LANE COUNTY

LANE EDUCATION SERVICE DISTRICT

MARCOLA SCHOOL DISTRICT 79J

Sales Information

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
08-24-1988	80,000	EARNEST, DUANE R & DEANNA L H&W	RYAN, THOMAS H & MARY ELLYN	8803502100	N	N

Manufactured Structures

Search Results | New Property Search | Applications Menu

KLID Property Report

PROPERTY REPORT - LANE COUNTY

Account # 0028579

Map, Tax Lot, & SIC # 16-01-08-00-00103

Site Address: 92953 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Rogers Cleo J & Donald E 92953 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Rogers Cleo J & Donald E 92953 Paschelke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	4.70 204,732'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00103	Middle	
Census Tr/BlkGrp:	0200/3	Recording #		High	

Zoning: Parent/Overlay	RR5
Statistical Class:	140 Class 4 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	401 Tract, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$71,660	\$169,040	\$240,700	\$142,239
2004	\$65,146	\$135,230	\$200,376	\$138,096
	<b>2005 Taxable Value \$ 131,779</b>	<b>2005 Taxes \$1,337.60</b>	<b>Tax Code Area 07902</b>	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
------	-------	---------	---------	--------------

Residential Building # 1 (of 1) Characteristics 41 stat 140

		Square feet	Base	Finished		
Year Built:	1967	Basement			Bsmt Garage Sqft	
Bedrooms	3	First	1768	1768	Att Garage Sqft	506
Full Baths	2	Second			Det Garage Sqft	
Half Baths		Attic			Att Carport Sqft	540
% Improvmt Complete	100	Total	1768	1768		

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

AD SA

LANE COUNTY REGIONAL LAND INFORMATION DATABASE

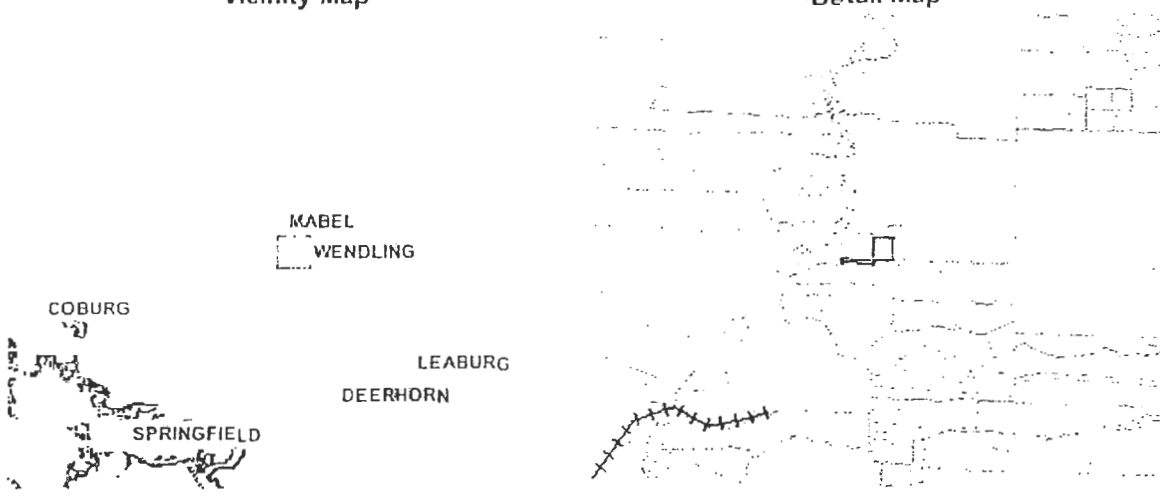
Site Address: 92953 PASCHELKE RD  
Map & Tax Lot #: 16-01-08-00-00103  
A & T Account #: 0028579

Special Interest Code:

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates  
X-Coord: 4309209  
Y-Coord: 929698

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
92953			PASCHELKE		RD		
	Mailing City		State	Zip Code	Zip+4	Carrier Route	
	MARCOLA		OR	97454	9715	H069	
	Create Date: 1986-07-02			Update Date:			

Land Use

Land Use Code and Description:

Land Use Code and Description:

Code:	Description:
1111	SINGLE FAMILY HOUSING
S	SINGLE FAMILY

Zoning

Zoning Code and Description:

Zoning Jurisdiction:

Code:	Description:
LC	LANE COUNTY
RR5	RURAL RESIDENTIAL 5 ACRE MIN

Parent Zone 1:

Boundary Information

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

MVF MOHAWK VALLEY FD

Plan Designation:

Node:

N

2000 Census Tract:

0200

2000 Block Group:

3

Year Annexed:

Annexation #:

2004 Transportation Analysis

507

Zone:  
Approximate Acreage: 4.70  
Approximate Square Footage: 204,732  
Environmental Findings  
Metro Flood Hazards:  
Metro Wetlands:

no available environmental information with local jurisdiction.

FEMA Flood Hazard Zones

FEMA Flood Hazard Zones are determined based on FEMA maps. Registered between 2000 and 2005. The information is provided for informational purposes only. It is not intended to be used for any other purpose. The information is provided for informational purposes only. It is not intended to be used for any other purpose.

FIRM Map Number: 41039C0680F  
Community Number: 415591  
Post - FIRM Date: 1985-12-18  
Panel Printed? (Y/N): Y  
Code: X  
Description: Areas determined to be outside of 500-year flood.

Soils

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
89D	NEKIA SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES	82
78	MCALPIN SILTY CLAY LOAM	16
20B	BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES	2
26	CHEHALIS SILTY CLAY LOAM, OCCASIONALLY FLOODED	1

Schools

District: Code: 79J Name: MARCOLA  
Elementary School:  
Middle School:  
High School:

Service Districts

LTD Service Area:  
LTD Ride Source:  
Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5  
Soil Water Conservation District: EAST LANE  
Soil Water Conservation District Zone: 0

Political Districts

Election Precinct: 100105  
County Commissioner District: 5 EAST  
County Commissioner: FAYE STEWART  
State Representative District: 11  
State Representative Name: PHIL BARNHART  
City Council Ward:  
City Councilor Name:  
State Senate District: 6  
State Senator: WILLIAM MORRISETTE  
LCC Board Zones: 3  
EWEB Commissioner District:

Lane County Assessor's Office | Account Number: 0628579 | Map & Tax Lot: 16-01-08-00-00103

Property Owner

Owner1 Name: ROGERS CLEO J & DONALD E  
Owner Address: 92953 PASCHELKE RD



City: MARCOLA State: OREGON Country: UNITED STATES Zip Code: 97454

**Taxpayer**  
 Taxpayer Name: ROGERS CLEO J & DONALD E  
 Taxpayer Address: 92953 PASCHELKE RD

City: MARCOLA State: OREGON Country: UNITED STATES Zip Code: 97454

Property Legal Description:  
 Township: 16 Range: 01 Section: 08 Quarter: 00  
 Subdivision Type: Subdivision Name: Division/Phase:  
 Lot/Tract/Unit Number: TL 00103  
 Subdivision Number:  
 Recording Number:

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	71,660	169,040	240,700	142,239
2004	65,146	135,230	200,376	138,096
2003	54,745	145,870	200,615	134,074
2002	48,880	130,240	179,120	130,169
2001	39,740	149,700	189,440	126,378
2000	44,160	160,970	205,130	122,697
1999	43,720	169,440	213,160	119,123
1998	44,160	144,820	188,980	138,077
1997	42,460	146,280	188,740	134,055
1996	40,060	121,900	161,960	161,960
1995	33,950	115,000	148,950	125,760

131,779 Taxable Value      10,460 Exemption Amount Regular (EAR)      0 Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	1,337.60
2004	1,296.53
2003	1,268.51
2002	1,249.07
2001	1,397.83
2000	1,442.94
1999	1,473.93
1998	1,579.33
1997	1,548.56
1996	1,648.44
1995	1,095.65

Current Exemptions

Tax Year	Amount	Description
2005	10,460	Veteran 1

Explanation of Tax

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and

omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

Account Status

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

Remarks:

Potential Additional Tax; 96 Postponed Farm Tax \$800.93

Special Assessment Program (if applicable)

Code:

Description:

General Information

Property Class: 401 TRACT, IMPROVED  
 Statistical Class: 140 CLASS 4 SINGLE FAMILY HOME  
 Neighborhood Code: 20161  
 Property Use Type:  
 Account Type: RP  
 Category: LAND AND IMPROVEMENTS  
 Mortgage Company Name:  
 Total Acreage for this Account: 4.68  
 Fire Acres: 4.68

Tax Code Area (Levy Code): 07902

EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J  
 MOHAWK VALLEY RURAL FIRE PROTECTION DIST

Sales Information

Sales Date: Sales Price: Grantor: Grantee: Instrument #: Analysis Code: Mult Acct?:

Manufactured Structures

Building 1 Characteristics

Account:	0028579	Map & Tax Lot:	16-01-08-00-00103		
Inspection Date:	12-15-1993	Roofstyle:	GABLE	Bedrooms:	3
Building Type:	41 STAT 140	Roof Cover:	CEDAR SHAKE MED	Full Baths:	2
Class:	4	Heating:	FORCED HOT AIR	Half Baths:	
Year Built:	1967	Exterior Wall:	WOOD SIDING	Fireplaces:	YES
Effect Year Built:	1967	Depreciation:	21	Percent Improv. Complete:	100
<u>Floor</u>		<u>Base Area</u>	<u>Finished Area</u>		<u>Parking Area</u>

Basement:		Bsmt Gar sqft:	
First:	1768	Att Gar sqft:	506
Second:		Att Port sqft:	540
Attic:		Det Gar sqft:	
		Driveway Sqft:	360
TOTAL	1768	Paved Patio Sqft:	150

Search Results | New Property Search | Applications Menu

PROPERTY REPORT - LANE COUNTY

Account # 1423134

Map, Tax Lot, & SIC # 16-01-08-00-00105

Site Address:	
Owner Name & Address: Rogers Cleo J & Donald E 92953 Paschelke Rd Marcola, OR 97454	Taxpayer Name & Address: Rogers Cleo J & Donald E 92953 Paschelke Rd Marcola, OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC:	

Approximate Tax Lot Acres	9.83 428,195'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 00105	Middle	
Census Tr/BlkGrp:	0200/3	Recording #		High	

Zoning: Parent/Overlay	E40
Statistical Class:	
Land Use:	8310 Timberlands
Property Class:	550 Farm, Efu, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$33,918	\$0	\$33,918	\$1,502
2004	\$30,987	\$0	\$30,987	\$1,458
	2005 Taxable Value \$ 1,502	2005 Taxes \$14.61	Tax Code Area 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*Handwritten note:*  
EFL  
at Annual?

### LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

Map & Tax Lot #: 16-01-08-00-00105

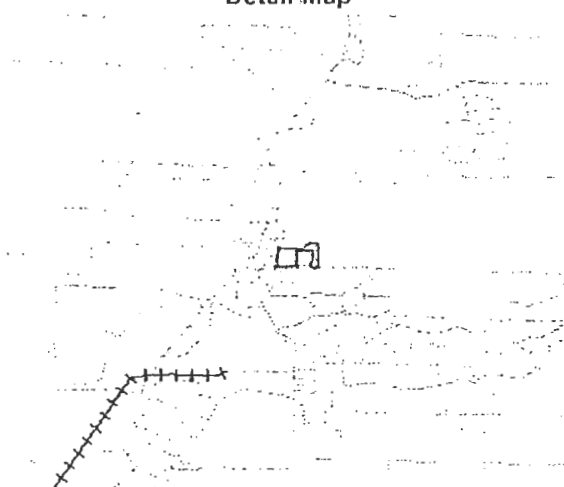
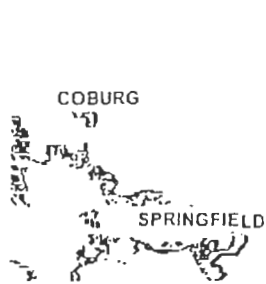
Special Interest Code:

A & T Account #: 1423134

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4308865

Y-Coord: 929895

Land Use

Land use information is based on field verification.

Code:

Description:

Land Use Code and Description:

8310

TIMBERLANDS

Use Code and Description:

T

TIMBER

Zoning

Future zoning, zoning with District, zoning jurisdiction and County zoning codes are not applicable.

Code:

Description:

Zoning Jurisdiction:

LC

LANE COUNTY

Parent Zone 1:

E40

EXCLUSIVE FARM USE 40 ACRE MIN

Boundary Information

General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers:

MVF

MOHAWK VALLEY FD

Plan Designation:

Node:

N

2000 Census Tract:

0200

2000 Block Group:

3

Year Annexed:

Annexation #:

2004 Transportation Analysis

507

Zone:

Approximate Acreage:

9.83

Approximate Square Footage:

428,195

Environmental Findings

Metro Flood Hazards:

Metro Wetlands:

FEMA Flood Hazard Zones

Registration between parcel boundaries and FEMA flood zones is based on the current dry area and may not reflect the current FEMA maps or appropriate authority.

FIRM Map Number:

41039C0680F

Community Number:

415591

Post - FIRM Date:

1985-12-18

Panel Printed? (Y/N):

Y

Code:

X

Description:

Areas determined to be outside of 500-year flood.

Soils

Soil Map Unit Number:

89D

78

20B

113G

89E

Soil Type Description:

NEKIA SILTY CLAY LOAM, 12 TO 20 PERCENT SLOPES

MCALPIN SILTY CLAY LOAM

BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES

RITNER COBBLY SILTY CLAY LOAM, 30 TO 60 PERCENT SLOPES

NEKIA SILTY CLAY LOAM, 20 TO 30 PERCENT SLOPES

Percentage of Tax Lot:

39

33

25

4

0

Schools

District:  
Elementary School:  
Middle School:  
High School:

Code:

79J

Name:

MARCOLA

Service Districts

LTD Service Area:

LTD Ride Source:

Ambulance District:

EC Area: EAST/CENTRAL

Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District:

EAST LANE

Soil Water Conservation District Zone: 0

Political Districts

Election Precinct:

100105

County Commissioner District:

5

EAST

County Commissioner:

FAYE STEWART

State Representative District:

11

State Representative Name:

PHIL BARNHART

City Council Ward:

City Councilor Name:

State Senate District:

6

State Senator:

WILLIAM MORRISETTE

LCC Board Zones:

3

EWEB Commissioner District:

Lane County Assessor's Office | Account Number: 1423134 | Map & Tax Lot: 16-01-08-00-00105

Property Owner

Owner1 Name: ROGERS CLEO J & DONALD E

Owner Address: 92953 PASCHELKE RD

City  
MARCOLA

State  
OREGON

Country  
UNITED STATES

Zip Code  
97454

Taxpayer

Taxpayer Name: **ROGERS CLEO J & DONALD E**

Taxpayer Address: **92953 PASCHELKE RD**

City: **MARCOLA** State: **OREGON** Country: **UNITED STATES** Zip Code: **97454**

Property Legal Description

Township: **16** Range: **01** Section: **08** Quarter: **00**  
 Subdivision Type: Subdivision Name: Division/Phase:

Lot/Tract/Unit Number: **TL 00105**

Subdivision Number:

Recording Number:

Property Value and Taxes

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	33,918	0	33,918	1,502
2004	30,987	0	30,987	1,458
2003	25,961	0	25,961	1,415
2002	24,077	0	24,077	1,375
2001	19,471	0	19,471	1,338
2000	20,938	0	20,938	1,298
1999	20,730	0	20,730	1,270
1998	20,940	0	20,940	1,242
1997	20,130	0	20,130	1,206
1996	18,990	0	18,990	1,450
1995	16,090	0	16,090	1,340

1,502 Taxable Value      0 Exemption Amount Regular (EAR)      0 Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	14.61
2004	14.14
2003	13.81
2002	13.60
2001	15.33
2000	15.11
1999	15.12
1998	13.69
1997	13.43
1996	14.25
1995	11.08

Explanation of Tax

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

Account Status

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed

- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator

Remarks:

Potential Additional Tax

Special Assessment Program (if applicable)

Code:  
ZFARM

Description:  
ZONED FARM

General Information

Property Class: 550 FARM, EFU, VACANT  
 Statistical Class:  
 Neighborhood Code: 20161  
 Property Use Type: 502  
 Account Type: RP  
 Category: LAND AND IMPROVEMENTS

Mortgage Company Name:  
 Total Acreage for this Account: 10.21

Fire Acres:

Tax Code Area (Levy Code): 07902 Use the following report for Taxpayer 2014-15 Billing Rates

- EMERALD PEOPLES UTILITY DISTRICT
- LANE COMMUNITY COLLEGE
- LANE COUNTY
- LANE EDUCATION SERVICE DISTRICT
- MARCOLA SCHOOL DISTRICT 79J
- MOHAWK VALLEY RURAL FIRE PROTECTION DIST

Sales Information

Sales Date: Sales Price: Grantor: Grantee: Instrument #: Analysis Code: Mult Acct?:

Manufactured Structures

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PROPERTY REPORT - LANE COUNTY

Account # 1572138

Map, Tax Lot, & SIC # 16-01-08-00-00107

Site Address: 92774 PASCHELKE RD MARCOLA OR 97454	
Owner Name & Address: Miller Family Trust 92774 Paschelke Rd Marcola, OR 97454	Taxpayer Name & Address: Miller Joseph F 92774 Paschelke Rd Marcola, OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 1594660	

Approximate Tax	7.89	Subdivision Name:		School District:	Marcola
Lot Acres	343,688'	Phase:		Elem	
Inc City:		Lot #	TL 00107	Middle	
UGB:		Recording #		High	
Census Tr/BlkGrp:	0200/2				

Zoning: Parent/Overlay	RR5
Statistical Class:	150 Class 5 Single Family Home
Land Use:	1111 Single Family Housing
Property Class:	641 Forest, Unzoned Farm Land, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$116,442	\$648,460	\$764,902	\$534,651
2004	\$94,747	\$541,500	\$636,247	\$462,498
	<b>2005 Taxable Value</b> \$ 534,651	<b>2005 Taxes</b> \$5,199.69	<b>Tax Code Area</b> 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
06-25-2003	\$0	Joseph F & Penny L Miller Trust	Miller Family Trust	20-03-058036
09-26-1995	\$105,000	Paschelke, John Lee		95-05541000

Manufactured Structure

Model Year:	1999	Make:	Marlette
Serial Number:	H0017872AB	Plate Number:	
Length:	0	Width:	0
Model:			

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*Went*

PROPERTY REPORT - LANE COUNTY

Account # 1594660

Map, Tax Lot, & SIC # 16-01-08-00-00107

Site Address:	
Owner Name & Address: Miller Family Trust 92774 Paschelke Rd Marcola , OR 97454	Taxpayer Name & Address: Miller Joseph F 92774 Paschelke Rd Marcola , OR 97454
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 1572138	

Approximate Tax	7.89	Subdivision Name:		School District:	Marcola
Lot Acres	343,688'	Phase:		Elem	
Inc City:		Lot #	TL 00107	Middle	
UGB:		Recording #		High	
Census Tr/BlkGrp:	0200/2				

Zoning: Parent/Overlay	RR5
Statistical Class:	
Land Use:	1111 Single Family Housing
Property Class:	641 Forest, Unzoned Farm Land, Improved

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$24,110	\$0	\$24,110	\$420
2004	\$4,053	\$0	\$4,053	\$408
2005 Taxable Value		2005 Taxes	Tax Code Area	
\$ 420		\$59.02	07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
06-25-2003	\$0	Joseph F & Penny L Miller Trust	Miller Family Trust	20-03-058036

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:
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\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

**LANE COUNTY REGIONAL LAND INFORMATION DATABASE**

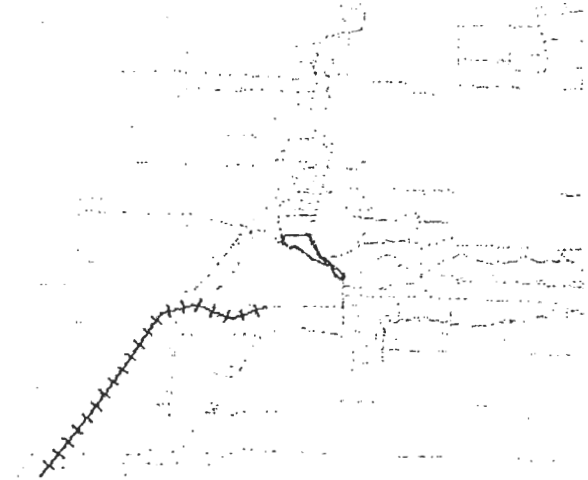
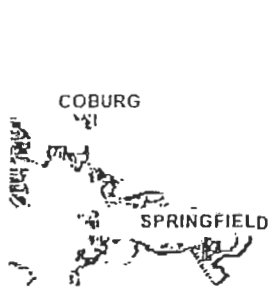
Site Address: 92774 PASCHELKE RD  
 Map & Tax Lot #: 16-01-08-00-00107  
 A & T Account #: 1572138

Special Interest Code:

Tax Map View Tax Map Convert to PDF Document

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4307967

Y-Coord: 928231

Site Address Information

House	Suffix	Predir.	Street Name	PostDir.	Street Type	Unit Type	Unit
92774			PASCHELKE		RD		
	Mailing City		State	Zip Code	Zip+4	Carrier Route	
	MARCOLA		OR	97454	9756	H069	
	Create Date: 1998-01-21			Update Date: 2002-11-22			

Land Use

Code:	Description:
1111	SINGLE FAMILY HOUSING
S	SINGLE FAMILY

Zoning

Code:	Description:
LC	LANE COUNTY
RR5	RURAL RESIDENTIAL 5 ACRE MIN

Boundary Information

General

Incorporated City Limits:	
Urban Growth Boundary:	
Fire Protection Providers:	MVF MOHAWK VALLEY FD
Plan Designation:	
Node:	N
2000 Census Tract:	0200
2000 Block Group:	2
Year Annexed:	
Annexation #:	
2004 Transportation Analysis	503

Zone:  
Approximate Acreage: 7.89  
Approximate Square Footage: 343,688  
Environmental Findings

Focus on only the areas shown in purple with local jurisdiction.

Metro Flood Hazards: B  
Areas bet limits of the 100-yr and 500-yr flood; or certain areas subject to 100-yr flooding with ave depths >1 foot or where the contributing drainage area is >1 square mile; or areas protected by levees from the base flood.

Metro Wetlands:

**FEMA Flood Hazard Zones**

Special Flood Hazard areas are shown on the FEMA maps. Registration details, panel numbers and other information are provided. Community numbers are based on the current FEMA map and may not reflect the latest available information. Consult FEMA maps for appropriate authority.

FIRM Map Number: 41039C0680F  
Community Number: 415591  
Post - FIRM Date: 1985-12-18  
Panel Printed? (Y/N): Y

Code: Description:  
A Areas of 100-year flood, no base flood elevations determined.  
AE Areas of 100-year flood, base flood elevations determined.  
FW Floodway areas inside the 100-year flood, base flood elevations determined.  
X Areas determined to be outside of 500-year flood.  
X5 Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.

**Soils**

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
95	NEWBERG FINE SANDY LOAM	95
20B	BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES	3
113G	RITNER COBBLY SILTY CLAY LOAM, 30 TO 60 PERCENT SLOPES	2
26	CHEHALIS SILTY CLAY LOAM, OCCASIONALLY FLOODED	0

**Schools**

District: Code: 79J Name: MARCOLA  
Elementary School:  
Middle School:  
High School:

**Service Districts**

LTD Service Area:  
LTD Ride Source:  
Ambulance District: EC Area: EAST/CENTRAL Provider: SPRINGFIELD DEPT OF FIRE & LIFE SAFETY

Emerald People's Utility District: 5

Soil Water Conservation District: EAST LANE

Soil Water Conservation District Zone: 0

**Political Districts**

Election Precinct: 100105  
County Commissioner District: 5 EAST  
County Commissioner: FAYE STEWART  
State Representative District: 11  
State Representative Name: PHIL BARNHART

488

**KLID Detailed Property Report**

Page 3 of 6

City Council Ward:  
 City Councilor Name:  
 State Senate District: **6**  
 State Senator: **WILLIAM MORRISETTE**  
 LCC Board Zones: **3**  
 EWEB Commissioner District:

Lane County Assessor's Office | Account Number: 1572138 | Map & Tax Lot: 16-01-08-00-00107

**Property Owner**

Owner1 Name: **MILLER FAMILY TRUST**  
 Owner Address: **92774 PASCHELKE RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

**Taxpayer**

Taxpayer Name: **MILLER JOSEPH F**  
 Taxpayer Address: **92774 PASCHELKE RD**

City	State	Country	Zip Code
<b>MARCOLA</b>	<b>OREGON</b>	<b>UNITED STATES</b>	<b>97454</b>

**Property Legal Description**

Township: **16** Range: **01** Section: **08** Quarter: **00**  
 Subdivision Type: Subdivision Name: Division/Phase:  
 Lot/Tract/Unit Number: **TL 00107**  
 Subdivision Number:  
 Recording Number:

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	116,442	648,460	764,902	534,651
2004	94,747	541,500	636,247	462,498
2003	48,210	461,120	509,330	359,692
2002	45,126	162,100	207,226	145,182
2001	37,218	186,320	223,538	140,953
2000	40,020	120,000	160,020	133,051
1999	39,620	168,870	208,490	136,836
1998	8,800	29,540	38,340	23,285
1997	8,460	29,540	38,000	22,607
1996	10,460	0	10,460	450

534,651	0	0
Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)

Tax Year	Tax (See Explanation of Tax)
2005	5,199.69
2004	4,484.61
2003	3,511.13
2002	1,436.27
2001	1,615.32
2000	1,480.73
1999	1,688.80
1998	256.88
1997	251.71

489

1996

8.37

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator                      1594660 4251037

**Remarks:**

**Potential Additional Tax**

**Special Assessment Program (if applicable)**

Code:  
FORDF

Description:  
FOREST DEFERRAL

**General Information**

Property Class:                      641                      FOREST, UNZONED FARM LAND, IMPROVED

Statistical Class:                      150                      CLASS 5 SINGLE FAMILY HOME

Neighborhood Code:                      20161

Property Use Type:                      515

Account Type:                      RP

Category:                      LAND AND IMPROVEMENTS

Mortgage Company Name:

Total Acreage for this Account:    5.00

Fire Acres:

Tax Code Area (Levy Code): 07902

EMERALD PEOPLES UTILITY DISTRICT  
 LANE COMMUNITY COLLEGE  
 LANE COUNTY  
 LANE EDUCATION SERVICE DISTRICT  
 MARCOLA SCHOOL DISTRICT 79J  
 MOHAWK VALLEY RURAL FIRE PROTECTION DIST

**Sales Information**

Sales Date:	Sales Price:	Grantor:	Grantee:	Instrument #:	Analysis Code:	Mult Acct?:
06-25-2003		JOSEPH F & PENNY L MILLER TRUST	MILLER FAMILY TRUST	2003-58036	8	Y
09-26-1995	105,000	PASCHELKE, JOHN LEE		9505541000	L	
09-15-						

1995 PASCHELKE, LOIS H 9505540900 6

**Manufactured Structures**

Model Year: 1999 Make: MARLETTE Model:  
 Serial Number: H0017872AB Plate Number: EM48484 LOIS Number:  
 Length: 0 Width: 0

**Building 1 Characteristics**

Account:	1572138	Map & Tax Lot:	16-01-08-00-00107		
Inspection Date:	09-25-2003	Roofstyle:	GABLE	Bedrooms:	1
Building Type:	31 STAT 130	Roof Cover:	COMP SHINGLE MEDIUM	Full Baths:	1
Class:	3	Heating:		Half Baths:	
Year Built:	1996	Exterior Wall:	WOOD SIDING	Fireplaces:	NO
Effect Year Built:	1996	Depreciation:	7	Percent Improv. Complete:	100
<u>Floor</u>		<u>Base Area</u>	<u>Finished Area</u>		<u>Parking Area</u>
Basement:			Bsmt Gar sqft:		
First:		1000	1000 Att Gar sqft:		
Second:			Att Port sqft:		
Attic:			Det Gar sqft:		2000
			Driveway Sqft:		1930
TOTAL		1000	1000 Paved Patio Sqft:		

**Building 2 Characteristics**

Account:	1572138	Map & Tax Lot:	16-01-08-00-00107		
Inspection Date:	09-25-2003	Roofstyle:	HIP	Bedrooms:	2
Building Type:	51 STAT 150	Roof Cover:	CEMENT TILE	Full Baths:	3
Class:	5	Heating:		Half Baths:	
Year Built:	2002	Exterior Wall:	WOOD SIDING	Fireplaces:	NO
Effect Year Built:	2002	Depreciation:	2	Percent Improv. Complete:	100
<u>Floor</u>		<u>Base Area</u>	<u>Finished Area</u>		<u>Parking Area</u>
Basement:			Bsmt Gar sqft:		
First:		3411	3411 Att Gar sqft:		732
Second:			Att Port sqft:		
Attic:			Det Gar sqft:		
			Driveway Sqft:		6000
TOTAL		3411	3411 Paved Patio Sqft:		760

**Building 3 Characteristics**

Account:	1572138	Map & Tax Lot:	16-01-08-00-00107		
Inspection Date:	09-25-2003	Roofstyle:	GABLE	Bedrooms:	
Building Type:	11 MANUFACTURED STRUCTURE	Roof Cover:	COMP SHINGLE MEDIUM	Full Baths:	
Class:		Heating:		Half Baths:	
Year Built:		Exterior Wall:		Fireplaces:	
Effect Year Built:	1999	Depreciation:		Percent Improv. Complete:	100
<u>Floor</u>		<u>Base Area</u>	<u>Finished Area</u>		<u>Parking Area</u>
Basement:			Bsmt Gar sqft:		
First:			Att Gar sqft:		
Second:			Att Port sqft:		

Attic:

Det Gar sqft:

Driveway Sqft:

TOTAL

Paved Patio Sqft:

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)



PROPERTY REPORT - LANE COUNTY

Account # 0028843

Map, Tax Lot, & SIC # 16-01-08-00-01300

Site Address:	
Owner Name & Address: Dannen Tree Farm Ltd Ptrshp PO Box 84 Shedd , OR 97377	Taxpayer Name & Address: Dannen Tree Farm Ltd Ptrshp PO Box 84 Shedd , OR 97377
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 1178829	

Approximate Tax Lot Acres	79.84 3,477,830'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 01300	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	E40
Statistical Class:	
Land Use:	9101 Broadleaf Brush
Property Class:	640 Forest, Unzoned Farm Land, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value	
			Real Market	Assessed
2005	\$152,062	\$0	\$152,062	\$15,798
2004	\$138,921	\$0	\$138,921	\$15,338
2005 Taxable Value		2005 Taxes	Tax Code Area	
\$ 15,798		\$168.07	07904	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #

Residential Building # 0 (of 0) Characteristics

	Square feet		
	Base	Finished	
Year Built:			Bsmt Garage Sqft
Bedrooms			Att Garage Sqft
Full Baths			Det Garage Sqft
Half Baths			Att Carport Sqft
% Improvmt Complete			

Comments:

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

*found*

RLID Property Report

PROPERTY REPORT - LANE COUNTY

Account # 1178829

Map, Tax Lot, & SIC # 16-01-08-00-01300

Site Address:	
Owner Name & Address: Dannen Tree Farm Ltd Ptrshp PO Box 84 Shedd , OR 97377	Taxpayer Name & Address: Dannen Tree Farm Ltd Ptrshp PO Box 84 Shedd , OR 97377
Multiple Owners? No.	
Additional Account Numbers for this Tax Lot & SIC: 0028843	

Approximate Tax Lot Acres	79.84 3,477,830'	Subdivision Name:		School District:	Marcola
Inc City:		Phase:		Elem	
UGB:		Lot #	TL 01300	Middle	
Census Tr/BlkGrp:	0200/2	Recording #		High	

Zoning: Parent/Overlay	E40
Statistical Class:	
Land Use:	9101 Broadleaf Brush
Property Class:	640 Forest, Unzoned Farm Land, Vacant

Property Value and Taxes

	Land Value Real Market	Improvement Value Real Market	Total Value Real Market	Assessed
2005	\$81,750	\$0	\$81,750	\$8,488
2004	\$74,685	\$0	\$74,685	\$8,241
	<b>2005 Taxable Value</b> \$ 8,488	<b>2005 Taxes</b> \$82.55	<b>Tax Code Area</b> 07902	

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
12-24-1996	\$0	Dannen, Darrell		96-08585100
08-01-1989	\$0	Dannen, Mary Ann		89-03433500

Residential Building # 0 (of 0 ) Characteristics

	Square feet	Base	Finished	
Year Built:				Bsmt Garage Sqft
Bedrooms				Att Garage Sqft
Full Baths				Det Garage Sqft
Half Baths				Att Carport Sqft
% Improvmt Complete				
	Basement			
	First			
	Second			
	Attic			
	Total			

Comments:
-----------

\*This report extracts commonly used information from the Detailed Property Report. Click here for the full Detailed Property Report.

### LANE COUNTY REGIONAL LAND INFORMATION DATABASE

Site Address:

Map & Tax Lot #: 16-01-08-00-01300

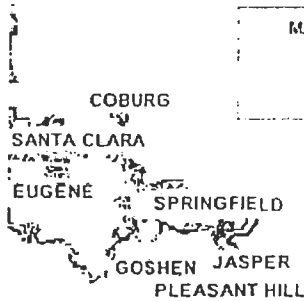
Special Interest Code:

A & T Account #: 0028843

Tax Map ▾	View Tax Map	Convert to PDF Document
-----------	--------------	-------------------------

Vicinity Map

Detail Map



Site Address State Plane Coordinates

X-Coord: 4307718

Y-Coord: 927197

Land Use

Land use information with local jurisdiction.

Code: 9101

Description: BROADLEAF BRUSH

Land Use Code and Description: 9101

Description: BROADLEAF BRUSH

Use Code and Description: V

Description: VACANT

Zoning

Regional zoning information with local jurisdiction. Lane County overlay zone and not currently shown on RLID.

Code: LC

Description: LANE COUNTY

Zoning Jurisdiction: LC

Description: LANE COUNTY

Parent Zone 1: E40

Description: EXCLUSIVE FARM USE 40 ACRE MIN

Boundary Information

#### General

Incorporated City Limits:

Urban Growth Boundary:

Fire Protection Providers: MVF

MOHAWK VALLEY FD

Plan Designation:

Node: N

2000 Census Tract: 0200

2000 Block Group: 2

Year Annexed:

Annexation #:

2004 Transportation Analysis Zone: 503

Zone:

Approximate Acreage: 79.84

Approximate Square Footage: 3,477,830

#### Environmental Findings

Findings with local jurisdiction information with local jurisdiction.

Metro Flood Hazards:

Metro Wetlands:

**FEMA Flood Hazard Zones**

Note: Flood hazard zones are determined by the Federal Emergency Management Agency (FEMA) and are based on the National Flood Insurance Program (NFIP) Flood Insurance Study (FIS) and Flood Hazard Data (FHD) for the community. Flood hazard zones are determined by the Federal Emergency Management Agency (FEMA) and are based on the National Flood Insurance Program (NFIP) Flood Insurance Study (FIS) and Flood Hazard Data (FHD) for the community.

<b>FIRM Map Number:</b>	<b>Community Number:</b>	<b>Post - FIRM Date:</b>	<b>Panel Printed? (Y/N):</b>
41039C0690F	415591	1985-12-18	Y
<b>Code:</b>	<b>Description:</b>		
<b>A</b>	<b>Areas of 100-year flood, no base flood elevations determined.</b>		
<b>AE</b>	<b>Areas of 100-year flood, base flood elevations determined.</b>		
<b>FW</b>	<b>Floodway areas inside the 100-year flood, base flood elevations determined.</b>		
<b>X</b>	<b>Areas determined to be outside of 500-year flood.</b>		
<b>X5</b>	<b>Areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year flood.</b>		

**Soils**

Soil Map Unit Number:	Soil Type Description:	Percentage of Tax Lot:
78	MCALPIN SILTY CLAY LOAM	72
29	CLOQUATO SILT LOAM	12
121B	SALKUM SILTY CLAY LOAM, 2 TO 8 PERCENT SLOPES	11
95	NEWBERG FINE SANDY LOAM	4
45C	DUPEE SILT LOAM, 3 TO 20 PERCENT SLOPES	1
20B	BRIEDWELL COBBLY LOAM, 0 TO 7 PERCENT SLOPES	0

**Schools**

<b>District:</b>	<b>Code:</b>	<b>Name:</b>
	79J	MARCOLA
<b>Elementary School:</b>		
<b>Middle School:</b>		
<b>High School:</b>		

**Service Districts**

<b>LTD Service Area:</b>		
<b>LTD Ride Source:</b>		
<b>Ambulance District:</b>	<b>EC Area: EAST/CENTRAL</b>	<b>Provider: SPRINGFIELD DEPT OF FIRE &amp; LIFE SAFETY</b>

**Emerald People's Utility District:** 5

**Soil Water Conservation District:** EAST LANE

**Soil Water Conservation District Zone:** 0

**Political Districts**

<b>Election Precinct:</b>	<b>100105</b>	
<b>County Commissioner District:</b>	<b>5</b>	<b>EAST</b>
<b>County Commissioner:</b>	<b>FAYE STEWART</b>	
<b>State Representative District:</b>	<b>11</b>	
<b>State Representative Name:</b>	<b>PHIL BARNHART</b>	
<b>City Council Ward:</b>		
<b>City Councilor Name:</b>		
<b>State Senate District:</b>	<b>6</b>	
<b>State Senator:</b>	<b>WILLIAM MORRISETTE</b>	
<b>LCC Board Zones:</b>	<b>3</b>	
<b>EWEB Commissioner District:</b>		

Lane County Assessor's Office | Account Number: 0028843 | Map & Tax Lot: 16-01-08-00-01300

**Property Owner**

Owner1 Name: DANNEN TREE FARM LTD PTRSHP  
 Owner Address: PO BOX 84

City	State	Country	Zip Code
SHEDD	OREGON	UNITED STATES	97377

**Taxpayer**

Taxpayer Name: DANNEN TREE FARM LTD PTRSHP  
 Taxpayer Address: PO BOX 84

City	State	Country	Zip Code
SHEDD	OREGON	UNITED STATES	97377

**Property Legal Description**

Township: 16                      Range: 01                      Section: 08                      Quarter: 00  
 Subdivision Type:                      Subdivision Name:                      Division/Phase:  
 Lot/Tract/Unit Number: TL 01300  
 Subdivision Number:  
 Recording Number:

**Property Value and Taxes**

	Land Value	Improvement Value	Total Value	
	Real Market	Real Market	Real Market	Assessed
2005	152,062	0	152,062	15,798
2004	138,921	0	138,921	15,338
2003	116,393	0	116,393	4,093
2002	107,945	0	107,945	3,914
2001	87,295	0	87,295	3,800
2000	93,866	0	93,866	3,690
1999	92,930	0	92,930	3,580
1998	93,890	0	93,890	3,478
1997	90,280	0	90,280	3,377
1996	85,170	0	85,170	4,050
1995	72,180	0	72,180	3,750
	15,798	0	0	

Taxable Value	Exemption Amount Regular (EAR)	Frozen Assessed Value (FZNPU)
---------------	--------------------------------	-------------------------------

Tax Year	Tax (See Explanation of Tax)
2005	168.07
2004	153.24
2003	71.24
2002	73.00
2001	74.82
2000	70.73
1999	73.71
1998	70.44
1997	73.82
1996	68.42
1995	54.92

**Explanation of Tax**

The tax shown is the amount certified in October, unless a value change has been processed on the property. Value changes typically occur as a result of appeals, clerical errors and omitted property. The owner either initiates the change, as in the case of appeals, or is notified by the department, in the case of clerical errors and omitted property. The amount shown is the full amount of tax for the year indicated and does not include any

discounts offered, payments made, interest owing, or previous years owing.

**Account Status**

- Active for the 2005 Tax Year
- New Account Scheduled to be Active for the 2006 Tax Year
- Locally Assessed
- Pending Seg/Merge
- Pending Value Change
- Delinquency
- Delayed Foreclosure
- Bankruptcy
- Code Split Indicator 1178829

**Remarks:**

**Potential Additional Tax**

**Special Assessment Program (if applicable)**

Code:  
**FORDF**

Description:  
**FOREST DEFERRAL**

**General Information**

Property Class: **640** **FOREST, UNZONED FARM LAND, VACANT**  
 Statistical Class:  
 Neighborhood Code: **20161**  
 Property Use Type: **515**  
 Account Type: **RP**  
 Category: **LAND AND IMPROVEMENTS**  
 Mortgage Company Name:  
 Total Acreage for this Account: **58.63**  
 Fire Acres: **58.63**

**Tax Code Area (Levy Code): 07904** ... and Tax lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

**EMERALD PEOPLES UTILITY DISTRICT**  
**LANE COMMUNITY COLLEGE**  
**LANE COUNTY**  
**LANE EDUCATION SERVICE DISTRICT**  
**MARCOLA SCHOOL DISTRICT 79J**

**Sales Information**

Sales Date:    Sales Price:    Grantor:    Grantee:    Instrument #:    Analysis Code:    Mult Acct?:

**Manufactured Structures**

[Search Results](#) | [New Property Search](#) | [Applications Menu](#)

998

WORKING PAPER

# Agricultural Lands

# DRAFT

NOV - 1981  
COMPREHENSIVE PLAN REVISION  
LANE COUNTY, OREGON

EXHIBIT J

- a. Include appropriate factors to determine what constitutes "commercial" agriculture;
- b. Require that only commercial farm units are used to determine what are the appropriate lot sizes;
- c. Define the area to be considered when making these determinations; and
- d. Remove all provisions that exempt pre-existing lots from review.

#### Agricultural/Forestry Goal Interrelationship

In an inventory of agricultural lands and forest lands there will be many instances where land will meet Goal definitions for both categories. According to Oregon Land Conservation and Development Commission's policy, farm and forestry uses are compatible and either designation may be made without taking an exception to the other Goal. The factors used to select a designation need to be documented in the Plan. The policies within the Plan will support one designation over another depending on the situation.

The County should consider the following items in addressing overlapping lands:

- a. Identify Agricultural and Forest Lands Goal definitions and inventories.
- b. Segregate overlapping lands from single resource lands.
- c. Apply evaluations of local circumstances and Goal factors to overlapping lands to determine appropriate designation.
- d. Designate overlapping lands as agricultural, forest or agricultural/forest through Plan policies and diagrams.
- e. Protect designated lands for appropriate uses through the zoning ordinance and other implementation measures.

It is intended that agricultural and forest practices be able to coexist without mutual interference while conserving those resource lands.

### III. FACTORS AFFECTING AGRICULTURE IN LANE COUNTY

#### A. Natural Characteristics\*

##### 1. Physical Setting

Within Lane County, agricultural land is generally located at the

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\* The following discussion is based on "An Agricultural Atlas of Lane County," "Resource Data for Agricultural Development in Linn, Lane and Benton Counties," and published and unpublished information from the US Soil Conservation Service.



Code Area	Township	Range	Section	1/4	1/16	Parcel Number	Type	Number	Formerly part of _____									
	16	01	08	0	0	00700												
Map Number						Special Interest			History of Parcel									
Tax Lot Number									Exceptions/Additions		Date of Entry/ Acquisition	Deed Record		Acres Remainir				
												Volume	Page					
#3422	OFFICIAL RECORD OF DEEDS PUBLIC PROPERTIES						16.01 08			ALSO: consol TL701 here at owner request for 94					126.28			
Previous Account Number						OFFICE OF COUNTY ASSESSOR, LANE COUNTY, OREGON 700			079-00									
<p>1958</p> <p>Latest Desc. per deed 18536 Tract #1:</p> <p>Beg. at a point on the West line of the J.G. Gray DLC.#38Notif.7500, 185,1W,WM. 45.07 ch. North of the SW. cor. of said claim; run thence</p> <p>North 4.33 ch. to the NW.cor. of said claim; th.</p> <p>East 14.00 ch. to the SW. cor. of the T.Gray DLC.42, of the same Twp., thence</p> <p>North 14.66 ch. thence</p> <p>East 69.74 ch. to the W'ly line of the Co.Rd., th.</p> <p>S.65°58'W. 5.65 ch. thence</p> <p>S.42°30'W. 3.89 ch. "</p> <p>S.25°08'W. 5.07 ch. "</p> <p>S.30°24'W. 2.84 ch. "</p> <p>S.51°06'W. 10.45 ch. "</p> <p>S.48°13'W. 4.91 ch. to a point 2.92 ch. North &amp; 2.66 East of the NW. cor. of the heirs of Samuel Gray DLC. thence</p> <p>N.80°45'W. 21.36 ch. thence</p> <p>West 41.46 ch. to the POB. in Lane Co. Oregon</p> <p>Cont. m/1 126.55</p> <p>1960</p> <p>Acreage Correction per #108</p> <p>Cont. m/1 127.68</p> <p>Except: Tax Lot 701 Cont. 2.21 Ac.</p> <p>Cont. M/L 125.47</p> <p>1961</p> <p>Remarks</p> <p>Also: R.171 29270</p> <p>That portion of Thomas Gray D.L.C.#42 and of Joseph E. Gray D.L.C. #38, both being in Twp.16 South, Range 1 West, W.M., described as follows:</p> <p>The Easterly five feet of even width of that certain sixty foot strip of land heretofore conveyed to Grantor by deed dated May 19, 1960 and recorded May 25, 1960, on Reel 153 '60D under File #228, Lane County Official Records, containing approximately 0.20 acres, of which 0.12 acres are in said D.L.C. #42 and 0.08 acres are in said D.L.C. #38.</p> <p>Containing more or less</p> <p>Except- 0.12 acre to tax lot 701 by</p> <p>(continued)</p>																		

EXHIBIT L

MICROFILMED  
DATE 1961

205

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES  
OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON

CODE NO.

OLD NUMBER \_\_\_\_\_  
 MAP NO. 16-01-08 TAX LOT NO. 700 AERIAL PHOTO \_\_\_\_\_  
 ACCOUNT NUMBER SECTION TOWNSHIP S. RANGE W.M.  
 LOT NO. BLOCK NO. ADDITION CITY

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES  
OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON

CODE NO.

OLD NUMBER NOW 700  
 MAP NO. 16-01-08 TAX LOT NO. 701 AERIAL PHOTO \_\_\_\_\_  
 ACCOUNT NUMBER SECTION TOWNSHIP S. RANGE W.M.  
 LOT NO. BLOCK NO. ADDITION CITY

LEGAL DESCRIPTION	DEED RECORD		ACRES REMAINING
	DATE OF ENTRY	DEED NUMBER	
<p>Continued--            deed R-171, 29271.            Containing more or less            Also: F.T.L.P.O.            All that portion of the following described property which lies west of County Road #1318:            That portion of those certain strips of land 30 feet and 45 feet in width, respectively, as described under Paragraph numbered "L" on Page 2 of that certain Deed dated May 31, 1960 and recorded July 1, 1960 under File #3451 in Reel 155D, Lane County Official Records lying South of the North line and said North line projected West of that certain land described as "Tract #2" of that certain deed to Ray O. Dustrude and Ida M. Dustrude, his wife, dated July ---, 1957 and recorded August 2, 1957 under File #18536 in Reel 103D, Lane County Official Records, and North of a line extending N.80°45' West and S.80°45' East from a point located North 192.72 feet and East 175.56 feet from the most Northerly Northwest corner of the Samuel Gray D.L.C. #40.            Containing more or less            Less: 0.22 acre in Marcola-Drury Creek Rd. (Co. Rd. No. 1318) dtd 7-12-61 in 1970.            Containing more or less            Acreage Correction for 1970            Less: 0.22 acre in Marcola-Drury Creek Rd. (Co. Rd. No. 1318) dtd 7-12-61 in 1970.            Containing more or less</p>	1962		125.55
			126.08
			125.86
			124.37
			124.15

MICROFILMED  
DATE \_\_\_\_\_

-ALSO CONTINUES-

LEGAL DESCRIPTION	DEED RECORD		ACRES REMAINING
	DATE OF ENTRY	DEED NUMBER	
<p>Except: 0.20 acre added as an also to <sup>92</sup>lot 700 by deed R-171, 29270.            Containing more or less            MICROFILMED            DATE _____            CANCELLED            ALSO: All that portion of the former Weyerhaeuser Railroad Right of Way as conveyed to 3 C's Investment Inc., by deeds recorded September 12, 1989, Reel 1592, Reception No. 89 40822 and January 16, 1990, Reel 1611, Reception No. 90 02025 between the Northerly and Southerly line of Tract 1 as conveyed to Ray O. Dustrude and Ida M. Dustrude, husband and wife, by deed recorded August 2, 1957, Reel 103, Reception No. 18536, Lane County Oregon Records.            All of that portion of the former Weyerhaeuser Railroad Right of Way as conveyed to 3 C's Investment Inc. by deeds recorded September 12, 1989, Reel 1592, Reception No. 89 40822 and January 16, 1990, Reel 1611, Reception No. 90 02025, Lane County Oregon Records.</p>	1992	R1740/9204020	2.13
<p>Containing more or less</p>			2.13

Order No. 49301

18536  
WARRANTY DEED

THIS INDENTURE WITNESSETH: That  
J. B. AUSTIN and ELIZABETH AUSTIN, husband and wife,

the Grantors, for and in consideration of the sum of TEN and other ----- DOLLARS  
to them paid, do hereby, bargain, sell and convey unto

RAY C. DUSTRUDE and IDA M. DUSTRUDE, husband and wife the grantees,  
the following described premises, to-wit:

Tract #1

Beginning at a point on the west line of the Josephine County Donation  
Land Claim No. 38, Notification No. 7306, in Township 16 South Range 1  
West of the Willamette Meridian, 45.07 chains North of the Southwest cor-  
ner of said claim; and running thence North 4.35 chains to the North  
corner of said claim; thence East 14.09 chains to the southwest corner of  
the Thomas Gray Donation Land Claim No. 12, of the same Township; thence  
North 14.66 chains; thence East 69.74 chains to the westerly line of the  
County road; thence South 9°07' West 2.26 chains; thence South 85°53'  
West 6.65 chains; thence South 49°30' West 2.89 chains; thence South  
25°08' West 3.07 chains; thence South 50°24' East 2.34 chains; thence North  
51°06' West 10.45 chains; thence South 46°15' West 1.11 chains to a point  
2.92 chains North and 2.66 chains East of the Northwest corner of the  
of Samuel Gray Donation Land Claim; thence North 20°42' West 11.36 chains;  
thence West 41.46 chains to the place of beginning, in Lane County, Oregon.

Tract #2

That portion of the following described premises lying on the  
the west side of the Mohawk River; beginning at a point 20 chains South  
the Northeast corner of the Thomas Gray Donation Land Claim; thence running  
South 14.60 chains; thence West 5 chains; thence South 10 chains; thence West  
22 chains to the center of the County road on the west side of the Mohawk  
River; thence up said road in a Northeasterly course to a point due West of  
the place of beginning; thence East 5.25 chains to the place of beginning,  
in Section 8, Township 16 South Range 1 West of the Willamette Meridian, in  
Lane County, Oregon.

(1) 7-18-57 (5) W-9-1-57 (2)



TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee(s),  
their heirs and assigns forever.  
And the said Grantor(s) do hereby covenant to and with the said Grantee(s), their heirs and assigns  
that they are the owners, in fee simple, of said premises; and that they are free from all encumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.  
IN WITNESS WHEREOF, they have hereunto set their hands and seals, this  
day of July A.D. 1957

(SEAL) Elizabeth Austin (SEAL)  
(SEAL) J.B. Austin (SEAL)  
(SEAL) (SEAL)

California  
STATE OF OREGON, COUNTY OF Seaside ss.  
Be it remembered that on this 24<sup>th</sup> day of July, 1957 personally appeared  
me, a Notary Public in and for said county, the within named

Elizabeth E. J.B. Austin  
to me personally known to be the identical person(s) described in and who executed the within instrument, and  
acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein  
named.

My Commission Expires  
Max. 6<sup>th</sup> 1958

Luceo M. Walker  
Notary Public for Oregon  
California

Record to date

29270

69 25 2

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that WEYERHAEUSER COMPANY, a Washington corporation, whose address is P. O. Box 1645, Tacoma 1, Washington, GRANTOR, in exchange for a conveyance to it by RAY O. DUSTRUDE and IDA M. DUSTRUDE, husband and wife, whose address is Marcola, Oregon, GRANTEEES, does hereby grant and convey unto said Granteees, their heirs, administrators and assigns, forever, the following described real property situated in Lane County, Oregon:

That portion of Thomas Gray Donation Land Claim No. 42 and of Joseph E. Gray Donation Land Claim No. 38, both being in Township Sixteen (16) South, Range One (1) West, W.M., described as follows:

The Easterly Five (5) feet of even width of that certain Sixty (60) foot strip of land heretofore conveyed to Grantor by Deed dated May 19, 1960 and recorded May 25, 1960, on Reel 153 '60 D under File No. 228, Lane County Official Records, containing approximately 0.20 acres, of which 0.12 acres are in said D.L.C. No. 42 and 0.08 acres are in said D.L.C. No. 38.



TOGETHER WITH all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same to the said Granteees, their heirs, administrators and assigns, forever, and the said Grantor does covenant with the said Granteees that it is lawfully seized in fee simple of the above described premises and has the valid right to convey the same; and that the said real property is free from encumbrances; and that it will and its successors and assigns shall warrant and forever defend the same to the said Granteees, their heirs, administrators and assigns, forever, against the lawful claims and demands of all persons whomsoever.



ELT-13346

9204020

20-  
10-  
20-

After recording return to:

Evergreen Land Title Co.  
E-3062A

Until a change is requested,  
mail all tax statements to:

92922 Marcola Road  
Marcola, OR 97454

BARGAIN AND SALE DEED

2469JAN.23\*92H05REC 20.00  
2469JAN.23\*92H05PFUND 10.00  
2469JAN.23\*92H05A&T FUND 20.00

3 Cs Investment Co., an Oregon corporation, Grantor,  
conveys to Ray Q. Distrude and Ida M. Distrude, husband and wife, with  
the right of survivorship, Grantee, the following  
described real property.

See attached Exhibit A (hereinafter referred to as  
"Conveyed Property").

The true consideration for this conveyance is  
\$ 562.50.

The Conveyed Property is adjacent to the property owned by  
Grantee described by reference on the attached Exhibit A (Grantee  
Property). The conveyed Property and the Grantee Property must  
hereafter be sold or conveyed as one unit of land which shall  
include both the Conveyed Property and the Grantee Property,  
unless otherwise approved by the controlling land use governing  
body.

Grantor excepts and reserves from the conveyance set forth herein  
easements upon the Conveyed Property upon the following terms and  
conditions:

1. Grantor shall have easements for the purpose of access  
over and across the Conveyed Property to any portion of the real  
property described as "The Entire Right-of-Way" on the attached  
Exhibit A, for the purpose of removing all of the materials  
located on the Conveyed Property (the ownership of which  
materials is hereby reserved by Grantor) including, but not  
limited to, rails, ties, bridges, tresses, culverts, retaining  
walls, ballast, gravel, rock and timber; and for the purpose of  
transporting equipment to remove such materials and to haul such  
materials from any other portion of the Entire Right-of-Way.

2. These easements are appurtenant to and shall run with  
the Entire Right-of-Way.

3. Grantor may engage an independent contractor to  
exercise Grantor's rights under the easements set forth herein.

4. Grantor is not required to repair any damage to the  
Conveyed Property resulting from the exercise of Grantor's rights  
hereunder.

9204020

5. Grantee assumes all risks arising out of Grantor's use of the easements described herein and Grantor shall have no liability to Grantee, Grantee's agents and employees or any other person for any condition existing upon the Conveyed Property or for any condition or incident caused by the exercise of Grantor's rights hereunder.

6. These easements shall terminate at such time as Grantor has removed all materials which Grantor desires to remove and at such time as Grantor does not own any portion of the Entire Right-of-Way. If the conditions set forth in the preceding sentence do not occur, these easements shall be perpetual. These easements shall remain appurtenant to each and every portion of the Entire Right-of-Way.

7. Grantee shall take no action upon the Conveyed Property which would impair in any way Grantor's exercise of its easement rights, including, but not limited to, an absolute prohibition against the construction of any type of fence or other barrier which would impair in any way Grantor's ability to exercise such rights.

8. These easements shall run with and burden the Conveyed Property, until terminated according to the provisions hereof, if ever.

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 APPROVED USES.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE. 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 APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

Dated this 23<sup>rd</sup> day of Jan, 1991.

303 INVESTMENT CO.

BY Closen F. Christian, Jr.  
Closen F. Christian, Jr., President

RAY O. DUSTRUDE  
92885 Marcola Road  
Marcola, OR 97454  
Grantor's Name and Address  
EDWARD B. FISHER  
92922 MARCOLA ROAD  
MARCOLA, OR 97454  
Grantee's Name and Address

After recording return to:  
EVERGREEN LAND TITLE CO.  
P.O. BOX 931  
SPRINGFIELD, OR 97477

Until a change is requested, all tax statements shall be sent to the following address.

SAME AS GRANTEE

9878231

0870SEP.30'98H07REC 10.00  
0870SEP.30'98H07PFLND 10.00

TITLE NO. ELT-28862  
ESCROW NO. SP98-E9471  
TAX ACCT. NO. 1178787 2892006 28710  
MAP NO. 16 01 08 00 00700 16 01 08 00 00700

0870SEP.30'98H07A&T FUND 20.

WARRANTY DEED - STATUTORY FORM  
(INDIVIDUAL OR CORPORATION)

RETURN TO EVERGREEN LAND TITLE CO.

10  
10  
20

KNOW ALL MEN BY THESE PRESENTS, That RAY O. DUSTRUDE and IDA M. DUSTRUDE, husband and wife hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by EDWARD B. FISHER and LILLI A. FISHER, husband and wife hereinafter called grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of LANE and State of Oregon, described as follows, to-wit:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except

Subject to any and all easements, restrictions and covenants of record

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$342,000.00.

~~\*However, the actual consideration consists of or includes other property or value given or promised which is (the whole part of the) consideration (indicate which). (The sentence between the symbols \*, if not applicable should be deleted. See ORS 93.030.)~~

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 29<sup>th</sup> day of September 1998; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Ray O. Dustrude  
RAY O. DUSTRUDE

Ida M. Dustrude  
IDA M. DUSTRUDE

STATE OF OREGON, COUNTY OF Lane

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON September 29, 1998, BY RAY O. DUSTRUDE and IDA M. DUSTRUDE, husband and wife

[Signature]  
Notary Public for Oregon My commission expires: 10-16-99

508



**WARRANTY DEED**

Edward B. Fisher and Lilli A. Fisher, ("Grantors"), convey and warrant to Ravin Ventures LLC, an Oregon Limited Liability Company ("Grantee"), the real property in Lane County, Oregon, described on Exhibit A, attached hereto and made a part hereof by this reference, free of all encumbrances except as specifically set forth herein:

1. The liability and obligations of Grantors to Grantee and Grantee's assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantors under a standard policy of title insurance, or, if the Grantors have coverage under an extended policy of title insurance, under an extended policy of title insurance. The limitations contained herein expressly do not relieve Grantors of any liability or obligations under this instrument, but merely define the scope, nature, and amount of such liability or obligations.

2. Liens or encumbrances created or suffered by Grantors.

The true consideration for this conveyance is \$0.00 and other consideration other than in the form of money or money's worth.

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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Division of Chief Deputy Clerk  
Lane County Deeds and Records

2004-023175



\$36.00

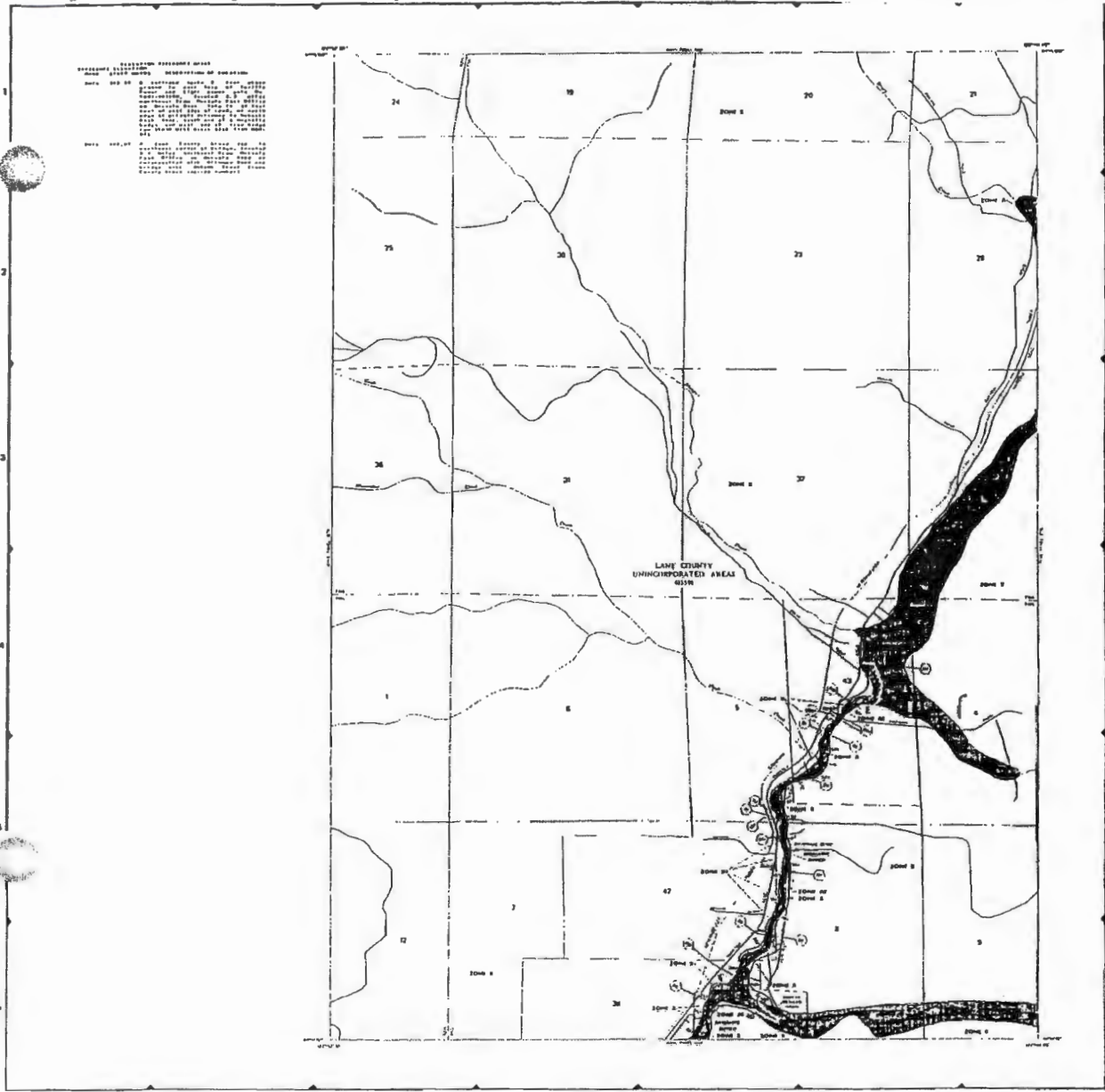
03/31/2004 03:10:19 PM  
RPR-DEED Cnt=1 Stn=1 CASHIER 08  
\$15.00 \$11.00 \$10.00

*After recording, return to:*

Ravin Ventures, LLC  
c/o Edward B. Fisher  
37803 Upper Camp Creek Road  
Springfield, OR 97478

*Until a change is requested, all tax statements shall be sent to the following address:*

Ravin Ventures, LLC  
c/o Edward B. Fisher  
37803 Upper Camp Creek Road  
Springfield, OR 97478



**EXPLANATION**

**SYMBOLS**

**1. ROADWAYS**

**2. WATER**

**3. UNINCORPORATED AREAS**

**4. ZONES**

**5. BOUNDARIES**

**6. UTILITIES**

**7. LAND USE**

**8. OTHER FEATURES**

**LEGEND**

**1. ROADWAYS**

**2. WATER**

**3. UNINCORPORATED AREAS**

**4. ZONES**

**5. BOUNDARIES**

**6. UTILITIES**

**7. LAND USE**

**8. OTHER FEATURES**

**9. NOTES**

**10. SCALE**

**11. DATE**

**12. AUTHOR**

**MINERAL EXPOSURE PRELIMINARY**

**FIRM**

**FIRM EXPOSURE BASE MAP**

**LANE COUNTY, OREGON AND INCORPORATED AREAS**

**SCALE 1:50,000**

**DATE: 1955**

**MAP NUMBER: 1**

**DATE: 1955**

**Author: [Name]**

**Editor: [Name]**

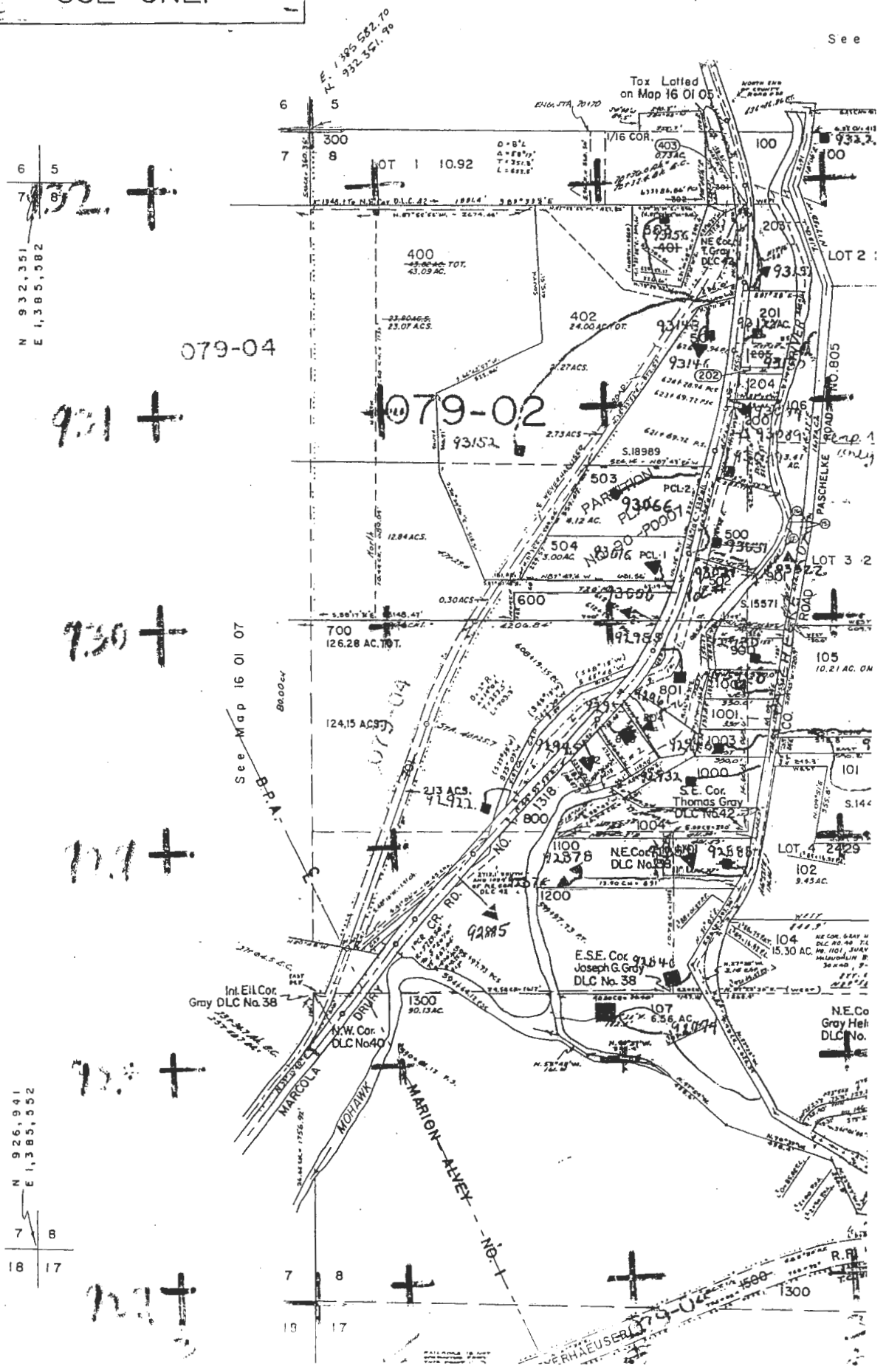
**Printer: [Name]**



FOR ASSESSMENT  
AND TAXATION  
USE ONLY

Section 8 T.16  
LANE C  
1" = 40'

See



N 932,351  
E 1,385,382

079-04

931 +

079-02

930 +

929 +

928 +

927 +

N 926,941  
E 1,385,352

717

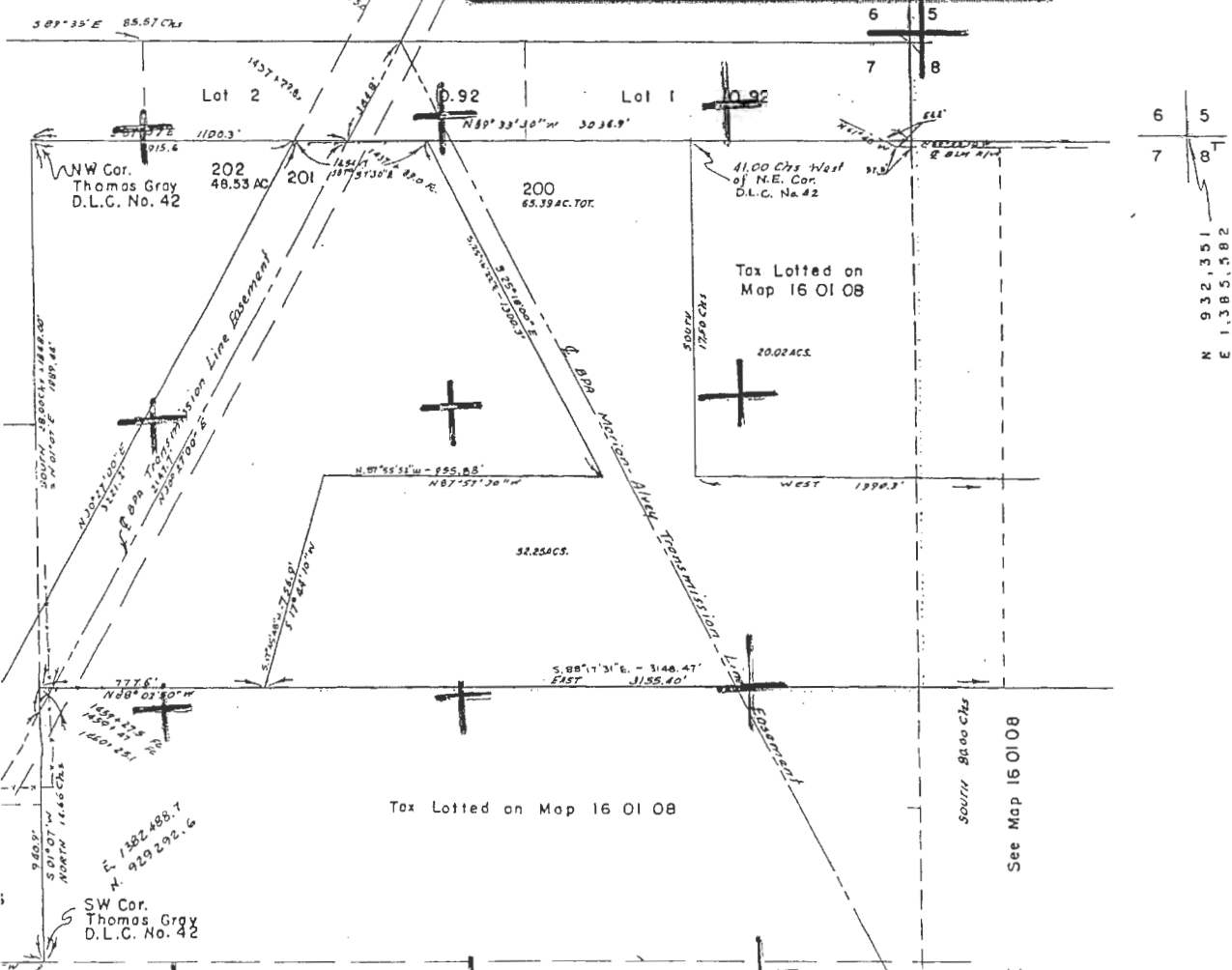
ection 7 T.16S.R.1W.W.M.  
LANE COUNTY  
1"=400'



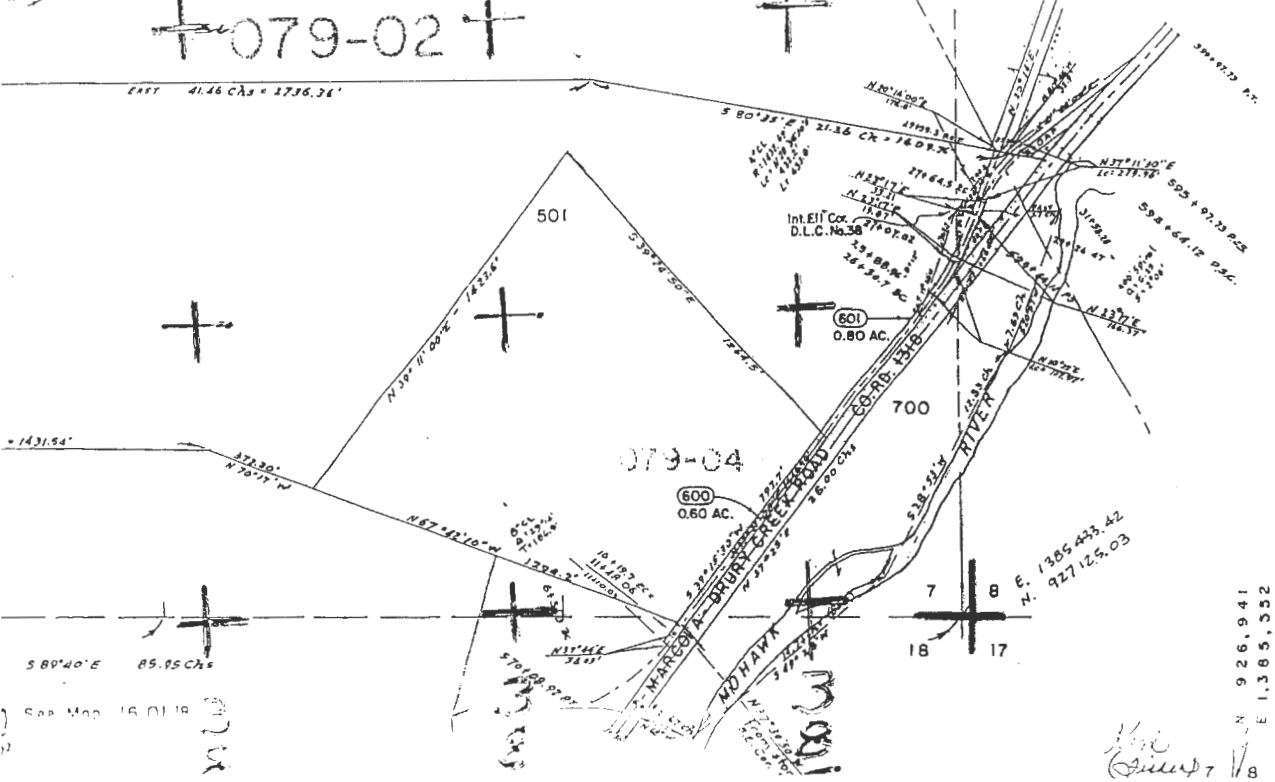
TR.S.: 16 01 07  
LANE COUNTY, OREGON  
CITY: Marcola  
ZIP: 97454  
Marcola Star Rt  
POSTAL ROUTE  
Marcola Rural / East Lane  
RURAL FIRE PROTECTION DIST.

16 01 07  
15-21-97  
-DIV. 2933 292

p 16 01 06



079-02



079-04

N 932,351  
E 1,385,582

N 926,941  
E 1,385,552

See Map 16 01 19  
M  
The County 18

AND TAXATION  
USE ONLY

See Map 16 01 06

932  
N 932,440  
E 1,380,017

931

930  
See Map 16 02 12  
SOUTH 80.00 CHS

929

928

927  
18  
See Map 16 01

51.24

Lot 3 32.00

51.43

Lot 4 29.00

51.62

(299)  
0.36 AC.  
NW Cor. Joseph G. D.L.C. 58

51.81

Lot 6 0.82

45.57 CHS

5 08° 15' E 85.97 CHS

300

400

45.95 CHS

5 08° 40' E 85.9

See Map 16 01

079-04

NW Cor. Thomas Gro D.L.C. No. 4

SW Cor. Thomas G D.L.C. No.

SOUTH 20.00 CHS  
N 158° 48' 8  
W 929.29

456.3  
1780' 000" W  
1470' 43.0 FC  
1470' 43.0 FC  
1470' 43.0 FC

500  
85.92 AC.

26.46 CHS North  
Lot S.W. Cor. D.L.C. 38

140' 15.0 FC

77.6'  
N 88° 02'

140' 15.0 FC

140' 15.0 FC

140' 15.0 FC

140' 15.0 FC

140' 15.0 FC

140' 15.0 FC

140' 15.0 FC

140' 15.0 FC

140' 15.0 FC

140' 15.0 FC

140' 15.0 FC

140' 15.0 FC

140' 15.0 FC

# EXHIBIT A

PA 1057-91  
June 14, 1991  
Page 1 of 5

## LANE COUNTY HEARINGS OFFICIAL APPROVAL OF A REZONING OF TAX LOTS 1601, 1602, 1603, ASSESSOR'S MAP 17-16-31 FROM F-1 NON-IMPACTED FOREST DISTRICT TO F-2 IMPACTED FOREST DISTRICT

(UNCONTESTED)

### Application Summary

Thelma Baker-Fisk, 22124 Highway 126, Noti, OR 97461. Request for a rezoning of tax lots 1601, 1602 and 1603, assessor's map 17-06-31 from F-1 to F-2.

### Parties of Record

Thelma Baker-Fisk

Calvin Fisk

### Application History

Hearing Date: June 6, 1991

Decision Date: June 14, 1991

Appeal Deadline: June 24, 1991

### Statement of Criteria

Lane County Rural Comprehensive Plan  
Lane Code 16.210  
Lane Code 16.211

### Findings of Fact

1. The property subject to the proposed rezoning, hereinafter referred to as "the subject property," can be identified as tax lots 1601, 1602 and 1603, assessor's map 17-06-31, and is located on the west side of Crow-Vaughn Road, about 2 miles south of Noti. The subject property is 10.07 acres in size and is currently vacant.
2. The subject property is designated as Forest Lands by the Rural Comprehensive Plan and is zoned F-1 Non-Impacted Forest Lands.
3. The subject property consists of 93 Nestucca silt loam (50%), 104E and 104G Peavine silty clay loam (40%) and 128B Veneta loam (10%) soil. With the exception of the Peavine soil, which has a site index of 124, these soils are not very productive for woodland management purposes.
4. The subject property receives fire protection from the Oregon State Police and the Lane County Sheriff's Department and fire protection from the Fern Ridge Fire District (non-structural). Telephone is provided by U.S. West and electricity is available from the Lane Electric Cooperative. Water and sewerage would be provided through individual, on-

EXHIBIT P

site systems. Access is on to Crow-Vaughn Road, a Major Collector. The subject property lies within the Fern Ridge School District.

5. The subject property is bordered on the west by the Southern Pacific Railroad and right-of-way. On the north and south it is bordered by parcels zoned RR-5. On the east, the property is bordered by Crow-Vaughn Road and Noti Creek, a small Class I stream.

To the east, across the railroad, lies land zoned F-1 and in commercial forest management. Access to this property, however, is not available to the subject property. To the north are four parcels zoned RR-5; tax lots 1700, 2100, 2101 and 2102. All of these parcels are developed with residences. Tax lot 1700, in particular, is developed with four residences. Farther north, there are another 6 residences between Crow-Vaughn Road and the railroad.

To the south lies tax lot 700, which is developed with a residence. Further south and also located between the railroad and Crow-Vaughn Road lies tax lot 500 and 400; both parcels occupied with dwellings. A small portion of the subject property borders Crow-Vaughn Road on the east. A majority of the eastern perimeter of the subject property is adjacent to Veneta Creek. Beyond the creek, but to the west of Crow-Vaughn Road, lies a portion of tax lot 800. This tax lot, which is larger than 80 acres, lies on both sides of Crow-Vaughn Road and is zoned F-1. The portion of tax lot 800 located on the eastern side of Crow-Vaughn Road is in commercial timber management. There are 18 tax lots that border or are very close to the subject property. Ten of these parcels are occupied with dwellings.

6. The subject property lies within a flood hazard area (See PA 1058-91) but no other natural hazards have been identified.

### Decision

THE REQUEST (PA 1057-91) TO REZONE TAX LOTS 1601, 1602, & 1603, ASSESSOR'S MAP 17-06-31 FROM F-1 TO F-2 IS APPROVED

### Justification for the Decision (Conclusion)

#### I. PLAN CONFORMITY

The subject property is designated "Forest Lands" by the Rural Comprehensive Plan. Goal #4 Policies #19(b) and (c) describe the characteristics of F-1 and F-1 properties, respectively. Policy #19(a) implies that the zoning should reflect a conclusion that the characteristics of the land correspond more closely to the characteristics of the proposed zoning (F-1) than the characteristics of the other forest zone (F-1).

#### Policy #19(b) Non-Impacted Forest Land Zone

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

The subject property is not developed by a residence or nonforest use although 10 of the 18 surrounding parcels are developed with a residence. The subject property shares this characteristic.



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

Only one parcel, tax lot 800 to the east, is 80 acres or larger in size. The subject parcel does not share this characteristic.

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

The subject property is not directly contiguous to lands utilized for commercial forest or farm uses. The F-1 properties to the west are separated by the intervention of the Southern Pacific Railroad and access to these properties is not directly available. While the subject property is contiguous to tax lot 800, which is zoned F-1, only that portion of tax lot 800 located on the east side of Crow-Vaughn Road is utilized for commercial forest purposes.

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

The subject property is accessed by Crow-Vaughn Road, a Minor Collector.

- (5) **Primarily under commercial forest management**

The subject property is not currently under commercial forest management. About 60 percent of its soils do not have a high or moderate level of woodland productivity and the presence of Veneta Creek reduces the manageable portion of the subject property (A 50-foot setback must be maintained from Class I streams according to the Oregon Forest Practices Act.)

Policy #19(c) Impacted Forest Land Zone

- (1) **Predominantly ownerships developed with residences or nonforest use.**

The parcel is not developed with a residence or a nonforest use.

- (2) **Predominantly ownerships of 80 acres or less in size.**

The property is 10 acres in size and meets this test.

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

All but three of the surrounding 18 parcels are less than 80 acres in size and 10 of these parcels are developed with residences. The subject property meets this characterization.

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

The subject property has access to a full range of services normally available to a rural residence, except rural fire protection, electricity and telephone. Annexation to a rural fire

protection district would be a requirement for any non-forest residence placed upon the subject property. The subject property also is adjacent to Crow-Vaughn Road, a Major Collector.

The subject property meets at all of the five characteristics attributed to property that should be zoned F-1 and all of the four characteristics ascribed to F-2 zoned property. It appears unlikely that the subject property can be used in conjunction with a large commercial forestry operation even though intensive management of the subject property for forestry purposes is quite feasible. Given this situation, it is likely that the subject property will not be intensively managed for forestry unless the applicant is allowed to construct a dwelling on it. The recent changes in the F-2 District allow only forestry-related dwellings and require a forest management plan. Given these facts, it appears that the subject property more closely fits the Rural Comprehensive Plan's profile of F-2 land.

## II. ZONE CONFORMITY

Lane Code 16.252(2) requires that rezonings be consistent with the general purposes of Chapter 16, not be contrary to the public interest, be consistent with the general purposes of the proposed zoning district and be consistent with applicable Rural Comprehensive Plan elements.

### 1. Consistent with the general purposes of Chapter 16

The following general purposes statements of Lane Code 16.003 are arguably applicable to the proposed rezoning:

- (4) Conserve farm and forest lands for the production of crops, livestock and timber products.

The proposed zoning district is designated as forest land but recognizes that smaller forest parcels normally require a dwelling to ensure that they are managed efficiently.

- (2) To facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks and other public improvements.

A full range of rural services are available to the subject property, except for structural fire protection, and reflect that the area bordering the subject property on the north and south are heavily impacted by residential development.

- (4) To secure from fire, panic, flood, and other dangers.

The subject property is within a flood hazard area (PA 1058-91) and a flood hazard special use permit will have to be issued for the development of a dwelling. No other natural hazards are present. The property lies within a rural fire protection district.

### 2. Not contrary to the public interest.

It is the intent of the Forest Lands policies of the Rural Comprehensive Plan that lands with the potential for forest management be allowed to realize that potential and that forest lands

that are limited by size and residential impacts may have to be occupied with a dwelling before their potential can be met.

(3) Consistency with the proposed zone.

The purpose of the Impacted Forest Lands Zone, as stated by Lane Code 16.211(1), is to implement the forest land policies of the Lane County Rural Comprehensive Plan, that recognize that forest lands impacted by nonforest uses should be treated differently than nonimpacted forest lands, and to conserve forest land for forest uses. A rezoning will formally implement the above-state recognition of the Rural Comprehensive Plan and the placement of a forest-related dwelling on the subject property will allow the most efficient forest management of that property.

(4) Conformity with the Comprehensive Plan.

The analysis in the PLAN CONFORMITY section of this decision affirmatively concludes that a rezoning to F-2 best reflects the character of the subject property.

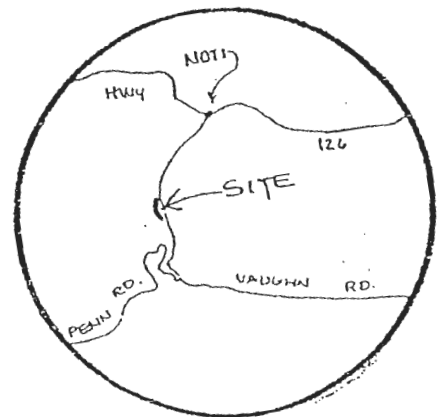
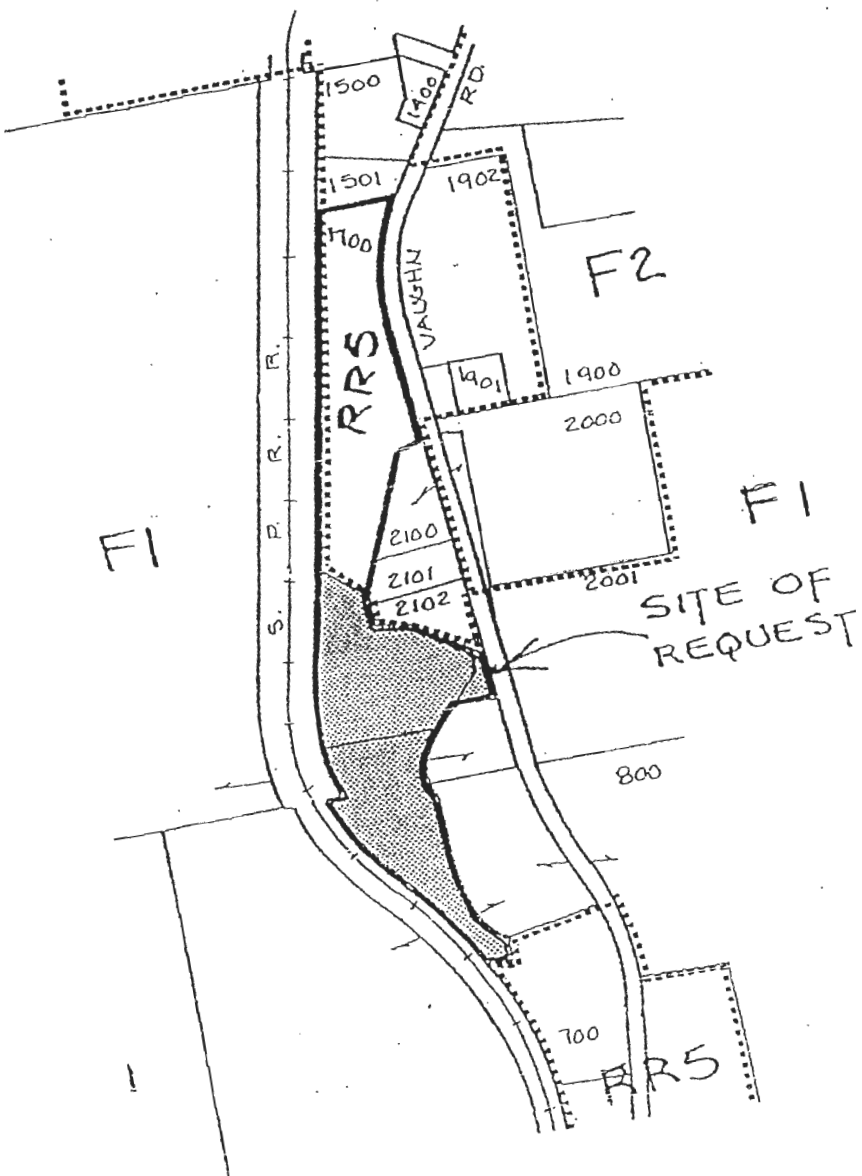
The Hearings Official concludes that the proposed rezoning is consistent with applicable approval criteria of Lane Code Chapter 10.

Respectfully Submitted,

  
\_\_\_\_\_  
Gary Darnielle  
Lane County Hearings Official

# EXHIBIT B

Assessor's Map 17-06-31,  
Tax Lots 1601, 1602 & 1603



VICINITY MAP  
NO SCALE



# Lane Council of Governments

125 East Eighth Avenue, Eugene, Oregon 97401 (541) 682-4283 Fax: (541) 682-4099 TTY: (541) 682-4567

November 2, 1999

Mr. Kent Howe  
Lane County Land Management Division  
Public Service Building  
125 East Eighth Avenue  
Eugene, OR

Re: PA 99-5789 (West)

Dear Mr. Howe:

Enclosed is the Lane County Hearings Official's decision denying on reconsideration a request for a redesignation of property from Non-Impacted Forest Use to Impacted Forest Use (F-1 to F-2). The property is located along Poodle Creek Road and is designated as tax lot 3800, assessor's map 16-06-Index. The property is owned by Tony and Tammie West. The matter was contested.

Please contact me if you have any questions.

Sincerely,

Milo Mecham  
Lane County Hearings Official

LANE COUNTY HEARINGS OFFICIAL  
REQUEST FOR THE ZONE CHANGE OF TAX LOT 3800,  
ASSESSOR'S MAP 16-06-INDEX, FROM F-1 TO F-2

DECISION ON RECONSIDERATION

(CONTESTED)

Application Summary

Tony West and Tammie West, P.O. Box 24, Blachley, OR, Tax Lot 3800, Assessor's map 16-06- Index Request to rezone the property from Nonimpacted Forest Land (F-1/RCP) to Impacted Forest Lane (F-2/RCP).

Parties of Record

Tony West	Tammie West	Thomas Miller
Charles Lake	Adam Uminski	Jerry Berg
Connie Ewing	Ronald Raymond	

Application History

Hearing Date: August 26, 1999

Report Date: September 17, 1999

Reconsideration Date: September 27, 1999 (record open until October 25, 1999)

Decision on Reconsideration: November 2, 1999

Appeal Date

November 12, 1999 Lane County Board of Commissioners

Statement of Criteria

Lane Code 16.003  
Lane Code 16.252  
Lane Code 16.211  
Lane County Rural Comprehensive Plan

Findings of Fact

1. The property subject to this application, hereinafter referred to as the "subject property," is located on the north side of Poodle Creek Road, approximately 1/2 mile west of the intersection of Poodle Creek Road and Highway 36. Access to

the property is from Poodle Creek Road. The subject property is also identified as tax lot 3800, assessor's map 16-06-Index. The subject property is 118.72 acres in size. Much of the parcel was clear-cut in the spring of 1998. Portions of the subject parcel have been replanted, and some of the slash has been removed after the clear-cut.

2. The subject property is designated Nonimpacted forest land in the Lane County Rural Comprehensive Plan and is currently zoned F-1.
3. The subject property is an inverted "L" shape. Within the fold of the L to the south and to the east of the subject property are two smaller parcels, zoned F-1. To the east of the L end of the subject parcel is a parcel zoned E40. Touching the northeastern corner of the subject property is a parcel zoned F-2. Immediately to the north of the subject parcel is a parcel zoned F-1. To the west of the subject parcel and to the northwest of the parcel are F-2 zoned parcels. To the south of the subject parcel are several residential parcels. Poodle Creek Road comes from the south to intersect the southern border of the subject property approximately one third of the way across the inverted leg of the L shaped parcel. To the west of the meeting with Poodle Creek Road the subject property abuts one small parcel and touches the northeast corner of another small parcel zoned RR5. Across Poodle Creek Road south of the subject property are three parcels zoned RR10. Further south along Poodle Creek Road from the subject property, in the near vicinity there are additional rural residential parcels. To the east of the RR10 parcels, although only touching a corner of the subject property and separated by Poodle Creek Road is a parcel zoned PR.
4. Residences in the area are all south and east of the subject property. The two F-1 properties to the southwest both have structures on them, and both persons reside on both parcels. The larger of the two parcels is owned and used by the Cascadian Bowmen of Eugene. The rural residential parcels to the south of the subject property adjacent to the subject property all contain residences. These four residences are within exception areas that contain several other residences on property not adjacent, but still near the subject property. The property zoned PR is used as a Lutheran Retreat center. It is identified as having two residences on the property. To the east of the subject property, there are residences mainly located along Highway 36. The large e40 property to the west of the subject property has a residence located on the opposite side of highway 36, approximately 1000 feet east of the subject property. The F-2 parcel that touches the northeast corner of the subject property has a residence on the property near the corner that touches the subject property. Of the four parcels that touch some portion of the eastern boundary of the parcel, all four have structures, three of them dwellings. The properties to the north and west do not contain residences.
5. Including properties touching on a corner of the subject property, the subject property touches on or is immediately across Poodle Creek Road from 15 parcels. Ten of these are resource use designated, five contain structures. The subject

property touches on or is immediately across Poodle Creek Road from five D&C properties, containing five residences. The parcels are as follows:

Map/lot #	Acres	Zoning	Structures
16-06-28/900	38.97	E40	1 residence
16-06-29/3900	29.90	F-1	1 res., other structures
16-06-29/3901	7.83	F-1	1 res.
16-06-32/100	38.99	PR	2 res.
16-06-32/101	1.58	RR5	1 res.
16-06-32/102	10.8	RR10	1 res.
16-06-32/103	9.39	RR10	1 res.
16-06-32/105	9.39	RR10	1 res.
16-06-32/302	2.58	RR5	1 res.
16-06-29/3600	60	F-2	no
16-06-29/3601	30	F-2	no
16-06-29/3700	160	F-1	no
16-06-29/3501	90	F-1	no
16-06-28/500	30+	F-2	1 res.
16-06-28/100	20+	F-2	no

- The subject property receives fire protection from the Lane Rural Fire District and police protection from the Lane County Sheriff and Oregon State Police Departments. Electricity is available from Blachley-Lane Electric Coop, and US West provides telephone service. The subject property is within the Junction City School District #69. The subject property is composed of multiple soil types. Belpine silty clay loams (11E; 11D and 11C) make up 61 percent of the soil, followed by Dupee Silt loam composing 24 percent of the subject property. Other forms of silty clay loams comprise the remainder of the soil types on the property.

### Decision

THE REQUEST (PA 99-5789) FOR THE REZONING OF TAX LOT 3800, ASSESSOR'S MAP 16-06-Index, FROM F-1 TO F-2 IS DENIED.

### Justification for the Decision (Conclusion)

#### I. ZONE CONFORMITY

A. Lane Code 16.252(2) This section of the Code establishes the basic requirements for the proposed rezoning. Section 16.252(2) requires that rezoning be consistent with the general purposes of Chapter 16, not be contrary to the public interest, and be consistent with the purposes of the proposed zoning classifications and the Lane County Rural Comprehensive Plan elements.



I. **Conformity with the Rural Comprehensive Plan.**

The Lane County Rural Comprehensive Plan contains several policies in the Goal 4 element that apply to the proposed rezoning.

**Policy 1 Conserve forest land by maintaining the forest land base and protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.**

The proposed change in zoning may not significantly affect the use of the subject property for forest production. While the F-2 standard allows some non-forest uses (including dwellings), these are only allowed under conditions that include restrictions on reducing forest uses. Applicants introduced evidence of some vandalism on the subject property. Much of the vandalism results from trespassing, and affects the forest productivity of the land by damaging the replanted trees. Applicants suggest that a dwelling on the property would reduce the vandalism and trespassing. It is not clear, however, that the presence or absence of a dwelling counts as a factor in this criteria. No forest management plan is submitted showing the necessity for a dwelling. No evidence of the comparative cost of other steps, such as better gates, selective fencing on the trespass routes and so forth has been offered. The general policy is that a dwelling or dwellings in the area impacts forest use in an adverse fashion.

Applicants are seeking to create conditions where a dwelling can be approved on the theory that a dwelling will protect the property from other impacts of development in the area. The problem is that the code regards dwellings in the area as the most significant of the negative impact on forest property.

It is not possible to allow the redesignation and limit the uses thereafter to forest management uses. Non-forest dwellings, and other marginally related forest uses are allowed on F-2 land. Redesignation will open up the possibility of some non-forest use, but not to such an extent that it argues strongly one way or the other.

**Policy 2 Forest lands will be segregated into two categories, Non-Impacted and Impacted and these categories shall be defined and mapped by the general characteristics specified in the Non-Impacted and Impacted Forest Land Zones General Characteristics.**

This policy appears to make reference to the policies set forth in Policy 16.

**Policy 16 Lands designated within the Rural Comprehensive Plan as forest land shall be zoned Non-Impacted (F-1/RCP) or Impacted Forest Land (F-2/RCP). A**

decision to apply one of the above zones or both in a split zone fashion shall be based upon:

- (a) A conclusion that characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. The zoning characteristics referred to are specified below in subsections b and c. This conclusion shall be supported by a statement of reasons explaining why the facts support the conclusion.
- (b) **Non-impacted Forest Land Zone characteristics:**
  - (1) **Predominantly ownerships not developed by residences or nonforest uses.**

Applicant suggests that this criteria should be read in a manner similar to the Rural Residential rezoning process. The language of the Comprehensive Plan does not support this suggestion. This language was developed to describe the process of designating large areas as one type of zone or another. When it is applied in a rezoning context, the focus is, for this criteria, on the individual parcel itself, not the characteristics of the surrounding area. In this case, the subject property is not developed by a nonforest use and has no residence on it. It therefore meets the criteria to remain zoned F-1.

- (2) **Predominantly contiguous, ownerships of 80 acres or larger in size.**

This criteria can be read in several ways. The measure of divisible Non-impacted Forest Land is 80 acres (see policy 7). For the initial decision concerning the zoning district, the question was whether most of the parcels in the prospective zone were contiguous to each other and were in ownerships of 80 acres or larger. Therefore, this criteria is looking at whether the predominant characteristic of properties that are contiguous to the subject parcel is that the parcels are 80 acres or larger in size. Some of the large tracts have been divided, so that the predominant characteristic of the contiguous properties, resource and non-resource parcels, is that they are of less than 80 acres in size. In this case, the parcelization is such that this criteria points to rezoning the property.

- (3) **Predominantly ownerships contiguous to other land utilized for commercial forest or commercial farm uses.**

Applicant wanted to rely on an inference that the surrounding resource designated parcels are not being used for commercial uses because most of these parcels are smaller than the 160 acre minimum parcel size for F-1 parcels in the Lane Code. This inference was not supported by the evidence. Some of the parcels in the area were designated for natural resource use, and there is no evidence that they are not being used for commercial farm or forest use. If there is any inference to be drawn from the designation of surrounding property, it is that the resource land is being used according to the designated purpose, which is commercial farm or forest use.

As noted in the 1989 Addendum to Working Paper, the parcel size is not definitive of commercially viable use. These speculations are not going to resolve the question. The only evidence introduced was that most of the properties in the area are receiving a farm or forest tax deferral. The evidence indicates that the predominant utilization of the

resource designated properties in the area is for commercial forest or farm use. The evidence is that the parcels to the south of the subject property, including the bowmen's property and the PR property used for a retreat, are not used for commercial forest or farm uses. Something less than half of the borders of the subject property are contiguous to property about which there is evidence that the properties are not being used for commercial forest or farm use. Something more than half of the boundary is contiguous to property about which the best presumption is that it is being used for commercial farm or forest use.

Applicants introduced evidence that the parcels to the east of the subject property are currently being managed for forest use, but that the owners intend to use the property for residences sometime in the future. The presence of residences does not necessarily mean that the property will not continue to be used for forest purposes. It also does not matter what speculative uses might be applied to adjacent properties. The criteria looks at the contemporary uses. The evidence indicates that this property is currently in forest use. This criteria points in the direction of maintaining the designation as F-1.

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

Poodle Creek Road is classified as a Major Collector road. Therefore this criteria suggests the property should be redesignated.

**(5) Primarily under commercial forest management.**

Applicants argue that, because the property was logged before it was sold to them, it was not subject to commercial forest management. Applicants also assert that they intend to return the property to forest management.

The timber that was harvested was sold. The applicants intend to keep the tax deferral on the property and manage it for commercial forestry purposes. Therefore, the subject property, to which this criteria refers, is primarily under commercial forest management.

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

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

This criteria is the mirror image of criteria (b)(1). In this case, the property is not developed with residential or nonforest uses and therefore the evidence does not support redesignation.

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

The wording of this criteria points to the individual parcel, different from the criteria of (b)(2). This individual parcel is larger than 80 acres, therefore this criteria suggests retaining the F-1 designation.

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

The subject property is contiguous to an exception area. Several of the resource parcels that are contiguous to the subject parcel are less than 80 acres and contain residences. However, the majority of the land area surrounding the subject parcel is composed of tracts without residences, even if they are smaller than 80 acres. This criteria points very weakly in favor of redesignation.

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

The subject property has access to the level of service normally provided to rural residences, including road access. This criteria supports redesignation.

The decisive criteria is contained in subsection a quoted above. It states:

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

These characteristics are not clearly written so that they can easily apply to a question of redesignation. They were written to describe the original designation process, which looks at larger swaths of territory.

In this case the characteristics of the land correspond to some of the characteristics of F-1 land and to some of the characteristics of F-2 land. Of the five F-1 characteristics, three suggest retaining the F-1 zoning, in varying degrees of strength. Two of the five F-1 characteristics point in favor of redesignation. The balance is barely in the direction of retaining the existing designation.

Of the four F-2 criteria, the evidence is evenly split, with two pointing in each direction. The basic question underlying all these criteria is: is this property so impacted by adverse developments that it cannot be used for traditional non-impacted forest uses. The applicants want to say yes, that traditional forest uses cannot be carried out on the property. The evidence they introduce is not as strong as they wish. Vandalism is a fact of life. It may reduce the economic value of the F-1 designation, but it would do the same for the F-2 property. Occasional trespasses are not likely to be eliminated by a residence located in the middle of this large parcel, even though the trespassing may be reduced.

The additional evidence that the parcels to the west have been rezoned does not compel a similar result here. If those properties had had dwellings built on them, and if the

dwellings were non-farm dwellings in the immediate proximity of the subject parcel, then there might be grounds for redesignation of this parcel. That is not, however, the case.

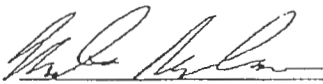
Rezoning requires that the original process of designation be revisited to see if the factors that originally supported designation as F-1 have changed to such an extent that a change to F-2 is now justified. The answer here is that there is at best very weak and divided evidence on the issue. In the absence of strong evidence of a change so that it can be said that this property clearly is now impacted, the law favors retaining the existing designation. The request for redesignation must be denied.

Policy 16 requires a conclusion that the characteristics of the land correspond more closely to the characteristics of the proposed zoning than the characteristics of the other forest zone. This subject property is on the edge of land that has been removed from resource designation. The subject property is impacted by its proximity to development, but measured by the criteria listed in Policy 16, the property has characteristics of both F-2 and F-1 in nearly equal balance. The evidence does not strongly support retaining or altering the designation. At this time the designation as F-1 land must remain because the proposed redesignation does not meet the requirement that the characteristics of the property correspond more closely to the characteristics of F-2 than of F-1.

#### Conclusion

The proposed rezoning is not consistent with the Lane Code and the Rural Comprehensive Plan. Although the criteria are somewhat obscure and the applicant is burdened with difficult matters of proof, the bottom line is that the application failed to show that the relevant criteria were met. It is unfortunate to deny an application because the evidence is close enough to be in the marginal area where rezoning might not violate the criteria, but where the evidence is that maintaining the existing designation also complies with the requirements of the code, but that is the nature of land use in Oregon. Truly close calls result in a denial.

Respectfully Submitted,



Milo Mecham  
Lane County Hearings Official

# EXHIBIT A

PA 0039-91  
February 25, 1991  
Page 1 of 5

## LANE COUNTY HEARINGS OFFICIAL APPROVAL OF A REZONING OF TAX LOT 409, ASSESSOR'S MAP 16-09-25 FROM F-1 NON-IMPACTED FOREST DISTRICT TO F-2 IMPACTED FOREST DISTRICT

(UNCONTESTED)

### Application Summary

Andrew Park, 91955 Deadwood Creek Road, Deadwood, OR 97430. Request for a rezoning of tax lot 409, assessor's map 16-09-25 from F-1 to F-2.

### Parties of Record

Andrew Park

### Application History

Hearing Date: February 21, 1991

Decision Date: February 25, 1991

Appeal Deadline: March 7, 1991

### Statement of Criteria

Lane County Rural Comprehensive Plan  
Lane Code 16.210  
Lane Code 16.211

### Findings of Fact

1. The property subject to the proposed rezoning, hereinafter referred to as "the subject property," can be identified as tax lot 409, assessor's map 16-09-25, and is located at the intersection of Deadwood Creek Road and Deadwood Loop Road, north of Highway 36. The subject property is 35.5 acres in size and is currently vacant. The applicant characterizes the property as having deep, rich soil and as excellent forest land. The property is currently half logged.
2. The subject property is designated as Forest Lands by the Rural Comprehensive Plan and is zoned F-1 Non-Impacted Forest Lands.
3. The subject property consists of 16D & 16H Bohanon Gravelly Loam and 112G Preacher-Bohanon Slickrock Complex. These are excellent soils for forest production. About 60 percent of the soils are of the Bohanon Gravelly Loam.
4. The subject property receives fire protection from the Oregon State Police and the Lane County Sheriff's Department and fire protection from the Swisshome/Deadwood Rural Fire Protection District. Telephone is provided by the Pioneer Telephone Cooperative and

electricity is available from the Blachly-Lane Electric Cooperative. Water and sewerage would be provided through individual, on-site systems. Access is on to the Deadwood Creek Road. The subject property lies within the Mapleton School District.

5. There are fourteen parcels that border or are very close to the border of the subject property. Eight of the parcels have dwellings on them and all but one are under 80 acres in size. Nine of the parcels are less than 20 acres in size, 3 are between 20 and 50 acres in size and one is between 50 and 65 acres in size. One parcel, tax lot 301, is larger than 80 acres in size. The parcels to the south, tax lots 302, 304 and 305 abut F-1 zoned land in excess of 80 acres and could not be rezoned to F-2.
6. The subject property does not lie within a flood hazard area and no natural hazards have been identified.

### Decision

THE REQUEST (PA 0039-91) TO REZONE TAX LOT 409, ASSESSOR'S MAP 16-09-25 FROM F-1 TO F-2 IS APPROVED

### Justification for the Decision (Conclusion)

#### I. PLAN CONFORMITY

The subject property is designated "Forest Lands" by the Rural Comprehensive Plan. Goal #4 Policies #19(b) and (c) describe the characteristics of F-1 and F-1 properties, respectively. Policy #19(a) implies that the zoning should reflect a conclusion that the characteristics of the land correspond more closely to the characteristics of the proposed zoning (F-1) than the characteristics of the other forest zone (F-1).

#### Policy #19(b) Non-Impacted Forest Land Zone

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

The subject property is not developed by a residence or nonforest use although eight of the fourteen surrounding parcels are developed with a residence. The subject property shares this characteristic.

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

Only one parcel, tax lot 301 to the south, is 80 acres or larger in size. The subject parcel does not share this characteristic.

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

The applicant and staff infer from surrounding parcel sizes that there are no contiguous lands utilized for commercial forest or commercial farm uses. However, the applicant notes (Page 3, item 1) that "Most ownerships are for residences and farm land." It also seems that the F-1 zoning on the parcels to the south would create an inference that they might be

managed for commercial forest use, especially in conjunction with the larger F-1 zoned parcels located further south. The conclusion that subject property is contiguous to lands not predominantly utilized for commercial forest or commercial farm uses is probably correct but clearly the evidence does not support the magnitude of predominance that is inferred.

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

The subject property is accessed by Lower Deadwood Creek Road, a Minor Collector, and by Deadwood Loop Road, a local access road.

- (5) Primarily under commercial forest management

The subject property is currently being logged by the applicant but not at a commercial level.

Policy #19(c) Impacted Forest Land Zone

- (1) Predominantly ownerships developed with residences or nonforest use.

The parcel is not developed with a residence or a nonforest use.

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

The property is 35 acres in size and meets this test.

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

All but one of the surrounding fourteen parcels is less than 80 acres in size and eight of these parcels are developed with residences. The subject property meets this characterization.

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

The subject property has access to a full range of services normally available to a rural residence, including rural fire protection, electricity and telephone. The subject property also is adjacent to two paved, public roads.

The subject property meets at least three of the five characteristics attributed to property that should be zoned F-1 and three out of the four characteristics ascribed to F-2 zoned property. The Hearings Official believes that in the present case the size of the subject property and the fact that the predominate lot size in the area is 20 acres or less are the most important factors. It appears unlikely that the subject property can be used in conjunction with a large commercial forestry operation even though intensive management of the subject property for forestry purposes is quite feasible. Given this situation, it is likely that the subject property will not be intensively managed



for forestry unless the applicant is allowed to construct a dwelling on it. The recent changes in the F-2 District allow only forestry-related dwellings and require a forest management plan. Given these facts, it appears that the subject property more closely fits the Rural Comprehensive Plan's profile of F-2 land.

## II. ZONE CONFORMITY

Lane Code 16.252(2) requires that rezonings be consistent with the general purposes of Chapter 16, not be contrary to the public interest, be consistent with the general purposes of the proposed zoning district and be consistent with applicable Rural Comprehensive Plan elements.

### 1. Consistent with the general purposes of Chapter 16

The following general purposes statements of Lane Code 16.003 are arguably applicable to the proposed rezoning:

- (4) **Conserve farm and forest lands for the production of crops, livestock and timber products.**

The proposed zoning district is designated as forest land but recognizes that smaller forest parcels normally require a dwelling to ensure that they are managed efficiently.

- (2) **To facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks and other public improvements.**

A full range of rural services are available to the subject property and reflect that the area bordering the subject property on the west, north and east are heavily impacted by residential development.

- (4) **To secure from fire, panic, flood, and other dangers.**

The subject property is not within a flood hazard area and no other natural hazards are present. The property lies within a rural fire protection district.

### 2. Not contrary to the public interest.

It is the intent of the Forest Lands policies of the Rural Comprehensive Plan that lands with the potential for forest management be allowed to realize that potential and that forest lands that are limited by size and residential impacts may have to be occupied with a dwelling before their potential can be met.

### (3) Consistency with the proposed zone.

The purpose of the Impacted Forest Lands Zone, as stated by Lane Code 16.211(1), is to implement the forest land policies of the Lane County Rural Comprehensive Plan, that recognize that forest lands impacted by nonforest uses should be treated differently than nonimpacted forest lands, and to conserve forest land for forest uses. A rezoning will formally implement the above-state recognition of the Rural Comprehensive Plan and the

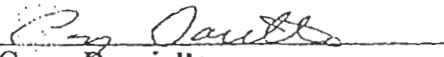
placement of a forest-related dwelling on the subject property will allow the most efficient forest management of that property.

(4) **Conformity with the Comprehensive Plan.**

The analysis in the PLAN CONFORMITY section of this decision affirmatively concludes that a rezoning to F-2 best reflects the character of the subject property.

The Hearings Official concludes that the proposed rezoning is consistent with applicable approval criteria of Lane Code Chapter 10.

Respectfully Submitted,

  
\_\_\_\_\_  
Gary Darnielle  
Lane County Hearings Official

# Land Use Application



ST/PROPOSAL FOR: Legal Lot Verification

FILE NO: PA-00-5822  
 ACTION: ALLY 1st 370

LOCATION (PLEASE PRINT)

16 01 08 700

TOWNSHIP RANGE SECTION 1/4 SECTION TAX LOT SUBDIVISION / PARTITION LOT / PARCEL BLOCK  
 E-40 126+

ZONED TAX CODE PLOT # ACERAGE

92885 Marcola Road, Marcola, OR 97454

LOCATION ADDRESS

Yes: farmhouse, detached (old) garage, shop/storage garage

STRUCTURES NOW ON PROPERTY

## APPLICANT / AGENT

H. Andrew Clark, Agent for Ed and Lilli Fisher June 7, 2000  
 NAME (PLEASE PRINT) DATE

P.O. Box 1147 686-8833  
 ADDRESS PHONE

Eugene, OR 97440-1147  
 CITY ZIP

## OWNER

Ed and Lilli Fisher  
 NAME (PLEASE PRINT) DATE

85816 Parklane Circle 741-7935  
 ADDRESS PHONE

Marcola Hill, OR 97455  
 CITY ZIP

DO YOU OWN ADJACENT PROPERTY? Yes  No   
 MAP, PARCEL NUMBER

Township	Range	Section	1/4 Section	Tax Lot

WATER PUBLIC  ON-SITE WELL  COMMUNITY SYSTEM N/A

SEWAGE PUBLIC  ON-SITE SEPTIC  COMMUNITY SYSTEM

ROAD STATE  COUNTY  PUBLIC  EASEMENT

FIRE DISTRICT Marcola SCHOOL DISTRICT

POWER COMPANY PHONE COMPANY

I (We) have completed all 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) so authorized to submit this application as evidenced by the signature of the owner below.

OWNER Signature Date APPICANT Signature Date  
 6/7/00

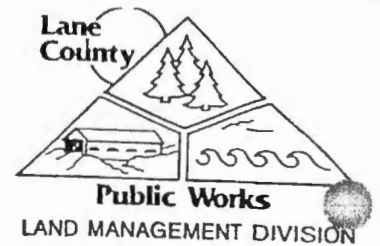
**An accurate Plot Plan must be attached. Ask for a sample Plot Plan**

SPECIFIC SECTION OF LANE CODE REQUIRING THIS APPLICATION

STAFF COMMENTS: TR. 700 IS A LEGAL LOT, BUT IT MAY CONTAIN AS MANY AS 5 LIL'S, ACCESS FROM CD, TR # 1313

RELATED PERMIT #

DATE: 6/7/2000



Date: OCT. 2, 2000

APPLICANT: ANDREW CLARK  
P.O. BOX 1147  
EUGENE, OR. 97440-1147

OWNER: ED & LILLI FISHER  
85816 PARKLANE CIRCLE  
PLEASANT HILL, OR. 97455

PA: 00-5822

RE: Report and Verification of a Legal Lot  
Tax Map: 16-01-08-00 Taxlot: 700

A more exact description by reference to Deed or Land Sales Contract  
is REEL 103-570/18534.

Based upon the Findings provided in this report, the above referenced property constitutes a legal lot, which means:

1. Ownership to this property may be conveyed with the assurance that such a conveyance would not require approval by Lane County land division regulations; and
2. Lane County recognizes this property as a legally separate unit of land for the purposes of development. Development would still be subject to applicable zoning, sanitation, access and building regulations.

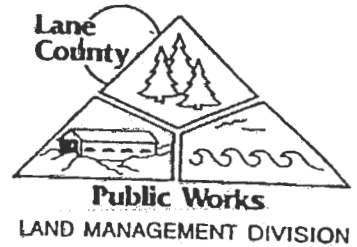
#### Findings

1. The subject property was created as a separate parcel on JULY 29 1957  
See attached instruments REEL 103-570/18536
2. The creation of the subject property as a separate parcel complied with all effective land division, zoning and comprehensive plan regulations, and it therefore constitutes a legal lot:

#### a. Land division regulations:

When the subject parcel was created, there were not land division regulations in effect to govern its creation. Lane County did not adopt applicable regulations for this kind of division until MARCH 26 1975.

There were land division regulations in effect governing the creation of this parcel, and the creation of this parcel was specifically exempted by these regulations from compliance because \_\_\_\_\_



b. Zoning regulations:

- When the subject parcel was created, there were no zoning regulations in effect at this time. The zoning for this property was adopted on NOV. 8 1977.
- When the subject parcel was created, there were the following zoning regulations in effect which the parcel complied with because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. Additional Comments:

TL-7RD IS AN ILLEGAL LOT, BUT IT MAY  
CONTAIN MORE THAN ONE LEGAL LOT.  
PLEASE SEE ENCLOSED MAP FOR LOCATION.  
THIS PARCEL HAS ACCESS FROM COUNTY  
ROAD NO. 1318. THIS LEGAL LOT VERIFICATION  
REVISES THE PREVIOUS DETERMINATION  
SEE RA 99613A.

"This is a preliminary indication that the above referenced property, as further designated on the enclosed map, is a legal lot. The decision that this property constitutes a legal lot will be made at the time of the first permit or application action where a legal lot is required. If the boundaries of this legal lot have changed at the time of a permit or application which requires a legal lot, a new Legal Lot Verification will be required."

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "D. G. Nickell".

D. G. NICKELL P.L.S.O.  
Engineering Associate  
541-682-3989

ATTACHMENTS

CC: TRS File

537

THIS INSTRUMENT WAS PREPARED BY

J. B. Austin and Dorothy Austin, its preparers

for and in consideration of the sum of \$100 and other things of value to them paid to

HAY O. DOSTRUDE and YDA M. DOSTRUDE, husband and wife the following described premises, to-wit:

Tract #1  
Beginning at a point on the West line of the Joseph A. Gray Donation Land Claim No. 30, Notification No. 7500, in Township 15 South Range 1 West of the Willamette Meridian, 45.07 chains North of the Southwest corner of said claim; and running thence North 4.53 chains to the Northwest corner of said claim; thence East 14.39 chains to the Southwest corner of the Thomas Gray Donation Land Claim No. 42, of the same Township Range North 14.66 chains; thence East 69.74 chains to the westerly line of the County road; thence South 5° 57' West 2.26 chains; thence South 45° 58' 25" West 5.57 chains; thence South 30° 24' West 2.64 chains; thence East 31° 06' West 10.45 chains; thence South 48° 13' West 1.31 chains to a point 8.92 chains North and 2.88 chains East of the Northwest corner of the parcel of Samuel Gray Donation Land Claim; thence North 50° 41' West 21.36 chains; thence West 41.46 chains to the place of beginning, in Lane County, Oregon

1500 (5) 1500 (2)

Tract #2  
That portion of the following described premises lying and being on the West side of the Konomak River, beginning at a point 10 chains South from the Northeast corner of the Thomas Gray Donation Land Claim; thence running South 14.60 chains; thence West 5 chains; thence South 14 chains; thence West 22 chains to the center of the County road on the West side of the Konomak River; thence by the road in a northeasterly course to a point the West of the place of beginning; thence East 5.25 chains to the place of beginning, in Section 8, Township 15 North Range 1 West of the Willamette Meridian, in Lane County, Oregon



TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S their heirs and assigns forever.  
And the said Grantor S do hereby covenant to and with the said Grantee S, their heirs and assigns that they the owners in fee simple of said premises; and that they are free from all encumbrances

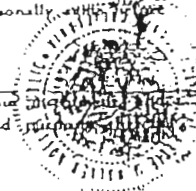
and that they will warrant and defend the same from all lawful claims whatsoever:  
IN WITNESS WHEREOF, they have hereunto set their hands and seals this day of July A.D. 1957

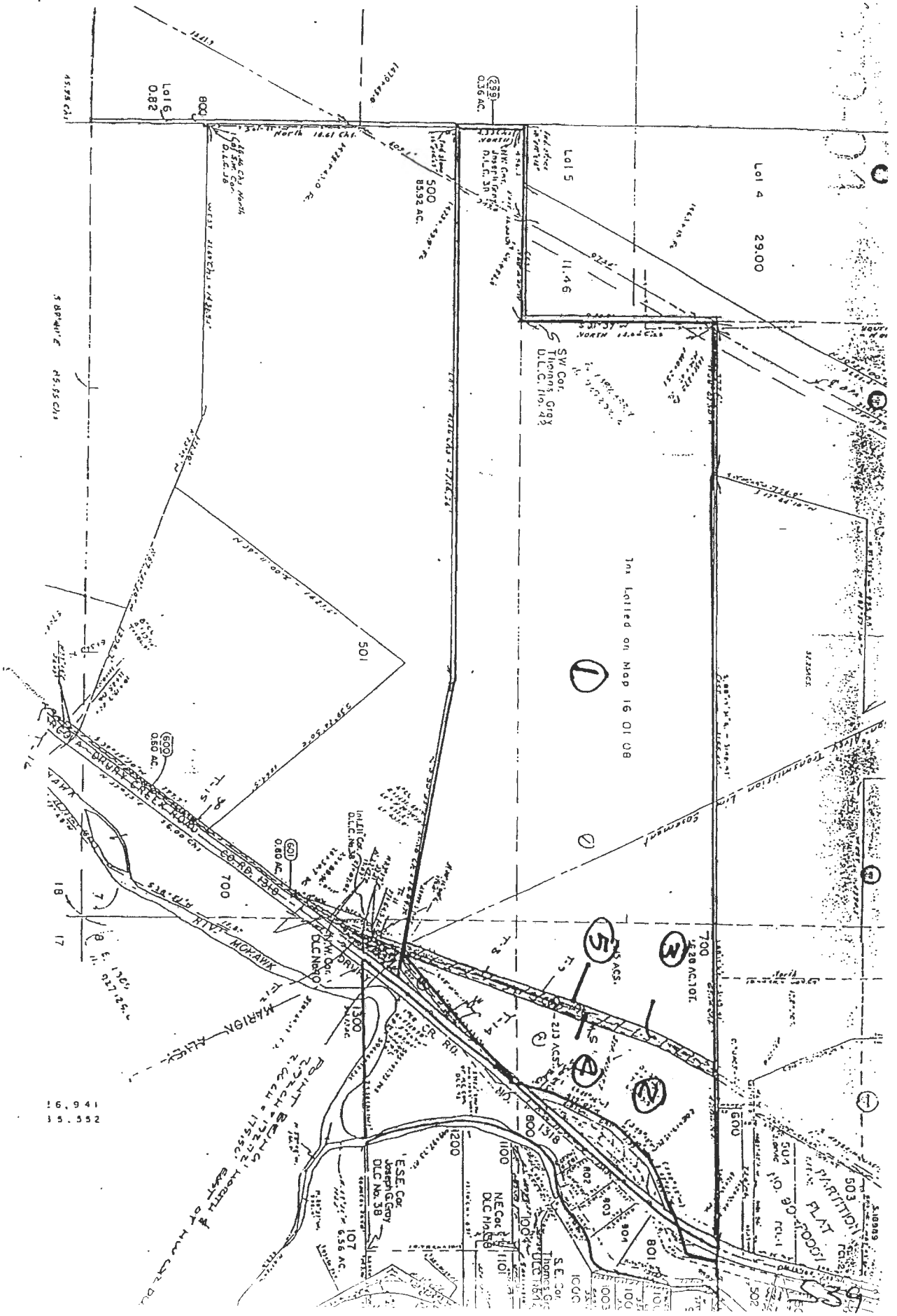
(SEAL) Elizabeth Austin (SEAL)  
(SEAL) J.B. Austin (SEAL)  
(SEAL) (SEAL)

California  
STATE OF OREGON COUNTY OF Siskiyou  
Be it remembered that on this 24th day of July 1957 personally appeared me, a Notary Public in and for said county, the within named

Elizabeth J. B. Austin  
to me personally known to be the identical person so described in and she executed the within instrument and acknowledged to me that she executed the same freely and voluntarily for the uses and purposes therein named.

Witness my hand and seal this day and year last above written.  
My Commission Expires Max. 6th 1958  
Lucas M. Walker Notary Public for Oregon California





16,941  
15,352

# Land Use Application



REQUEST / PROPOSAL FOR:

Legal lot Verification

FILE NO. PA-99-6134  
 ACTION ALV FEE # 370-

**LOCATION (PLEASE PRINT)**  
16 01 08 700  
 TOWNSHIP RANGE SECTION 1/4 SECTION TAX LOT SUBDIVISION / PARTITION LOT / PARCEL BLOCK

E-40 126 +  
 ZONED TAX CODE PLOT # ACERAGE

92885 MARCOLA RD MARCOLA OREGON 97454  
 LOCATION ADDRESS

YES - FARMHOUSE, DETACHED (OLD) GARAGE, SHOP/STORAGE GARAGE  
 STRUCTURES NOW ON PROPERTY

**APPLICANT / AGENT**  
ED H LILLI FISHER 8- -99  
 NAME (PLEASE PRINT) DATE

85816 PARKLANE CIRCLE (501) 741-7935  
 ADDRESS PHONE

PLEASANT HILL, OR. 97455  
 CITY ZIP

**OWNER**  
(SAME)  
 NAME (PLEASE PRINT) DATE

\_\_\_\_\_  
 PHONE

\_\_\_\_\_  
 CITY ZIP

**DO YOU OWN ADJACENT PROPERTY?** Yes  No   
 MAP, PARCEL NUMBER

Township	Range	Section	1/4 Section	Tax Lot
Township	Range	Section	1/4 Section	Tax Lot
Township	Range	Section	1/4 Section	Tax Lot

**WATER** PUBLIC  ON-SITE WELL  COMMUNITY SYSTEM N/A

**SEWAGE** PUBLIC  ON-SITE SEPTIC  COMMUNITY SYSTEM \_\_\_\_\_

**ROAD** STATE  COUNTY  PUBLIC  EASEMENT

**FIRE DISTRICT** MARCOLA **SCHOOL DISTRICT** \_\_\_\_\_

**POWER COMPANY** \_\_\_\_\_ **PHONE COMPANY** \_\_\_\_\_

I (We) have completed all 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) so authorized to submit this application as evidenced by the signature of the owner below.

Lilli A Fisher \_\_\_\_\_  
 OWNER Signature Date

\_\_\_\_\_  
 APPLICANT Signature Date

**An accurate Plot Plan must be attached. Ask for a sample Plot Plan**

**SPECIFIC SECTION OF LANE CODE REQUIRING THIS APPLICATION**

**RELATED PERMIT #** N/A

**STAFF COMMENTS:** NOT A LEGAL LOT DON 9/22/99

TALKED TO LILLI ON 10/4/99 ABOUT PLANNING

ABOUT 3 LEGAL LOTS DON

54c



RECEIVED BY  
LAND MANAGEMENT

JUN 7 2000  
AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

June 6, 2000

Donald Nickell  
Lane County Land Management Division  
Public Service Building  
125 East 8th Avenue  
Eugene, OR 97401

Re: Legal Lot Verification Application, for property located  
at Tax Lot 700, 16-01-08 (File No. PA-99-6134)

Dear Don:

Toward the end of last year, you issued a decision denying legal lot status for the referenced property. Your decision was necessarily based on the limited information before you at the time. Based on our recent discussions, I have done some additional research and enclose with this letter copies of additional relevant deeds. On behalf of Ed and Lilli Fisher, we ask that you consider this letter and enclosed deeds as a supplement to the legal lot verification application, the file number of which is referenced above.

#### Tax Lot 700

The focus of the information provided in this letter and accompanying deeds is on tax lot 700, which is the approximate 126-acre parcel lying west of the county road known as Drury Creek Road, and the 60-foot-wide right-of-way that runs from the north to the south boundary line of tax lot 700.

The roughly 126-acre parcel was conveyed from JB and Elizabeth Austin to Ray and Ida Dustrude by deed recorded August 2, 1957, Reel 103-57D, Deed No. 18536. The particular property is identified on the deed as Tract #1.

Gleaves  
Swearingen  
Larsen  
Potter  
Scott  
& Smith LLP



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Todd R. Johnston  
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Stephen O. Lane  
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Laura T. Z. Montgomery  
Chad C. Potter  
Standlee C. Potter  
Ian T. Richardson  
Martha I. Rodman  
Douglas R. Schultz  
Malcolm H. Scott  
James V. Shepherd  
Bruce E. Smith  
James W. Spickerman  
Arlen C. Swearingen  
Kurt Wanless

Donald Nickell

June 6, 2000

Page 2

This parcel was later conveyed from the Dustrudes to Ed and Lilli Fisher by deed dated 9/29/98, Deed No. 9878231. This parcel is identified as Parcel 1 on the 1998 deed and it excepts out of the parcel description the 60-foot right-of-way between the north and south boundary lines of the larger lot.

### **The 60-Foot Right-of-Way**

The 60-foot right-of-way was, apparently, first created by deed dated 5/19/60, Reel 153-61D, Deed No. 228. By this deed, the Dustrudes conveyed to Weyerhaeuser Company the 60-foot right-of-way between the north and south boundary lines of the parcel acquired by the Dustrudes from the Austins in 1957 (Tract #1 of Deed 18536).

As you know, there were two conveyances of 5-foot-wide sections of the right-of-way in 1961. By deed recorded April 17, 1961, Reel 171-61D, Deed No. 29270, Weyerhaeuser Company conveyed to the Dustrudes a 5-foot-wide strip of the east edge of the 60-foot right-of-way. Shortly thereafter, by deed recorded on the same day, Deed No. 29271, the Dustrudes conveyed to Weyerhaeuser Company a matching 5-foot-wide strip of property lying on the abutting western edge of the 60-foot right-of-way.

On January 16, 1990, Reel 1611R, Deed No. 9002025, Weyerhaeuser conveyed the 60-foot right-of-way to 3 Cs Investment Co. Parcel 8 of Deed No. 9002025 describes the 60-foot-wide right-of-way created by Deed No. 228 in 1960, and excepts from the description the 5-foot-wide strip conveyed to the Dustrudes in 1961 by Deed No. 29270. Parcel 9 of Deed No. 9002025, conveys to 3 Cs the 5-foot-wide strip acquired by Weyerhaeuser from the Dustrudes in 1961 by Deed No. 29271. On January 23, 1992, Reel 1740R, Deed 9204020, 3 Cs conveyed the 60-foot right-of-way to the Dustrudes. As the property description on Deed No. 9204020 indicates, it conveys to the Dustrudes all of the former Weyerhaeuser railroad right-of-way acquired by 3 Cs by virtue of Deed No. 9002025.

Finally, the 60-foot right-of-way was conveyed from the Dustrudes to Ed and Lilli Fisher in 1998 by Deed 9878231. As the property description for Parcel IV in the 1998 deed indicates, it conveys to the Fishers the right-of-way as described in Deed 9002025.

Additionally, Parcel III describes the 5-foot-wide strip held by the Dustrudes.

### Summary

In my opinion, the conveyances described above had the following effects: In 1957, the approximate 126-acre parcel existed as one lot owned by the Dustrudes by virtue of Deed 18536. The original parcel was divided in 1960 when the Dustrudes sold to Weyerhaeuser Company the 60-foot-wide easement, which stretched from the north to the south boundary of the prior existing parcel. At that point, the Dustrudes had two legal lots, one to the west of the right-of-way and one to the east. Additionally, because the 60-foot right-of-way was created as a fee simple interest rather than an easement, it existed as a separate legal lot owned by Weyerhaeuser Company.

In 1961, the 5-foot-wide strip conveyed from Weyerhaeuser Company to the Dustrudes by Deed 29270 created a third legal lot owned by the Dustrudes. Similarly, the conveyance of the western 5-foot strip to Weyerhaeuser Company created a separate legal lot owned by Weyerhaeuser. Therefore, at that time, within the original boundaries of tax lot 700, the Dustrudes had three legal lots and Weyerhaeuser had two.

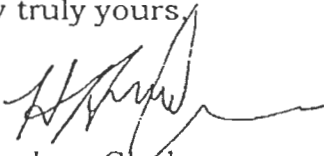
In 1990, the two legal lots owned by Weyerhaeuser (the 5-foot strip and the original 60-foot right-of-way) were conveyed to 3 Cs. 3 Cs then conveyed the property on to the Dustrudes. Therefore, the deed from the Dustrudes to Ed and Lilli Fisher (Deed 9878231) conveyed the Dustrudes' three separate legal lots, as well as the two legal lots formerly owned by Weyerhaeuser Company. By my calculation, there currently exist at least five separate legal lots within the boundaries of the 126-acre parcel originally created back in 1957.

As we have previously discussed, there may be additional legal lots that were created over time on the eastern edge of tax lot 700 near the county road. However, the time necessary to interpret the often confusing deeds is not warranted and I have, therefore, not undertaken that task.

Donald Nickell  
June 6, 2000  
Page 4

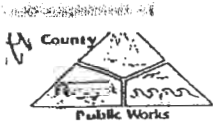
In light of the additional information enclosed, it is our hope that you will see fit to reconsider your prior decision. If you have any questions or concerns, or need additional information, do not hesitate to contact me.

Very truly yours,



H. Andrew Clark  
[aclark@orbuslaw.com](mailto:aclark@orbuslaw.com)

jca  
Enclosures  
cc: Ed and Lilli Fisher (w/enc)  
James W. Spickerman



# LANE COUNTY RECEIPT

RECEIPT NUMBER: R00002651

06-07-2000

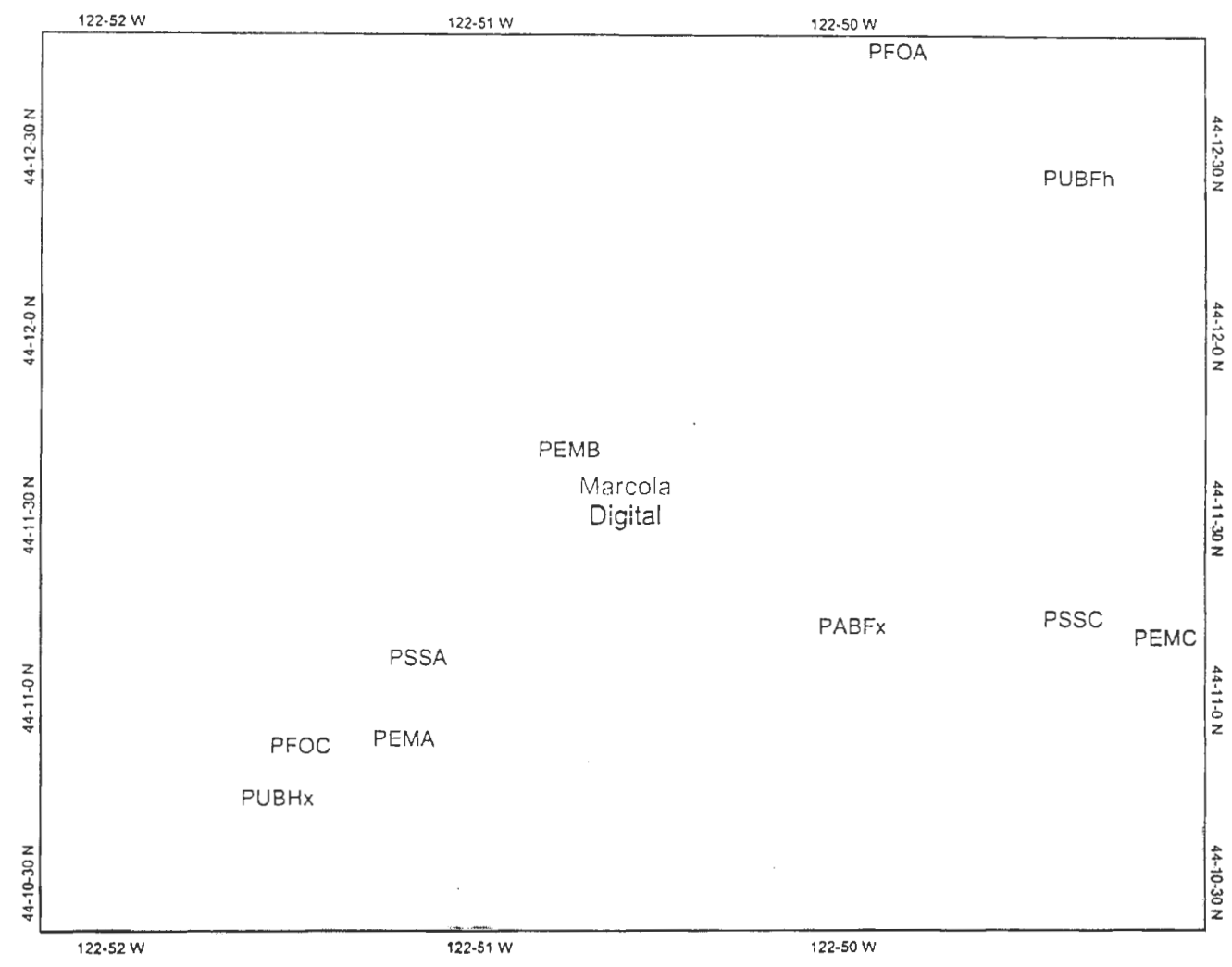
PLANNING ACTION #: PA005822  
TYPE: LEGAL LOT VERIFICATION  
SITE ADDRESS:  
PARCEL: 16-01-08-00-00700  
APPLICANT: FISHER EDWARD B & LILLI A  
85816 PARK LANE CIRCLE  
PLEASANT HILL OR 97455

Type	Method	Description	Amount
Payment	Check	1920	370.00

	Description	Current Pymt
2000	New Technology Fee	10.00
2100	Administrative Fee	45.00
3060	Planning Admin Approvals	300.00
3065	Long Range Planning Surc	15.00

# USFWS NWI Wetlands



## Legend

- Interstate
- Major Roads
- Other Road
- Interstate
- State highway
- US highway
- Roads
- Cities
- USGS Quad Index 24K
- Lower 48 Wetland Polygons
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine
- Lower 48 Available Wetland Data
- Non-Digital
- Digital
- No Data
- Scan
- NHD Waterbodies
- NHD Streams
- Counties 100K
- Urban Areas 300K
- States 100K
- South America
- North America

Map center: 44° 11' 35" N, 122° 50' 36" W

Scale: 1:42,310

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

546

1.11  
AND MANAGEMENT  
HWY  
7408

Hasler  
09/26/2012  
**US POSTAGE** \$09.24  
ZIP 9740  
011D116 01  
DEPT OF

SEP 27 2012  
LAND CONSERVATION  
AND DEVELOPMENT  
AND CONSERVATION  
AND DEVELOPMENT

|||||  
ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION/DEV.  
635 CAPITOL STREET NE, #150  
SALEM, OR 97301-2540