

W. 8. b.

AGENDA COVER MEMO

DATE: December 27, 2005 (Date of Memo)
January 11, 2006 (Date of First Reading)
January 25, 2006 (Date of Second Reading/Public Hearing)

TO: LANE COUNTY BOARD OF COMMISSIONERS

DEPT.: Public Works Department/Land Management Division

PRESENTED BY: Jerry Kendall/Land Management Division

AGENDA ITEM TITLE: ORDINANCE NO. PA 1228 -- IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO REDESIGNATE LAND FROM "FOREST LAND" TO "NONRESOURCE", REZONE THAT LAND FROM "F-2/IMPACTED FOREST LANDS" TO "RR-10/RURAL RESIDENTIAL"; AND ADOPTING SAVINGS AND SEVERABILITY CLAUSES (File PA 03-6037; Dettmer)

I. MOTION

1. JANUARY 11, 2006: I MOVE APPROVAL OF THE FIRST READING OF ORDINANCE NO. PA 1228 AND SETTING THE SECOND READING AND PUBLIC HEARING FOR JANUARY 25, 2006, AT 1:30 P.M. IN THE COMMISSIONER'S CONFERENCE ROOM.
2. JANUARY 25, 2006: ALTERNATIVE MOTIONS AFTER THE PUBLIC HEARING:
 - A. I MOVE TO TENTATIVELY APPROVE ORDINANCE NO. PA 1228
OR
 - B. I MOVE TO TENTATIVELY DENY THE APPLICATION IN FILE PA 03-6037 AND DIRECT STAFF TO PREPARE AN ORDER WITH APPROPRIATE FINDINGS FOR FINAL ACTION.

II. ISSUE OR PROBLEM

A privately-initiated minor amendment to the Rural Comprehensive Plan (RCP), and companion rezoning request, has been recommended for approval by the Lane County Planning Commission at a density of RR-10. This Ordinance sets the matter before the Board for adoption, modification, or denial.

FOR ASSESSMENT
AND TAXATION
ONLY

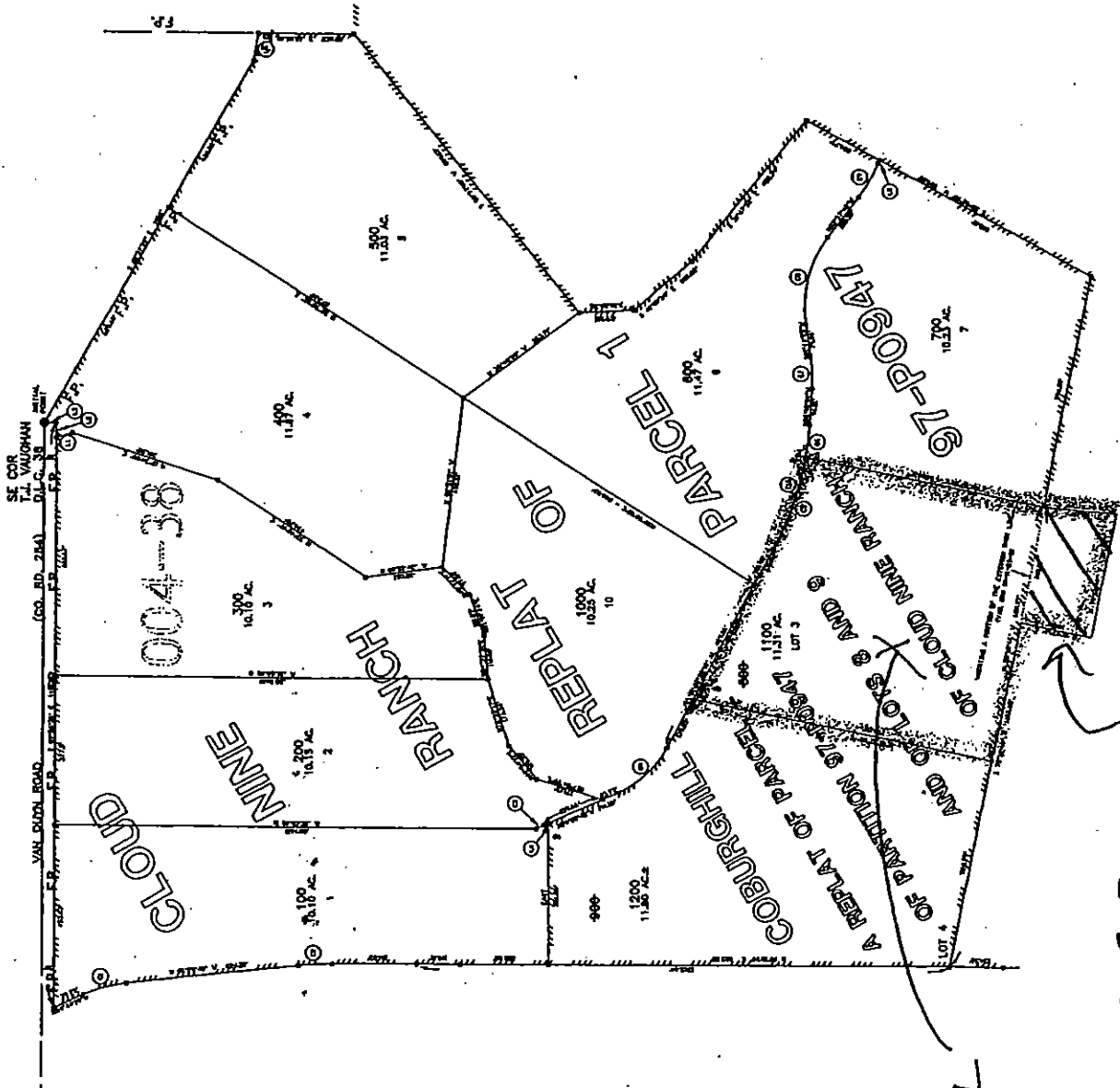
SW1/4 SEC. 35 T.16S. R.3W. W.M.
LANE COUNTY
SCALE 1" = 200'

NO.	DATE	BY	REVISION
1	10/1/00	J. VAUGHAN	INITIAL
2	10/1/00	J. VAUGHAN	REVISION
3	10/1/00	J. VAUGHAN	REVISION
4	10/1/00	J. VAUGHAN	REVISION
5	10/1/00	J. VAUGHAN	REVISION
6	10/1/00	J. VAUGHAN	REVISION
7	10/1/00	J. VAUGHAN	REVISION
8	10/1/00	J. VAUGHAN	REVISION
9	10/1/00	J. VAUGHAN	REVISION
10	10/1/00	J. VAUGHAN	REVISION
11	10/1/00	J. VAUGHAN	REVISION
12	10/1/00	J. VAUGHAN	REVISION
13	10/1/00	J. VAUGHAN	REVISION
14	10/1/00	J. VAUGHAN	REVISION
15	10/1/00	J. VAUGHAN	REVISION
16	10/1/00	J. VAUGHAN	REVISION
17	10/1/00	J. VAUGHAN	REVISION
18	10/1/00	J. VAUGHAN	REVISION
19	10/1/00	J. VAUGHAN	REVISION
20	10/1/00	J. VAUGHAN	REVISION

16 03 35 3

C.A.D. SYS.

SEE MAP 16 03 35



N ↑

SEE MAP 16 03 35

11.31 AC.
SUBJECT
PARCEL

1.31 AC. SUBJECT
PROPERTY

SEE MAP 16 03 35

CANCELLED
200
200

LINE TABLE

1	11.31 AC
2	11.31 AC
3	11.31 AC
4	11.31 AC
5	11.31 AC
6	11.31 AC
7	11.31 AC
8	11.31 AC
9	11.31 AC
10	11.31 AC
11	11.31 AC
12	11.31 AC
13	11.31 AC
14	11.31 AC
15	11.31 AC
16	11.31 AC
17	11.31 AC
18	11.31 AC
19	11.31 AC
20	11.31 AC

CURVE TABLE

1	11.31 AC
2	11.31 AC
3	11.31 AC
4	11.31 AC
5	11.31 AC
6	11.31 AC
7	11.31 AC
8	11.31 AC
9	11.31 AC
10	11.31 AC
11	11.31 AC
12	11.31 AC
13	11.31 AC
14	11.31 AC
15	11.31 AC
16	11.31 AC
17	11.31 AC
18	11.31 AC
19	11.31 AC
20	11.31 AC

SEE MAP 16 03 35

16 03 35 3

III. DISCUSSION

A. Background

In October of 2003, application was made to redesignate a 1.31-acre portion of an 11.31-acre privately owned lot, from "Forest Land" to "Nonresource" and rezone it from "F-2/Impacted Forest Lands" to "RR-10/Rural Residential". The property involved is identified as a portion of tax lot 1100 of map 16-03-35.¹ The subject lot is a portion of the result of a replat of lots 8 and 9 of the Cloud Nine Ranch. It can also be identified as lot 3 of the Coburghill Plat.

The property is located east of Coburg and south of Van Duyn Road. The owner desires the rezone in order to gain a better homesite location. The remainder of the lot is already zoned RR-10, with a Nonresource Plan designation. Refer to the map on the following page.

On March 16, 2004, the Lane County Planning Commission held a public hearing on the proposal. The submittal was contested by Jim Just of the *Goal One Coalition*. The original submittal rated some of the soils on the 1.31 acre portion of the property as having a zero (i.e., no rating) productivity rating for forestry. Relevant case law states that having no rating is not tantamount to having a zero productivity rating, so the applicant requested more time to address this issue. Lane County requires that the entire lot average below a 50 cubic foot per acre annual forest productivity rating, in order to qualify for a Nonresource designation.

The Planning Commission closed the public hearing on March 16, 2004, but left the record open for written comments related only to forest soil productivity. The record was set to close on May 11, 2004. The applicant subsequently realized that an intensive onsite soil study would be needed, and requested a timeline waiver from the Planning Director. That request was granted.

On September 3, 2004, the applicant submitted the revised soils study. The study was reviewed by LCOG soils scientist Kathi Wiederhold, and the methodology found to be correct.

The Applicant subsequently rewrote and submitted a revised set of findings in April of 2005, incorporating the soils study data. That data assigned a productivity rating as required by case law; consequently, the *Goal One Coalition* dropped its objections to the proposal.

The Planning Commission reconvened and deliberated on September 6, 2005, and approved the request, 5-0, with Commissioner Sullivan abstaining.

B. Analysis

¹ The metes & bounds description of the area of tax lot 1100 subject to this Plan Amendment and rezone is as follows: "A parcel of land located in the Southwest ¼ of Section 35, Township 16 South, Range 3 West, Willamette Meridian, and being a portion of Parcel 2 of Land Partition 97-P0947, Lane County Oregon Plat Records, more particularly described as follows: Beginning at the southeast corner of Lot 8, CLOUD NINE RANCH, as platted and recorded on File 75, Slides 886-890, Lane County Oregon Plat Records; then North 78 degrees 12'46" West along the south line of said Lot 8, 300.00 feet; thence South 11 degrees 47'14" West, 180.00 feet; thence South 78 degrees 12'46" East, parallel with the south line of said Lot 8, 321.55 feet; thence North 4 degrees 57'39" East, 181.28 feet to the Point of Beginning, all in Lane County, Oregon.

The application is being made pursuant to Lane Code 16.400, which governs amendments to the Rural Comprehensive Plan, and LC 16.252, which governs rezoning actions. The Nonresource designation does not require adoption of a typical exception to statewide planning goals, since by its nature it obviates goal mandates.

If approved, the Nonresource plan designation is accompanied by a Rural Residential zone designation of a five or ten-acre minimum (RR-5 or RR-10). The requested RR-10 designation matches the density assigned to adjacent lots.

The Staff report and other documents produced for the Planning Commission's review of this proposal are attached; -- please refer to it for additional details on the proposal, location of the property, etc. Also attached is Ordinance PA 1228 with exhibits, including the draft findings prepared by the applicant.

Major highlights of the proposal are summarized in the discussion below.

Resource Suitability

The main test of a Nonresource Plan proposal is to document that the subject lot does not meet the definition of farm or forest land as defined in State Goals 3 (Agricultural Land) and Goal 4 (Forest Land). Primarily, the Applicant must demonstrate that the agricultural productivity of the soils is predominantly Class 5-8 (the poor half of the productivity spectrum), and that the forest capability averages below 50 cubic feet per acre in annual productivity². Please refer to the attached findings for detailed information in this regard, starting on page 2. The farm capability rating of the 11.31-acre lot was found to be 50.9% Class 5-8, and the forest productivity, 42.7 cubic feet per acre annual, meeting the main portion of this test. The other aspects of the Goals 3 and 4 definitions are covered in the findings

Water Supply

The tract is served by the community water system already in place for the Cloud Nine Subdivision.

Goal 2, Policy #19 (Density)

Rural Comprehensive Plan Goal 2, policy 19 reads as follows:

Residential densities for non-resource lands shall be one residence per five or ten acres and shall be determined through consistency with other plan policies and the following criteria:

- a. Existing development pattern 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.*

² Lane County has historically accepted a 50 cu.ft./ac./year standard. There is debate as to whether the threshold should be 20 cu.ft./ac./year, but this issue has not yet been resolved at the State level.

The applicant addresses this policy at page 7 of the findings. Noting the adjacent RR zoning density of ten acres (existing development pattern), coupled with his responses to the other six factors, the applicant rightfully concludes that a 10 acre density is justified.

Goal 12/Transportation

County Transportation planners reviewed the proposal and had no objections or concerns. Transportation issues were addressed during the original Cloud Nine Subdivision process, and again during the replat of the subject property into part of the Coburghill Plat.

Fuelbreak

Chief Minter of the Coburg Fire Department commented that the subject lot is within the fire district coverage area. He further stated that there is "limited water for firefighting purposes in that area", and requested that a 50' primary fuelbreak (as defined by LC 16.211(8)(c)) be developed around the dwelling. This requirement has been incorporated into the draft Board Ordinance. This fuelbreak will not extend beyond the lot boundaries. The Applicant had no objection to this item.

General Comments of Findings

The applicant has diligently addressed all of the required criteria in a straightforward and succinct manner. Please refer to the attached findings for specific, detailed responses to the required standards.

Lane County Planning Commission (LCPC) Action

The issues were presented to LCPC for its evaluation in a public hearing on March 16, 2004, and it deliberated on September 6, 2005. The Commission voted (5-0) to recommend approval of the Plan Amendment, with a zone designation of RR-10, with Commissioner Sullivan abstaining. Commission reasoning is set forth in the Minutes of the meetings, attached to this packet.

The applicant is expected to be on hand at the Board hearing to present the proposal and respond to questions. Should additional written materials or testimony be produced concerning this item, it will be delivered to the Board in a supplement or delivered at the hearing.

C. Alternatives/Options

1. Adopt the Ordinance as presented.
2. Adopt a modified Ordinance with modified findings as directed by the Board.
3. Do not adopt the Ordinance and deny the application.

D. Recommendations

Staff recommends alternative 1.

E. Timing

The Ordinance does not contain an emergency clause.

IV. IMPLEMENTATION/FOLLOW-UP

If the Board adopts the Ordinance as presented or modified, notice will be provided to DLCD and applicable parties.

Should the Board decide against the proposal (alternative 3), an Order with findings setting forth the Board's reasons for denial will need to be prepared and returned to the Board for adoption, with notice subsequently provided.

ATTACHMENTS

1. Ordinance PA 1228 with Exhibits "A" through "C"--111 pp.
2. LCPC Staff Report dated March 9, 2004, including Supplemental Memo dated August 24, 2005 [Applicants' statements are now part of Exhibit "C".] --20pp.
3. Minutes of LCPC meeting of March 16, 2004--2pp.
4. Minutes of LCPC meeting of September 6, 2005--2pp.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

**ORDINANCE NO. PA 1228) IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE
) PLAN TO REDESIGNATE LAND FROM "FOREST LAND"
) TO "NONRESOURCE", REZONE THAT LAND FROM
) "F-2/IMPACTED FOREST LANDS" TO
) "RR-10/RURAL RESIDENTIAL"; AND ADOPTING SAVINGS AND
) SEVERABILITY CLAUSES (file PA 03-6037; Dettmer)**

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

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

WHEREAS, in October, 2003, application no. PA 03-6037 was made for a minor amendment to redesignate a 1.31 acre portion of tax lot 1100 of map 16-03-35.3, specifically described as : A parcel of land located in the Southwest ¼ of Section 35, Township 16 South, Range 3 West, Willamette Meridian, and being a portion of Parcel 2 of Land Partition 97-P0947, Lane County Oregon Plat Records, more particularly described as follows: Beginning at the southeast corner of Lot 8, CLOUD NINE RANCH, as platted and recorded on File 75, Slides 886-890, Lane County Oregon Plat Records; then North 78 degrees 12'46" West along the south line of said Lot 8, 300.00 feet; thence South 11 degrees 47'14" West, 180.00 feet; thence South 78 degrees 12'46" East, parallel with the south line of said Lot 8, 321.55 feet; thence North 4 degrees 57'39" East, 181.28 feet to the Point of Beginning, all in Lane County, Oregon; from "Forest Land" to "Nonresource" and concurrently rezone the property from "F-2/Impacted Forest Lands" to "RR-10/Rural Residential"; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearing of March 16, 2004, deliberated on September 6, 2005, and on that date recommended approval of the proposed amendment and rezoning; and

WHEREAS, evidence exists within the record indicating that the proposal meets the requirements of Lane Code Chapter 16, and the requirements of applicable state and local law; and

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

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

Section 1. The Lane County Rural Comprehensive Plan is amended by the redesignation of a 1.31 acre portion of tax lot 1100 of map 16-03-35.3, as described above, from "Forest Land" to "Nonresource", such territory depicted on Plan Plot 408 and further identified as Exhibit "A" attached and incorporated herein.

Section 2. A 1.31 acre portion of tax lot 1100 of map 16-03-35.3, as described above, is rezoned from "F-2/Impacted Forest Lands" (Lane Code 16.211) to "RR-10/Rural Residential" (Lane Code 16.231), such territory depicted on Rural Zoning Plot 408 and further identified as Exhibit "B" attached and incorporated herein. As part of this rezoning approval, the Applicant/Owner is to establish a primary fuelbreak around any dwelling placed on the subject property. Except for the distance of the primary safety zone which shall be 50 feet, such fuelbreak shall meet all other fuelbreak standards of LC 16.211(8)(c)(i)(aa). This fuelbreak need not project beyond the lot lines and shall be field inspected and approved by Planning Staff prior to land use authorization of the building permit for the dwelling.

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

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

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

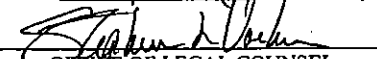
ENACTED this _____ day of _____, 2006.

Chair, Lane County Board of County Commissioners

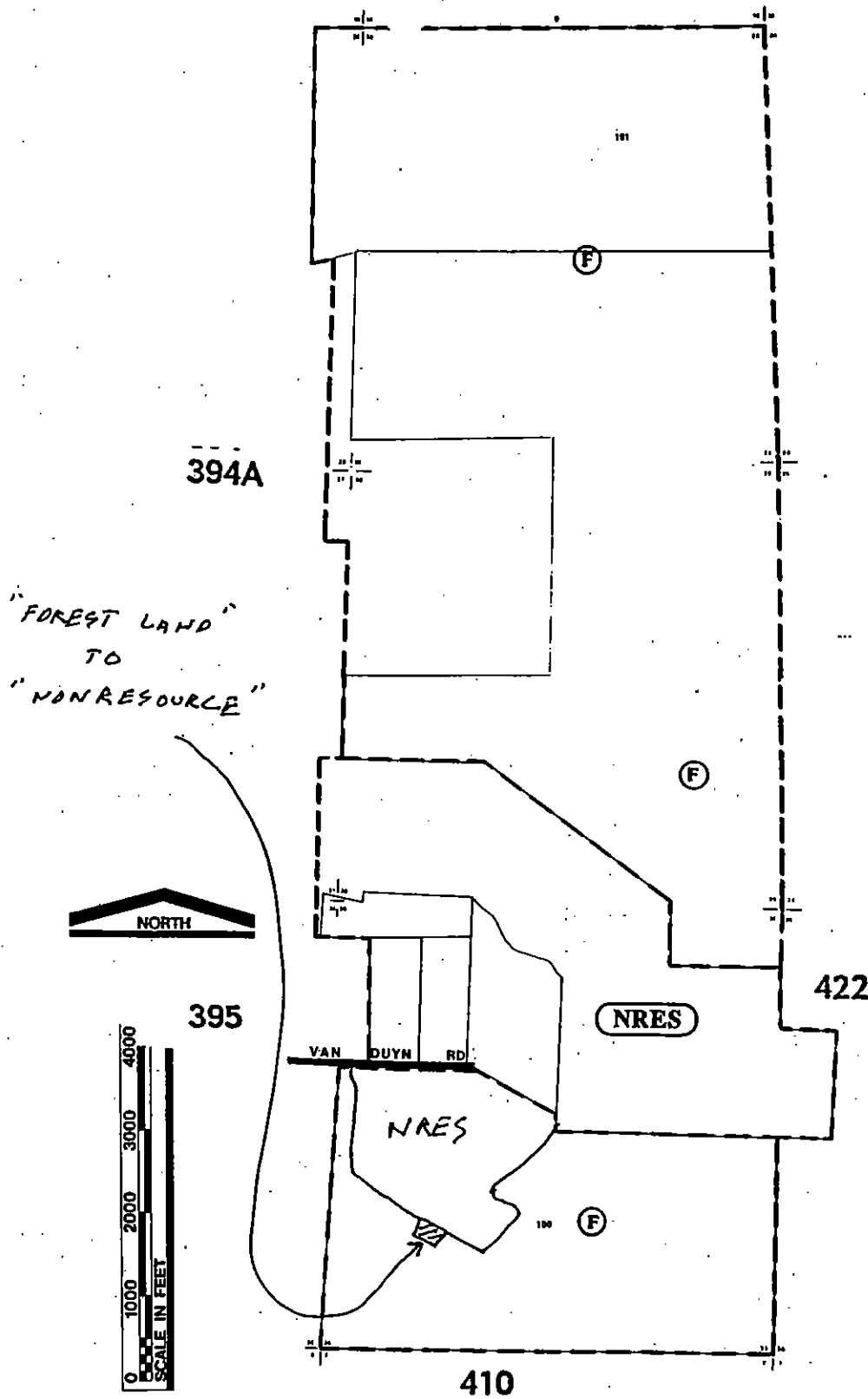
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 1-4-2006 Lane County


OFFICE OF LEGAL COUNSEL

Ordin. No. PA 1128
Exhibit "A"



lane county



OFFICIAL PLAN MAP

PLOT # 408

Township Range Section
16 03 23

16 03 26
16 03 35

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

REVISION # _____ ORD # _____ DATE _____ FILE # _____

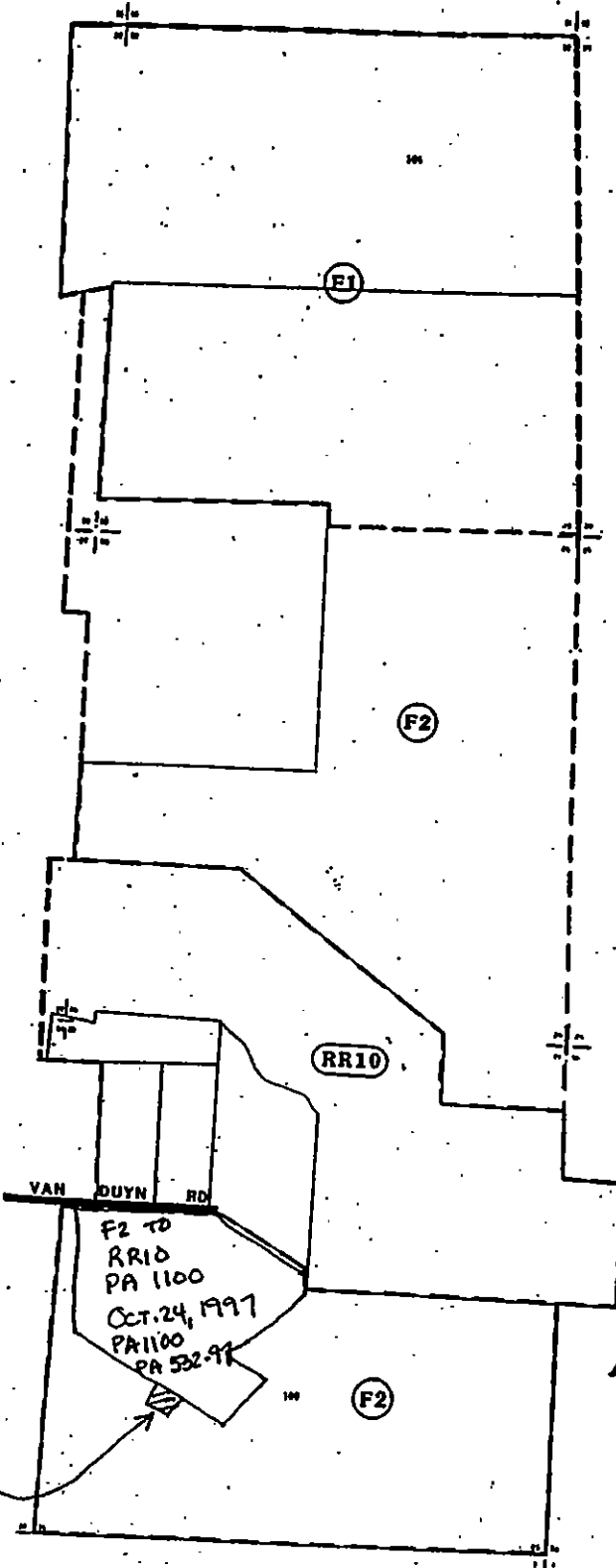
Ordin. No. PA 1128
Exhibit "B"

394

"F-2/ACP"
TO
"RA-10/ACP"



395



422

county



OFFICIAL ZONING MAP

PLOT# 408

Twshp	Range	Section	
16	03	23	16.03.26
			16.03.35

SIGNAL ORD. # PA 884

STION # ORD # DATE 2/29/1984 FILE #

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
PETER & JOY DETTMER PLAN AMENDMENT AND ZONE CHANGE
FILE NO. PA 03-6037 (ORDIN. NO. 1228)**

The following Findings of Fact and Conclusions of Law support an affirmative decision by the Board of Commissioners to approve the proposed plan amendment and concurrent zone change for the "Subject Property." Additional information is provided in the attached Applicant's Statement (AS) dated April 29, 2005 as provided for the Planning Commission Hearing on September 6, 2005. Those two documents are incorporated by reference as part of these findings.

I. SUMMARY OF ISSUES

This section includes a general overview of the amendment request, site characteristics, and the primary issues associated with the proposal.

General Overview

1. The Statewide Planning Goals and the Rural Comprehensive Plan ("the Plan") protect resource lands while allowing other, nonresource lands to develop. The proposed amendment allows rural residential development on a documented nonresource tract and will not affect any adjacent or nearby resource lands.
2. This application implements RCP Goal 2 Policy 16 by designating the Subject Property as Nonresource Land and zoning it RR-10/Rural Residential. The Plan provides for designating lands that are not farm or forestlands as defined by Statewide Planning Goals 3 and 4 as nonresource lands. Nonresource lands by definition do not require an exception to the goals.
3. The current plan designation of the Subject Property as Forest Land is in error. Goal 2 mandates that an adequate factual base be used in land use decision making. This amendment and zone change request provides a factual base to show the Subject Property does not meet the state definition of forestland or warrants protection by the F-2 zone. The proposed rural residential zoning of RR-10 can be accommodated by an adequate water supply, access to public roads, and availability of all necessary services.

Site Characteristics

4. The subject property is located east of the City of Coburg and south of Van Duyn Road. It was originally 10 acres in size, and was previously identified as lot 8 of the Cloud Nine Ranch Subdivision. Lot 8 is zoned RR-10 (Rural Residential, LC 16.231). The entire subdivision was the result of a prior plan amendment and zone change from resource to nonresource, via the same process as the present application.
5. A prior owner desired a better location for his proposed home adjacent to but outside of this lot 8, so he performed a replat between the Cloud Nine Ranch and the CoburgHill Plat to the south, and absorbed 1.31 acres from an adjacent F-2 zoned lot, expanding his lot to its present 11.31-acre size. The replatted subject property is now identified as lot 3 of the CoburgHill Subdivision. The replat created a split-zoned parcel, with the majority being RR-10, and the 1.31 acres F-2. However, this plan amendment and rezone removes the split-zone situation and will subsequently allow the homesite to be located on the 1.31-acre portion.

Primary Issues

The Subject Property is not resource land.

6. The property is characterized by poorly drained, nonproductive soils as detailed in the Applicant's Statement, Exhibit E-1 and E-2 (*Report of Revised Soil Mapping* by Certified Soil Classifier Andy Gallagher of Red Hill Soils, September 13, 2003 and *Revised Soil Mapping Units*, February 24, 2005). The findings illustrate that the site does not meet the definition of resource land for either timber production or agricultural capability classification. These findings are consistent with findings adopted by the Board of Commissioners for Cloud Nine Ranch Subdivision.
7. Specifically, the Gallagher report finds that the average forest productivity of all soils on the subject property is 42.7 cubic feet per acre per year. The threshold for resource land is 50 cubic feet per acre per year. The report also found that 49.1% of the on-site soils have agricultural capability classifications of Class I through IV, while 50.9% of the soils are characterized by Classes V through VIII. The threshold for resource land is predominance (at least 50%) of Class I-IV soils.
8. The Subject Property does not have significant grazing, watershed, wildlife or scenic values that require maintaining a resource designation
9. This factually supported Nonresource designation is consistent with Oregon's land use policy as it helps preserve land that is truly Resource land in large blocks necessary for maintaining the farm and forest 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.

Rural residential development on the Subject Property will have no impact on adjacent or nearby resource lands.

10. The proposed development density of the Subject Property (1 du/10 acres) is consistent with the Rural Comprehensive Plan, county policies, county plan amendment and zone change approval criteria, and statewide planning goals.
11. The proposed ten-acre rural residential zoning may result in a development of 1 dwelling on the 11.31-acre Subject Property. This request does not propose any land divisions.

II. GENERAL FINDINGS RELATING TO THE PROPERTY AND APPLICATION

1. This application is for a plan amendment redesignating 1.31 acres of land from Forest Land to Nonresource Land with concurrent rezoning from Impacted Forest Land (F-2) to Rural Residential (RR-10). These findings provide factual support for the proposed Nonresource Land designation and therefore do not require exceptions to the statewide planning goals.
2. The Subject Property is identified as tax lot 1100 on Assessor's Map 16-03-35-30 (Lot 3 of CoburgHill Subdivision) located on Lane County Zoning Plot # 408. It is a 1.31-acre tract located near the end of Van Duyn Road, east of Interstate-5 and the City of Coburg. Good access exists on Van Duyn Road with direct connection to Interstate-5 and further west to the City of Coburg and other public roads.

3. The Subject Property is a legal lot as verified by Lane County Legal Lot Verification PA 04-5173.
4. The site is appropriately characterized as NonResource land with natural characteristics similar to the steeply sloping side slopes and moderately sloping footslopes of the Coburg Hills. There is a small bedrock bench on the highest part of the property which is gently to moderately rolling and located in the southeast corner of the site. From this high point the site is gently to moderately sloping roughly northward to a shallow drainageway, with poorly draining soils, flowing east to west. The bedrock bench has rock outcrops and shallow and gravelly soils that are well drained to somewhat excessively drained. Runoff from eroded clayey and shallow side slope soils is rapid and permeability is very slow. Somewhat poorly drained clayey soils occur on the side slopes and footslopes and may have seeps during the winter months. The drainage way is comprised of poorly draining soil. The average slope of the entire site is roughly 10%. The vegetation found on this land consists of sparse oak trees, some small maple and Douglas fir trees, along with brush, such as blackberry, Hawthorne, poison oak, and wild rose. No marketable timber is found on the subject site.
5. Soil map units are as follows:

Previous Map Symbol	Revised Map Symbol	Soil Series Name	Forest Productivity ft ³ ac ⁻¹ yr ⁻¹	Previous Map*		Revised Map		Reference
				Ac.	-%-	Ac.	-%-	
43C,43E	NA	Dixonville-Philomath-Hazelair Complex	#	10.3	91.0	0	0	
113G	NA	Ritner	149	1.0	9.0	0	0	A
41	Dx	Dixonville	152	0	0	0.5	4.5	A
-	Or	Xerorthents**	35	0	0	0.3	2.5	B
-	PH	Philomath-Rock Outcrop Complex*	21	0	0	4.5	39.7	B
102	Pa	Panther*	50	0	0	1.04	8.7	B
-	Wi	Witham**	50	0	0	5.0	44.6	C
Total				11.3	100	11.3	100	

* Soils not previously mapped on this property.

**Soils not previously included in NRCS Lane County Soils Legend.

A Soil Survey Lane County NRCS

B Forestry Department, Office of State Forester, Memorandum, General file 7-1-1, forest soil productivity ratings for Lane County

C Forestry Department, Office of State Forester, Memorandum, General file 7-1-1, forest soil productivity ratings for Linn County

6. The Subject Property is provided the following public services:
 - Water: Community Water System (Cloud Nine Ranch)
 - Sewer: Planned on-site individual
 - Electricity: Emerald People's Utility District
 - Telephone: QWest
 - Fire: Coburg Rural Fire Protection District
 - Schools: Eugene 4J
 - Access: Van Duyn Road to Coburg Hills Drive (private)
 - Police: Lane County Sheriff, Oregon State Police
 - Solid Waste: Coburg Sanitary Services Company

An adequate level of public services is available for rural residential development.

7. No wetlands exist on the 1.31 acre portion of the subject site. There is a wetland area on the RR-10 portion of the subject site, roughly 400 feet to the north. The site is not within a flood plain or watershed.
8. Lane County Wildlife Inventory, Eugene Quadrant, shows the subject property is located on the edge of an impacted big game range. The Lane Code and RCP do not have any special requirements for wildlife protection in an impacted range area.
9. No historical, archaeological, scenic or other resource features have been identified on the Subject Property by county inventories.
10. The property is situated within Cloud Nine Ranch, a Rural Residential Subdivision. To the north are other lots within Cloud Nine Ranch. To the east of the 1.31-acre portion of the subject site is a steeply sloped, 80.00-acre piece of property zoned F-2. To the south and west of the 1.31-acre portion of the subject site is lot 9 of Cloud Nine Ranch. It is currently vacant. The closest F-1 zoned forestland exists roughly 765 feet to the south. The closest EFU land is located approximately 900 feet to the west. Neither property would be significantly affected by the proposed plan amendment and zone change, due to distance and intervening geographic features such as steep hills and ravines.
11. The Lane County Land Management planning staff reviewed the applicant's statements and evidence, and recommended approval of the proposed Nonresource designation with a Rural Residential RR-10 zone.
12. On March 16, 2004 the Lane County Planning Commission conducted an evidentiary public hearing. The original submittal was contested by Jim Just of the *Goal One Coalition*. The original submittal rated some of the soils on the 1.31-acre portion of the property as having a zero (i.e., no rating) productivity rating for forestry. Relevant case law states that having no rating is not tantamount to having a zero productivity rating, so the applicant requested more time to address this issue. Lane County requires that the entire parcel average below a 50 cubic foot per acre annual forest productivity rating, in order to qualify for a Nonresource designation.
13. The Planning Commission closed the public hearing on March 16, 2004, but left the record open for written comments related only to forest soil productivity. The record was set to close on May 11, 2004. The applicant subsequently realized that an intensive onsite soil study would be needed, and requested a timeline waiver from the Planning Director. That request was granted.
14. On September 3, 2004, the applicant submitted the revised soils study. The study was reviewed by LCOG soils scientist Kathi Wiederhold and the methodology found to be correct. The applicant later incorporated the new soils information into the spiral bound Applicant's Submittal and submitted it to the Land Management Division on April 29, 2005. This submittal is a "stand alone" document in that it concisely restates all of the required standards, with the updated soils information folded therein.
15. On August 8, the Planning Director wrote the parties involved in the original request for the continuance (i.e., the applicant, his agents, and Jim Just), advising them of the revised submittal. Utilizing the same time spans previously established, those parties were given until August 23 to comment on the revised soils information. Jim Just submitted his

comments via email on August 15. The *Goal One Coalition* recommended approval of the request.

16. On September 6, 2005 the Planning Commissioners expressed their support for the application and voted 5:0, with Commissioner Sullivan abstaining, to recommend the Board of County Commissioners approve the plan amendment and designate the Subject Property Nonresource Land with a Rural Residential RR-10 zone.

III. FINDINGS AND CONCLUSIONS RELATED TO THE LANE CODE 16.400 PLAN AMENDMENT CRITERIA

A Plan Amendment to change the Plan Designation for the subject property from Resource Land to Non-resource Land is a minor amendment, per Lane Code 16.400(8)(a)(i), and requires compliance with the criteria set out in Lane Code 16.400(6)(h)(iii). Each criterion is presented with findings below.

LC 16.400(6)(h)(iii)(aa) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings: 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 (Exhibit G-7).

1. The Board finds this application proposes to amend the Rural Comprehensive Plan from Forest Land to Non-Resource Land with evidence that address the applicable requirements of Lane County Code, Rural Comprehensive Plan policies and state-wide planning goals.

LC 16.400(6)(h)(iii)(bb): For Major or 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

2. The Board finds that this amendment identifies an error in the adopted Rural Comprehensive Plan which designates the 1.31-acre portion of the subject property as forest land. Evidence indicates this designation is inconsistent with both County policies and the statewide planning goal definitions of resource land.

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

3. The Board finds that this amendment implements Rural Comprehensive Plan Goal 2, policy 18, which provides for the designation of lands as Rural Residential when such lands do not meet the definition of farm or forest land under Statewide planning goals 3 and 4. The subject property does not qualify as a farm or forest land necessitating protection by these goals and, therefore, qualifies as Non-Resource Land.

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

4. The Board finds that, based upon reasons discussed in this application, the applicant submits that it is desirable, appropriate and proper to designate the 1.31-acre portion of the subject parcel as Non-Resource Land.

LC 16.400(6)(h)(iii)(cc): . . . the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

5. The Board finds that Policy support exists for the proposed Plan amendment as detailed in this foregoing discussion as follows:

Goal 2, Land Use policy 18 provides for designating lands that are not farm or forest land as residential. An analysis of the proposal's compliance with this policy follows:

"Where lands are not farm and forest lands, they may be designated on the plan diagram as rural residential or as parks and recreation, provided:

- a. *Detailed and factual documentation has been presented indicating that the subject lands are not farm and forest lands as defined by Statewide Planning Goals 3 and 4.*

The state defines forest land as land which is suitable for commercial forest including adjacent land necessary to maintain soil, air, water and fish and wildlife resources. According to the Soil Survey of Lane County (1981) published by the U.S. Department of Agriculture Soil Conservation Service (SCS), the 1.31 acre portion of the subject property is composed of 113G Ritner soil, which is considered prime timber soil with a forest productivity rating of 149 cubic feet of timber per acre per year. The Soil Survey is mapped at a large scale based on aerial photography. Recent high intensity soil classification done on the property by a Certified Soil Classifier indicates the SCS Soil Survey data is incorrect.

Red Hill Soils scientist Andy Gallagher examined the entire 11.31-acre site in July and August of 2003 and in more detail in February, 2005. He found the on-site soil to consist of Dixonville, Xerorthents, Philomath-Rock Outcrop Complex, Panther, and Witham soils. The weighted average forest productivity of the site is 42.7 cubic feet of timber per acre per year, as described more fully in the attached report. Therefore, the property does not meet the definition of forest land under Goal 4.

The state defines agricultural land as land classified by the SCS as predominantly Class I-IV soils in Western Oregon, 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, and land which is necessary to permit farm practices to be undertaken on nearby agricultural lands. The agricultural capability classification for the soils found to exist on the property range from Class III to Class VI, with predominance of Class V through VIII (51%). The majority of the property is zoned Rural Residential. The remaining 1.31 acre portion is topographically isolated from surrounding land and could not be practically put to agricultural use even if the soil would support such use. Therefore, the property does not meet the definition of agricultural land under Goal 3.

The property is not located in an urban area. Rather, the 1.31 acre portion is adjacent to a nonresource, rural residential subdivision with community water system, private access road, and individual septic systems. Minimum lot size in Cloud Nine Ranch is 10 acres. The 1.31 acre portion of the property is not forest land necessary for urban buffers, windbreaks, scenic values, or livestock habitat.

- b. *An exception to any of the Statewide Planning Goals is not required.*

As evidenced above, the land is not forest or agricultural land as defined by Goals 3 or 4, and therefore does not require an exception to either of these Statewide Planning Goals.

- 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 1.31 acre F-2 portion of the subject site is bordered on the east and south by steeply sloped and unmanaged F-2 forest land. To the north of the 1.31 acre portion of the subject site is the residentially zoned remainder of the subject site, which is part of a large nonresource area (Cloud Nine Ranch). The present request will expand the boundary of this nonresource area to include 1.31 acres of topographically isolated nonresource land. Therefore, this application will not create an isolated pocket of nonresource land or present any compatibility problems.

- d. *The Rural Residential Designation would be consistent with other Comprehensive Plan Policies.”*

The proposed amendment is consistent with other Rural Comprehensive Plan policies as outlined below.

Goal 2, Policy 17 is also applicable and provides rural residential densities based on consideration of the following factors:

- a. *Existing development pattern and density of any adjacent committed areas;*

The subject property is an adjusted legal lot within Cloud Nine Ranch Subdivision. The existing development pattern of Cloud Nine Ranch is one single family home per 10 acres. Approval of the plan amendment will not cause an increase in lots, homes, or residential density. The plan amendment is consistent with the surrounding development pattern. RR-10 is the appropriate zoning for the F-2 portion of the subject site, consistent with the remainder of the property and the other lots in Cloud Nine Ranch.

Exhibit J depicts development pattern in detail. As the table shows, the RR-10 exception area's total acreage is 666.69 acres. The addition of the 1.31 acre portion of the subject site will increase this area to 668.00 acres. The total number of RR-10 parcels will remain at 65. The current average parcel size is 10.26 acres per parcel. The addition of the 1.31 acre portion of the subject site to the exception area will increase the average parcel size to 10.28 acres per parcel.

- b. *Subsurface sewage disposal suitability;*

Sewer will be provided by an on-site septic system, the site inspection for which was approved when the lot was part of the Cloud Nine Ranch. The addition of 1.31 acres to the residential zone will not increase the number of lots or required sewage disposal systems. Therefore, the proposal is consistent with the site's ability to accommodate a single family sewage disposal system.

c. *Domestic water supply availability;*

Cloud Nine Ranch is served by a community water system designed to accommodate a single family dwelling on the subject site. The amendment and rezone of the 1.31 acre portion will have no effect on the ability of the system to serve a home on the lot.

d. *Access;*

The subject site is served by Coburg Hills Drive, which is a recently constructed road, designed and engineered for Cloud Nine Ranch.

e. *Public service;*

All public services required to serve residential development are currently available to the subject site, including police services, schools, solid waste service, electric and telephone service, on-site sewage disposal, community water system, roads, and fire protection.

f. *Lack of natural hazards;*

No natural hazards are known to exist on any part of the subject site. Fire protection is provided by Coburg Rural Fire District.

g. *Effect on resource lands.*

Approval of the requested plan amendment and rezone for the 1.31 acre portion of the site will have no effect on resource lands. The F-2 land immediately adjacent to this portion of the site is not easily managed for timber production due to the steepness of the slope. Future residential development on the subject site will comply with applicable setbacks from the F-2 zone. The nearest F-1 lands are roughly 765 feet to the south. At this distance, the addition of 1.31 acres to the nonresource area will have no increased impact on forest practices. The closest EFU land is located approximately 900 feet to the west. The addition of a small piece of land to the nonresource area, resulting in no net increase in residential lots or homes, will have no increase in impact on farming practices.

Based on consideration of the above factors, the site is suitable for development at a density of one residence per 10 acres, consistent with the findings made for the approval of Cloud Nine Ranch.

Goal 5, Water Resource Policies 3 and 5 require water supplies adequate to serve proposed development. As stated previously, Cloud Nine Ranch is served by a community water system .

LC 16.400(6)(h)(iii)(dd) for minor amendments as defined in LC 16.400(8)(a) below the plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan and is consistent with the unamended portions or element of the plan.

6. The Board finds that the proposed plan amendment is consistent with the intent and structure of the Rural Comprehensive Plan to choose between competing uses. As previously indicated, this amendment is consistent with County policies that provide for designating

lands that do not have farm or forest capability as Non-Resource Lands. Approval of this amendment does not conflict with the unamended portion of the plan.

LC 16.400(8) Additional Amendment Provisions. *In addition to the general procedures set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components.*

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

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

7. The Board finds that the proposal constitutes a minor amendment as the request is isolated to a plan diagram change.

(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.

8. The Board finds that the description of the proposal has been provided in Section I above. The proposed use of the 1.31-acre portion of the lot is residential. The application of the nonresource designation to the site, based on information presented herein, is consistent with past County implementation of the Rural Comprehensive Plan.

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

9. The Board finds that such analysis is included above.

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

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

10. The Board finds that approval of this plan amendment request will have no appreciable impact on development patterns. Cloud Nine Ranch is an existing rural residential subdivision in which most lots are 10 acres in size. The subject lot is legally 11.31 acres and can only accommodate a single dwelling both before and after the plan amendment.

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

11. The Board finds that provision of transportation, water supply, and sewage disposal has been addressed above. All required services are in place to serve a dwelling on the subject parcel.

(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;

12. The Board finds that the Rural Comprehensive Plan does not identify any historic, archeological, or sensitive wildlife habitat sites on or near the site. The County's wildlife maps indicate that the subject site is on the boundary of an Impacted Big Game Range. The Lane Code and RCP do not impose any specific requirements for protection of wildlife in an impacted big game range. Approval of the requested plan amendment does not appear to present any conflicts with Goal 5 resources. Therefore, an ESEE analysis is not applicable to this application.

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

13. The Board finds that there are no flood zones, unstable soils, or severe slopes present on the subject site. A wetland area exists on the RR-10 zoned portion of the site. Appropriate permits will be sought at the time of construction as necessary. No other hazards appear to exist or are documented by the County on this site.

(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;

14. The Board finds that this standard does not apply, as the proposed amendment is to 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;

15. The Board finds that this standard does not apply, as the proposed amendment is to a residential designation.

(gg) For a proposed amendment to a Nonresource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983). 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.

16. The Board finds that the land is not composed of forest land due to soil constraints discussed under Section II.4 and II.5 above.

2. The land is not needed for watershed protection.

17. The Board finds that this property has not been identified as necessary for watershed protection. Topographically, the 1.31-acre portion of the site is the highest ground on the subject site. Beyond it, to the south, the topography drops off dramatically. The majority of the site is moderately sloped, draining to the north into small swales and road-side ditches.

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.

18. The Board finds that, as mentioned above, the property is on the edge of an Impacted Big Game Range. The addition of 1.31 acres into the nonresource area will not significantly impact big game or management programs designed to protect them.

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.

19. The Board finds that no extreme conditions exist that would require maintenance of existing vegetative cover to a degree not provided by the Non-Resource designation. The property is primarily vegetated with grasses; soil conditions are detailed in the attached report of findings by Red Hill Soils.

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.

20. The Board finds that the property is not located in an urban area or agricultural area. It is bound by rural residential lots and F-2 land. The property does not function as windbreak, is not documented to contain sensitive wildlife or fisheries habitat, and does not provide livestock habitat. With regard to scenic corridors, the approval of this plan amendment will have no increase in impact on scenic resources considering that no additional lot or residence would be permitted. Likewise, the land is not needed for recreational uses.

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

21. The Board finds that the 11.31 acre parcel consists of 50.9% Class V-VIII soils and 49.1% Class I-IV soils. Therefore, a predominance of Class V-VIII soils exists on the site.

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.

22. The Board finds that, as stated above, the property is not suitable for farming due to a predominance of poor quality soils (Class V-VIII) on the subject site. Besides these soils constraints, the 1.31-acre portion of the subject lot is physically and topographically isolated from other farmland. Its size and separation from other farmland (existing land use patterns) make it unsuitable for farm use.

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

23. The Board finds that the site is currently designated Forest Land and not Agricultural Land. No adjacent or nearby lands are used or designated for agricultural use.

IV. FINDINGS AND CONCLUSIONS RELATING TO LANE CODE 16.252 REZONING CRITERIA

The following criteria and analysis supports the application for zone change of the subject property from F-2 / RCP to RR-10 / RCP.

LC 16.400(6)(I): A change of zoning to implement a proposed Plan amendment may be considered concurrently with such amendment. In such case, the Board shall also make the final zone change decision, and the Hearings Official's consideration need not occur.

LC 16.252(2): Zoning and rezoning shall be enacted to achieve the general purposes of this Chapter and shall not be contrary to the public interest. In addition, rezoning shall be consistent with the specific purposes of the zone classification proposed, applicable 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.

1. The Board finds that Lane Code 16.003 sets out a series of 14 statements of purpose for Chapter 16 of the Lane Code (Lane County Land Use and Development Code), among which the following are relevant to this application for zone change:

(1) Insure that the development of property within the County is commensurate with the character and physical limitations of the land and, in general, to promote and protect the public health, safety, convenience and welfare.

(4) Conserve Farm and forest lands for the production of crops, livestock and timber products.

(7) Provide for the orderly and efficient transition from rural to urban use.

2. The Board finds that approval of this Rural Comprehensive Plan Amendment and zone change will insure that development within the county is appropriate in terms of character and physical limitations of the subject site. It will not convert farm or forest land, as the subject property has been determined to be nonresource land. Lastly, it will provide for the orderly use of nonresource lands in a predominantly rural residential area.
3. The Board finds that the zone change will implement the proposed plan amendment from Forest Land to Nonresource Land. The public interest is not served by preserving land for resource use when it has been determined not to be resource land. The proposed use implements the general purpose of Lane Code Chapter 16.
4. The Board finds that according to Lane Code 16.231(1), the intended purpose of the Rural Residential zone classification is to:
 - a. *provide opportunities for people to live in rural areas,*
 - b. *To allow primary and accessory residential uses, and non-residential uses which may be compatible with primary residential uses,*
 - c. *To implement the policies of the RCP, primarily those policies related to the residential development of areas identified as committed, built upon or as non-resource land,*
 - d. *To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP.*

5. The Board finds that, as shown above, approval of the plan amendment and zone change will implement applicable Rural Comprehensive Plan policies and Statewide Planning Goals. Class I streams will not be affected by the proposed zone change.

V. FINDINGS AND CONCLUSIONS RELATING TO THE STATEWIDE PLANNING GOALS

The Board finds the subject application is consistent with all applicable Statewide Planning Goals. For purposes of the analysis of this section the following applicable statewide planning goal statements have been summarized. The Oregon Land Conservation and Development Commission Goals and Guidelines are incorporated herein by reference, except as noted.

GOAL 1 Citizen Involvement

Requires 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 was sent by Lane County to affected agencies, including the Department of Land Conservation and Development and owners of record within 750 feet of the Subject Property.

1. The Board finds that the Lane County Planning Commission conducted a public hearing to receive comments on the plan amendment and zone change request.

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.

2. The Board finds that 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 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 NRCS. 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.

3. The Board finds the Subject Property is predominantly Class VI to VIII soils and does not require an exception to Goal 3 as discusses previously. No adjacent or nearby farm operations exist which would require use of the subject parcel to conduct farm operations.

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.

4. The Board finds the Subject Property is not forestland required for conservation by Goal 4 as documented in the Applicant's Submittal as the subject parcel's soil productivity is below the $50 \text{ ft}^3 \text{ ac}^{-1} \text{ yr}^{-1}$ threshold at $42.7 \text{ ft}^3 \text{ ac}^{-1} \text{ yr}^{-1}$. An exception to Goal 4 is not required based on the analysis discussed herein.

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, and 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.

5. 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 Board finds the Subject Property is not listed on any county inventory for these resources.

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.

6. The Board finds that the Subject Property will be served by individual on-site sanitation system. As a condition of any land divisions and prior to residential development, the parcel will be required to gain approval of an on-site sanitation system in accordance with DEQ rules. Site inspection approval has already been granted for the subject site's on-site septic system.

GOAL 7 Areas Subject to Natural Disasters or Hazards

Goal 7 is intended to protect life and property from natural hazards.

7. The Board finds that no natural hazards have been identified.

GOAL 8 Recreational Needs

This goal addresses the recreational needs of Oregon residents and visitors.

8. The proposed change from F-2 Forest Land to RR-10 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.

9. The Board finds that this goal is primarily applicable to commercial and industrial development and is not pertinent to this redesignation and rezoning.

GOAL 10 Housing

Goal 10 is intended to provide for the housing needs of the citizens of the State.

10. The Board finds that 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.

11. The Board finds that the RCP Goal 11 Policy 6 (e)(k) describes the minimum level of services for Nonresource lands. As stated earlier, the site receives a full range of rural facilities and services that can serve the proposed rural residential development on the property. No additional public facilities and services are required to serve the proposed residential use of the site.

GOAL 12 Transportation

Goal 12 is intended to provide and encourage a safe, convenient and economical transportation system.

12. The Board finds that Coburg Hills Drive and Van Duyn Road provide primary access to the Subject Property, supplemented with direct connections to Interstate-5. The roads have ample capacity and are within the acceptable level of service established by the county and state. Lane County Transportation staff has reviewed the proposal and has no objections.

Goal 13 Energy Conservation

13. The Board finds that 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.

14. Goal 14 prohibits urban uses on rural lands. The proposed amendment and zone change to allow the addition of 1.31 acres to the ten-acre rural residential parcel does not constitute an

urban density or is located within an urban growth boundary or urban transition area. The Board finds this request is consistent with Goal 14.

Goals 15 – 19

15. 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.

VI. CONCLUSIONS OF LAW

1. The Board finds that the subject 1.31-acre tract qualifies for a Nonresource plan designation and is appropriately zoned Rural Residential RR-10.
2. The Board concludes the Subject Property is located in an area that is primarily composed of soils that are not suitable for agriculture or forest use as they occur on the site.
3. The Board further concludes this application corrects a plan error, properly identifies and implements the proper plan designation and zone district, and is consistent with the intent and purpose of the Rural Comprehensive Plan and county policies.
4. The Board concludes this application for a minor plan amendment and rezoning addresses and satisfies all applicable criteria. The Subject Property has been evaluated within the context of the Rural Comprehensive Plan, Lane Code and Statewide Planning Goals. The Board concludes the Subject Property consists predominantly of land that is not agriculture or forest land as defined by the Goals. The Board concludes this application will have no significant adverse impact on existing or planned uses in the area. It is therefore appropriately designated as nonresource land.
5. Finally, the Board concludes that based on the extensive documentation and factual evidence presented in the Applicant's Statement, including Exhibits, evidence received at public hearings and made part of the record, and findings provided herein, the plan amendment and zone change conforms with all applicable criteria to justify a redesignation from Forest Land to Nonresource Land and rezoning from F-2 Impacted Forest Land to Rural Residential RR-10.

**APPLICATION FOR PLAN AMENDMENT (RCP)
WITH
CONCURRENT ZONE CHANGE**

Agent:
Satre Associates, P.C.
132 East Broadway, Suite 536
Eugene, OR 97401

Based on Background Material Prepared By:
Jim Griffith & Associates
1257 High Street, Suite #6
Eugene, OR 97401

Property Owners:
Peter and Joy Dettmer
c/o US Embassy (KAV)
PSC 108 Box 39
APO-AE-09842

PROPOSAL:

Amend the Rural Comprehensive Plan (RCP) from "Forest Land" to "Non-Resource Land" and Rezone from F-2/RCP Impacted Forest Lands to RR-10/RCP Rural Residential Land. for a portion of Tax Lot 1100, Map 16-03-35-30 (Lot 3, Coburg Hill Subdivision), near the end of Van Duyn Road, east of I-5 and the City of Coburg.

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April 29, 2005

Jerry Kendall
Lane County Land Management Division
125 East 8th Avenue
Eugene, Oregon 97401

Re: PA 03-6037 Dettmer Non-Resource Application

Dear Jerry:

Attached is one copy of the updated application package to designate a 1.31-acre portion of an 11.31-acre parcel as non-resource land and a corresponding application to change the zoning of that same 1.31 acre area from F-2/RCP to RR-10/RCP (10 acres of the parcel are currently zoned RR-10). This application replaces the two previous applications that have been filed for the same property (one filed by our office, in October, 2003, and the other by the previous land owner, Mr. Scott Wentworth, in March, 2003). Staff initially recommended approval of the application but later reversed their recommendation based upon arguments made by the "Goal One Coalition" (Jim Just) that the application's analysis on forest productivity was incomplete because certain soil types were given a "zero" rating without sufficient evidence of why the soil had no productive value. Based upon staff's recommendation for denial we requested that the record of the matter be left open so that we could provide additional expert testimony on the commercial forest productivity of the particular soils.

In response to the comments from Goal One and County Planning, the detailed soils investigation has been updated by Red Hill Soils (Andy Gallagher, Certified Soil Classifier) showing the entire 11.31 acre parcel to fall under the 50 cubic feet of timber per acre per year threshold necessary to be designated as resource land. The updated analysis of the soils was performed by Andy Gallagher and forest productivity ratings were assigned to all soils as follows:

TABLE 1: REVISED SOIL FOREST PRODUCTIVITY

Soil Series Name	Previous Forest Productivity (ft ³ ac ⁻¹ yr ⁻¹)	Amended Forest Productivity (ft ³ ac ⁻¹ yr ⁻¹)
Dixonville	152	152
Xerorthents	0	35
Philomath-Rock Outcrop Complex	0	21
Panther	0	50
Witham	0	50

The forest productivity ratings shown in the above table were compiled from two different sources: the Soil Survey of Lane County, and, for the soils that were not previously rated, the Office of the State Forester, General File 7-1, forest soil

productivity ratings for Lane County and for Linn County. After replacing soils ratings of zero with the estimated values cited in the above publications as shown in the table the revised weighted average forest soil productivity is $42.7\text{ft}^3\text{ac}^{-1}\text{yr}^{-1}$ which is below the threshold for resource land of $50\text{ft}^3\text{ac}^{-1}\text{yr}^{-1}$. This work has been performed on a site specific basis and clearly shows that the site qualifies for non-resource designation (please observe Exhibits E-1 and E-2 of the accompanying application for more information on the soils study).

In addition to updating the forest productivity analysis, the applicant has also had ongoing communication with the County. Jim Just (Goal One), the soils scientist (Andy Gallagher) and Kathi Wiederhold (Senior Planner, Natural Resources, LCOG) regarding the merits of the application. The applicant has voluntarily met with the Oregon Department of Fish and Wildlife to set-up a Wildlife Habitat Conservation Management Plan that would preserve a 1.31 acre area of land on the subject parcel specifically addressing the needs of the adjoining Big Game Wildlife Area. Furthermore, the applicant has received a letter from the Coburg Fire District approving Lane County Code standard 10-foot setbacks from all property lines.

Enclosed are three copies of the updated application package, including revisions to the soils productivity table, and responses to some of the criticisms to the zone change from Goal One. I would appreciate your review of the attached materials for completeness. Upon receiving your completeness review comments, I will revise and submit 15 copies of the materials as necessary for review by the Lane County Planning Commission and Board of County Commissioners. If you have any questions, I can be reached at 465-4721.

Thank you.


Michael Howard
Planner

cc: Peter and Joy Dettmer



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April 29, 2005

APPLICATION FOR
PLAN AMENDMENT FROM FOREST LAND TO NON-RESOURCE
CONCURRENT ZONE CHANGE FROM F-2/RCP TO RR-10/RCP

Written Statement

Applicants/Owners:

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Note: This application was originally submitted in October 2003. This updated application replaces the October 2003 application and includes additional information to respond to Oregon Land Use Law, in particular Goal 4.

I. LAND USE REQUEST

Oregon's Statewide Planning Goals and the Lane County Code are intended to preserve resource lands and allow development on non-resource lands. This amendment request meets the intent of state and county regulations, as the subject property has been determined to be non-resource land and the majority of it lies within an existing residential subdivision.

The proposal is to amend the Rural Comprehensive Plan (RCP) from "Forest" to "Non-Resource" Land and concurrently change the zoning from F-2/Impacted Forest to RR-10/Rural Residential, for a 1.31 acre portion of the 11.31 acre Tax Lot 1100, Map 16-03-35-30 (Lot 3, Coburg Hill Subdivision, which is a Re-plat of Partition 97-PO947 and Lots 8 and 9 of Cloud Nine Ranch). The property was originally a 10 acre lot in Cloud Nine Ranch. A previous land owner adjusted the southern lot line to add an additional 1.31 acre to the parcel. This 1.31 acre portion of the property retains a Forest designation and is zoned F-2/RCP. This application contains evidence that the 1.31 acre portion is characterized by the same non-resource attributes that led to the creation of Cloud Nine Ranch. The present owner seeks a non-resource designation and residential zoning for the 1.31 acre portion to establish consistent zoning across the lot and utilize it for residential purposes.

II. SITE CONDITIONS

A. General Site Information

Map No.	16-03-35-30, Lot 1100
Parcel/lot #	Lot #3 of Coburg Hill Subdivision
Plot No.	#408
Size	11.31 acres
Current Zoning	RR-10 & F-2
Address	Not yet addressed
Legal Lot Verification	Verified (PA 04-5173)

B. Site Context

1. Property Description

The property is located near the end of Van Duyn Road east of I-5 and the City of Coburg. The subject site consists of an 11.31 acre parcel of split zoned Rural Residential (RR - 10) and Impacted Forest (F-2). The subject site was created via PA 1194-98 as Lot 8 of Cloud Nine Ranch subdivision, and re-platted as Coburg Hill Lot 3 via PA 5750-00. As shown on Exhibit A, Assessor's Map and Legal Description, the portion of the subject site that is to be amended and rezoned is the 1.31 acre piece of F-2 forest land, which measures roughly 180 feet by 300 feet. This 1.31 acre portion of the subject site is an isolated high point; the topography drops off sharply to the south and west beyond it. The average slope of the entire site is roughly 10%. The vegetation found on this land consists of sparse oak trees, some small maple and

Douglas fir trees, along with brush, such as blackberry, Hawthorne, poison oak, and wild rose. No marketable timber is found on the subject site.

The property is characterized by poorly drained, nonproductive soils as detailed in the attached *Report of Revised Soil Mapping* by Certified Soil Classifier Andy Gallagher of Red Hill Soils. Mr. Gallagher performed an Order 1 High Intensity soil survey of the entire 11.31 acre parcel in July and August of 2003¹. The findings illustrate that the site does not meet the definition of resource land for either timber production or agricultural capability classification. These findings are consistent with findings adopted by the Board of Commissioners for Cloud Nine Ranch Subdivision.

Specifically, the Gallagher report finds that the average forest productivity of all soils on the subject property is 42.7 cubic feet per acre per year. The threshold for resource land is 50 cubic feet per acre per year. The report also found that 49.1% of the on-site soils have agricultural capability classifications of Class I through IV, while 50.9% of the soils are characterized by Classes V through VIII. The threshold for resource land is predominance (at least 50%) of Class I-IV soils.

No wetlands exist on the 1.31 acre portion of the subject site. There is a wetland area on the RR-10 portion of the subject site, roughly 400 feet to the north. Lane County Wildlife Inventory, Eugene Quadrant (attached as Exhibit L) shows the subject property is located on the edge of an impacted big game range.

Note: In response to comments from Lane County Planning the applicant chose to place the original application on hold in order to research forest productivity of soils for the Xerorthents, Philomath-Rock Outcrop Complex, Panther and Wintham soil series. The soils survey methodology was approved by Lane County Planning and Kathi Wiederhold of the Lane Council of Governments (LCOG). Extensive research and conversations have occurred between the County, the Applicant, and the land use advocacy group Goal One while arriving at the soils information. While not germane to this application, the applicant has consulted with the Oregon Department of Fish and Wildlife to create a Wildlife Habitat Conservation Management Plan (WHCMP) on some of the most productive and valued habitat area of the project site.

2. Surrounding Area

The property is situated within Cloud Nine Ranch, a Rural Residential Subdivision. To the north are other lots within Cloud Nine Ranch. To the east of the 1.31 acre portion of the subject site is a steeply-sloped, 80.00 acre piece of property zoned F-2. To the south and west of the 1.31 acre portion of the subject site is lot 9 of Cloud Nine Ranch. It is currently vacant.

¹ The County's Planning Director informed the applicant that a non-resource soils determination must be made for the parcel as a whole, rather than for the 1.31 acre F-2 zoned portion alone. However, the original 10 acre parcel was previously determined to be non-resource land and is already designated as such and zoned Rural Residential, 10-acre minimum lot size.

The closest F-1 zoned forest land exists roughly 765 feet to the south. The closest EFG land is located approximately 900 feet to the west. Neither property would be significantly affected by the proposed plan amendment and zone change, due to distance and intervening geographic features such as steep hills and ravines.

C. Site Services:

Water:	Community Water System (Cloud Nine Ranch)
Sewer:	Planned on-site individual
Electricity:	Emerald People's Utility District
Telephone:	QWest
Fire:	Coburg Rural Fire Protection District
Schools:	Eugene 4J
Access:	Van Duyn Road to Coburg Hills Drive (private)
Police:	Lane County Sheriff, Oregon State Police
Solid Waste:	Coburg Sanitary Services Company

III. APPROVAL CRITERIA

A. LANE CODE PLAN AMENDMENT CRITERIA

A Plan Amendment to change the Plan Designation for the subject property from Resource Land to Non-resource Land is a minor amendment, per Lane Code 16.400(8)(a)(i), and requires compliance with the criteria set out in Lane Code 16.400(6)(h)(iii). Each criterion is presented with proposed findings below.

LC 16.400(6)(h)(iii)(aa) The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings: 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 (Exhibit G-7).

This application proposes to amend the Rural Comprehensive Plan from Forest Land to Non-Resource Land. The applicant has provided findings that address the applicable requirements of Lane County Code, Rural Comprehensive Plan policies and state-wide planning goals.

LC 16.400(6)(h)(iii)(bb): For Major or 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

The amendment identifies an error in the adopted Rural Comprehensive Plan which designates the 1.31-acre portion of the subject property as forest land. Evidence indicates this designation is inconsistent with both County policies and the state-wide planning goal definitions of resource land.

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

This amendment implements Rural Comprehensive Plan goal # 2, policy 18, which provides for the designation of lands as Rural Residential when such lands do not meet the definition of farm or forest land under Statewide planning goals 3 and 4. The subject property does not qualify as a farm or forest land necessitating protection by these goals and, therefore, qualifies as Non-Resource 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 application, the applicant submits that it is desirable, appropriate and proper to designate the 1.31 acre portion of the subject parcel as Non-Resource Land.

LC 16.400(6)(h)(iii)(cc): . . . the Plan amendment or component does not conflict with adopted Policies of the Rural Comprehensive Plan, and if possible, achieves policy support.

Policy support exists for the proposed Plan amendment as detailed in this foregoing discussion. Policy conflicts do not appear to exist.

Goal # 2, Land Use policy 18 provides for designating lands that are not farm or forest land as residential. An analysis of the proposal's compliance with this policy follows:

"Where lands are not farm and forest lands, they may be designated on the plan diagram as rural residential or as parks and recreation, provided:

- a. Detailed and factual documentation has been presented indicating that the subject lands are not farm and forest lands as defined by Statewide Planning Goals # 3 and # 4.*

The state defines forest land as land which is suitable for commercial forest including adjacent land necessary to maintain soil, air, water and fish and wildlife resources. According to the Soil Survey of Lane County (1981) published by the U.S. Department of Agriculture Soil Conservation Service (SCS), the 1.31 acre portion of the subject property is composed of 113G Ritner soil, which is considered prime timber soil with a forest productivity rating of 149 cubic feet of timber per acre per year. The Soil Survey is mapped at a large scale based on aerial photography. Recent high intensity soil classification done on the property by a Certified Soil Classifier indicates the SCS Soil Survey data is incorrect.

Red Hill Soils scientist Andy Gallagher examined the entire 1.31 acre site in July and August of 2003. He found the on-site soil to consist of Dixonville.

Xerorthents, Philomath-Rock Outcrop Complex, Panther, and Witham soils. The weighted average forest productivity of the site is 42.7 cubic feet of timber per acre per year, as described more fully in the attached report. Therefore, the property does not meet the definition of forest land under Goal 4.

The state defines agricultural land as land classified by the SCS as predominantly Class I-IV soils in Western Oregon, 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, and land which is necessary to permit farm practices to be undertaken on nearby agricultural lands. The agricultural capability classification for the soils found to exist on the property range from Class III to Class VI, with predominance of Class V through VIII (51%). The majority of the property is zoned Rural Residential. The remaining 1.31 acre portion is topographically isolated from surrounding land and could not be practically put to agricultural use even if the soil would support such use. Therefore, the property does not meet the definition of agricultural land under Goal 3.

The property is not located in an urban area. Rather, the 1.31 acre portion is adjacent to a nonresource, rural residential subdivision with community water system, private access road, and individual septic systems. Minimum lot size in Cloud Nine Ranch is 10 acres. The 1.31 acre portion of the property is not forest land necessary for urban buffers, windbreaks, scenic values, or livestock habitat.

b. An exception to any of the Statewide Planning Goals is not required.

As evidenced above, the land is not forest or agricultural land as defined by Goals 3 or 4, and therefore does not require an exception to either of these Statewide Planning Goals.

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 1.31 acre F-2 portion of the subject site is bordered on three sides by steeply sloped and unmanaged F-2 forest land. To the north of the 1.31 acre portion of the subject site is the residentially zoned remainder of the subject site, which is part of a large nonresource area (Cloud Nine Ranch). The present request will expand the boundary of this nonresource area to include 1.31 acres of topographically isolated nonresource land. Therefore, this application will not create an isolated pocket of nonresource land or present any compatibility problems.

d. The Rural Residential Designation would be consistent with other Comprehensive Plan Policies."

The proposed amendment is consistent with other Rural Comprehensive Plan policies as outlined below.

Goal # 2, policy 17 is also applicable and provides rural residential densities based on consideration of the following factors:

a. Existing development pattern and density of any adjacent committed areas:

The subject property is an adjusted, legal lot within Cloud Nine Ranch Subdivision. The existing development pattern of Cloud Nine Ranch is one single family home per 10 acres. Approval of the plan amendment will not cause an increase in lots, homes, or residential density. The plan amendment is consistent with the surrounding development pattern. RR-10 is the appropriate zoning for the F-2 portion of the subject site, consistent with the remainder of the property and the other lots in Cloud Nine Ranch.

Exhibit J depicts development pattern in detail. As the table shows, the RR-10 exception area's total acreage is 666.69 acres. The addition of the 1.31 acre portion of the subject site will increase this area to 668.00 acres. The total number of RR-10 parcels will remain at 65. The current average parcel size is 10.26 acres per parcel. The addition of the 1.31 acre portion of the subject site to the exception area will increase the average parcel size to 10.28 acres per parcel.

b. Subsurface sewage disposal suitability:

Preliminary site evaluations for septic approval have already occurred on the subject site and the nine other parcels of the subdivision (see Exhibit H). The addition of 1.31 acres to the residential zone will not increase the number of lots or required sewage disposal systems. Therefore, the proposal is consistent with the site's ability to accommodate a single family sewage disposal system.

c. Domestic water supply availability:

Cloud Nine Ranch is served by a community water system designed to accommodate a single family dwelling on the subject site. The amendment and rezone of the 1.31 acre portion will have no effect on the ability of the system to serve a home on the lot.

d. Access:

The subject site is served by Coburg Hills Drive, which is a recently constructed road, designed and engineered for Cloud Nine Ranch.

e. Public service:

All public services required to serve residential development are currently available to the subject site, including police services, schools, solid waste service, electric and telephone service, on-site sewage disposal, community water system, roads, and fire protection.

f. Lack of natural hazards:

No natural hazards are known to exist on any part of the subject site. Fire protection is provided by Coburg Rural Fire District.

g. Effect on resource lands.

Approval of the requested plan amendment and rezone for the 1.31 acre portion of the site will have no effect on resource lands. The F-2 land immediately adjacent to this portion of the site is not easily managed for timber production due to the steepness of the slope. Future residential development on the subject site will comply with applicable setbacks from the F-2 zone. The nearest F-1 lands are roughly 765 feet to the south. At this distance, the addition of 1.31 acres to the nonresource area will have no increased impact on forest practices. The closest EFU land is located approximately 900 feet to the west. The addition of a small piece of land to the nonresource area, resulting in no net increase in residential lots or homes, will have no increase in impact on farming practices.

Based on consideration of the above factors, the site is suitable for development at a density of one residence per 10 acres, consistent with the findings made for the approval of Cloud Nine Ranch.

Goal 5, Water Resource Policies 3 and 5 require water supplies adequate to serve proposed development. As stated previously, Cloud Nine Ranch is served by a community water system (See Exhibit I).

LC 16.400(6)(h)(iii)(dd) for minor amendments as defined in LC 16.400(8)(a) below the plan amendment or component is compatible with the existing structure of the Rural Comprehensive Plan and is consistent with the unamended portions or element of the plan.

The proposed plan amendment is consistent with the intent and structure of the Rural Comprehensive Plan to choose between competing uses. As previously indicated, this amendment is consistent with County policies that provide for designating lands that do not have farm or forest capability as Non-Resource Lands. Approval of this amendment does not conflict with the unamended portion of the plan.

LC 16.400(8) Additional Amendment Provisions. In addition to the general procedures set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components.

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

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

The proposal constitutes a minor amendment as the request is isolated to a plan diagram change.

(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 description of the proposal has been provided in Section I above. The proposed use of the 1.31 acre portion of the lot is residential. The application of the nonresource designation to the site, based on information presented herein, is consistent with past County implementation of the Rural Comprehensive Plan.

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

Such analysis is included above.

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

(aa) Evaluation of land use and ownership patterns of the area of the amendment:

Approval of this plan amendment request will have no appreciable impact on development patterns. Cloud Nine Ranch is an existing rural residential subdivision in which most lots are 10 acres in size. The subject lot is legally 11.31 acres and can only accommodate a single dwelling both before and after the plan amendment.

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

Provision of transportation, water supply, and sewage disposal has been addressed above. All required services are in place to serve a dwelling on the subject parcel.

(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 Rural Comprehensive Plan does not identify any historic, archeological, or sensitive wildlife habitat sites on or near the site. The County's wildlife maps indicate that the subject site is on the boundary of an Impacted Big Game Range. The Lane Code and RCP do not impose any specific requirements for protection of wildlife in an impacted big game range.

Approval of the requested plan amendment does not appear to present any conflicts with Goal 5 resources. Therefore, an ESEE analysis is not applicable to this application.

(cd) Natural hazards affecting or affected by the proposal:

There are no flood zones, unstable soils, or severe slopes present on the subject site. A wetland area exists on the RR-10 zoned portion of the site. Appropriate permits will be sought at the time of construction. No other hazards appear to exist or are documented by the County on this site.

(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 to 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 to a residential designation.

(gg) For a proposed amendment to a Nonresource designation or a Marginal Land designation, an analysis responding to the criteria for the respective request as cited in the Plan document entitled, "Working Paper: Marginal Lands" (Lane County, 1983). 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 land is not composed of forest land due to soil constraints discussed under Section II.B above.

2. The land is not needed for watershed protection.

This property has not been identified as necessary for watershed protection. Topographically, the 1.31 acre portion of the site is the highest ground on the subject site. Beyond it, to the south, the topography drops off dramatically. The majority of the site is moderately sloped, draining to the north into small swales and street-side ditches.

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.

As mentioned above, the property is on the edge of an Impacted Big Game Range. The addition of 1.31 acres into the nonresource area will not significantly impact big game or management programs designed to protect them.

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.

No extreme conditions exist that would require maintenance of existing vegetative cover to a degree not provided by the Non-Resource designation. The property is primarily vegetated with grasses; soil conditions are detailed in the attached report of findings by Red Hill Soils (Exhibit E-1 and Exhibit E-2).

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 property is not located in an urban area or agricultural area. It is bound by rural residential lots and F-2 land. The property does not function as wind break, is not documented to contain sensitive wildlife or fisheries habitat, and does not provide livestock habitat. With regard to scenic corridors, the approval of this plan amendment will have no increase in impact on scenic resources considering that no additional lot or residence would be permitted. Likewise, the land is not needed for recreational uses.

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

As detailed in Exhibit E-1, the 11.31 acre parcel consists of 50.9% Class V-VIII soils and 49.1% Class I-IV soils. Therefore, a predominance of Class V-VIII soils exists on the site.

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.

As stated above, the property is not suitable for farming due to a predominance of poor quality soils (Class V-VIII) on the subject site. Besides these soils constraints, the 1.31 acre portion of the subject lot is physically and topographically isolated from other farm land. Its size and separation from other farm land (existing land use patterns) make it unsuitable for farm use.

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

The site is currently designated Forest Land and not Agricultural Land. No adjacent or nearby lands are used or designated for agricultural use.

B. STATEWIDE PLANNING GOALS

Goal 1 Citizen Involvement

Goal 1 requires public notification and opportunity for comment on proposed land use changes. Lane Code provides procedures for public notification, public hearings before the Planning Commission and the Board of Commissioners, and notification to the Department of Land Conservation and Development for plan amendments. This planning action will be processed in accordance with the requirements of Goal 1.

Goal 2 Land Use Planning

The Lane County land use planning process was acknowledged as in compliance with Goal 2. A minor change to the Rural Comprehensive Plan is a change based on an adequate factual base that does not cause significant impacts beyond the immediate area of the change. The procedures for a plan amendment found in Lane Code section 16.400 will be followed for this application. Therefore, the application complies with the requirements of Goal 2.

Goal 3 Agricultural Lands

Goal 3 establishes procedures and requirements for the preservation of agricultural land. It also allows for development of land determined not to be agricultural land. In western Oregon, agricultural land consists of property that is primarily characterized by soils with agricultural capability classification of I-IV. This application shows that the subject site consists primarily of Class V-VIII soils and is therefore not agricultural land. No exception to Goal 3 is necessary.

Goal 4 Forest Lands

The property is characterized by poorly drained, clayey soils as detailed in the attached *Report of Revised Soil Mapping* by Certified Soil Classifier Andy Gallagher of Red Hill Soils. Mr. Gallagher performed an Order 1 High Intensity soil survey of the entire 11.31 acre parcel in July and August of 2003. The findings illustrate that the site does not meet the definition of resource land for either timber production or agricultural capability classification. These findings are consistent with findings adopted by the Board of Commissioners for Cloud Nine Ranch Subdivision.

Specifically, the Gallagher report finds that the average forest productivity of soil on the site is 42.7 cubic feet per acre per year (Exhibit E-2). The threshold for resource land is 50 cubic feet per acre per year.

In addition, the Rural Comprehensive Plan does not identify the subject property as forest land necessary for watershed protection, special wildlife or fishery habitat or for recreational purposes. The property is not located in an urban area and is not forest land necessary for an urban buffer, wind break, scenic value or wildlife habitat.

Goal 5 Open Space, Scenic and Historical Areas and Natural Resources

Historic Resources: Based on the historical resource working paper dated August 1981, and addendum to the historical working paper dated November 1983, there are no known historical or archeological sites on the subject property. Based on the absence of a known historical or archeological site on the premises, the proposed plan amendment complies with the requirements of Goal 5 as they relate to Historic Resources.

Mineral and Aggregate Resources: The subject site is not identified in County documents as a known mineral resource site.

Flora and Fauna: The proposed Plan Amendment complies with Policies 3, 6, 7, 8 and 11 of the Flora and Fauna section of the Rural Comprehensive Plan, which has been acknowledged as in compliance with Goal 5. Based on a review of County working

papers dated March 1982 and November 1983 pertaining to flora and fauna, there are no significant plant or animal issues that relate to the subject site.

The subject property is located in a "peripheral big game range" as designated by Oregon Department of Fish and Wildlife, and as identified in Lane County's Land Management Division's Wildlife Inventory Map. Approval of this plan amendment will not significantly increase impacts to wildlife habitat, as no additional homes or lots will be permitted.

Riparian Corridors and Wetlands: There is no riparian habitat existing at this location. There are no wetlands on the 1.31 acre portion of the site; wetlands do exist on the RR-10 portion of the subject site. Wetland issues are addressed as part of the building permit approval process.

Open Space and Scenic Areas: The subject property is in private ownership. There are no adopted plans by the County for the acquisition of this or adjacent property for the purpose of recreational development. The property is within an existing rural residential subdivision, roughly 1,000 feet below the top of Coburg Hills Ridge line and over one mile East of I-5.

Water Resources: There are no major water resource designations for this site, either surface or subsurface. The eventual single family dwelling on the site will be served by the community water system of Cloud Nine Ranch.

In summary, based on research of County reports and working papers, the subject site contains no significant known Goal # 5 resources. Therefore, the proposed plan amendment and zone change would not create any Goal # 5 conflicts.

Goal 6 Air, Water and Land Resources

The purpose of Goal 6 is to avoid or minimize soil erosion, protect against the degradation of ground and surface water quality, and to maintain healthy air quality. According to the National Wetland Inventory of Lane County (map # 4 Coburg 4) no wetlands exists on the 1.31 acre portion of the subject site. Wetlands on the remainder of the property will be protected by applicable state and county law.

Cloud Nine Ranch has an engineered road (Coburg Hills Drive) and drainage plan, which have been reviewed under County approval procedures. The future single family dwelling and sewage disposal system has met State and County site inspection approval standards and will be installed in accordance with the State Department of Environmental Quality (DEQ) standards under County permit and inspection procedures. This plan amendment and zone change will not allow any additional lots or dwellings to be created. Based upon the above statements, the plan amendment complies with Goal 6.

Goal 7 Land Subject to Natural Disasters and Hazards

The subject property is not an identified natural hazard area. This statement is based upon the County's Natural Hazard Inventory map working paper dated January 1982. Policy 2 of Goal # 7 states: "For the purpose of evaluation and the absence of any specific proposal, provisions of the Oregon State Building Code shall be assumed to be the sole means of safeguard against natural hazard." Under State Building Code law, future development requires the preparation of construction plans by State licensed professionals. Construction plans must be reviewed by the County, under its permit and approval procedures. Based upon the preceding statements, the plan amendment complies with the requirements of Goal 7.

Goal 8 Recreational Needs

There are no identified recreational areas in the vicinity of the subject site. The plan amendment will not affect Lane County's compliance with Goal 8.

Goal 9 Economy of the State

Goal 9, Economy of the State, requires jurisdictions to plan for economic development. Because the 1.31 acre portion of the subject property has been identified as nonresource land, it does not contribute to the County's resource economy. No additional lot or house will be created; therefore the proposal will have no impact on economic resources.

Goal 10 Housing

This plan amendment and zone change from forest resource does not affect Lane County's housing needs, because no additional lot will be created.

Goal 11 Public Facilities and Services

Goal 11 requires the provision of public facilities and services to urban and rural development in a timely, orderly, and efficient manner.

All public services needed for rural residential development on the subject site are currently in place, including the community water system of Cloud Nine Ranch, and preliminary site approval of subsurface sewage disposal system. No additional services will be required as a result of the requested plan amendment.

Goal 12 Transportation

The subject site is served by Coburg Hills Drive, a private road within Cloud Nine Ranch Subdivision. The plan amendment will not create additional lots or home sites.

The Transportation Planning Rule requires plan amendments which significantly affect a transportation facility to mitigate those impacts. The specific language of the TPR, along with an analysis of the proposal's impacts on the transportation system, follows.

OAR 660-12-0060: (2) A plan or land use regulation amendment significantly affects a transportation facility if it:

- (a) Changes the functional classification of an existing or planned transportation facility;*
- (b) Changes standards implementing a functional classification system;*
- (c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or*
- (d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.*

The requested plan amendment does not change the functional classification of existing or planned transportation facility. It does not change the standards implementing the County's functional classification system.

Goal 13 Energy Conservation

Nothing in Goal 13 directly applies to site specific plan amendments such as that proposed. The plan amendment does not affect the County's compliance with Goal 13.

Goal 14 Urbanization

The plan amendment does not affect urban land or land that is urbanizable. The plan amendment would result in a consistent plan designation and zoning across a property that meets the established minimum parcel size in a rural residential area. Therefore, the requirements of Goal 14 are met.

Goal 15 addresses the Willamette River Greenway, and does not impact the subject property.

Goals 16-19 address coastal resources and do not apply to the subject property.

C. ZONE CHANGE CRITERIA

The following criteria and analysis supports the application for zone change of the subject property from F-2 / RCP to RR-10 / RCP.

LC 16.400(6)(I): A change of zoning to implement a proposed Plan amendment may be considered concurrently with such amendment. In such case, the Board shall also make the final zone change decision, and the Hearings Official's consideration need not occur.

LC 16.252(2): Zoning and rezoning shall be enacted to achieve the general purposes of this Chapter and shall not be contrary to the public interest. In addition, rezoning shall be consistent with the specific purposes of the zone classification proposed, applicable 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.

Lane Code 16.003 sets out a series of 14 statements of purpose for Chapter 16 of the Lane Code (Lane County Land Use and Development Code), among which the following are relevant to this application for zone change:

- (1) Insure that the development of property within the County is commensurate with the character and physical limitations of the land and, in general, to promote and protect the public health, safety, convenience and welfare.*
- (4) Conserve Farm and forest lands for the production of crops, livestock and timber products.*
- (7) Provide for the orderly and efficient transition from rural to urban use.*

Approval of this Rural Comprehensive Plan Amendment and zone change will insure that development within the county is appropriate in terms of character and physical limitations of the subject site. It will not convert farm or forest land, as the subject property has been determined to be nonresource land. Lastly, it will provide for the orderly use of nonresource lands in a predominantly rural residential area.

The zone change will implement the proposed plan amendment from Forest Land to Nonresource Land. The public interest is not served by preserving land for resource use when it has been determined not to be resource land. The proposed use implements the general purpose of Lane Code Chapter 16.

According to Lane Code 16.231(1), the intended purpose of the Rural Residential zone classification is to:

- a. provide opportunities for people to live in rural areas.*

- b. To allow primary and accessory residential uses, and non-residential uses which may be compatible with primary residential uses.*
- c. To implement the policies of the RCP, primarily those policies related to the residential development of areas identified as committed, built upon or as non-resource land.*
- d. To provide protective measures for riparian vegetation along Class I streams designated as significant in the RCP.*

As shown above, approval of the plan amendment and zone change will implement applicable Rural Comprehensive Plan policies and Statewide Planning Goals. Class I streams will not be affected by the proposed zone change.

IV. CONCLUSION

This request for a plan amendment and zone change satisfies all applicable approval criteria as outlined in this submittal. The request is minor in scope and will result in no increase of allowable residential lots or homes. Policy support exists for the request based on the submitted documentation and past land use decisions made by the Planning Commission and Board of Commissioners. The Applicant therefore asks the County to approve this application based on the proposed findings contained herein.

EXHIBIT A

A parcel of land located in the Southwest $\frac{1}{4}$ of Section 35, Township 16 South, Range 3 West, Willamette Meridian, and being a portion of Parcel 2 of Land Partition 97-P0947, Lane County Oregon Plat Records, more particularly described as follows:

Beginning at the southeast corner of Lot 8, CLOUD NINE RANCH, as platted and recorded on File 75, Slides 886-890, Lane County Oregon Plat Records; then North $78^{\circ}12'46''$ West along the south line of said Lot 8, 300.00 feet; thence South $11^{\circ}47'14''$ West, 180.00 feet; thence South $78^{\circ}12'46''$ East, parallel with the south line of said Lot 8, 321.55 feet; thence North $4^{\circ}57'39''$ East, 181.28 feet to the Point of Beginning, all in Lane County, Oregon.

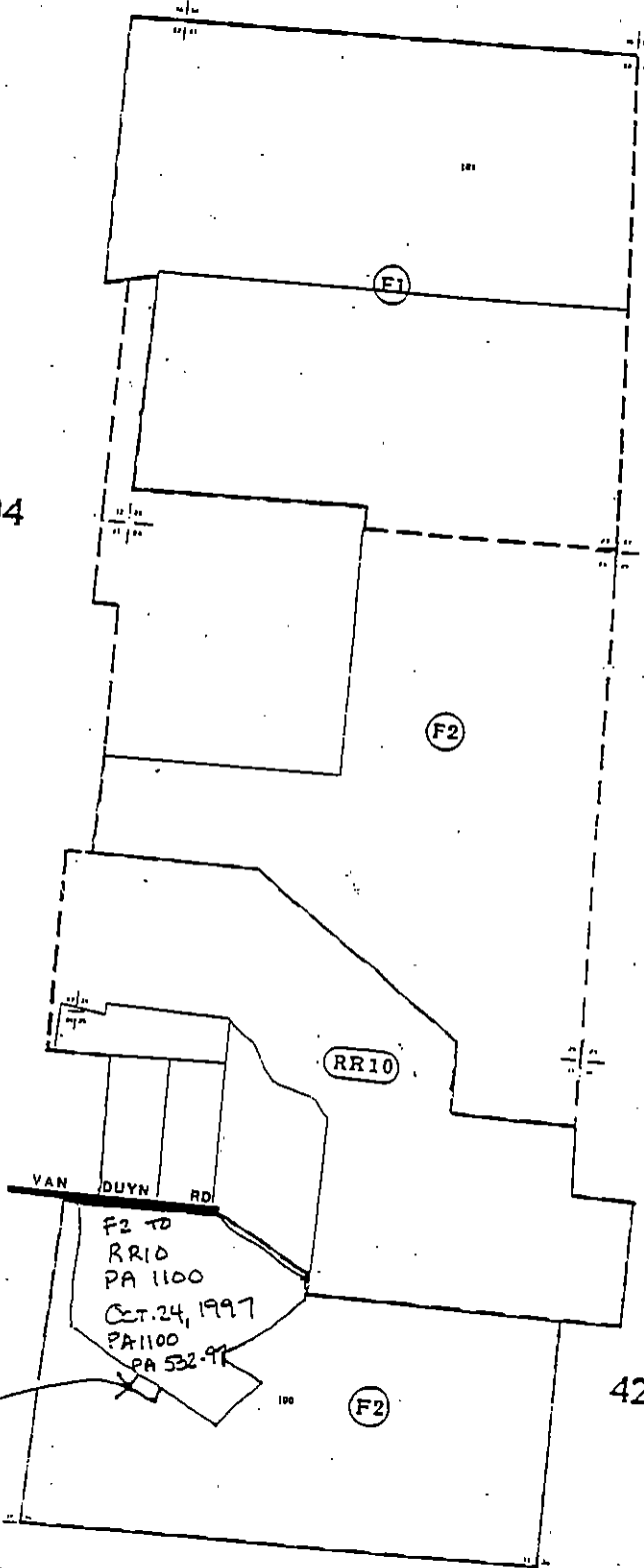
The zones on this map are changed as follows:
 From: R1, RA, R2, R3 To: RR2
 From: CR, C1, C2, & C3 To: RC Rural Commercial
 From: M1, M2, & M3 To: R1 Rural Industrial
 From: PF To: RPF Rural Public Facility
 From: PR To: RPR Rural Park & Recreation



394

395

Subject Site



The RR zones on this map are changed as follows:
 FROM: RR LC 16.231 TO: RR LC 16.290
 The RR zone parcel size remains the same.

lane county

OFFICIAL ZONING MAP

PLOT# 408

Township Range Section
 16 03 23

16.03.26

16.03.35

ORIGINAL ORD. #

PA 384

COBURGHILL

A REPORT OF PARCEL 2 OF PARTITION 91-209947 AND OF LOTS 3 AND 9 OF CLOUD NINE RANCH LOCATED IN THE SW 1/4 AND SE 1/4 OF SECTION 33, TOWNSHIP 16 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, LAKE COUNTY OREGON

FILE 75 SLIDE 1075

RECORDED DATE: MARCH 11 2009 COUNTY: CLATSOP BY: JAMES H. WOODS

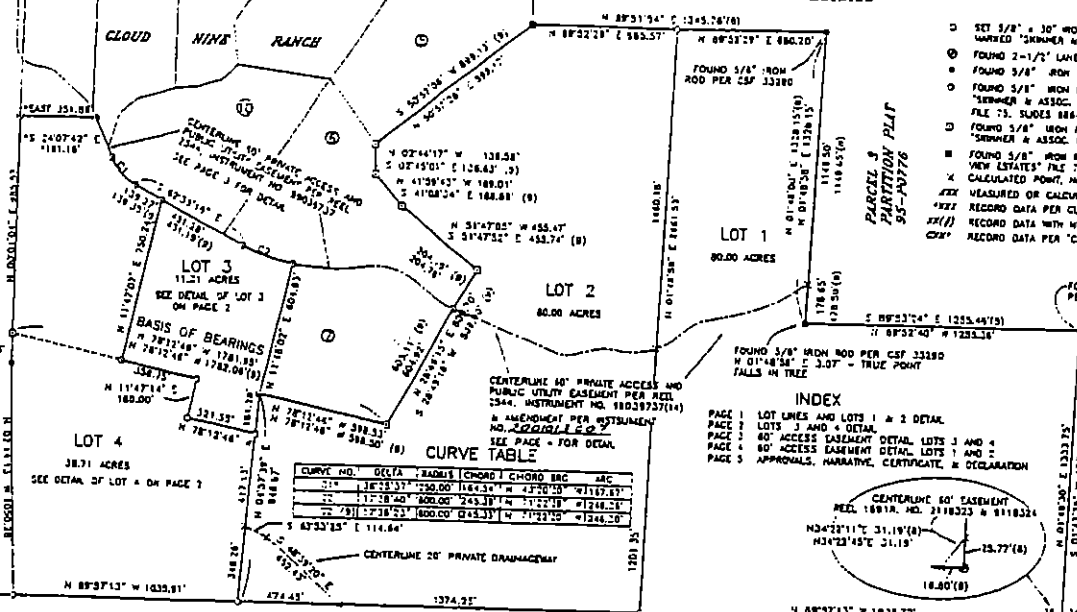
Division of Civil Service Lake County Board and Records 201-41238 DATE: 03/11/09 10:22:20 AM 09/2008 Cont'd 11/07 03/2009 M 05.00 010.00 010.00 010.00

LEGEND

- SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SKINNER & ASSOC. INC."
○ FOUND 2-1/2" LAKE COUNTY BRASS CAP AS DESCRIBED
○ FOUND 5/8" IRON ROD AS DESCRIBED
○ FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SKINNER & ASSOC. INC." PER "CLOUD NINE RANCH" FILE 75, SLIDES 188-191
○ FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SKINNER & ASSOC. INC." PER CSF 33840
○ FOUND 5/8" IRON ROD PER "1ST ADDITION TO COUNTRY NEW STATES" FILE 73, SLIDE 578
○ CALCULATED POINT, NOTHING SET OR FOUND
○ RECORD DATA PER CLOUD NINE RANCH EQUALS MEASURED DATA
○ RECORD DATA WITH NUMBER BEING NOTE/PREFERENCE NUMBER
○ RECORD DATA PER "CLOUD NINE RANCH" EQUALS MEASURED DATA

PARCEL 1 PARTITION PLAT 91-209947

1ST ADDITION TO COUNTRY NEW ESTATES

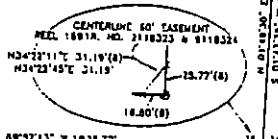


CURVE TABLE

Table with columns: CURVE NO., DELTA, RADIUS, CHORD, CHORD BEG, CHORD END. Contains data for curves 1, 2, and 3.

INDEX

- PAGE 1 LOT LINES AND LOTS 1 & 2 DETAIL
PAGE 2 LOTS 3 AND 4 DETAIL
PAGE 3 80' ACCESS EASEMENT DETAIL, LOTS 3 AND 4
PAGE 4 80' ACCESS EASEMENT DETAIL, LOTS 1 AND 2
PAGE 5 APPROVALS, NARRATIVE, CERTIFICATE, & DECLARATION



SCALE: 1" = 300'

REGISTERED PROFESSIONAL LAND SURVEYOR JAMES H. WOODS

NOTES/REFERENCES

- 1. THIS PROPERTY IS LOCATED IN AN AREA WHERE AEROSOL IS KNOWN TO OCCUR AT SIGNIFICANT LEVELS.
2. ALL OR A PORTION OF THIS PROPERTY HAS BEEN IDENTIFIED AS A JURISDICTIONAL WETLAND ON THE STATE-WIDE WETLANDS INVENTORY.
3. DEVELOPMENT MUST COMPLY WITH THE DIVISION OF STATE LANDS AND/OR THE ARMY CORPS OF ENGINEERS WETLANDS REGULATIONS.
4. SEE PAGE 3 AND 4 FOR DETAIL OF ACCESS AND UTILITY EASEMENTS.
5. SEE PAGE 5 FOR THE NARRATIVE, SURVEYOR'S CERTIFICATE, APPROVALS, ACKNOWLEDGMENTS, AND OWNER'S DECLARATION.
6. APPROVAL OF THIS SUBDIVISION DOES NOT ENSURE THAT LOT 1 QUALIFIES AS A HOMESITE. A DWELLING OR MOBILE HOME IS NOT GUARANTEED UNLESS THE APPLICABLE ZONING PROVISIONS FOR OBTAINING A DWELLING OR MOBILE HOME ARE MET.
7. AT THE TIME OF DEVELOPMENT, EACH HOMESITE SHALL HAVE AN EMERGENCY VEHICLE TURNAROUND.
8. COUNTY SURVEY FILE NO. 23290.
9. CLOUD NINE RANCH, FILE 75, SLIDES 886-890.
10. COUNTY SURVEY FILE NO. 23860.
11. COUNTY SURVEY FILE NO. 22151.
12. COUNTY SURVEY FILE NO. 28853.
13. AN APPROVED SEWAGE DISPOSAL SITE AND COMPLIANCE WITH THE ZONING AND STATEWIDE PLANNING GOALS WILL BE REQUIRED AT THE TIME OF DEVELOPMENT OF A RESIDENCE ON LOT 1.

PARCEL 1 PARTITION PLAT 91-20099

PAGE 1 OF 5 SURVEYED FOR: DELORIS J. FOLS, SCOTT WENTWORTH & DENNIS & PATRICIA DORT

SKINNER & ASSOCIATES, INC.

LAND SURVEYING PROPERTY SURVEY-PARTITION SURVEYS SUBDIVISION & CONSTRUCTION SURVEYS P.O. BOX 211, 211 HOLLY STREET JUNCTION CITY, OR 97148 (503) 998-2123 FAX 998-1418 DATE: 11/23/08 DRAWN BY: JHW



LINE TABLE

PRIVATE DRAINAGE EASEMENT PER CLOUD NINE RANCH

LINE #	BEARING	DISTANCE
L1	N 29°30'00" W	112.84
L2	N 02°00'00" E	45.31
L3	S 1°15'00" E	45.00
L4	S 1°15'00" E	102.78
L5	S 1°15'00" E	102.78
L6	S 1°15'00" E	102.78
L7	S 1°15'00" E	102.78
L8	S 1°15'00" E	102.78
L9	S 1°15'00" E	102.78
L10	S 1°15'00" E	102.78

COBURGHILL

A REPLAT OF PARCEL 2 OF PARTITION 97-00347 AND LOTS 3 AND 4 OF CLOUD NINE RANCH LOCATED IN THE SW 1/4 AND SE 1/4 OF SECTION 25, TOWNSHIP 18 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LAKE COUNTY OREGON

FILE 75 SLIDE 1076

RETURNED TO
DATE: 12/28/2011
COUNTY CLERK
BY: [Signature]
RECORDS & COMMUNICATIONS DIVISION
1500 1ST ST. SEASIDE, OR 97138
503.738.1200

LEGEND

- SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SKINNER & ASSOC. INC."
- FOUND 2-1/2" LAKE COUNTY BRASS CAP AS DESCRIBED
- FOUND 3/8" IRON ROD AS DESCRIBED
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SKINNER & ASSOC. INC." PER "CLOUD NINE RANCH" FILE 75, SLIDES 888-890
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SKINNER & ASSOC. INC." PER CSF 33840
- X CALCULATED POINT
- MEASURED OR CALCULATED DATA TRUE POINT TO TRUE POINT
- RECORD DATA PER CLOUD NINE RANCH EQUALS MEASURED DATA
- (R1) RECORD DATA WITH NUMBER BEING NOTE NUMBER
- RECORD DATA PER "CLOUD NINE RANCH" EQUALS MEASURED DATA
- RECORD DATA PER "CLOUD NINE RANCH" EQUALS MEASURED DATA
- SEE PAGE 1 OF 3 FOR NOTES AND REFERENCES

CURVE TABLE

CURVE	DELTA	RADIUS	CHORD	CHORD BEARING	ARC
C1	173°38'23"	1800.00'	245.38'	N 71°22'38" E	4118.28'
C1(B)	173°38'23"	1800.00'	245.33'	N 71°22'20" E	4124.30'
C2	138°25'37"	250.00'	184.24'	N 42°20'30" E	4187.87'

LINE TABLE

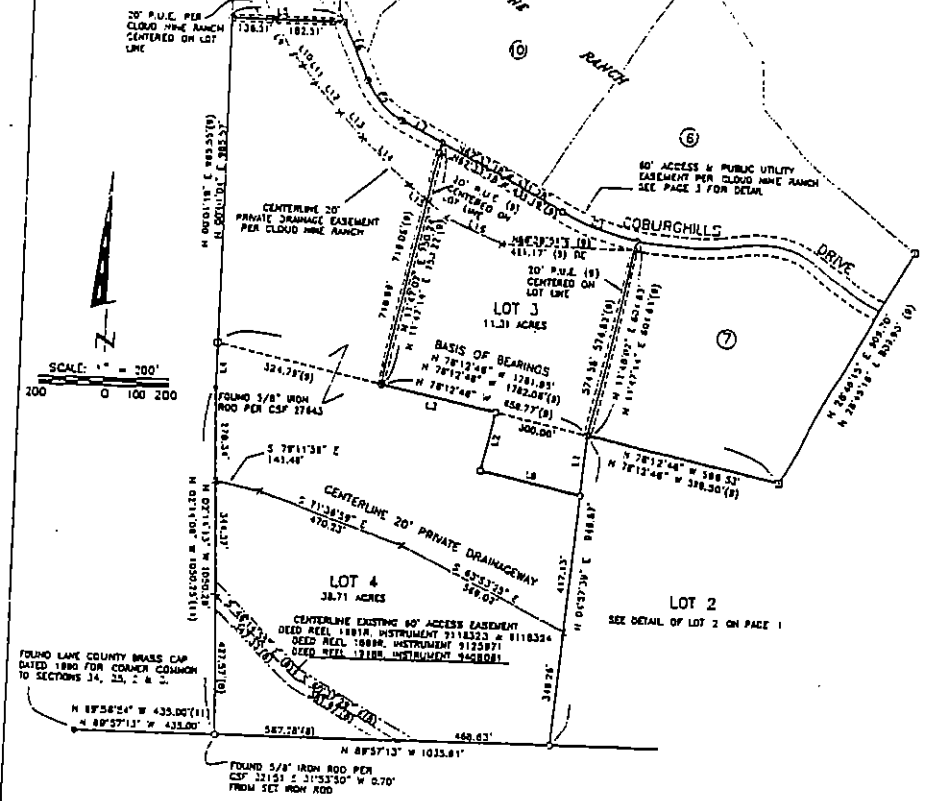
LINE #	BEARING	DISTANCE
L1	N 04°37'39" E	181.28'
L2	N 11°27'14" E	180.00'
L3	N 78°12'48" W	155.73'
L4	N 00°07'58" E	134.58'
L4(10)	N 00°00'00" E	134.49'
L5	N 80°00'00" E	351.84'
L6	N 24°07'42" W	181.18'
L7	N 87°33'18" W	430.27'
L7(B)	N 87°33'18" W	139.52'
L8	N 78°12'48" W	321.35'

**PAGE 2 OF 5
LOT 3 AND LOT 4 DETAIL**

SURVEYED FOR: DELORES J. FOSS, SCOTT WENTWORTH & DENNIS & PATRICIA CORY

SKINNER & ASSOCIATES, INC.

LAND SURVEYING
PROPERTY & PARTITION SURVEY
SURVEYS & CONSTRUCTION SURVEYS
P.O. BOX 321, 321 HOLLY STREET
AMSTERDAM CITY, OREGON 97144
(503) 938-2443 FAX 503-938-1648
DATE: 11/23/2011 DRAWN BY: [Signature] CHECKED BY: [Signature]

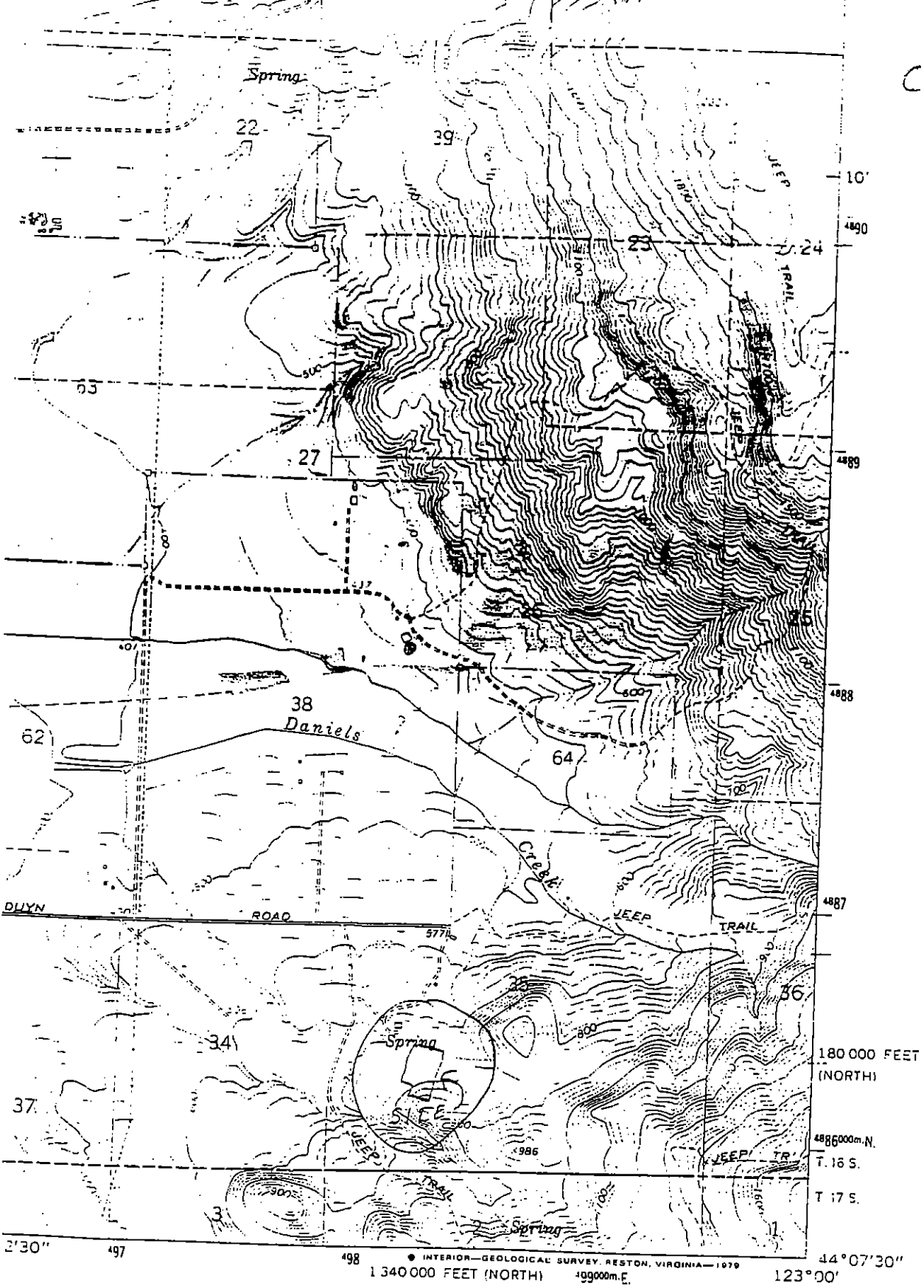


SCALE: 1" = 200'



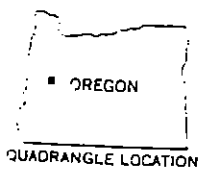
TAB 101: 18-03-33-103 & 104

CONTOUR MAP



ROAD CLASSIFICATION

- Heavy-duty —————
- Light-duty
- Medium-duty ————
- Unimproved dirt - - - - -
- Interstate Route ————



COBURG, OREG.

01.00

PARCEL #1
OF
PA 5750-00

F-2

174'98"



300'

322.60'

180'

OVERCROWN
ROAD

F-2

 → Douglas Fir
 → Deciduous Trees

SUBJECT
SITE

↑
SLOPE

LOT #3 PLOT PLAN

SCALE: 1" = 100'

APPROVED BY:

DATE: 09-19-00

DRAWN BY B.H.

REVISED

DRAWING NUMBER

Report of Revised Soil Mapping for a 11.31-Acre Property, Coburg Hill Drive, Cloud Nine Subdivision Lot 3, Lane County, Oregon

For: Peter and Joy Dettmer, Eugene, Oregon.

September 19, 2003

By: Andy Gallagher
Certified Soil Classifier
ARCPACS CPSSc/SC 03114

RED HILL SOILS
P.O. BOX 2233
CORVALLIS, OR
97339

* updated February 24, 2005. Please view Exhibit E-2 for updated Table 1 and forest productivity ratings.

SOIL REPORT

1. GENERAL INFORMATION

- A. TITLE: Report of Revised Soil Mapping for a 11.31-Acre Property, on Coburg Hill Drive, Cloud Nine Subdivision Lot 3, Lane County, Oregon (Map Parcel 09 3W 25 900) .
- B. LANDOWNERS: Peter and Joy Dettmer, Eugene, Oregon.
- C. SOIL SCIENTIST AND CERTIFICATION NUMBER:
Andy Gallagher ARCPACS CPSSc/SC 03114
- D. LAND USE CASE FILE NUMBER: _____
- E. COUNTY: Lane County, Oregon.
- F. LOCATION: SW¼ Sec. 35, T. 16 S., R. 3 W., Lot 3
- G. PRESENT ZONING: Of the 11.31 acres, 10 acres are zoned RR-10 and 1.31 acres are zoned F-2.
- H. CURRENT LAND USE: Open land, mixed grass and brush and scattered trees.
- I. PURPOSE OF INVESTIGATION: Many decisions about land use and zoning are based on soil maps. This property was previously mapped in the Soil Survey of Lane County Area, at 1:20,000 scale, which is generally too small a scale for detailed land use planning and decision making. The information provided here is based on a high intensity (Order 1) soil survey of this parcel. High intensity soil mapping of this parcel was done to provide a map that shows the composition of soils at the level needed for intensive land use planning and for soil determinations to more accurately estimate the forest productivity as rated for soil map unit. This report revises the soil map and the estimated potential wood production on the 11.31 acres. Wood productivity estimates were revised based on the revised soil areas and the weighted average of reported productivity volume for each soil map unit. Some of the soils are not considered commercially important forest soils and often lack adequate forest stand data and these are not rated by NRCS for forest productivity. Previous mapping included 91 percent of the property zoned RR-10 and mapped as a complex of soils, of which only one member of the complex, Dixonville was rated for forest productivity. An additional acre of the property that is zoned F-2 was previously mapped Ritner, which was also rated for forest productivity.

2. PREVIOUS MAPPING / BACKGROUND

A. SOILS

This property was previously mapped in the Soil Survey of the Lane County Area. This previous soil map showed a complex of Dixonville-Philomath-Hazelair soils, 43E on steep side slopes and 43C on moderately sloping footslopes. Ritner soils were mapped on an igneous bedrock bench on the southeast corner of the property. (Table 1).

B. GEOLOGY: Rocks mapped in this locale are Marine Eugene formation (Tfee), Basalt and Andesite Intrusions (Tib) and Tuff (Tut) (Walker and MacLeod, 1991). The Eugene formation consists of coarse to fine grained arkosic and micaceous sandstone and siltstone. The basalt and andesite intrusions are sills and plugs and dikes of basaltic andesite, basalt and Andesite. The tuff is welded to unwelded and mostly crystal and vitric ash-flow tuff.

3. METHODS

A. LEVEL ORDER OF SURVEY USED IN THE FIELD SURVEY: The current soil investigation is a high intensity order-1 soil survey. It is used as a basis for making the soil classification and soil map for this parcel. Seventeen soil sample plots (borings) were made for an average sampling intensity of more than one observation per acre. Soil observations were made to best define soil boundary lines, based on terrain, vegetation and other site information. Soil map inclusions in revised map are less than 0.5 acre.

B. DATES OF FIELD INVESTIGATIONS: Field work was done in July and August of 2003.

C. METHODS: Methods used for observation included soil borings with a 3.5 inch bucket auger on 17 sample plots. Additionally thirteen of these borings were evaluated from backhoe pits where hard or rocky soil conditions made hand auger sampling impractical. Soil boring locations were made in a series of slope transects based on terrain, intended to capture soil variability patterns. The soil sampling intensity was one boring per 0.65 acres on the average, which is a greater intensity than the typical one boring per acre sampling grid employed in the order-1 survey level. Soil borings were concentrated in areas of highest complexity based on terrain conditions in order to more accurately locate soil boundaries.

Slope gradients were measured with a clinometer at each soil boring and additional readings were taken as necessary to refine boundaries of soil bodies. Soil colors were determined moist, using a Munsell Color Chart. Boring locations were recorded with a GPS receiver (3-m accuracy) and transferred to the map after processing with GIS and AUTOCAD software. Area of revised soil map units was calculated from the revised map using AutoCAD software.

Calculation of forest productivity in volume ($\text{ft}^3 \text{ac}^{-1} \text{yr}^{-1}$) for the 11.31 acres was based on the sum of the estimated productivity of each mapped soil (NRCS data) weighted by the number of acres of coverage. Where soils are not rated by NRCS for forest productivity, the productivity is considered to be zero in calculations.

D. LIMITATIONS ENCOUNTERED: None.

4. RESULTS:

A. LANDFORMS AND TOPOGRAPHY: This parcel is located on steeply sloping side slopes, and moderately sloping colluvial footslopes of the Coburg Hills. There is a small bedrock bench on the highest part of the property that is gently to moderately rolling, located in the southeast corner of the property. A drainage way, with poorly drained soils, dissects the footslope on the north side of the property and flows from east to west.

B. SITE HYDROLOGY: The bedrock bench has rock outcrops and shallow and gravelly soils that are well drained to somewhat excessively drained. Runoff from eroded clayey and shallow sideslope soils is rapid and permeability is very slow. Some what poorly drained clayey soils occur on the side slopes and footslopes and may have seeps during winter months. These soils grade into poorly drained soils of the drainage way that is also a wetland.

C. DESCRIPTION OF REVISED SOIL MAP UNITS

Revised Soil Map Units: Soils were revised and reclassified based on high intensity soil mapping. The revised soils are described by map unit below and a more detailed boring log is provided in the final section of this report.

Dx—Dixonville (14 to 25 percent slopes)

Description: moderately deep, well drained formed in colluvium of basalt

Forest Productivity Rating: $152 \text{ ft}^3 \text{ac}^{-1} \text{yr}^{-1}$

Capability Class: 12-20 percent slopes IIIe and >20 percent slopes IVe.

Soil Variability: Two soil borings were Dixonville soils and these (borings 8 and 15) represent a small area (about half an acre) of Dixonville in the position just below the crest of the bench and above the steep sideslope of shallower soils. These soils grade into somewhat poorly drained soils to the northeast.

Or—Xerorthents (2 to 6 percent slopes)

This is a small area (less than half an acre) in the northeast corner of the property near the road where soils where the upper surface and subsoil (solum) were previously cut. The soil is represented by only one boring (boring1) these soils are not rated for forest productivity.

Productivity Rating: ~~Not Rated~~ $35 \text{ ft}^3 \text{ac}^{-1} \text{yr}^{-1}$

Capability Class: VIc

PH—Philomath and rock outcrop (10 to 35 percent slopes)

Description: Philomath soils consist of shallow, well drained soils that formed in colluvium weathered from basic igneous rocks; they formed on foothills adjacent to the Willamette Valley. These soils have moderate to rapid runoff and slow permeability. These soils are typically in natural and unimproved pasture. These soils are also used as wildlife habitat. Native vegetation is grass, forbs, shrubs and scattered Oregon White oak.

Forest Productivity Rating: ~~Not Rated~~ $21 \text{ ft}^3 \text{ ac}^{-1} \text{ yr}^{-1}$

Capability Class: VIe

Soil Variability: Some profiles are more gravelly, some are severely eroded, and in several spots the basic igneous bedrock outcrops at the surface. Depth to weathered bedrock ranges from outcrops at the surface to depth of 19 inches.

Pa—Panther (12-20 percent slopes)

Description: The Panther series consists of deep, poorly drained soils that formed in weathered sedimentary rock. Panther soils are in swales and concave slopes of low foothills. These soils have very slow permeability. There is a perched water table at a depth of 0 to 1 foot below the soil surface from December to April. These soils are typically used for hay, pasture, wildlife, and watershed. Native vegetation is rushes and sedges, grasses, rose, poison oak and Oregon white oak.

Forest Productivity Rating: ~~Not Rated~~ $50 \text{ ft}^3 \text{ ac}^{-1} \text{ yr}^{-1}$

Capability Class: VIw

Soil Variability: This unit may include soils that have gravelly substratum that formed in old alluvium and colluvium.

Wi—Witham (12-20 percent slopes)

Description: This series consists of deep, somewhat poorly drained soils that formed in colluvium and alluvium weathered from mixed rock types; these soils occur on fans, footslopes and terraces. This series was not previously included on the soil map legend of the county. See official series description (attached). Runoff is medium to rapid; hazard of erosion is moderate to severe. Rooting depth is restricted by clayey texture and by high seasonal water table. Permeability is very slow and available water holding capacity is 6 to 9 inches. This soil typically used for hay, pasture cereal grain and wildlife habitat.

Forest Productivity Rating: ~~Not rated by NRCS~~ $50 \text{ ft}^3 \text{ ac}^{-1} \text{ yr}^{-1}$

Capability Class: IIIe

Soil Variability: This unit includes small areas of soils that are similar to Hazelair (boring 4) in that there is weathered sandstone at 20 to 40 inches depth, but which are similar in use and management. These soils grade into poorly drained Panther soils along the margins of the draw.

SEE
update
Exhibit
E-2

Table 1: PREVIOUS AND REVISED SOIL MAPPING UNITS

Previous Map Symbol	Revised Map Symbol	Soil Series Name	Forest Productivity $\text{ft}^3 \text{ac}^{-1} \text{yr}^{-1}$	Previous Map*		Revised Map	
				Ac.	-%-	Ac.	-%-
43C,43E	NA	Dixonville-Philomath-Hazelair Complex	#	10.3	91.8	0	0
113G	NA	Ritner	149	1.0	9.0	0	0
41	Dx	Dixonville	152	0	0	0.5	4.5
-	Or	Xerorthents**	#	0	0	0.3	2.5
-	PH	Philomath-Rock Outcrop Complex*	#	0	0	1.0	8.7
102	Pa	Panther*	#	0	0	4.5	39.7
-	Wi	Witham**	#	0	0	5.0	44.6
Total				11.3	100	11.3	100

* Soils not previously mapped on this property.

**Soils not previously included in NRCS Lane County Soils Legend.

Forest productivity not rated by NRCS in soil survey or on Online Tables.

5. SUMMARY AND CONCLUSIONS:

Soils were mapped in a high intensity (Order-1) soil survey on this 11.31-acre property to provide better soil information for the purpose of land use planning decisions relative to permitting a dwelling on land currently zoned F-2.

Soils previously mapped as a Dixonville-Philomath-Hazelair Complex were remapped as soil consociations. The foot slope positions are largely Witham soils, which were not previously mapped in Lane County, but which are deep somewhat poorly drained soils commonly associated with Dixonville, Philomath and Hazelair. In the drainageway, poorly drained Panther soils are mapped. A small area where soil profiles had been truncated, Xerorthents are mapped. Shallow Philomath soils dominate the steeper sideslopes and bench top. Small areas of rock outcrop are mapped along with the Philomath soils. Dixonville soils are of minor extent here, and were observed in only one small unit that was about a half acre. No Ritner soils were observed on this property, and areas previously mapped Ritner were reclassified mainly as Philomath soils.

Based on the revised soil map, the weighted average of forest productivity is $42.7 \text{ ft}^3 \text{ac}^{-1} \text{yr}^{-1}$. All of this productivity is credited to that of the 0.5 acres of Dixonville soils, the other soils are not considered commercially important forest soils and are not rated for forest productivity by the NRCS and Lane County. Based on this calculation, total wood productivity is less than the average $50 \text{ ft}^3 \text{ac}^{-1} \text{yr}^{-1}$ threshold test for F-2 zoning category.

SEE
update
Exhibit
E-2

6. REFERENCES:

NRCS, Online Resources, Soil Data Tables for Lane and Benton County Oregon.
SCS, Soil Survey of Lane County Area
SCS, Soil Survey of Benton County Area
Walker and MacLeod. 1991 Geological Map of Oregon:

7. ATTACHMENTS:

- a. Figure 1. Vicinity Map (1:150,000 scale, project area outlined).
- b. Figure 2. Previous Soil Map (From Lane County Planning Department GIS, source data Soil Survey of the Lane County Area, SCS 1987)
- c. Figure 3. USGS Topographic Map (Enlarged to Approx. 1:12,000 from original 1:24,000 scale)
- d. Figure 4. Site Condition Map (approx. 1:3400 scale)
- e. Figure 5. Assessors Map (approx. 1:3700 scale)
- f. Figure 6. Revised Soil Map of the Project Site (scale 1:2400)
- g. Figure 7. Location of Soil Borings (scale 1:2400)
- h. Soil Profile Notes and Site Observation Notes
- i. Plates of Soil Profiles
- j. Series descriptions and associated map unit descriptions for soils not included in the Lane County Soil Legend.

Figure 1. Vicinity Map (1:150,000 project area outlined)

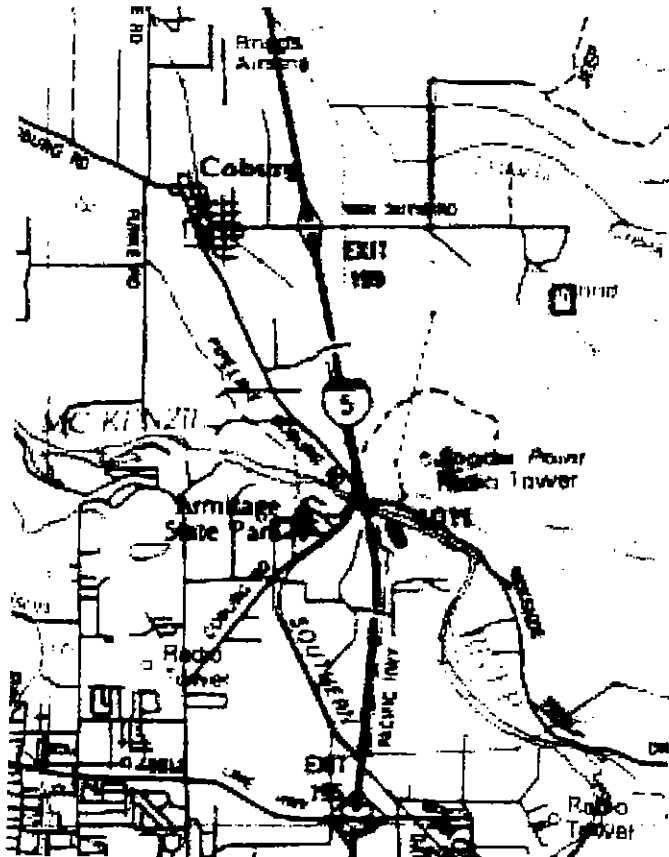
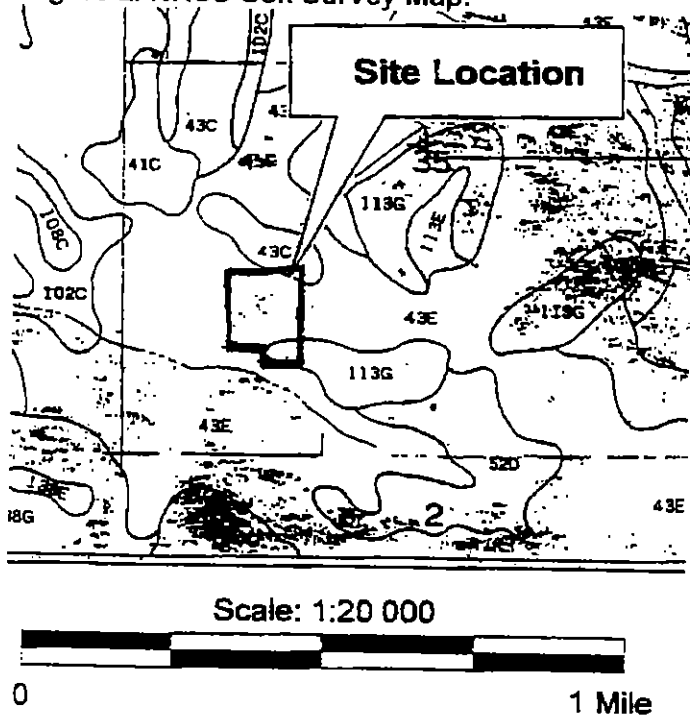


Figure 2. NRCS Soil Survey Map.



Source: Soil Survey of Lane County Area, Oregon

Figure 3. USGS Topographic map of the study area. (Enlarged to 1:12,000 from 1:24,000 Scale).

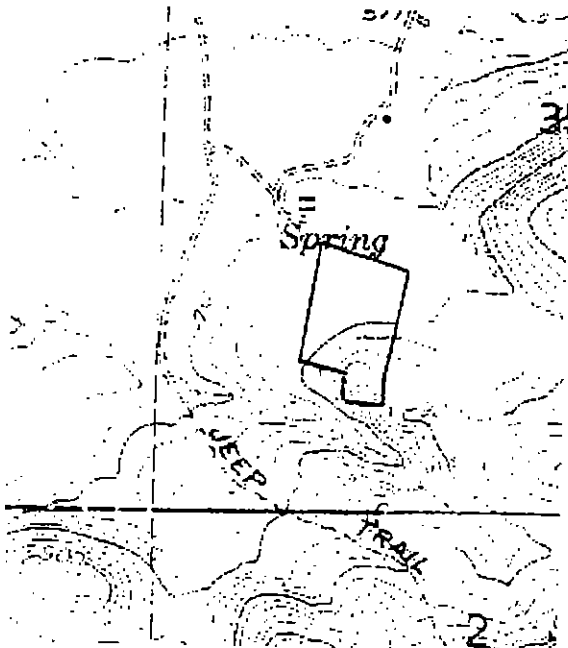
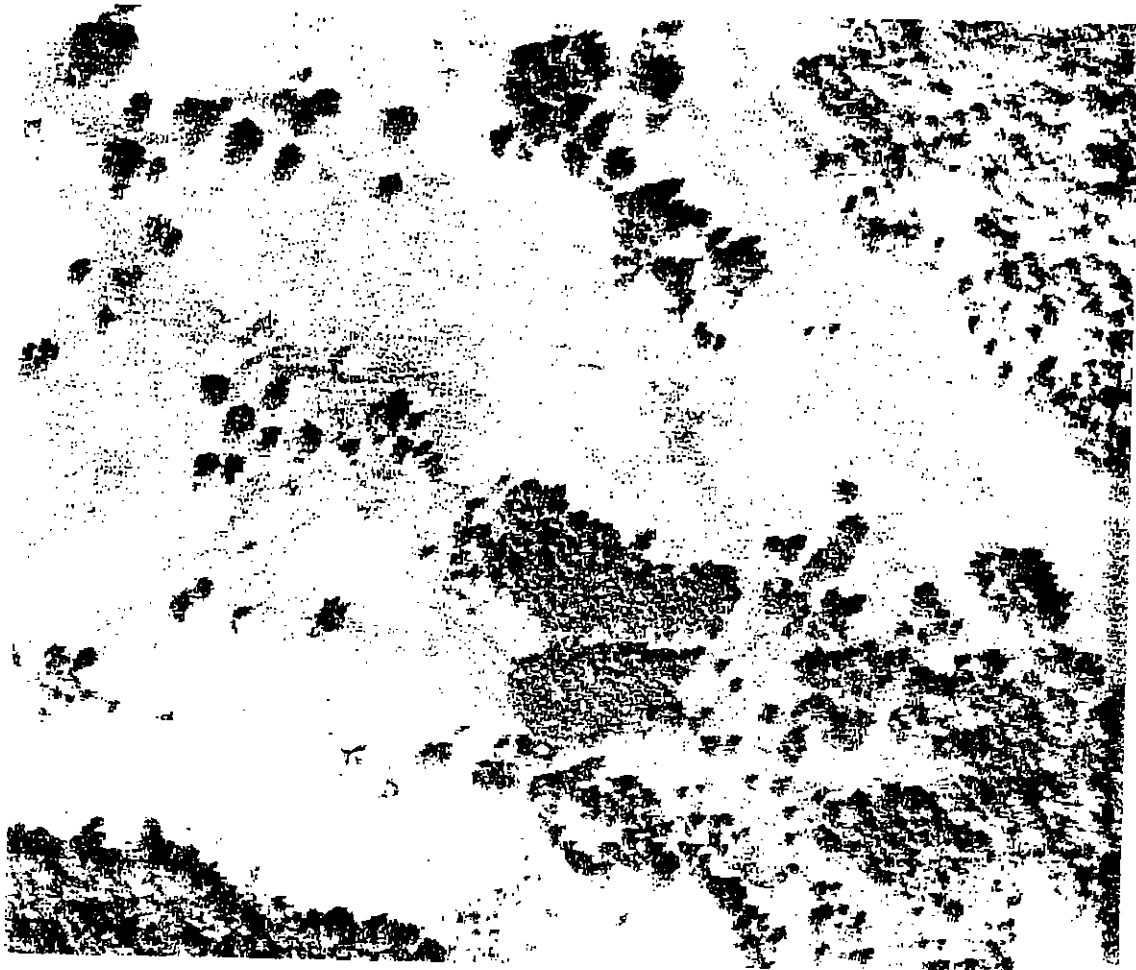
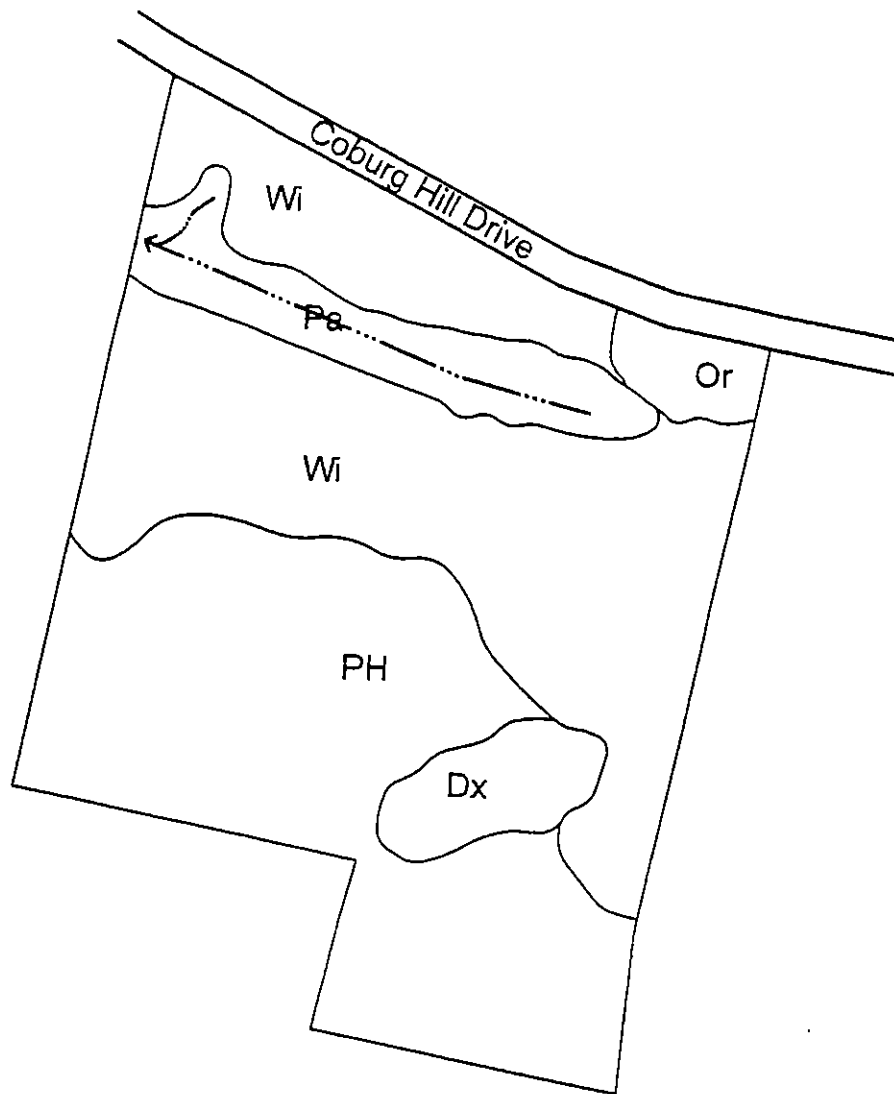
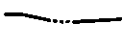


Figure 4. Site Condition Map (1994 aerial photo Approximate Scale 1:3400)





Soil	Map Units
Dx	Dixonville
Or	Orthents
Pa	Panther
PH	Philomath - Rock Out Complex
Wi	Witham
	Intermittent Drainageway

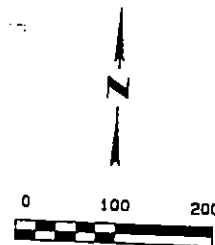


Figure 6. Revised Soil Map

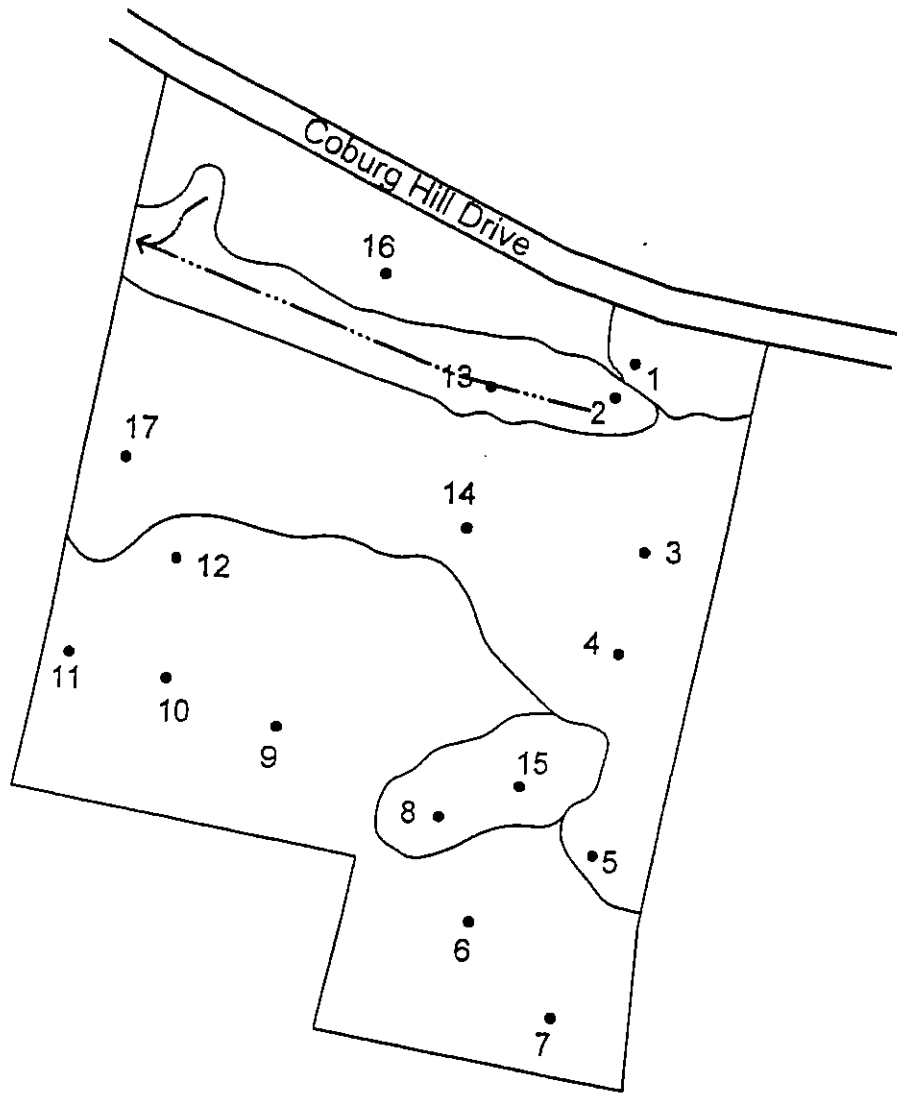


Figure 7. Location of Soil Borings.

