

1985: All mint harvested. Still working on remaining 10 acres of unfertile land. I planted the rest of that land hoping that something would be successful. The trees in groups C and D had to be replaced again, all 30 acres were then planted. Summer of '85 harvested 60 acres of mint at \$9.50 per pound. Filberts brought in \$1,920.00 for the first year.

1986: Still maintaining the 60 acres of mint and working on irrigation to support the farm. All of the good ground was in use and all the mint was planted. I worked on replanting the trees, I replaced unnecessary rock with dirt. This helped the trees grow for a short term, but wouldn't support them forever. However, I was still getting the trees for nothing. Filberts grossed \$581.00 that summer. Harvested mint that year at \$11.00 and once again broke even, as I did the year before. But still no profit!

1987: Once again I was raising the mint trying to brake even. Meanwhile I was still concentrating on re-plating the trees that had died in Blocks C and D.

1988: By now most of the farm is in production. 60 acres of mint and 30 of filberts. The mint is doing good with a price of \$12.00 and getting 65 pounds per acre. The filberts in Blocks A and B are doing well, but are starting to show signs of lacking water in rocky spots. In Blocks C and D, I am now replanting four to five year old trees that didn't make it.

1989: I still have 60 acres of mint in production, with 68 pounds of oil per acre and a price of \$12.00 per pound, finally making enough to pay bills. Filbert trees are growing but showing stress in rocky areas. I'm still working on replanting the trees in Blocks C and D. Blocks A and B were harvested and grossed \$3,478. I noted that rocky soil is causing the trees to be half the size of the others.

1990: 60 acres continue to be in production. While the prices and yields are good, the cost of growing has increased. As the mint roots get older, they demand more care and chemicals.

By now I was hoping that the filberts would be making more money than they are. I have to choice but to proceed with replanting.

1991: The mint production reaches it's peak. Yields and prices remain good. I am making enough to pay bills! Filberts in Blocks A and B should be at production stage and are not. Some of the trees in Blocks A and B are showing signs of lacking water. I can observe this through seeing cracked trunks, dead limbs and falling leaves. Blocks C and D still have dying trees. Rocks continue to be a problem and cause equipment failure. At this time I can only harvest Blocks A and B.

1992: Mint crop is still holding its own, with stable production. Both the cost of raising the mint and the price of the oil has gone up. At this time I have decided to sell 17 acres of mint to Dillans (tax lots 1100 and 1105), which also included 3.65 acres of filberts, but rent back the property. Trees in Blocks A and B are doing well, except where rocky soil conditions exist. Some trees are still dying in Block C and even more in Block D. I'm replanting continuously. The yields are not what they should be after harvesting Blocks A and B.

1993: Mint seems to be doing okay, but the yields are starting to decline. The mint roots are starting to get old and diseases are beginning to increase. Wilt is the main disease that will kill a mint plant. Still replanting trees in Block D and harvesting Blocks A, B, and C.

1994: The mint yield is still declining. Trees are still growing, but showing signs of stress in rocky areas. Block D is lacking water, as the trees are not doing well and have split trunks and dead limbs. The ground in this area is almost impossible to maintain. I continue to harvest the other three blocks of filberts.

1995: Decreasing yields in mint give me reason to suspect that the crop will only last for another four years. Trees are growing well in Block B, and the filbert trees in Block A are not growing in rocky areas. Trees in Block C are doing the same, and D continues to be unsuccessful. I attempted to harvest some of the trees in Block D this year, it turned out to be

not a good thing. It costed more money to try and complete that task than I made, as I ruined some equipment due to the rocky condition of the ground.

1996: The mint yields remains low. However I still grow it, and the trees are still dying. I tried to pick Block D once more and got only similar results as the previous year. Parts of Block A and C show signs of stress. Some trees are half the size of others. Block B trees persevere.

1997: My mint crop is failing as it had been the last couple of years. This is to be my last year of growing all 60 acres in mint. I plan to raise sugar beets next year. Trees in Block B are doing well, but other trees are having trouble in Blocks A and C. Trees in Block D are showing stress annually. These trees are a quarter the size they should be. Too much rock limits my harvest of Blocks A, B, and C.

1998: Half of the mint crop was removed and sugar beets planted. From now on I make \$25,000 per year. Rocky soil continues to limit the maximum growth of some of the trees. Lack of water and good soil makes it hard for the trees in Blocks A, C and D. Harvested Blocks A, B, and C, and left D alone.

1999: All bottom land is now planted in sugar beets. Rotating 25 acres planted and 25 acres summer fail. The tree status remains the same as the previous year.

2000: The best trees are in Block B, with a trunk circumference of 25" - 31". The Block A trees measure 17" - 25", and Block C trees measure 16" - 22" with only a third of the trees being 22". The worst trees are in Block D, measuring 6" - 16", with only a quarter of the trees being 16 inches. Block D also cannot be harvested.

David Grant
39040 McKenzie Highway
Springfield, OR 97478

19.2 Filbert

OX 18 + 28 + 43
51 ac 251 trees

7/8 trees per ac

1.97 ac not
5.63 ac parcel
on 30 ac parcel
of 80 ac

521 trees 41 ac

OX 26 - 182
41 x 11
638

12 x 34 + 22 + 10 + 18 + 16 +
+ 14 + 12 + 18 + 8
408
113
521

OX 9
+ 24 + 24 + 23 + 22 + 11
2 + 15 400 + trees
22 x 5 + 15

OX 26
3 x 26
+ 33 + 31 + 27 + 22
+ 26 + 22
+ 2 x 13
OX 7
+ 20 x 20 x 14

Has
1 trees
arrives
arrives
arrives



(A)

638 trees
5 ac

891 trees
7 ac

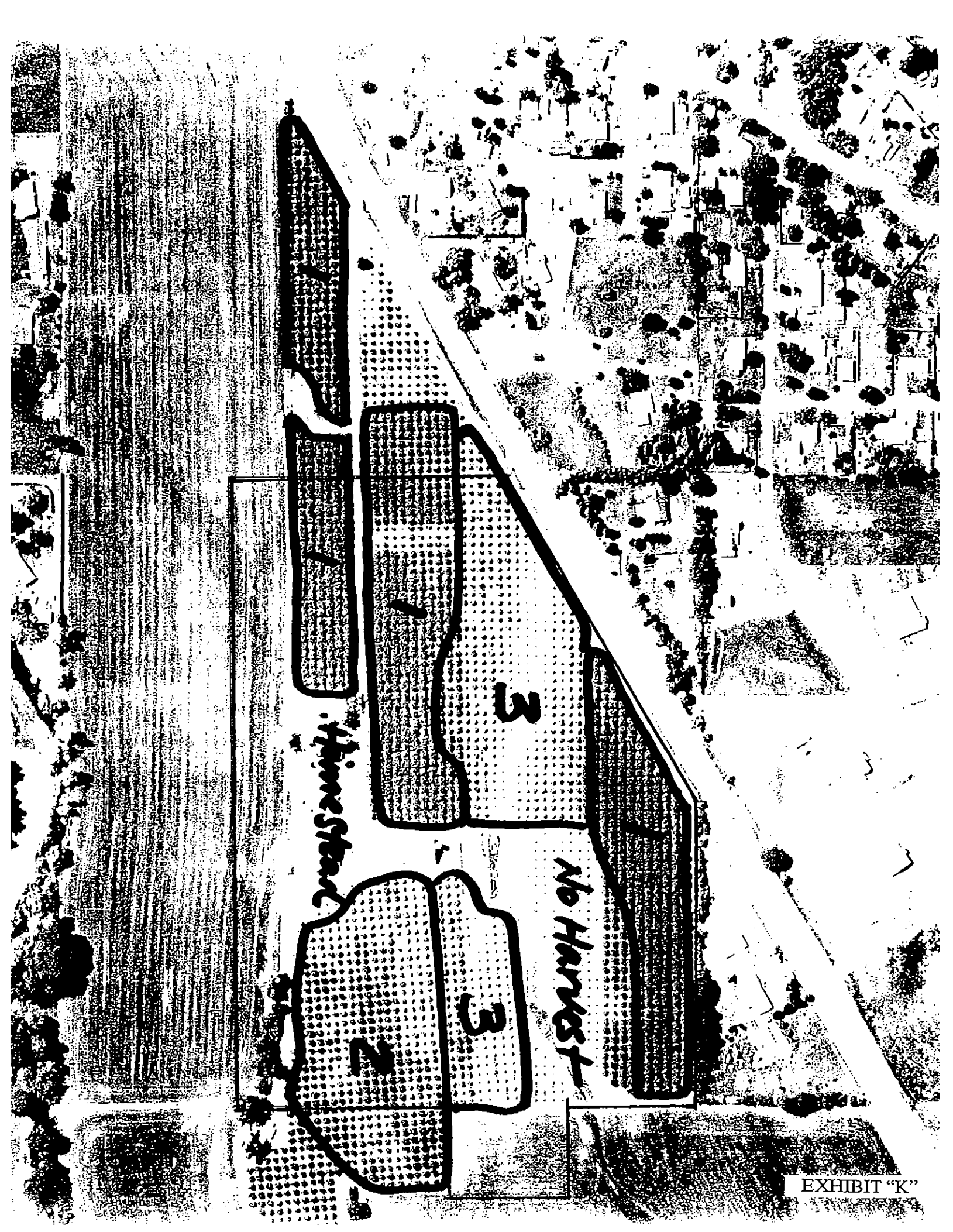
(D)

House
Barn

400 trees
3 ac

(B)

(C)



Hines Street

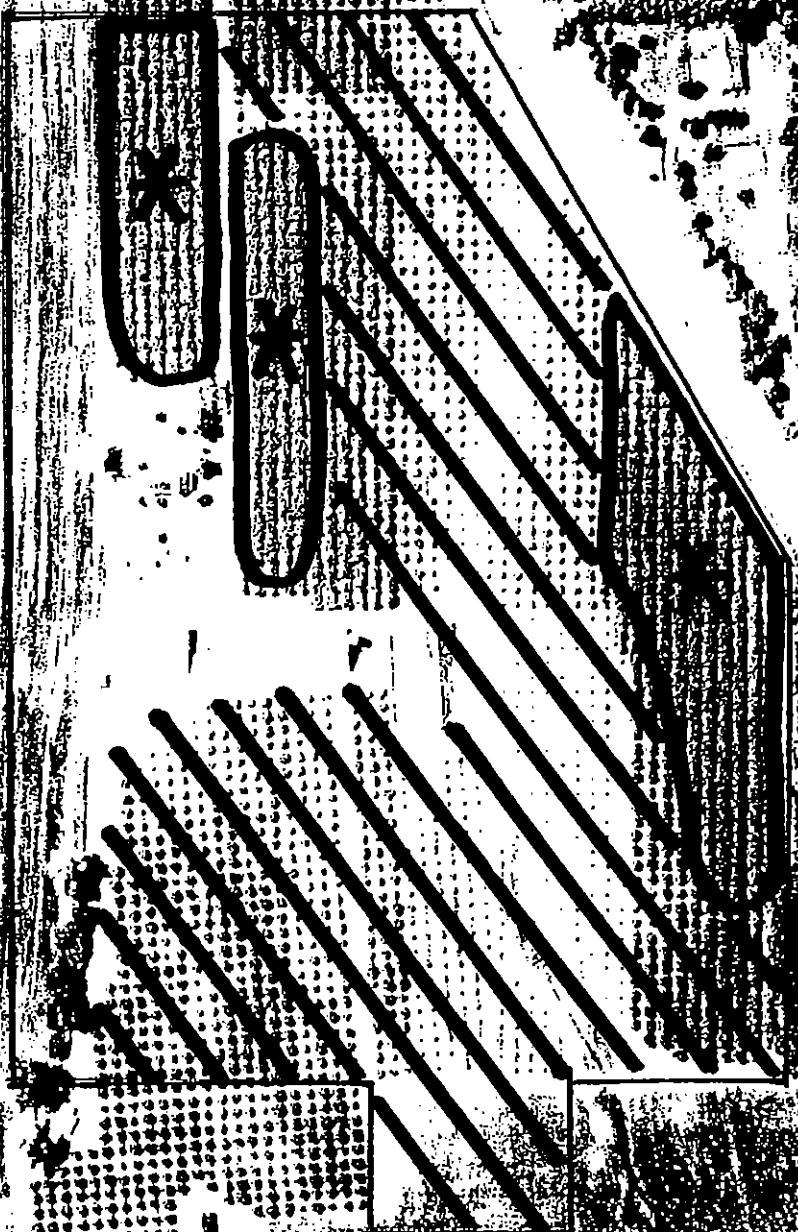
3

No Harvest

3

X - BEST ORCHARD AREAS

|| - VARIOUS TRACTS



2000 Crop

10/25/2000 5:14:13 PM

Hazelnut Growers of Oregon Delivery Report

#1

David Grant

Variety: BARCELONA OrchardNo: 1

Ticket Number R00931

Date Received 10/09/2000

Location: Walterville

RecptNo: 20881

Weights and Adjustments

			Lb	Lb
Received Weight				20,190.00
Washed Weight				19,017.00
Moisture		14.9500%		
less Dryaway		5.9500%	1,131.51	
less Debris (gm/sample)	4.1	0.0488%	0.00	
Gross Dry Weight				17,885.49
less Wormy		0.0000%	0.00	
less Rancid/Mold/Decay		0.8333%	149.05	
less Seriously Shriveled		0.0000%	0.00	
less Blanks	2.8333%	1.7195%	307.54	
Total Cullage				456.58
Merchantable Weight				17,428.90

Payment Details

Gross Pay	0.4650 \$/Lb Merchantable Wt		\$8,104.44
Cleaning Charge	51.0000 \$/Ton Received Wt		\$514.84
Sorting Charge			
less Worms	0.0000 \$/Lb Gross Dry Wt	\$0.00	
less Rancid, Mold, Decay	0.0000 \$/Lb Gross Dry Wt	\$0.00	
less Seriously Shriveled	0.0000 \$/Lb Gross Dry Wt	\$0.00	
Total Sorting Charge			\$0.00
OFC Charges	9.0000 \$/Ton Merchantable Wt		\$78.43
Total Charges			\$593.27
Net Payment			\$7,511.17

Delivery Payment \$87.14

GrowerID: GR5000CM

Note: Includes ~ 2.5 ac. of neighbor's orchard (TxL. 1100)

Garry Rodakowski: WORK EXPERIENCE

1994 to the present: Manage 75 acres of Hazelnuts on Dorris Ranch in Springfield for Willamalane Park & Recreation District.

1985 to the present: Manage 80 acres of Hazelnuts located in Mohawk, Oregon.

1985 to 1995: Worked as a licensed Guide in Oregon. Registration #647

1975 to the present: Own and operate 60 acres of Hazelnuts located in Vida, Oregon.

1971 to 1974: Worked heavy construction for S.D. Spencer & Sons of Vancouver, Washington.

1968 to 1972: Worked for Mayfair Markets in Springfield and Eugene.

COMMUNITY & INDUSTRY SERVICE

1989 to 1997: Serve on the Board of Directors of the McKenzie School District and served as Chairman for two years.

1995 : Hazelnut grower of the year in Oregon, Washington and British Columbia.

1990 to 1996 : Serve on the Board of Directors of the State of Oregon Hazelnut Commission and served as Chairman for two years .

1982 to 1992: Served on the Board of Directors of the USDA Hazelnut Marketing Board.

1986 to 1988: Served on the Board of Directors of the McKenzie Rural Fire Protection District.

1984 to 1987: Served on the Board of Directors of the Nut Growers Society of Oregon, Washington & British Columbia and was President in 1986.

1984 to 1987: Served on the Board of Directors of the Northwest Horticultural Congress and as President in 1986.

CHARACTER REFERENCES FOR:

Garry Rodakowski
45461 Goodpasture Rd.
Vida, Oregon. 97488
(541) 896-3187

Harold Rice
Orchardist
3635 E. Game Farm Rd.
Springfield, Oregon.
726-7050 home

Robert Ohling
Agri Management Tech.
P.O. Box 7
Salem, Oregon.
363-3892 work
370-8511 home

Jim Rear
Rears Manufacturing
2140 Prairie Rd.
Eugene, Oregon
688-1002 work
998-6056 home

Dick Roberts
Pastor
McKenzie Baptist Church
45061 Mckenzie Hwy.
Leaburg, Oregon.
896-3829 work
896-3391 home

Polly Owen
Manager
Hazelnut Marketing Board
Oregon Hazelnut
Commission
P.O. Box 23126
Tigard, Oregon.
639-3118 work

Brian Reister D.V.M.
East Lane Veterinary
Hospital
42755 McKenzie Hy.
Leaburg, Oregon
896-0044 work
896-3623 home

Terry Jack
Fire Chief
McKenzie Rural Fire Dist.
38295 McKenzie Hwy.
Springfield, Oregon.
746-6312 work
896-0054 home

Stuart E. & Janie D. Gourley
39091 McKenzie Hwy
Springfield, OR 97478

May 5, 2000

To Whom It May Concern:

This letter is in support of David D. Grant who resides at 39040 McKenzie Hwy. Springfield, OR 97478-9605. David's project of developing his property into additional homes for our area will have no effect on our property. The project includes 30 areas and is tax lot 700.

David has been a great neighbor and a great supporter of our community in the Springfield and Walterville area. We support the land use for additional housing.

Sincerely,

A handwritten signature in cursive script that reads "Stuart E. 'Corkey' Gourley". The signature is written in dark ink and is positioned above the printed name.

Stuart E. "Corkey" Gourley
Walterville Homeowners

4-13-00

To Whom It May Concern

As owners of property TCA: 19-09 Acct: 0099406, 4217558 and 1528056 we have no objection of adjacent property seeking a land zone change.

We have noticed that our property where land is rocky the filbert trees are less productive with less quality. During dry Summers they stress out and lose there leaves faster.

Yours Truly,

William Dillin

William Dillin

Elaine Jones

Elaine Jones

Apr15, 2000

To Dave Grant

This is a letter for Dave Grant.

I Robert L. Gordon owner of Prop: 551, TCA: 19-09, Mao17 01 28 00
01301. have no objections to Dave Subdividing the 20 acres north of
his Farm house and barn. This ground is rocky and not good for farm
use.

Sincerely

R L Gordon

A handwritten signature in cursive script, appearing to read "R L Gordon", written in black ink.

Steve & Kim

Swinney

April 24, 2000

To Whom It May Concern:

We, Steve and Kim Swinney have no objections with Dave Grant Developing the 30 acre parcel of farm land between his house and barn and Highway 126 to the north, that has been deemed to rocky to farm.

This parcel of land does not border our property and does not create a problem for us if developed into five acre lots.

The parcel of farm land to the south of his house and barn does border our property and shall remain farm use only per our conversation with Dave Grant.

Sincerely,



Steve Swinney

(¹¹-25.00

Dear Dave,

As you requested I'm going to tell you what I have seen taking place on your ranch all of these years.

Well I told you there was lots of high water going across the middle of the place just past the old hop house. It took the old fence down. It was a heck of a mess. Then another time the high water went across where the little creek on the upper part was (is). As well as the middle part, and the lower part.

After we convinced the Engineers in Portland that we badly needed bank protection they approved it in 1967 we were very happy when we got the news. Elita Zehner, Ladmonts, McLeer, and Wayne Endicott,

Anyway, the water also went across the highway on the upper side of Hendricks bridge

(2)

My folks furnished the rock to build the "dike" as we called it except the big rock that was used to face it.

I guess you can add your part.

We have been up here fifty years. We have seen many people building up here.

Margaret R. Ortega



LANE COUNTY RECEIPT

RECEIPT NUMBER: R01003326

06-29-2001

PLANNING ACTION #: **PA015875**
TYPE: PLAN AMEND ZONE CH
SITE ADDRESS: 39040 MCKENZIE HWY SPR
PARCEL: 17-01-28-00-00700
APPLICANT: TAYLOR HARRY A
319 COUNTRY CLUB RD
EUGENE OR 97401

Type	Method	Description	Amount
Payment	Check		2,890.00
		Description	Current Pymt
		2000 New Technology Fee	10.00
		2100 Administrative Fee	360.00
		3050 Planning Plan Amendments	2,400.00
		3065 Long Range Planning Surc	120.00

PAID BY: GRANT FARMS LLC

ATTACHMENT SEPARATOR

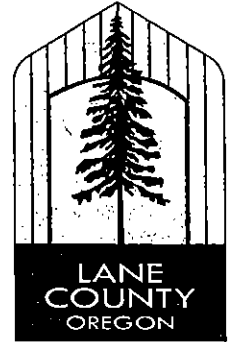
LANE COUNTY PLANNING COMMISSION

STAFF REPORT

HEARING DATE: July 1, 2003

FILE No. PA 01-5875

REPORT DATE: June 23, 2003



LAND MANAGEMENT DIVISION
http://www.LaneCounty.org/PW_LMD/

I. APPLICATION DESCRIPTION

A.

Owner

Jack & Beverly Grant
319 Country Club Road
Eugene, OR 97401

Applicant

David D. Grant
39040 McKenzie Highway
Springfield, OR 97478

Agent

Harry Taylor
P.O. Box 1420
Veneta, OR 97487

B. **Proposal**

Request for a Rural Comprehensive Plan (RCP) diagram amendment from "Agriculture" to "Nonresource", and a zoning map amendment from Exclusive Farm Use (E-30) to Rural Residential (RR-5) for a 30.19 acre site located south of McKenzie Highway 126 and the community of Walterville, pursuant to Lane Code (LC) 16.252 and LC 16.400.

II. RECOMMENDATION

Based upon the evidence currently in the record, staff recommends denial of this application.

III. SITE AND PLANNING PROFILE

A. **Subject Property**

Map 17-01-28 tax lot 700 located at 39040 McKenzie Highway

B. **Zoning**

Located on Plot 525. Zoned E30/RCP; Exclusive Farm Use. The property is within the Rural Comprehensive Plan Area (outside any UGB).

C. **Site Characteristics**

The subject property is located on the south side of McKenzie Highway, across from the Community of Walterville approximately 4 miles east of the City of Springfield. The 30.19-acre parcel is currently used as a filbert orchard. The property is not the site of inventoried archeological, historical or sensitive wildlife habitat.

D. **Surrounding Area**

All surrounding properties on the south side of the McKenzie Highway are zoned Exclusive Farm Use. To the east and south is a 58 acre parcel that consists of bottom land planted with a beet crop. To the west is a 17 acre parcel with 12 acres leased to the



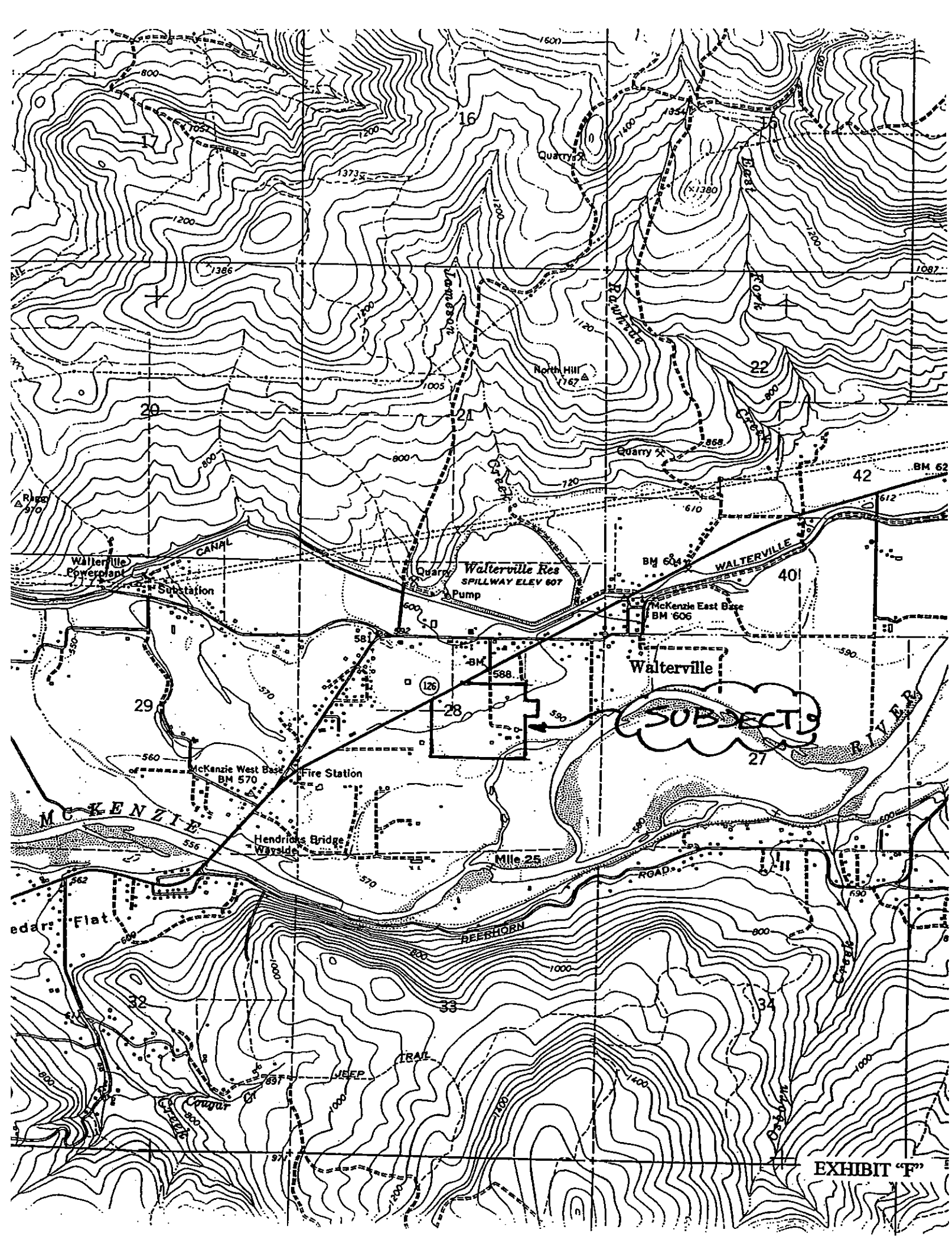


EXHIBIT "F"

applicant for a beet crop in the bottom land and three acres of filberts adjacent to the subject property's rocky terrace.

E. Services

Fire: McKenzie RFPD
Police: County, State
Water: individual wells
Sewer: individual septic system
School: Springfield School District #19
Telephone: Qwest Communications
Power: Lane Electric Cooperative
Access: McKenzie Highway (State)
Solid Waste: Glenwood Solid Waste Transfer Site

F. Referral Comments

Lane County Transportation Planning:

Access to this parcel is from McKenzie Highway. McKenzie Highway is a State maintained road. The applicant needs to contact the State with regard to potential traffic impacts on McKenzie Highway and/or any construction within the right-of-way of McKenzie Highway. Please note paragraph 2 of Goal 12 (Transportation), from Applicant's Statement.

McKenzie Fire and Rescue: No response received.

Wetlands: This parcel does not appear to contain any NWI wetlands per NWI Maps Walterville 2 & 3.

Oregon Department of Transportation (ODOT):

I talked this application over with the District office and the main ODOT issue will be access from McKenzie Hwy on development. Please ask your applicant to coordinate with Jeff Lange, District Permit Specialist, to coordinate the appropriate shared access to the future lots. Thanks. Jeff's number is 726-2552.

Department of Land Conservation and Development (DLCD):

See attached objection to the application from Ronald Eber, DLCD Farm and Forest Lands Specialist

Lane Council of Governments:

See attached review of the application's soils report from a certified professional soil scientist (CPSS).

1000 Friends of Oregon:

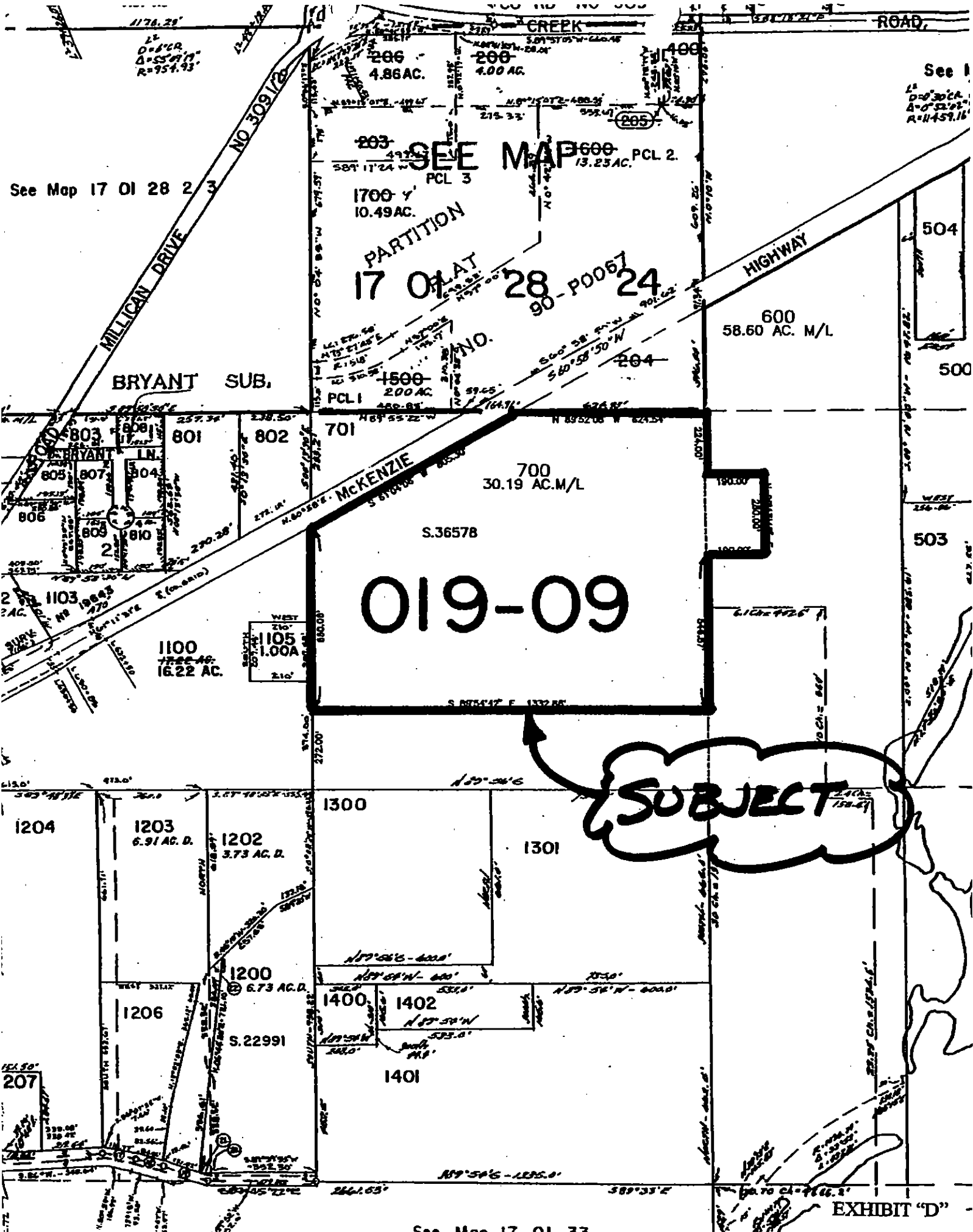
See attached comments from Lauri Segel, Lane County Planning Advocate

Neighbor Comments: 3 letters were received and are attached to this report. One is in opposition, one is concerned regarding the adequacy of water to support the additional homesites, and one is concerned with the type of development that may occur.

IV. APPROVAL CRITERIA & ANALYSES

A. Approval Criteria

Applicable criteria for all RCP amendments and rezonings are found in Lane Code 16.400(6) and L.C. 16.252. They are recited in the applicant's statement and only those related to staff's discussion of the perceived shortcomings in the application are included



See Map 17 01 28 2 3

See 1
L² D=30CA
A=052172
R=11459.11

SEE MAP 600 PCL 2.
SEE MAP 600 PCL 3.
PARTITION 17 OF AT 28-0067 24

019-09

SUBJECT

See Map 17 01 33

EXHIBIT "D"

in this report. The NonResource designation is a unique designation which must meet a special set of evaluation criteria, fundamentally proving that the land involved in the proposal has no significant resource value within the definitions of the statewide planning goals.

These criteria, which are not in Lane Code but are found in the County's Marginal Lands Working Paper, require showings of limited or no resource value including such elements as watershed protection and wildlife habitat needs. Information on these criteria are discussed in the applicant's statement. It can be added that the NonResource designation does not require adoption of a typical exception to statewide planning goals, since by its nature it obviates goal mandates.

B. Evaluation

This application proposes to change a 30.19 parcel of Exclusive Farm Use property to a zoning density which potentially could result in 6 residentially-developed lots. (A land division is **not** proposed as part of this application.) In justifying the proposal, the applicant has addressed Plan and zoning criteria including RCP policies and NonResource approval standards. Specific NonResource criteria drawn from the Marginal Lands Working Paper are addressed on pages 19 - 20 of the statement. Those criteria are not repeated in this Staff Report; please refer to the applicants' statement (attached) for both criteria and the applicants' responses to them.

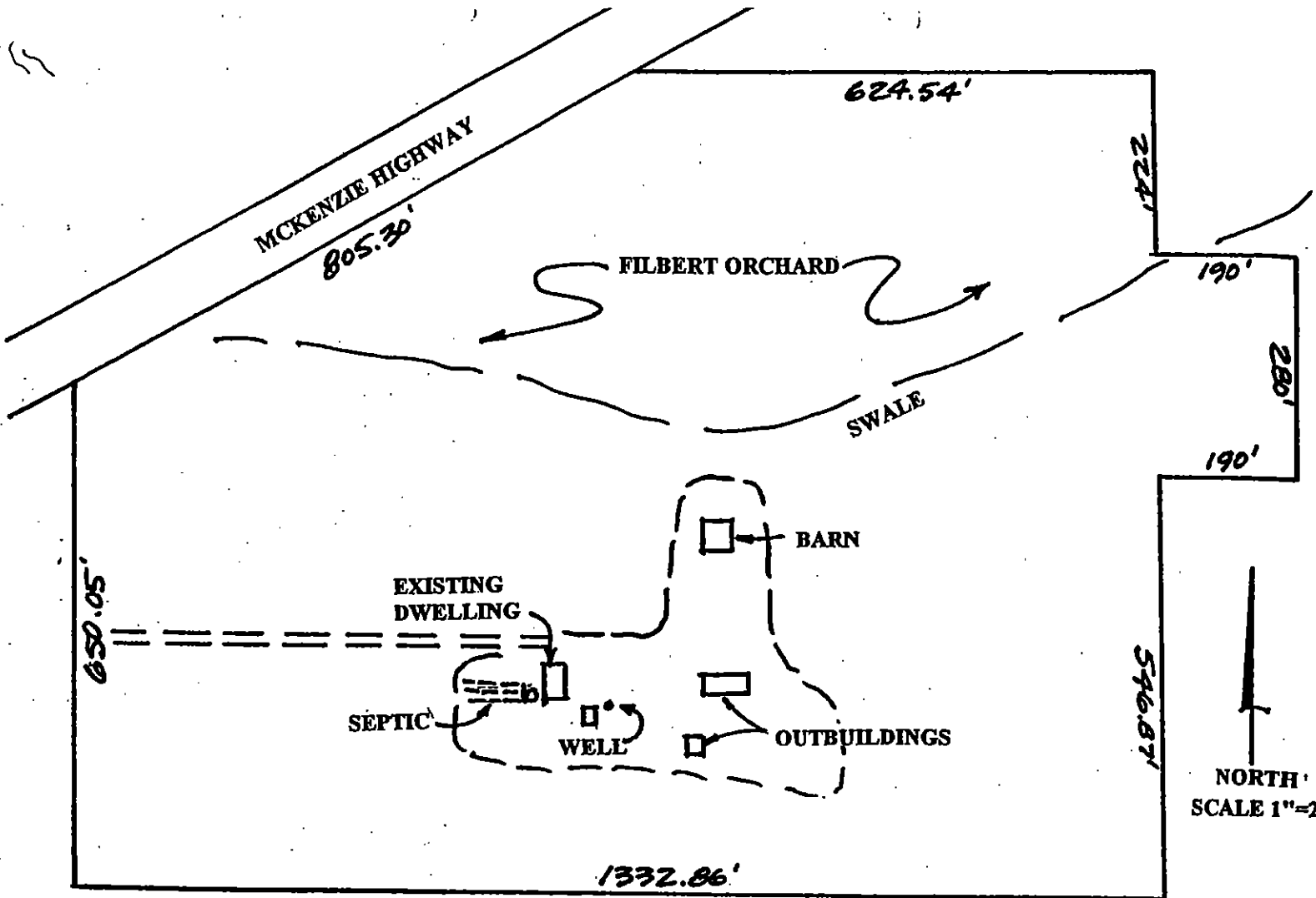
Staff comments below are limited to areas of the application that appear to be lacking in sufficient evidence to warrant a recommendation for approval.

SOILS

A key test for NonResource designations is soils productivity. "Agricultural Land" includes "Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV in Western Oregon..." [OAR 660-033-0020(1)(a)] The submitted soils information has been reviewed by both DLCD and a certified professional soils scientist associated with Lane Council of Governments. Both found problems with the soils information as presented in the report. Apparently the Soil rating for agricultural capability class for Sifton soils has been changed by the NRCS from IVs (irrigated) to IIIs (irrigated and non-irrigated). The information is available on the NRCS website and supersedes the ratings in the published soil survey for Lane County. More detail is provided in the letters attached to this report regarding the appropriateness of changing the rating for the Sifton soils on the property to a class V or VI, and the amount of lands within each soils unit on the property.

Additional information needs to be submitted by the applicant to demonstrate that the property is not comprised predominantly of Class I - IV soils. Failure to accomplish the reclassification of the Sifton soil on the subject property from Class III to Class V or VI requires denial of the application.

Staff has an additional concern regarding the availability of water for irrigation. The soils report cites this issue as a partial reasoning for reclassification of the soil unit. The State Water Resources Department has stated in a letter in the submittal that 6 acres of irrigation rights exist for the subject property. It also appears that the point of diversion is located within property under common ownership to the east. The application repeatedly states that there is a lack of irrigation water available to the subject property but no explanation is given for the nonuse of 6 acres of existing rights or the prospect of



PLOT PLAN

June 28, 2001

MAP 17-01-28 TAX LOT 700

Applicant: David Grant
 39040 McKenzie Highway
 Springfield, OR 9747

Owners: Jack and Beverly Grant
 319 Country Club Road
 Eugene, OR 97401

Agent: Harry A. Taylor
 Land Use Consultant
 P.O. Box 1420
 Veneta, OR 97487

EXHIBIT "A"

acquiring new water rights to appropriate stored water releases on the McKenzie River from the State.

Another shortcoming of the soils information is found under the applicant's Goal 4 discussion on page 10 of the report. The applicant is using outdated information instead of the latest NRCS data. The Sifton soil unit has a forest capability site index of 124 which translates to a volume rating of 182 cu. Ft./acre. The applicant summarily dismisses the forest capability rating as an error based on the low water holding capacity of the soil, droughty conditions and a lack of irrigation. However, those soil characteristics are identified by the NRCS in the soil description while assigning the forest capability rating. It is not clear to staff that the inability of the soils to support a healthy filbert orchard is synonymous with the inability to grow Douglas Fir trees on the subject property as suggested by the applicant. Additional information is required to adequately address the forest resource value of the subject property.

EFFECT ON ADJACENT RESOURCE LANDS

Page 15 of the submittal addresses Goal 2, Policy 16 but does not adequately address subsection (c): "*Small isolated non-resource tracts surrounded by farm and forest lands shall be discouraged if such non-resource designation would create compatibility problems.*" The application contains only conclusory information addressing the potential for compatibility problems between the subject property and adjacent farmed areas. For instance, the applicant states that the proposed residential use is compatible with existing farm uses "because the farm income from the bottom land constitutes a majority of Mr. Grant's income, he is not about to compromise its use as farm land." No analysis is provided that describes the accepted farm practices that occur on adjacent properties and why they will not be impacted by the change in zoning of the subject property to allow 5 new residences in close proximity to the adjacent farming activities.

RCP policy 17 of goal 2 (Land Use Planning) establishes a set of tests to determine if NonResource land should be zoned RR-5 or RR-10. These criteria require that the chosen zoning density be based on an analysis of the following:

- a. *Existing development patterns and density of any adjacent committed areas;*
- b. *Subsurface sewage disposal suitability;*
- c. *Domestic water supply availability;*
- d. *Access;*
- e. *Public service;*
- f. *Lack of natural hazards;*
- g. *Effect on resource lands.*

These criteria are fundamentally the same as those used to establish appropriate Rural Residential densities in D&C areas, and which have been interpreted on two occasions by the Board of Commissioners. The Board's interpretations place much weight on analyses of existing development patterns and density of nearby Rural Residentially-zoned lands to determine their average parcel size, the result of which is applied by the RR zone (RR-1, RR-2, RR-5 or RR-10) to be placed on the subject property. No analysis is provided on the compatibility issues that may exist if this zoning is approved at 5-acre densities vs. 10-acre densities. Lacking the existence of a committed area adjacent to the subject property, a ten-acre parcel size would seem to be more appropriate in an area with actively farmed Exclusive Farm Use properties on three sides.

FARM UNIT

"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

1-2000

2-28

11M

178

0-48-716

19-77 2-2

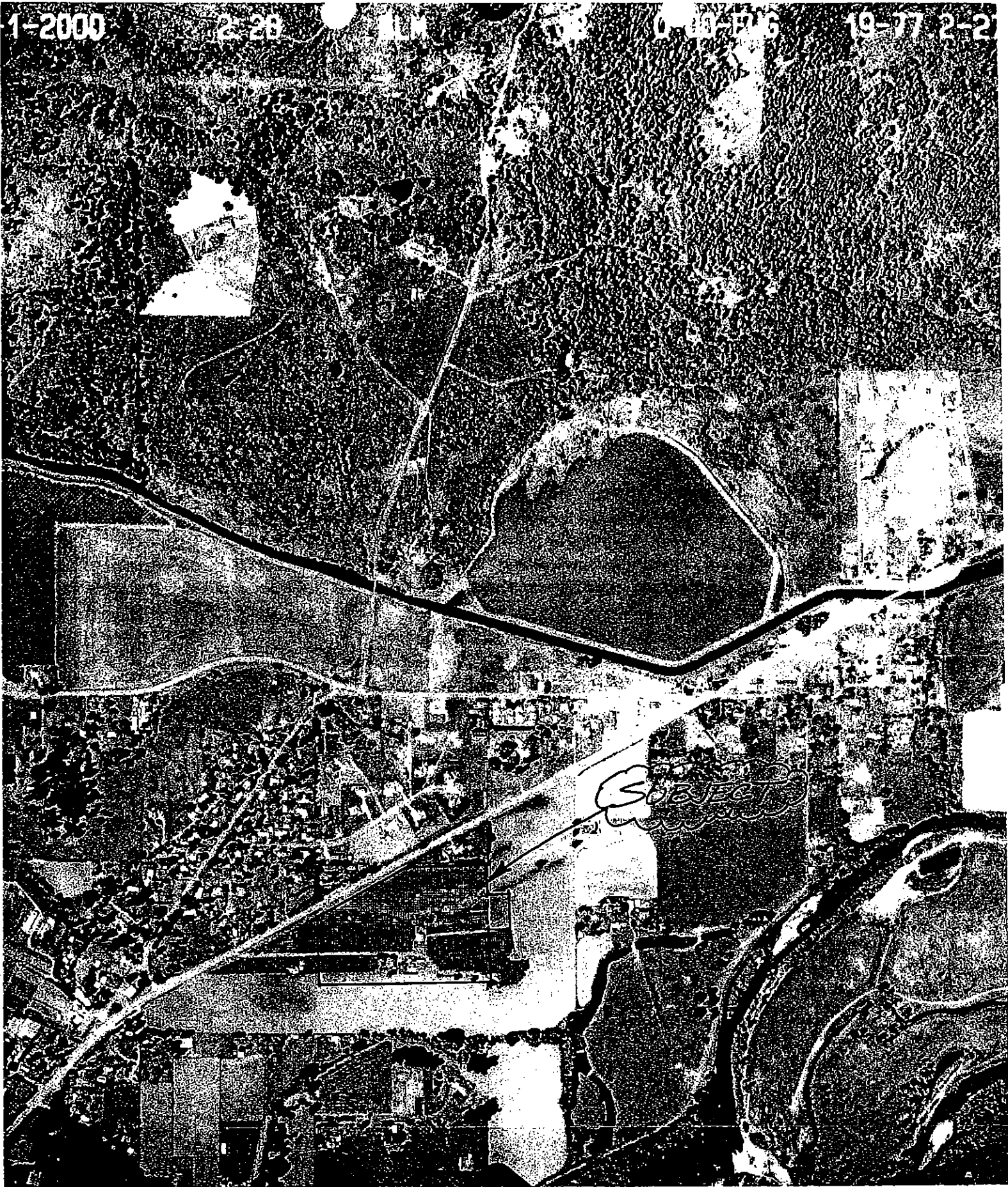


EXHIBIT "B"

agricultural lands even though this land may not be cropped or grazed." [OAR 660-033-0020(1)(b)] The "farm unit" issue is addressed by the applicant on page 9 of the submittal and DLCD discusses the issue in the attached letter. Although the applicant argues that common ownership is not determinative in the identification of a "farm unit," it is an "indication" that must be considered. Other indications to be considered are the current management of the subject property with the adjacent parcel as a beet operation, the use of the subject property in conjunction with leased land to the west in filbert production and beet production, and the location of the residence and farm accessory structures for the entire farm operation on the subject property. Part of the applicant's argument to demonstrate that the 30 acre parcel is not part of a farm unit is to declare that the subject parcel is in "physical isolation from other farm land in the vicinity." However, the parcel is immediately adjacent to an active sugar beet operation located on Class II soils.

V. CONCLUDING COMMENTS

A. Summary Remarks

The evidence in the record does not adequately support a recommendation for approval. Issues to be addressed include the reclassification of the soils from Class III to Class V or VI; the availability of irrigation water; the effect on adjacent resource lands; the determination of the "farm unit;" the appropriateness of RR-5 vs. RR-10; and the forest capability of the property.

B. Attachments to Staff Report

1. Applicant's statement with exhibits -- NOTE: exhibits provided to Planning Commissioners only, and can be made available to other interested persons.
2. Letter from DLCD
3. Review of Application Soils Report from LCOG
4. Comments from Lauri Segel, 1000 Friends of Oregon
5. Letter from Dennis Stahl
6. Comments from C.D. Campbell
7. Letter from Jim & Bonna McLeod

C. Materials to be Part of the Record

1. Staff Report and attachments.
2. Applicant's statement with all exhibits.
3. File PA 01-5875.
4. Lane Code Chapter 14.
5. Lane Code sections 16.252 and 16.400.
6. *Marginal Lands Working Paper*, 1983

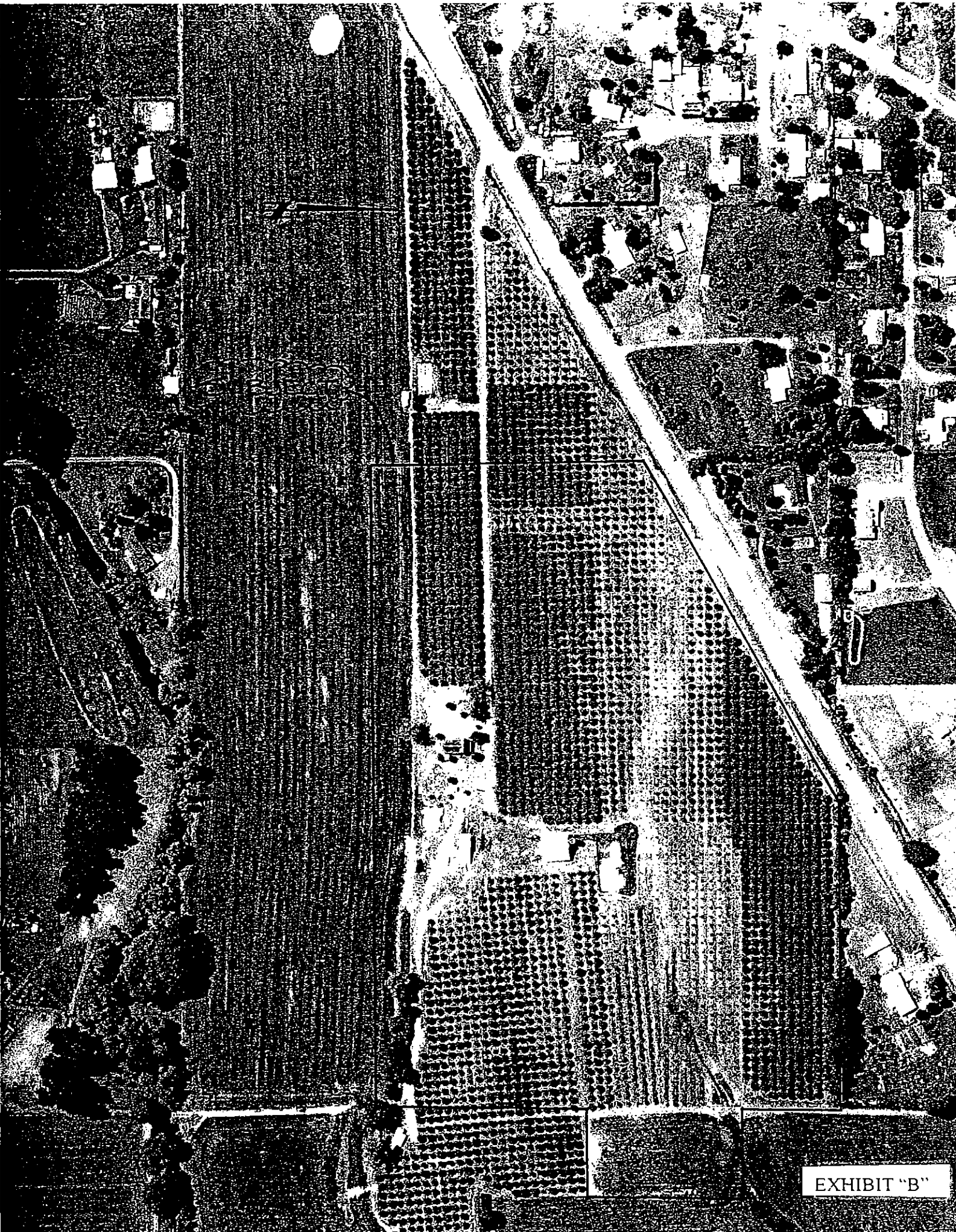


EXHIBIT "B"

APPLICANT'S STATEMENT

APPLICATION FOR APPROVAL OF A MINOR PLAN AMENDMENT FROM AGRICULTURE TO NONRESOURCE AND A ZONE CHANGE FROM E-30 TO RR-5 BY THE PLANNING COMMISSION AND BOARD

DATE: June 27, 2001

I. PROPOSAL DESCRIPTION

- A. **APPLICANT:** David Grant
39040 McKenzie Highway
Springfield, OR 97478-9068
- B. **OWNERS:** Jack and Beverly Grant, Trustees of the Grant Revocable Trust
319 Country Club Road
Eugene, OR 97401
- C. **AGENT:** Harry A. Taylor
Land Use Consultant
P.O. Box 1420
Veneta, OR 97487

D. **PROPOSAL:** Approval of a Rural Comprehensive Plan (RCP) diagram amendment from Agriculture Land to Nonresource Land, and a zoning map amendment from E-30 Exclusive Farm Use to RR-5 Rural Residential for a 30.19 acre site located south of McKenzie Highway 126 and the community of Walterville, pursuant to Lane Code 16.252.

This application implements Lane County RCP Goal 2 Land Use Planning Policy 16 which allows designating land that does not meet the statewide planning goals definition of farm or forest land as Nonresource Land. The subject property is depicted on Exhibit "A", Plot Plan; Exhibit "B", Aerial Photograph 1995; Exhibit "C", Property Photographs; and Exhibit "D", Assessor's Maps 17-01-28 and 17-01-28-1; Exhibit "E", Rural Addressing Maps; and Exhibit "F", USGS Topography.

II. INTRODUCTION

The applicant, David Grant, seeks a plan change to Nonresource from Agriculture and a zone change to RR-5 from E-30 for a 30.19 acres of land to allow residential development of a maximum of 6 five acre parcels on land generally unsuitable for agricultural uses. Mr. Grant has tried unsuccessfully for over 20 years to develop the property as a filbert orchard. This application does not propose any land divisions. Future land division will be subject to a separate land division application and process that meets the requirements of Lane Code 16.231 Rural Residential Zone and LC 13.050, Land Divisions, and compliance with any conditions of approval.

ATTACHMENT "1"

A Nonresource designation that is factually supported is consistent with Oregon's Agricultural land use policy, ORS 215.243(2), because it helps preserve land that is truly agricultural land in large blocks necessary for maintaining the agricultural economy of the state. A Nonresource designation acknowledges certain lands are so poor that they do not meet the definition in the goals of either farm or forest land. As a result, development of Nonresource lands helps remove the pressure to convert bonafide farm and forest land or expand urban growth boundaries and rural communities into resource lands.

Mr. Grant is a talented full-time farmer who since 1976 has attempted with marginal success to convert a historically unused piece of land into a filbert orchard. It would be unfair to penalize his efforts in trying to make the land productive. Local farmers have indicated they would not attempt to farm the property due to its extremely rocky condition and lack of irrigation. It is precisely these conditions that make the site generally unsuitable for farm use. The subject property lacks any functional agricultural viability and does not substantially contribute to the agricultural economy of the area or state. In fact, it makes a negative contribution in terms of wasted time and energy, and harm to equipment and machinery. The subject property consists of 67 percent Class V and VI nonresource soils.

III. GENERAL INFORMATION

LOCATION AND SITE DESCRIPTION

Assessor's Map No.: 17-01-28 Tax Lot 700
Zoning: E-30/RCP
Plot No.: 525
Area: 30.19 acres
Tax Code: 19-09

Location: The subject property is located on the south side of the McKenzie Highway, across from the community of Walterville, with a site address of 39040 McKenzie Highway, Springfield, OR 97478-9068. The property is located approximately four miles east of the City of Springfield.

Site: The subject property is a 30.19 acre parcel as reconfigured by a property line adjustment. It is generally rectangular in configuration, approximately 1050 feet in depth by 1332 feet in width except for a 1.2 acre appendage on the east property line and the angular alignment of the McKenzie Highway along the northwest property boundary. The subject property has 805 feet of road frontage on the McKenzie Highway 126.

Improvements: The site is improved with the applicant's dwelling, barn, accessory structures, graveled roads, well and sanitation system.

Legal Lot Status: The subject property is a legal lot, as confirmed by Lane County Land Management staff through Legal Lot Verification PA 00-6565, attached as Exhibit "G".

IV. APPROVAL CRITERIA AND ANALYSIS

A. STANDARDS IN THE STATEWIDE PLANNING GOALS

The Oregon Land Conservation and Development Commission Goals and Guidelines are incorporated herein by reference, except as noted. The following applicable statewide goal statements have been summarized.

GOAL 1 Citizen Involvement

Requires that citizens and affected public agencies be provided an opportunity to comment on the proposed amendment and zone change. Public notification in the form of mailed public notice will be sent by Lane County to affected agencies, including the Department of Land Conservation and Development and owners of record within 500 feet of the site.

GOAL 2 Land Use Planning

Goal 2 establishes a land use planning process and policy framework as a basis for all land use decisions, and requires development of an adequate factual base to support these decisions. A minor change is one that does not have significant effects beyond the immediate area of change, and is based on special studies or information. The public need and justification for the specific change must be established.

Lane County has adopted a comprehensive land use plan amendment process with specific standards that must be addressed to justify a minor change. Substantial compliance with LC 16.400, RCP Amendments (addressed in Section IV B in this statement) constitutes compliance with the applicable provisions of Goal 2.

GOAL 3 Agricultural Lands

Goal 3 strives to preserve and maintain agricultural lands. In western Oregon agricultural land consists of predominantly Class I-IV soils as identified by the Soil Conservation Service. It includes 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, required technological and energy inputs, or accepted farming practices. Lands in other soil classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands will be included as agricultural lands.

More detailed data on soil capability than is contained in the U.S. Natural Resources Conservation Service (NRCS) soil maps and soil surveys may be used to define agricultural land.

“Agricultural Land”, as defined by Goal 3, has been further articulated by OAR 660-033-0020 in four parts. Each part of the definition in the rule is addressed below.

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

(A) Lands classified by the U.S. Natural Resources Conservation Service (NRCS) as predominantly Class I-IV soils in Western Oregon and I-VI soils in Eastern Oregon;

The Soil Survey of Lane County Area, Oregon, (1987) map sheet #78 and soil descriptions, attached as Exhibit “H”, identify three soil types occur on the subject property: 29 Cloquato silty loam, Class II (8 percent), 100 Oxley gravelly silt loam Class IIIw (12 percent), and 123 Sifton gravelly loam Class IVs (80 percent). The published soil map has a scale of 1: 20,000 and was mapped at an Order 2 level of intensity.

Goal 3 requires the NRCS soils data be used to classify soil types, but more specific information may be utilized as a result of on-site investigations conducted by a qualified soils scientist. A soil study conducted by Gary Kitzrow, a certified professional soil scientist and classifier, attached as Exhibit “I”, concludes 67 percent of the subject properties soils are nonresource Class V and VI.

An Order 1, high intensity soil survey was conducted by Mr. Kitzrow in January 2000, to determine if the published soil identifications and soil boundaries were accurate, and to make necessary corrections. The Kitzrow report is only summarized here, but should be consulted for additional details and photographs of soil conditions encountered.

The entire tract was traversed and the soil profiles of 17 backhoe test pits were examined to a depth of more than 40 inches. The most significant findings include: 1) the predominant Sifton unit has 35-70 percent gravels and cobbles (3 to 10 inch), 2) no irrigation rights are present, 3) cultivation and harvesting is severely limited if not eliminated due to surface rock, 4) water tables are often perched, 5) the available water capacity is less than 2 inches, and 6) the Sifton soil type is accurately classified as a Class V soil.

In summary, the subject property is clearly not Agricultural land by this part of the test as only 33percent of the soils are Class I-IV.

OAR 660-033-0020(1)(b): 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 requires an evaluation of whether the subject property is nonetheless suitable for agricultural use in spite of its lack of predominantly Class I-IV soils. The seven factors listed above are individually addressed below. Furthermore, recent LUBA court cases have interpreted this provision of the administrative rule to consider the potential for use in conjunction with adjacent or nearby land. The agricultural history of the subject property, such as its use as a filbert orchard and intermittent use for grazing, is relevant to its current suitability, but it is not determinative.

To explain why the subject property is not necessary to be retained as part of the adjacent farm operation, a brief summary of the property's stewardship and use is necessary. In 1976, Jack and Beverly Grant purchased a 107 acre tract, including the subject 30 acres. About the same time, the owner's son and the applicant of this request, Dave Grant, started to work part-time on a local mint farm owned by Jack Sandgate. Mr. Sandgate offered to distill any mint Mr. Grant raised on the family tract. With a loan from his parents, that proposal launched Dave Grant into full-time farming.

The Grant tract had been unused for a number of years and was in a state of general disrepair with the land overgrown with brush, blackberries and junk, and barns and outbuildings that were falling down. The last farm use of the property in the 1950's consisted of raising sheep primarily on the bottomland areas. Starting in 1977, 20 acres adjacent to the subject property was cleared and planted in mint. The first years crop was a loss, but Mr. Grant continued to clear more bottom land for mint and started to clear the subject 30 acre terrace area. Feeling a need to do something with the terrace, as it was not suitable for crops or grazing due to rocky conditions, Mr. Grant started to plant filbert trees that were "trash trees" given to him by a local grower for no charge. By 1982, 15 acres had been planted in filberts; however, many of the first trees planted had died and to be replaced. Mr. Grant was advised not to plant the remaining 15 acres because it couldn't be harvested, but with free trees and a desire to some how make the area productive, the remaining acreage was incrementally cleared and planted by 1985. To get the trees to grow oversize holes were dug and good soil was imported, but only supported the trees for the short-term. Due to a lack of water many trees started to show cracked trunks, dead limbs and stress. Trees only 4-5 years old were being replaced regularly. During this same period the mint crop had been increased to 60 acres and was financially carrying the farm. What income that was made from filbert nut sales was off-set by equipment and machinery breakdowns and extraordinary labor inputs. By 1991, only approximately 12 acres could be harvested due to equipment breakage and a lack of production on the remaining acreage. See Exhibit "J", Applicant's Farm Use History, and Exhibit "K", Filbert Production Records.

The subject property is not agricultural land simply because of its attempted agricultural use. The subject property is not suitable either alone or in conjunction with adjacent or nearby lands. This

conclusion is based on: 1) the general failure of the subject property to support a viable crop, 2) the distinct differences of land form (bottom land bordered by an escarpment) and soil types, 3) availability of irrigation water, 4) crop capability and production, and 5) the locational factor of the property, because it's not located within a large block of land devoted solely to agricultural use.

The applicant has tried, where no one else had, to make the subject property a profitable and manageable component of the larger acreage. As previously documented, extraordinary efforts were employed for over 25 years in an effort to convert a "rock farm" into a viable agricultural use. The applicant has generally failed, not for a lack of effort or expense, but solely on the extreme conditions of the land to make this portion agriculturally productive.

The subject property is a 30 acre terrace separated from farmed bottom land to the south and east by a 8-10 foot escarpment and a distinct change of soil types and capability. Where the subject cannot be tilled, the bottom land is very tillable. The applicant raised mint on this area until market conditions forced a change to the current beet crop.

Both the NRCS soils maps and the applicant's soil scientist have delineated the bottom land as consisting of Class II soils, whereas the subject property consists of Class V and VI rocky soils. Irrigation is only available on the bottom land area. The Class II soils, with irrigation, are suitable for a wide variety of farm crops. Conversely, the Class V and VI soils are not suitable for agricultural crops or grazing, mainly due to substantial rocky areas and a lack of irrigation water.

The subject property is located in an area that consists predominantly of small residential tracts and hobby scale parcels. The attached Lane County Rural Addressing Maps of the surrounding area depict the location and density of residential development that virtually surrounds the subject property. The most intense agricultural use in the area occurs on the owner's adjacent 60 acres (10 acres to the south and 50 acres to the east) and approximately 10 acres of contiguous leased bottom ground to the southeast. The subject property is not located within a large block of agricultural land.

Soil fertility: The NRCS soil descriptions indicate the predominance of the sites soils have low soil fertility and require supplemental fertilization. However, the rocky condition of the land and its lack of irrigation render this an impracticable practice. The limited natural fertility and limited ability to correct or augment this condition contribute to this property not being suitable for agricultural use.

Suitability for grazing and other crops: The suitability of the property as a forage/grazing resource was evaluated by Paul Day, Agriculture Consultant and a former livestock extension agent with Oregon State University. Mr. Day's report, attached as Exhibit "L", concludes the subject property is restricted from being used for forage or grazing due to the aforementioned rocky condition that occurs across most of the surface, a lack of irrigation to

promote and maintain forage at a rate necessary to support livestock. The low water holding capacity of the soils make it difficult to impossible to establish a desirable stand of annual or perennial forage plants. The combination of these factors render the property unsuitable for raising grazing.

With regard to other crops, Table 5 of the Soil Survey for Lane County Area, Oregon, attached as Exhibit "M", indicates 92 percent of the subject property, composed of the Oxley and Sifton soils, is technically suitable for sweet corn, snap beans and winter wheat. Both sweet corn and snap beans require irrigation, which is not available. Winter wheat is not a viable crop due to the small size of the property, lack of any other known wheat cropping in the vicinity (important for transportation and marketing purposes) and primarily due to the rocky condition on the surface and of subsurface soils that restrict equipment usage for tillage and harvest. Under these conditions the cultivation and management of these crops is not feasible for these soil types.

Climatic Conditions: Climatic conditions combined with soil conditions render the subject property unsuitable for either grazing or cropping. The subject's soil types are dependant on irrigation to overcome droughty conditions in the summer. Perched water tables in the winter restrict accessibility and limit the effective rooting depth of perennial crops, orchards and horticultural specialties. The predominant Sifton gravelly loam is listed by the NRCS as having an available water capacity of 3-6 inches. The Kitzrow soil survey indicates the site soils have a almost no available water (less than 2 inches) in the soil during the growing season. Water balance data for the Eugene Airport shows an average moisture deficit of 3.7 inches by the end of June, and 8.1 inches at the end of July (Special Report 150, OSU Agricultural Experiment station, 1963). Even the Leaburg Station, about 10 miles east of Walterville and 100 feet higher, has a 4.8 inch deficit by July 31. These data show an average Sifton gravelly loam soil with approximately 4.5 inches of available water storage can not support crop growth much beyond mid-July in most years without irrigation. These conditions further render the unsuitability of the subject property for agricultural use.

Irrigation water: There are no declared or potential water rights on-site, or from a nearby source that would be adequate for farm crop irrigation. Irrigation rights from the McKenzie River are limited to the bottom land, a superior productive area.

Existing Land Use Patterns: The applicant actively farms approximately 70 acres of bottom land to the east and south of the subject property. The applicant, a full-time farmer, finds the proposed residential use will be compatible with his farm use of the remaining property. The subject property is separated from the bottom land by a steep escarpment with a 8-10 foot difference in elevation. Because the farm income from the bottom land constitutes a majority of Mr. Grant's income, he is not about to compromise its use as farm land. Further protection can be provided by recording a Farm and Forest Management Agreement that prevents any successors in interest from complaining about standard resource practices. More importantly, the proposed plan and zone designations reflect the proper use of the property and are consistent with similar

residential zonings applied to other tracts in the vicinity. The subject property does not need to be maintained in a resource designation to allow farm practices to continue on nearby lands.

Technical and Energy Requirements: This criterion suggests that if certain technology and energy inputs are present and or employed the subject would potentially have an ability to be maintained as agricultural land. The applicant has indicated the combination of soil and climatic conditions render the site unsuitable for agricultural use. The site's conditions of extremely rocky soils and a lack of irrigation, together severely limit any agricultural use on a majority of the property. Those portions of the property that have some degree of capability are small and cannot be practically farmed together. This point is backed up by the applicant's attempt for the last 25 years to make this area suitable for a farm use. The combined effects of soil and climatic conditions, and a lack of irrigation effectively suggest no practical application of energy or technology can be expected to overcome the inherent limitations in the soils or make the site suitable for farm use.

Accepted Farm Practices: The applicant has attempted to develop, what appears to be, the only potential farm use of the property. As previously described, even the existing filbert orchard, under a high degree of management has been unsuccessful. This long-term good faith attempt has been made to convert the property's prior under managed status to no avail. The applicant has attempted to use the property in the only potentially feasible way as farm land, for a filbert orchard. Neither planting orchard trees in imported soil, special preparation of plant sites nor repeated replantings have proved successful. Without irrigation the subject property's rocky soil conditions make all farm uses impractical. Even with irrigation, farm uses would be severely impaired by the rocky condition of the land.

OAR 660-033-0020(1)(a)(C): 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. Adjacent lands zoned E-30 Exclusive Farm Use are located to the east, south and west. To the north is the McKenzie Highway, Further, north of the road is the community of Walterville developed and zoned RR-2 for residential uses.

To the east and south is a 58 acre parcel that consists of bottom land with a beet crop, and is separated from the subject property by an escarpment and rocky terrace. This parcel receives water rights for irrigation and contains primarily Class II soils. The marginal use of the subject property has been documented and it is not necessary to be retained in an exclusive farm use zone to permit the farm practices to be undertaken on the south and eastern farmed land.

To the west is a 17 acre parcel improved with a residence. This parcel consists of approximately 12 acres leased by the applicant for a beet crop on the bottom land and three acres of filberts located on an extension of the subject's rocky terrace. The filbert orchard shares the subjects lack

of irrigation and rocky conditions. The escarpment located along the subject property's southern property boundary extends westerly and forms a physical boundary between the commercially viable bottom land and the terrace. The subject property is not necessary to permit continued farm practices to continue on either the bottom land or filbert orchard area.

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, such as the subject property, which are predominantly nonagricultural soils, and inquires into whether they are adjacent to or intermingled with better lands within the "farm unit." This is commonly referred to as the "farm unit" test. If the subject property is not a part of the "farm unit", then this test does not apply.

The term "farm unit" is not defined in any statute, goal, or rule. The term first appeared in the LCDC Goal 3 Policy Paper. That policy paper became the basis for the first Goal 3 Rule adopted in 1982. This classification has been subject to considerable litigation due to the lack of any definition, in statute or administrative rule, of the term "farm unit." A generous interpretation of the term "farm unit" would suggest it includes all lands in the same ownership, and lands in different ownership that are jointly managed for farm use.

An important case on point is Riggs v. Douglas County, 167Or App 1, 1 P3d 1042 (2000). This case involved an application to re-designate, from farm and forestry to rural residential, a 101 acre parcel that had been part of a larger property on which a sheep ranch had been operated. The subject property was not in the same ownership as the parent parcel at the time of application. In affirming LUBA's remand for additional findings on whether the subject property was part of a "farm unit" with the other parcels in the original operation, the court held that common ownership of the subject parcel and adjacent land could be an "indication" that the parcel is part of a farm unit, but that common ownership is not determinative (emphasis provided). The court and LUBA took note of OAR 660-033-0030(3), which provides that Goal 3 attaches no significance to the ownership of a lot or parcel when determining whether it is "agricultural land."

The applicant submits the "farm unit" does not include the subject 30 acre parcel, due to its demonstrated lack of agricultural suitability even with a high level of management and monetary inputs, along with its physical isolation from other farm land in the vicinity. The subject property is not suited to other crops or grazing uses because of a lack of irrigation and rocky soils. Finally, the applicant submits the county can adopt adequate findings that conclude the subject property is not part of a farm unit based on the facts presented herein.

GOAL 4 Forest Lands

Goal 4 requires the conservation of forest land for forest uses. Forest land is defined by Statewide Planning Goal 4 as lands suitable for commercial forest uses including adjacent and 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 subject property is composed of approximately 67 percent Class V and VI nonresource soils. The soil descriptions and Table 6 Woodland Management and Productivity within The Soil Survey of Lane County Area, Oregon, attached as Exhibit "N", do not list Cloquato, Oxley, or Sifton soils as being suited for the production of Douglas-fir or any other fir or deciduous tree species. In 1997, Lane County revised the agricultural capability and forest ratings of many soils. The Sifton unit is rated as having a forest capability of 182 cubic feet per acre per year. This designation appears to be an error based on the low water holding capacity of the soil, droughty conditions and a lack of irrigation. These conditions have been documented by Mr. Kitzrow's onsite soil analysis. There is no evidence that the property ever supported commercial forest uses. Further, if the subject property cannot support a filbert orchard it cannot support commercial forest species. The subject property is not suitable for forest uses.

The second part of the test inquires into whether the subject property must be kept in a resource designation in order to permit forest operations or practices on adjacent or nearby lands. There are no forest lands located on adjacent or nearby lands. The closest forest lands are located approximately one-half mile away and separated by the community of Walterville to the north and the McKenzie River to the south.

Therefore, based on an analysis of the factors discussed above and earlier in this statement, the site is not forest land required for conservation by Goal 4, and an exception to Goal 4 is not required.

GOAL 5 Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 requires the conservation of open space and protection of natural and scenic resources that include cultural, historic, scenic and wilderness area characteristics. The goal, as amended by OAR 660-23-000, contains policies and procedures for a variety of resources which are listed below. The administrative rule requires the county to inventory and evaluate the location, quality and quantity of certain natural resources.

The county must address Goal 5 when an acknowledged plan and zoning designation is proposed for amendment. If no conflicting uses are identified, the inventoried resources shall be preserved. If 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. The Goal 5 conflict resolution process is not required for Goal 5 resources that are not on an acknowledged

Goal 5 inventory. Therefore, Goal 5 requires whether any of the following Goal 5 resources inventoried in the acknowledged county plan.

The following Goal 5 resources are addressed in an inventory done as part of a Countywide legislative planning process: Federal wild and scenic rivers, Oregon scenic waterways, approved Oregon recreational trails, natural areas, wilderness areas, mineral and aggregate resources, energy sources, historic resources, open space, and scenic views and sites. The subject property is not listed on any county inventory for these resources.

The Goal 5 resources that are listed below have been determined to be site-specific, given the requirements of each resource.

Water Resources: The subject property is served by an existing well. Groundwater will be the source for domestic water supply for up to six single-family residences on the subject property. The subject property is not listed by Lane Manual 13.010 as being located within a water quantity or quality limited area. Attached to this application, as Exhibit "O", is a Well Log Report conducted by EGR and Associates of 111 wells located in Sections 27 and 28. The EGR report indicates the mean and median well production in Section 27 is 22 gpm and 20 gpm, and 32 gpm and 30 gpm in Section 28, respectively. The report concludes the local aquifer is capable of serving the proposed residential density for domestic purposes. This exhibit is not attached to this application due to its length, but is available for review at the Land Management Division.

Riparian Resources: The *Flora and Fauna Working Paper and Addendum* inventories riparian resources. Riparian areas are inventoried to include all lands within 100 feet of the banks of a Class I stream. There are no Class I streams on the subject property or within 100 feet of it.

Wetland Resources: The National Wetland Inventory (NWI) mapping for the county is being used as the inventory of wetland resources. NWI map Walterville 3, attached as Exhibit "P", indicates there are no wetland resources located on the subject property.

Big Game Resources: The Wildlife Inventory, Marcola Quad, attached as Exhibit "Q", indicates the subject property is located within an Impacted Big Game Range. There are no county inventories or specific site evidence that indicates the property is necessary to be preserved for wildlife to meet the requirements for food, water, shelter, reproduction, wildlife migration corridors, big game range, nesting or roosting sites.

GOAL 6 Air, Water and Land Resource Quality

Goal 6 is intended to maintain and improve the quality of the air, water and land resources of the State. This Goal is generally implemented during the comprehensive planning process. As it pertains to site-specific development, it requires that adequate protection measures are taken to assure the retention of air, water and land quality.

The subject property will be served by individual on-site sanitation systems. As a condition of any land divisions and prior to residential development, each parcel will be required to gain approval of an on-site sanitation system in accordance with DEQ rules.

GOAL 7 Areas Subject to Natural Disasters or Hazards

Goal 7 is intended to protect life and property from natural hazards. FIRM Panel 1190, attached as Exhibit "R", indicates the subject property is located within a Zone AE 100 year floodplain where base flood elevations have been determined and portions on the terrace within a Zone X, determined to be outside a 500 year floodplain. Any future residential development will be subject to establishing floor elevations one foot above the established floodplain elevation, where applicable. No other natural hazards have been identified by county inventories or a site view of the subject property.

GOAL 8 Recreational Needs

This goal addresses the recreational needs of Oregon residents and visitors. Provisions of this goal are appropriately implemented by a legislative process as part of periodic review of the comprehensive plan. The proposed change from E-30 Exclusive Farm Use to RR-5 Rural Residential has no impact on Goal 8.

GOAL 9 Economy of the State

The purpose of Goal 9 is to diversify and improve the economy of the State. This goal is primarily applicable to commercial and industrial development and is not pertinent to this application.

GOAL 10 Housing

Goal 10 is intended to provide for the housing needs of the citizens of the State. This plan amendment request will facilitate the construction of housing on the site; however, it's primarily implemented through provisions of the Rural Comprehensive Plan.

Goal 11 Public Facilities and Services

The purpose of Goal 11 is to provide for the planning and development of public facilities and services in a timely, orderly and efficient manner, in order to support rural and urban development. The subject property is rural land and will remain rural land after approval of this request. The RCP Goal 11 Policy 6 (e)(k) describes the minimum level of services for Nonresource lands. The subject property receives the following services and facilities that are consistent with county policy.

Fire	McKenzie Rural Fire Protection District
Police	Lane County Sheriff
Schools	Springfield School District #19
Sewer	Individual septic systems
Water	Individual wells
Access	McKenzie Highway (State)
Electricity	Lane Electric
Telephone	Qwest Communications
Solid Waste	Glenwood Solid Waste Transfer Site

A full range of rural services presently exists to serve the proposed rural residential development on the site. No additional public facilities and services are required to serve the proposed residential use of the subject property.

Goal 12 Transportation

Goal 12 is intended to provide and encourage a safe, convenient and economical transportation system. This goal is implemented through the Goal 12 Rule, OAR 660-12), adopted in 1991. The Rule specifically addresses amendments to an 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.” To determine what constitutes a significant affect, OAR 660-12-060(2) requires an evaluation of whether the amendment: 1) changes the functional classification of an existing or proposed transportation facility, 2) changes standards implementing a functional classification system, 3) allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the the functional classification of a transportation facility, or 4) would reduce the level of service of the facility below the minimum acceptable level identified in the TSP.

The subject property is served by the McKenzie Highway, a State road designated as a principal arterial. The Oregon Department of Transportation staff was consulted regarding the proposed use of the property and indicated a consolidated access approach onto the McKenzie Highway would not appear to conflict with the use or functional classification of the highway. The road has ample capacity to accommodate five additional residences, and is within the acceptable level of service established by the county and state.

Goal 13 Energy Conservation

This Goal is most appropriately addressed at the comprehensive planning phase, and as such is not directly applicable to this plan amendment request.

Goal 14 Urbanization

The purpose of Goal 14 is to provide for the orderly and efficient transition from rural to urban land use.

Goal 14 prohibits urban uses on rural lands. The proposed amendment and zone change to allow five acre rural residential parcels does not constitute an urban density or is located within an urban growth boundary or urban transition area. All lands located outside of an acknowledged urban growth boundary and not subject to a Goal 14 exception are considered rural lands, per 1000 Friends of Oregon v. DLCDC (Curry County), 301 Or 447, 498-501, 724 P 2d 268 (1986). The proposed five acre density is consistent with the lowest Rural Residential density allowed by the county's zoning district for Nonresource lands.

Goals 15 - 19

The Goals are not applicable to this plan amendment request, as they are geographically oriented to specific areas and resources that are not present on the subject property.

B. LANE CODE PLAN AMENDMENT CRITERIA

16.400(6)(h): Method of 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 applicable requirements of local and state law, including Statewide Planning Goals and Oregon Administrative Rules.

This proposal would amend the RCP from Agriculture Land to Nonresource Land. The applicant has provided findings that address the applicable requirements of the Lane Code, RCP policies, and Statewide Planning Goals.

(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

This plan amendment identifies an error in the RCP, where the site was designated Agriculture Land. Evidence has shown this designation is inconsistent with County plan policies and Statewide planning goal requirements for the designation and protection of the site as agriculture land.

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

This plan amendment implements RCP Goal 2, Policy 26, which provides for designating lands that are not farm or forest land as rural residential when the site does not meet the definition of farm or forest land as provided by Statewide Planning Goals 3 and 4. As previously stated, the site does not qualify as farm or forest land requiring protection by the statewide planning goals, and therefore qualifies as nonresource land.

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

Based upon reasons discussed in this statement, the applicant submits that it is desirable, appropriate and proper to designate this 30 acre parcel as Nonresource Land. Rural residential development is appropriately directed to areas like this site, which are severely limited or precluded from any substantial resource use. This action relieves the strain of similar development on other county lands that are more suitable for farm and forest resource use.

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

This plan amendment request identifies various policies that support this amendment. No policies have been identified that directly conflict with this request.

Goal 2, Policy 16 provides that property that is not farm or forest lands may be designated rural residential upon a factual demonstration that the subject property is not farm or forest land as defined by Goals 3 and 4; does not require an exception; does not create a small, isolated nonresource tract that would be incompatible with surrounding farm and forest land; and is consistent with other plan policies. As previously addressed, the subject property is not farm or forest land as defined by Goals 3 and 4, and therefore does not require an exception. The subject property is bordered on the north by the community of Walterville. To the east, south and west are lands zoned E-30, however, these parcels are of limited size and transition into RR-2 zoned lands approximately 750 feet to the northeast and RR-5 zoned lands located approximately 272 feet to the south.

The proposed rural residential use is consistent with the following RCP policies.

Goal 2, Policy 17 provides rural development densities for nonresource lands shall be one residence per five or ten acres upon consideration of:

a) the existing development pattern of any adjacent committed areas;

There are no committed lands adjacent to the property. This nonresource request is subject to the specific conditions of the subject property. The subject property is located in the greater Waltham area that contains broad pockets of RR-2 and RR-5 zoned parcels. The property is not isolated or surrounded by a large area of exclusive farm use zoned lands. The proposed RR-5 zoning is consistent with the overall land residential land use pattern in the area.

b) subsurface sewage disposal suitability:

The subject property has soils generally suitable for subsurface sewage disposal systems to support the proposed residential density of one dwelling per five acres. Prior to any further development of the property individual sanitation site inspections will be required.

c) domestic water supply availability:

The Well Log Report prepared by EGR and Associates, and attached as Exhibit "O", has been addressed water availability under the Goals portion of this application. The report determined adequate water is available to serve the proposed density.

d) access:

Access to the subject property is provided by the McKenzie Highway 126.

e) public services:

The public services and facilities available to serve the subject property have been previously addressed. These services are adequate to serve the proposed residential density and are consistent with Goal 11, Public Facilities and Services Policy 6(k) and (e).

f) lack of natural hazards; and

FIRM Panel 1190 indicates portions of the subject property are located within a Zone AE 100 year floodplain with a base flood elevation of 580 feet established through the approximate middle of the property. Other portions are designated Zone X, areas of 500 year flood, areas of 100 year flood with average depths of less than one foot or areas protected by levees. USGS topography indicates the subject property has an elevation of 580 feet, however the small scale will require on-site verifications. Any development within this area will be subject to subsequent review and approval of a floodplain development permit and establishment of minimum floor elevations where required.

g) effect on resource lands.

This provision has been previously addressed under the Goals statement, above.

Goal 5, Water Resource Policies 3 and 5 require adequate water supplies to support proposed development, and application of a plan designation and zoning consistent with groundwater aquifer capacities. As stated earlier, Water Well Report prepared by a registered geologist has determined adequate groundwater exists to support the density of rural residential development planned for the site. The site is not located within a water quantity or quality limited area as identified by Lane Code 13.010.

(dd) For Minor Amendments as defined in Lane Code 16.400(8)(a), 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 proposed Plan amendment is consistent with the RCP intent to choose between competing uses. As previously stated, this amendment is consistent with RCP policies that provide for designating lands that do not have a farm or forest capability as nonresource land. Approval of this amendment is consistent with unamended portions or elements of the Plan.

C. LANE CODE 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 request proposes an amendment of the Plan diagram from Agriculture Land to Nonresource Land. SCS soil mapping indicates the majority of the site consists of soils with no farm or forest capability, and therefore qualifies as a Minor Amendment. No goal exceptions are required.

(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.

The required description has been previously provided. The proposed use of the site is for rural residential development. The Nonresource designation is applied to the site through an evaluation that it does not qualify as farm or forest land as described herein.

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

The required analysis is addressed 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;

This evaluation has been previously provided.

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

The public services and facilities available to serve the subject property have been previously identified. In summary, the property will be served by individual septic systems and individual wells. All other necessary services, including police and fire protection, are available.

(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;

The RCP does not identify any historic, archaeological or sensitive wildlife habitat sites on or near the site. The County's wildlife inventory indicates the site is located within an Impacted Big Game Range. The Lane Code and RCP do not have any special requirements for wildlife protection in an impacted range area. The National Wetland Inventory does not identify any jurisdictional wetlands on the subject property. Therefore, an ESEE analysis is not applicable to this amendment request.

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

Natural hazards, namely a 100 year floodplain on a portion of the property, has been previously discussed.

(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;

This standard does not apply, as the proposed amendment is for a residential designation.

(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;

This standard does not apply, as the proposed amendment is for a residential designation.

(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). Lands may be designated as NON-RESOURCE/NON-EXCEPTION LAND upon submission of satisfactory factual information to support the following findings:

1. The land is not composed of existing or potential forest lands which are suitable for the commercial production of wood fiber products.

The site is not capable or suitable for commercial production of wood fiber as discussed under Goal 4, above.

2. The land is not needed for watershed protection.

As discussed under Goals 4 and 5, the subject property is not needed to be retained in a Agriculture or Forest designation in order to protect the watershed.

3. Designation of the land as NON-RESOURCE/NON-EXCEPTION LAND will not adversely affect management of the land for big game range or other wildlife, fish or waterfowl habitat.

The site is inventoried as Impacted Big Game Range. The RCP has not designated the site as within a sensitive fish or wildlife area, nor has it been identified as necessary for special protection of wildlife, fish or water fowl habitat.

4. No extreme soil or climatic conditions exist to the extent to require maintenance of existing vegetative cover to a degree not provided by the NON-RESOURCE/NON-EXCEPTION designation.

There are no extreme soil or climatic conditions present that would require maintenance of existing vegetation.

5. The land is not located in an agricultural or urban area and provided needed urban buffers, wind breaks, wildlife and fisheries habitat,

livestock habitat, scenic corridors or recreational uses.

The RCP does not identify or inventory the subject property as providing any of the listed functions.

6. The land is predominately Class V - VIII soils as identified in the Soil Capability Classification system of the U.S. Soil Conservation Service.

The majority of soils on the site are classified as Class V and VI. See Exhibit "T", Soils Report by Gary Kitzrow, M.S. Growing Soils.

7. The land is not suitable for farm use or grazing taking into account soil fertility, climatic conditions, existing land use patterns, technological and energy inputs required, or accepted farming practices.

The subject property is not suitable for forage or grazing as discussed in Paul Day's report attached as Exhibit "L".

8. Designation of the land as AGRICULTURAL LAND is not necessary to permit farm practices to be undertaken on adjacent or nearby lands.

See discussion under Goal 3 above. The subject property is not needed to be kept in an Agricultural designation in order to allow farm practices on adjacent or nearby lands. The only commercial farm operation is a beet crop grown to the east and south. This area is separated by an escarpment that physically divides the subject property from the crop lands. The proposed residential development will not interfere with the continued agricultural use of these adjacent lands.

D. ZONE CHANGE CRITERIA LC 16.252

This application requests a change from E-30 Exclusive Farm Use zoning to RR-5 Rural Residential zoning. This section is generally redundant with the criteria and facts that are relevant to the previously addressed RCP policies, plan amendment criteria and the Statewide Planning Goals.

(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 for compliance with the Statewide Planning Goals 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 in this section.

General Purposes of Chapter 16: The purpose of Chapter 16 of the Lane Code is to provide and coordinate regulations concerning development in the County, and to implement the Lane County RCP. LC 16.003 includes 14 broadly worded purpose statements that include a provision to insure that development is commensurate with the character and physical limitations of the land.

Rezoning the site from E-30 to RR-5 implements the proposed plan amendment from Agriculture Land to Nonresource Land. The public interest is appropriately served by recognizing that the site is not agricultural land, nor is it required for protection by Statewide Goals 3 or 4. Rural residential development, such as what is proposed for the site, is oriented to land with no viable farm or forest capability and to sites that serve to infill existing rural residential areas, thereby removing the pressure to develop bonafide agricultural lands. The proposed rural residential use of the property implements the general purpose of LC 16.

Purpose of Rural Residential Zone: The Rural Residential zoning district is intended to provide opportunities for people to live in a rural area; allow primary and accessory residential uses that are compatible with primary residential uses; and implement RCP policies related to nonresource lands. The proposed zone change is consistent with the above purpose statements and properly implements the requested amendment.

Rural Comprehensive Plan Criteria: The policies of the RCP serve as the basis of the Plan, by directing land use decisions and fulfilling the mandates of the LCDC statewide planning goals. Goal 2, Land Use Planning Policy 26 explicitly provides that land use designations shall be implemented by specific zoning districts. Upon approval of the requested Plan designation, this policy supports concurrent adoption of the Rural Residential implementing zoning.

This application corrects an error in the Plan and is consistent with the intent and purposes of the RCP and County policies, as addressed herein.

V. CONCLUSION

This request for a minor plan amendment and rezoning addresses and satisfies all applicable standards. The request is consistent with and receives policy support from the RCP and the implementing RR-5 zone. The applicant finds the request will have no significant adverse impact on existing or planned uses in the area. The applicant requests the Planning Commission and Board of Commissioners approve this application based on the findings provided herein.

VI. EXHIBITS

Exhibit "A"	Plot Plan
Exhibit "B"	Aerial Photographs
Exhibit "C"	Property Photographs
Exhibit "D"	Assessor's Maps
Exhibit "E"	Rural Addressing Maps
Exhibit "F"	USGS Topography
Exhibit "G"	Legal Lot Verification
Exhibit "H"	NRCS Soils Map Sheet # 78 and Soil Descriptions
Exhibit "I"	Gary Kitzrow Soils Report
Exhibit "J"	Applicant's Statement of Farm History
Exhibit "K"	Filbert Production Records
Exhibit "L"	Paul Day Forage/Grazing Report
Exhibit "M"	Soil Survey Table 5
Exhibit "N"	Soil Survey Table 6
Exhibit "O"	EGR and Associates Well Log Report (on file at Land Management Division)
Exhibit "P"	National Wetland Inventory
Exhibit "Q"	Big Game Range Inventory
Exhibit "R"	FIRM Panel 1190
Exhibit "S"	Water Rights Letter
Exhibit "T"	Zoning Plot #525
Exhibit "U"	Correspondence/Letters of Support

2000 Crop

10/30/2000 3:44:53 PM

Hazelnut Growers of Oregon Delivery Report

#2

David Grant Variety: BARCELONA OrchardNo: 1 Ticket Number R01024
 Date Received 10/10/2000 Location: Wlterville ReceptNo: 20894

Weights and Adjustments

			Lb	Lb
Received Weight				13,075.00
Washed Weight				12,833.00
Moisture		16.4000%		
less Dryaway		7.4000%	949.64	
less Debris (gm/sample)	31.2	0.7493%	89.04	
Gross Dry Weight				11,794.32
less Wormy		0.0000%	0.00	
less Rancid/Mold/Decay		0.0000%	0.00	
less Seriously Shriveled		0.0000%	0.00	
less Blanks	8.6667%	5.3867%	635.33	
Total Cullage				635.33
Merchantable Weight				11,158.99

Payment Details

Gross Pay	0.4650 \$/Lb Merchantable Wt		\$5,188.93
Cleaning Charge	49.0000 \$/Ton Received Wt		\$320.33
Sorting Charge			
less Worms	0.0000 \$/Lb Gross Dry Wt	\$0.00	
less Rancid, Mold, Decay	0.0000 \$/Lb Gross Dry Wt	\$0.00	
less Seriously Shriveled	0.0000 \$/Lb Gross Dry Wt	\$0.00	
Total Sorting Charge			\$0.00
OFC Charges	9.0000 \$/Ton Merchantable Wt		\$50.21
Total Charges			\$370.54
Net Payment			\$4,818.39

Delivery Payment \$55.79

GrowerID: GR5000CM

OREGON STATE DEPARTMENT OF AGRICULTURE

INSPECTION MEMORANDUM

F 76935

#2

MECH DRAWN SAMPLES
 SUBMITTED SAMPLES

TICKET NO. <u>20894</u>	DATE <u>10-27-00</u>	INSPECTION POINT <u>Comline Lk.</u>
APPLICANT <u>H.G.O.</u>		GROWER <u>Grant</u>
DEFECTS INSPECTED <u>Round Type</u>	NO. CRACK TESTS <u>3</u>	NO. CONTAINERS
NET POUNDS		

MOISTURE TEST	CRACK TEST	SUB TOTAL	TOTAL	PCT
WEIGHT IN <u>10.00</u>	WORMS			
	MOLD			
WEIGHT OUT <u>9.18</u>	RANCID			
WEIGHT LOSS <u>.82</u>	DECAY			
MOISTURE READING <u>8.2</u> <u>8.2</u>	SERIOUS DAMAGE SHRIVEL			
ADJUSTMENT <u>—</u>	BLANKS	<u>26</u>	<u>26</u>	<u>3.6</u>
ADJ. MOISTURE	DAMAGE SHRIVEL/OFF COLOR	<u>0/1</u>	<u>1</u>	<u>.2</u>
TOTAL MOISTURE <u>Avg. 8.2</u>	SHELL DEFECTS			
REMARKS:	STAIN	<u>1</u>		
	SPLITS			
	MACHINE DAMAGE		<u>1</u>	
	OFF TYPE			
	DEBRIS			

I, THE UNDERSIGNED MADE OR SUPERVISED INSPECTION OF SAMPLES OF THE ABOVE LOT AND CERTIFY TO THE QUALITY AND/OR CONDITION STATED ABOVE.

Joseph B. Gentry
INSPECTOR

2000 Crop

11/06/2000 12:50:06 PM

Hazelnut Growers of Oregon Delivery Report

#3

David Grant

Variety: BARCELONA OrchardNo: 1

Ticket Number R01205

Date Received 10/24/2000

Location: Walterville

RecptNo: 20951

Weights and Adjustments

			Lb	Lb
Received Weight				5,220.00
Washed Weight				3,734.00
Moisture		26.0500%		
less Dryaway		17.0500%	636.65	
less Debris (gm/sample)	44.4	1.1996%	37.15	
Gross Dry Weight				3,060.20
less Wormy		0.0000%	0.00	
less Rancid/Mold/Decay		0.6667%	20.40	
less Seriously Shriveled		0.0000%	0.00	
less Blanks	11.3333%	7.1229%	217.98	
Total Cullage				238.38
Merchantable Weight				2,821.82

Payment Details

Gross Pay	0.4650 \$/Lb Merchantable Wt		\$1,312.14
Cleaning Charge	80.0000 \$/Ton Received Wt		\$208.80
Sorting Charge			
less Worms	0.0000 \$/Lb Gross Dry Wt	\$0.00	
less Rancid, Mold, Decay	0.0000 \$/Lb Gross Dry Wt	\$0.00	
less Seriously Shriveled	0.0000 \$/Lb Gross Dry Wt	\$0.00	
Total Sorting Charge			\$0.00
OFC Charges	9.0000 \$/Ton Merchantable Wt		\$12.69
Total Charges			\$221.49
Net Payment			\$1,090.65

Delivery Payment \$14.11

GrowerID: GR5000CM

#3
FORM 4135F 6/99
F 81064

OREGON STATE DEPARTMENT OF AGRICULTURE
INSPECTION MEMORANDUM

MECH. DRAWN SAMPLE
SUBMITTED SAMPLE

LOT NO. 80951 DATE 11-4-00 INSPECTION POINT Cornelius OR
SPECIANT Hazelnut GROWER Grant
DEFECTS INSPECTED Round type NO. CRACK TESTS 3 NO. CONTAINERS NET POUNDS

MOISTURE TEST		CRACK TEST			
WEIGHT IN			SUB TOTAL	TOTAL	PCT.
	<u>10.00</u>	WORMS			
		MOLD	<u>2</u>	<u>2</u>	<u>.66</u>
WEIGHT OUT	<u>8.16</u>	RANCID			
NET LOSS	<u>1.84</u>	DECAY			
MOISTURE READING	<u>8.0</u> <u>7.3</u>	SERIOUS DAMAGE SHRIVEL			
ADJUSTMENT		BLANKS	<u>34</u>	<u>34</u>	<u>11.3</u>
ACT. MOISTURE		DAMAGE SHRIVEL/OFF COLOR	<u>0/1</u>	<u>1</u>	<u>.33</u>
TOTAL MOISTURE	<u>avg 7.65</u>	SHELL DEFECTS			
REMARKS:		STAIN			
		SPLITS			
		MACHINE DAMAGE			
		DEBRIS			
				<u>44.4</u>	<u>58.5</u>

INSPECTOR: Joe B. [Signature]

THE UNDERSIGNED MADE OR SUPERVISED INSPECTION OF SAMPLES OF THE ABOVE LOT AND CERTIFY TO THE QUALITY AND/OR CONDITIONS STATED ABOVE

2000 Crop

11/06/2000 12:50:06 PM

Hazelnut Growers of Oregon Delivery Report

David Grant

Variety: BARCELONA OrchardNo: 1

Ticket Number R01203

Date Received 10/24/2000

Location: Walterville

RecptNo: 20952

Weights and Adjustments

			Lb	Lb
Received Weight				6,830.00
Washed Weight				5,659.00
Moisture		26.9000%		
less Dryaway		17.9000%	1,012.96	
less Debris (gm/sample)	22.2	0.5983%	27.80	
Gross Dry Weight				4,618.24
less Wormy		0.3333%	15.39	
less Rancid/Mold/Decay		2.0000%	92.36	
less Seriously Shriveled		0.0000%	0.00	
less Blanks	10.0000%	6.2500%	288.64	
Total Cullage				396.40
Merchantable Weight				4,221.84

*Second Picking
1 & 2*

Payment Details

Gross Pay	0.4650 \$/Lb Merchantable Wt		\$1,963.15
Cleaning Charge	72.0000 \$/Ton Received Wt		\$245.88
Sorting Charge			
less Worms	0.0000 \$/Lb Gross Dry Wt	\$0.00	
less Rancid, Mold, Decay	0.0000 \$/Lb Gross Dry Wt	\$0.00	
less Seriously Shriveled	0.0000 \$/Lb Gross Dry Wt	\$0.00	
Total Sorting Charge			\$0.00
OFC Charges	9.0000 \$/Ton Merchantable Wt		\$18.99
Total Charges			\$264.87
Net Payment			\$1,698.28

Delivery Payment \$21.11

GrowerID: GR5000CM

Second Picking
 F 81114
 #1 & #2

OREGON STATE DEPARTMENT OF AGRICULTURE
 INSPECTION MEMORANDUM

FORM 4135F 9/79

20952	DATE 11-4-00	INSPECTION POINT CORNELIUS, OR.			
CANT HAZELNUT GROWERS		GROWER GRANT.			
ROUND TYPE	NO. CRACK TESTS 3	NO. CONTAINERS			
NET POUNDS					
MOISTURE TEST		CRACK TEST	SUB TOTAL	TOTAL	PCT.
WET WEIGHT	10.00	WORMS	1	1	.3
DRIED WT.	8.18	MOLD	4	4	1.32
LOSS	1.82	RANCID			
MOISTURE READING	8.8	DECAY	2	2	.6
ADJUSTMENT	8.6	SERIOUS DAMAGE SHRIVEL			
ADJ. MOISTURE		BLANKS	30	30	10.
TOTAL MOISTURE	AVG. 8.7	DAMAGE SHRIVEL/OFF COLOR	1	1	.32
REMARKS:		SHELL DEFECTS			
		STAIN	1		
		SPLITS			
		MACHINE DAMAGE		1	.32
		OFF TYPE			
		DEBRIS		22.2	6.8

THE UNDERSIGNED MADE OR SUPERVISED INSPECTION OF SAMPLES OF THE ABOVE LOT AND CERTIFY TO THE QUALITY AND/OR CONDITION AS STATED ABOVE.
 Inspector

1999 Crop

11/30/99 11:55:19 AM

Hazelnut Growers of Oregon Delivery Report

David Grant

Variety: BARCELONA OrchardNo: 1

Ticket Number R01865

Date Received 11/11/99

Location: Waltherville

RecptNo: 80182

Weights and Adjustments

			Lb	Lb
Received Weight				19,690.00
Washed Weight				16,795.00
Moisture		38.3500%		<u>2,895</u>
less Dryaway		29.3500%	4,929.33	
less Debris (gm/sample)	11	0.3479%	0.00	
Gross Dry Weight				11,865.67
less Wormy		0.0000%	0.00	
less Rancid/Mold/Decay		2.0000%	237.31	
less Seriously Shriveled		0.0000%	0.00	
less Blanks	8.3333%	5.1724%	613.74	
Total Cullage				851.05
Merchantable Weight				11,014.61

Payment Details

Gross Pay	0.4310 \$/Lb Merchantable Wt		\$4,747.29
Cleaning Charge	79.0000 \$/Ton Received Wt		\$777.75
Sorting Charge			
less Worms	0.0000 \$/Lb Gross Dry Wt	\$0.00	
less Rancid, Mold, Decay	0.0000 \$/Lb Gross Dry Wt	\$0.00	
less Seriously Shriveled	0.0000 \$/Lb Gross Dry Wt	\$0.00	
Total Sorting Charge			\$0.00
OFC Charges	9.0000 \$/Ton Merchantable Wt		\$49.56
Total Charges			\$827.31
Net Payment			\$3,919.98

Delivery Payment \$55.07

20 miles or less.

GrowerID: GR5000CM

**1999 - 5,300 lbs.
ROCK**

Hazelnut Growers of Oregon Delivery Report

David Grant	Variety: BARCELONA	OrchardNo: 1	Ticket Number R01828
Date Received 11/10/99	Location: Walterville		RecptNo: 80181

Weights and Adjustments

			Lb	Lb
Received Weight				15,826.00
Washed Weight				13,421.00
Moisture	38.4500%			<u>2405</u>
less Dryaway	29.4500%	3,952.48		
less Debris (gm/sample)	22 0.7112%	67.34		
Gross Dry Weight				9,401.18
less Wormy	0.0000%	0.00		
less Rancid/Mold/Decay	2.0000%	188.02		
less Seriously Shriveled	0.0000%	0.00		
less Blanks	5.6667%	3.4789%	327.05	
Total Cullage				515.08
Merchantable Weight				8,886.10

Payment Details

Gross Pay	0.4310 \$/Lb Merchantable Wt		\$3,829.91
Cleaning Charge	80.0000 \$/Ton Received Wt		\$633.04
Sorting Charge			
less Worms	0.0000 \$/Lb Gross Dry Wt	\$0.00	
less Rancid, Mold, Decay	0.0000 \$/Lb Gross Dry Wt	\$0.00	
less Seriously Shriveled	0.0000 \$/Lb Gross Dry Wt	\$0.00	
Total Sorting Charge			\$0.00
OFC Charges	9.0000 \$/Ton Merchantable Wt		\$39.98
Total Charges			\$673.02
Net Payment			\$3,156.89

Delivery Payment \$44.43

20 miles or less.

GrowerID: GR5000CM

Hazelnut Growers of Oregon Delivery Report

David Grant Variety: BARCELONA OrchardNo: 1 Ticket Number R00736
 Date Received 10/20/98 Location: Waltherville RecptNo: 20412

Weights and Adjustments

		Lb	Lb
Received Weight			21,360.00
Washed Weight			18,042.00
Moisture	28.1500%		<u>3,318</u>
less Dryaway	19.1500%	3,455.04	
less Debris (gm/sample)	45 0.6154%	89.77	
Gross Dry Weight			14,497.19
less Wormy	0.5000%	72.49	
less Rancid/Mold/Decay	2.1667%	314.11	
less Seriously Shriveled	0.1667%	24.16	
less Blanks	11.5000% 7.2327%	1,048.54	
Total Cullage			1,459.29
Merchantable Weight			13,037.89

Payment Details

Gross Pay	0.5000 \$/Lb Merchantable Wt	\$6,518.94
Cleaning Charge	70.0000 \$/Ton Received Wt	\$747.60
Sorting Charge		
less Worms	0.0000 \$/Lb Gross Dry Wt	\$0.00
less Rancid, Mold, Decay	0.0013 \$/Lb Gross Dry Wt	\$18.12
less Seriously Shriveled	0.0000 \$/Lb Gross Dry Wt	\$0.00
 Total Sorting Charge		 \$18.12
OFC Charges	9.0000 \$/Ton Merchantable Wt	\$58.67
Total Charges		\$824.39
Net Payment		\$5,694.55

Delivery Payment \$65.19

20 miles or less.

GrowerID: GR5000CM

1998-5,732 lbs.
ROCK

Hazelnut Growers of Oregon Delivery Report

David Grant Variety: BARCELONA OrchardNo: 1 Ticket Number R00817
 Date Received 10/20/98 Location: Waltherville RecptNo: 20419

Weights and Adjustments

			Lb	Lb
Received Weight				16,360.00
Washed Weight				13,946.00
Moisture	26.1500%			<u>2,414</u>
less Dryaway	17.1500%	2,391.74		
less Debris (gm/sample)	9 0.2379%	0.00		
Gross Dry Weight				11,554.26
less Wormy	0.3333%	38.51		
less Rancid/Mold/Decay	8.6667%	1,001.37		
less Seriously Shriveled	0.0000%	0.00		
less Blanks	8.6667%	5.3867%	622.40	
Total Cullage				1,662.28
Merchantable Weight				9,891.98

Payment Details

Gross Pay	0.5000 \$/Lb Merchantable Wt		\$4,945.98
Cleaning Charge	69.0000 \$/Ton Received Wt		\$564.42
Sorting Charge			
less Worms	0.0000 \$/Lb Gross Dry Wt	\$0.00	
less Rancid, Mold, Decay	0.0500 \$/Lb Gross Dry Wt	\$577.71	
less Seriously Shriveled	0.0000 \$/Lb Gross Dry Wt	\$0.00	
Total Sorting Charge			\$577.71
OFC Charges	9.0000 \$/Ton Merchantable Wt		\$44.51
Total Charges			\$1,186.64
Net Payment			\$3,759.34

Delivery Payment \$49.46

20 miles or less.

GrowerID: GR5000CM