

Soil Profile Boring Log and Site Observation Notes
High Intensity soil mapping of soils.

Boring 1

Disturbed soil, surface and subsurface truncated (Xerorthents). Much of the original soil has been removed by cutting and filling. This is a small area near the road represents approximately 0.3 acres. Slope 2 to 6 percent. Soil pit.

Horizon	Depth(IN)	Color	Texture
A (fill)	0-3	10YR 3/2 and 4/2	grC and grCL
2C1	3-10	10YR 3/4	grC
3C2	10-40	10YR 5/3 and 4/4	cb C

Boring 2

Panther 10% slope. Poorly drained in drainage way. Auger.

Horizon	Depth	Color	Texture	Redox
A	0-12	10YR 2/1	SICL	10YR 4/4 accum.
Bg	12-20	10YR to 2.5Y4/1 C		10YR 5/6 accum.
Bgss	20-40	2.5Y4/1 to 5/1	C	7.5YR 4/6 accum

Oxidized roots at surface, common slickensides at 20 inches.

Boring 3

Witham, 15 % footslope, somewhat poorly drained and deep. Soil pit.

Horizon	Depth	Color	Texture	Redox
A	0-14	10YR 2/1	SICL	
Bw	14-36	10YR 2/1	C	10YR 4/2
Bgss	36-41	10YR 4/1	C	

Few to common slickensides, intersecting in lower part.

Boring 4

Hazelair, 20% slope steep side slopes, somewhat poorly drained and moderately deep to weathered sandstone bedrock. Very fine textured substratum is smectitic mineralogy. Soil pit.

Horizon	Depth	Color	Texture	Redox
A	0-10	10YR 3/2	SICL	
AB	10-15	7.5YR 3/4	cb CL	
2C	15-31	10YR 4/4	vcb C	10YR 4/2 Depl.
2Cr	31-40	variegated (2.5Y 6/2 and 10YR 5/6)	weathered sandstone.	

Boring 5

Witham 20% slope, side slope below bench, slightly concave. Somewhat poorly drained. Deep wide cracks from surface to 29 inches depth. Soil pit.

Horizon	Depth	Color	Texture	Redox
A	0-10	10YR 2/2	SICL	
AB	10-17	10YR2/2 and 3/2	SIC	
Bgss1	17-29	10YR 4/2	gr C	10YR 3/4 accum.
Bgss2	29-40	10YR 4/2	C	

Common intersecting slickensides below 17 inches.

Boring 6

Rock out crop on convex crest of bench. Soil pit.

Horizon	Depth	Color	Texture	Redox
Hard basalt				

Boring 7

Philomath 4 % slope on bench, shallow and well drained. Soil pit.

Horizon	Depth	Color	Texture	Redox
A	0-9	10YR 3/2	SICL	
AB	9-17	10YR 3/2	xgr C	
Cr	17-35	weathered breccia and tuff.		

Boring 8

Dixonville 8% slope on shoulder slope below bench, moderately deep and well drained. Auger.

Horizon	Depth	Color	Texture	Redox
A	0-10	10YR 3/2	SICL	
AB	10-18	10YR 3/3	gr SICL-SIC	
Bt	18-31	10YR 4/4	grC	
Cr	31+	weathered basalt		

Boring 9

Philomath 35% slope, very steep, severely eroded, backslope, well drained. Soil pit.

Horizon	Depth	Color	Texture	Redox
AB	0-9	10YR 3/4	vgr SICL	
BC	9-15	10YR 3/4 and 4/4	xgr C	
R	15+	Basalt		

Boring 10

Philomath 25% slope, steep backslope, well drained. Soil pit.

Horizon	Depth	Color	Texture	Redox
A	0-11	10YR 3/2	SICL	
AB	11-18	10YR 3/3	SIC-C	
R	18+	weathered pinkish tuff and Andesite		

Boring 11

Philomath 15% slopes, severely eroded footslope. Original surface soil was truncated. Soil pit.

Horizon	Depth	Color	Texture	Redox
AB1	0-9	10YR 3/3, 3/4	gr CL	
AB2	9-13	10YR 3/3, 4/4	vgr CL	
Cr	13+	weathered tuff breccia		

Boring 12

Philomath 12% slope foot slope, well drained. Soil pit.

Horizon	Depth	Color	Texture	Redox
A	0-8	10YR 3/2	gr CL	
AB	8-13	10YR 4/3	pagr CL	
Bw	13-19	10YR 4/3 and 4/4	pagr C	
Cr	19+	variegated weathered andesite and tuff		

Boring 13

Panther 12% slope in drainage way, poorly drained, grasses and rushes. Auger.

Horizon	Depth	Color	Texture	Redox
Profile Similar to Boring #2.				

Boring 14

Witham, 15% slope, footslope, somewhat poorly drained, deep. Soil pit.

Horizon	Depth	Color	Texture	Redox
A	0-10	N3/ to 2.5 3/1	SICL	
AB	10-21	2.5Y 3/1, 4/2	SIC-C	10YR 4/4 accum.
Bgss	21-40	10YR 4/1	C	10YR 4/3 accum.
Many intersecting slickensides, about 10% gravel in lower profile, coarse <u>prismatic</u> structure				

Boring 15

Dixonville 25% slope, steep shoulder slope between rocky and shallow bench soils (above) and long steep eroded sideslope (below). Auger.

Horizon	Depth	Color	Texture	Redox
A	0-10	10YR 3/2	SICL	
AB	10-15	10YR 3/3	gr SICL-SIC	
Bt	15-25	10YR 4/4	grC	
Cr	25+ weathered	basic igneous rock		

Boring 16

Witham 5% toe slope, somewhat poorly to poorly drained and deep. Soil pit

Horizon	Depth	Color	Texture	Redox
A	0-4	10YR 3/1	SIC	
Bw	4-16	10YR 4/1	C	
Bgss1	16-24	10YR 4/2	C	7.5YR 4/4 accum.
Bgss2	24-40	10YR 4/2	cb C	7.5YR 4/4 accum.
Common, intersecting slickensides from 16 to 40 inches.				

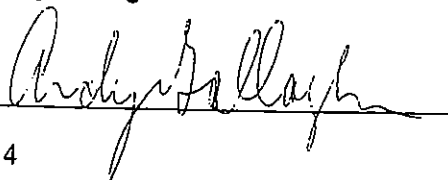
Boring 17

Witham 10% slopes foot slope, somewhat poorly drained and deep. Soil pit.

Horizon	Depth	Color	Texture	Redox
A	0-12	2.5 N/	SICL	
Bw	12-19	10YR 4/2	SIC	7.5YR 4/6 accum.
Bgss	19-30	10YR 4/1	C	7.5YR 4/4 accum.
Many intersecting slickensides below 19 inches.				

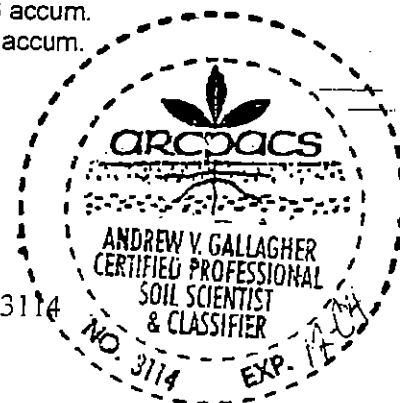
End of Boring Log

Andy Gallagher



ARCPACS CPSSc/SC 03114

Date: 9/19/03



Plates of Soil Profiles



Boring 3
Witham



Boring 5
Witham



Boring 6
Basalt outcrop



Boring 10
Philomath



Boring 3
Close up of slickensides



Boring 12
Philomath



Boring 16
Witham



Boring 17
Witham



Boring 14
Witham

LOCATION WITHAM OF

Established Series
Rev. RWL/AON/TDT
02/97

WITHAM SERIES

The Witham series consists of deep, somewhat poorly drained soils that formed in colluvium and alluvium weathered from mixed rock types. Witham soils are on fans, footslopes and terraces and have slopes of 2 to 12 percent. Mean annual precipitation is about 50 inches. Mean annual temperature is about 52 degrees F.

TAXONOMIC CLASS: Fine, smectitic, mesic Vertic Haploxerolls

TYPICAL PEDON: Witham silty clay loam - pasture. (Colors are for moist soil unless otherwise noted.)

A--0 to 4 inches; very dark grayish brown (10YR 3/2) silty clay loam, dark grayish brown (10YR 4/2) dry; moderate medium and fine granular structure; slightly hard, friable, sticky, and plastic; many very fine roots; many irregular pores; strongly acid (pH 5.4); clear smooth boundary. (3 to 6 inches thick)

BA--4 to 12 inches; very dark grayish brown (10YR 3/2) silty clay, dark grayish brown (10YR 4/2) dry; moderate coarse and medium subangular blocky structure; very hard, firm, very sticky, and very plastic; common very fine roots; many irregular pores; very dark brown (10YR 2/2) coatings on peds; strongly acid (pH 5.4); gradual smooth boundary. (0 to 12 inches thick)

Bw1--12 to 21 inches; dark brown (10YR 3/3) clay, dark brown (10YR 4/2) dry; weak coarse prismatic and moderate coarse subangular blocky structure; extremely hard, very firm, very sticky and very plastic; few very fine roots; many very fine tubular pores; few fine black concretions, common fine (1-2 millimeter yellowish brown weathered fragments, and few hard gravel; few slickensides, not intersecting; medium acid (pH 5.6); gradual smooth boundary. (6 to 12 inches thick)

Bw2--21 to 29 inches; dark brown (10YR 3/3 and 4/3) clay, brown (10YR 5/3) dry; few fine distinct yellowish brown (10YR 5/4), (10YR 5/6) and dark brown (7.5YR 4/4) mottles; weak coarse prismatic and weak coarse subangular blocky structure; extremely hard, very firm, very sticky, and very plastic; few very fine roots; many very fine and fine tubular pores; few fine black concretions and gravel and many fine (1-2 millimeter yellowish brown weathered fragments; few slickensides, not intersecting; medium acid (pH 5.8); gradual wavy boundary. (6 to 12 inches thick)

C--29 to 60 inches; very dark grayish brown (10YR 3/2) clay, many medium distinct strong brown and dark brown (7.5YR 5/6, 4/2, and 4/3) mottles; massive; extremely hard, very firm, very sticky and very plastic; few very fine roots; few fine gravel; few very fine pores; common medium black stains, common fine and medium slickensides; not intersecting; medium acid (pH 5.8).

TYPE LOCATION: Benton County, Oregon; in a native pasture 200 feet north of Jackson Creek in the SW 1/4 SW 1/4 NW 1/4 sec. 15, T. 11 S., R. 5 W.

RANGE IN are usually moist but are dry between depths of 4 and 12 inches for 45 to 10 consecutive days during the summer in 7 out of 10 years. The mean soil temperature ranges from 52 to 56 degrees F. Depth to bedrock is over 60 inches. Faint to distinct mottling occurs at a depth of 16 to 30 inches. The profiles crack to the surface during the summer and early autumn. The A horizon is strongly to slightly acid, and the Bw and C horizons are medium to slightly acid.

The A horizon has value of 2 or 3 moist and chroma of 2 or 3 dry.

The Bw horizon has hue of 2.5Y or 10YR, value of 3 or 4 moist and 4 or 5 dry and chroma of 2 or 3 moist and dry. It is silty clay or clay. It has weak coarse prismatic and weak or moderate, medium to coarse subangular or angular blocky structure.

COMPETING SERIES: These are the Heppsie series in the same family and the Philomath series. Heppsie soils are 20 to 40 inches deep to a paralithic contact and lack mottles. Philomath soils have a paralithic contact at a depth of less than 20 inches and lack mottles.

GEOGRAPHIC SETTING: The Witham soils are on fans and footslopes at elevations of 250 to 1,200 feet. The soils formed in fine textured alluvium and/or colluvium. The summers are warm and dry and the winters are cool and moist. The mean annual precipitation is 40 to 60 inches. The mean January temperature is 38 to 40 degrees F, the mean July temperature is 64 to 68 degrees F, and the mean temperature is 50 to 54 degrees F. The frost-free period is 165 to 210 days.

GEOGRAPHICALLY ASSOCIATED SOILS: These are the Bashaw, Dixonville, Ritner, and Yamhill soils and the competing Philomath soils. Bashaw soils have chroma of 1.5 or less and are very poorly or poorly drained. Dixonville soils have an argillic horizon and are 20 to 40 inches deep to bedrock. Ritner and Yamhill soils are 20 to 40 inches deep to bedrock.

DRAINAGE AND PERMEABILITY: Somewhat poorly drained; slow to medium runoff; very slow permeability.

USE AND VEGETATION: The Witham soils are used for pasture, hay, woodland, grain and wildlife habitat. The native vegetation is Oregon white oak, Douglas fir, wild rose, poison oak, snowberry, blackberries and bentgrass.

DISTRIBUTION AND EXTENT: The footslopes of the Coast Range and Cascade Mountains of western Oregon. The series is of small extent.

MLRA OFFICE RESPONSIBLE: Portland, Oregon

SERIES ESTABLISHED: Benton County (Benton Area), Oregon, 1970.

Table Revised February 24, 2005.
By Andy Gallagher, Red Hill Soils, Corvallis

The table has been revised using several sources of data in lieu of a zero rating, where NRCS data were missing.

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		Reference
				Ac.	%-	Ac.	%-	
43C,43E	NA	Dixonville-Philomath-Hazelair Complex	#	10.3	91.0	0	-	
113G	NA	Ritner	149	1.0	9.0	0	0	
41	Dx	Dixonville	152	0	0	0.5	4.5	A
-	Or	Xerorthents**	35	0	0	0.3	2.5	A
-	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	B
Total				11.3	100	11.3	100	C

* 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

After replacing soils ratings of zero with the estimated values cited above the revised weighted average forest soil productivity is $42.7 \text{ ft}^3 \text{ ac}^{-1} \text{ yr}^{-1}$.

Xerorthents were correlated to Dixonville-Hazelair-Urban Land (Low site index) rating in the Lane County table. Philomath-Rock Outcrop soils were correlated to the Witzel Rock-Out Crop rating in the Lane County table.

Witham soils were given the rating given to Witham soils in Linn County Table, since these soils aren't on the Lane County legend.



Coburg Hill Lot 3, looking southeast from Coburg Hills Drive



Midpoint of Coburg Hill Lot 3, looking north at Coburg Hills Drive



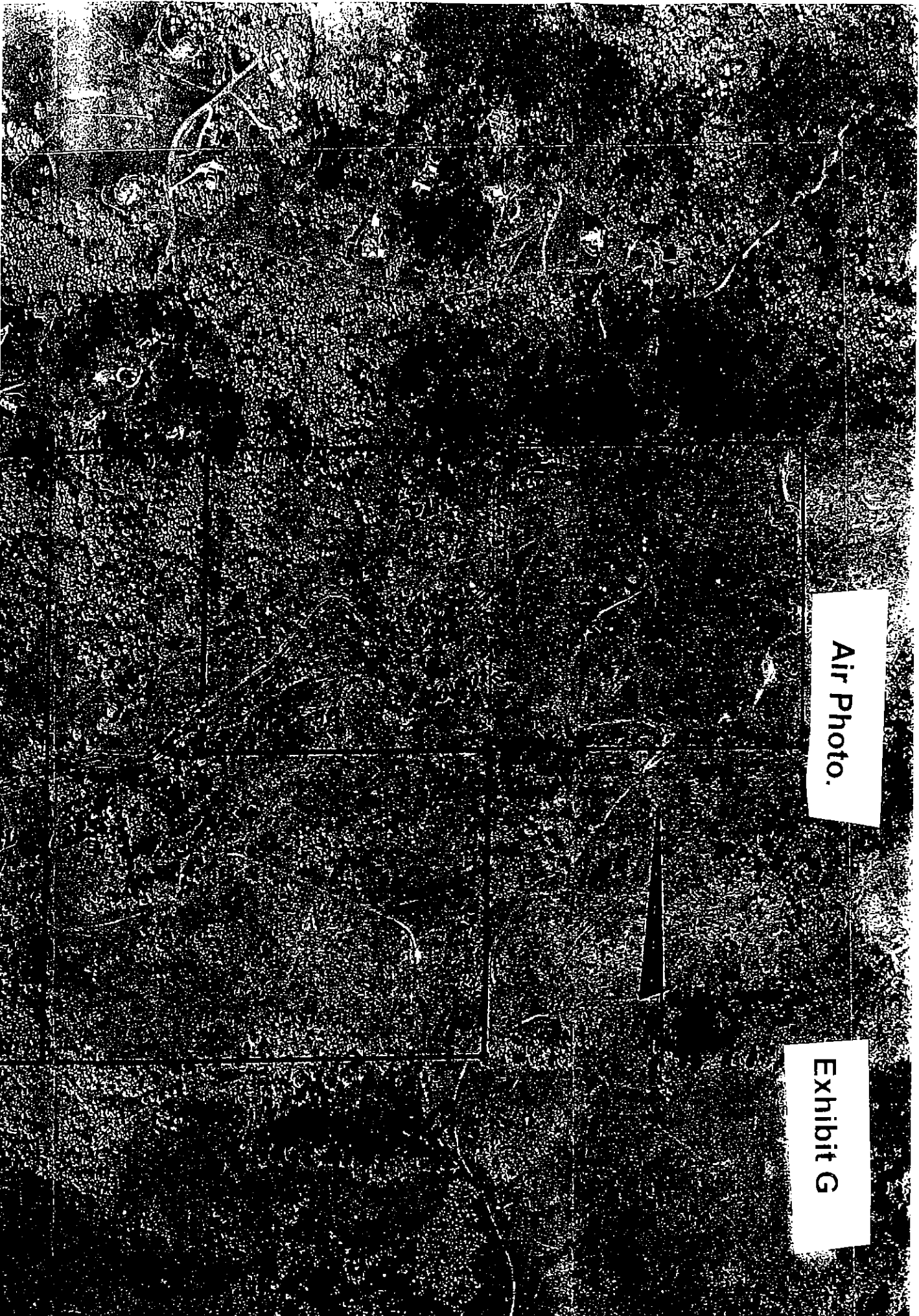
Coburg Hills Drive looking east

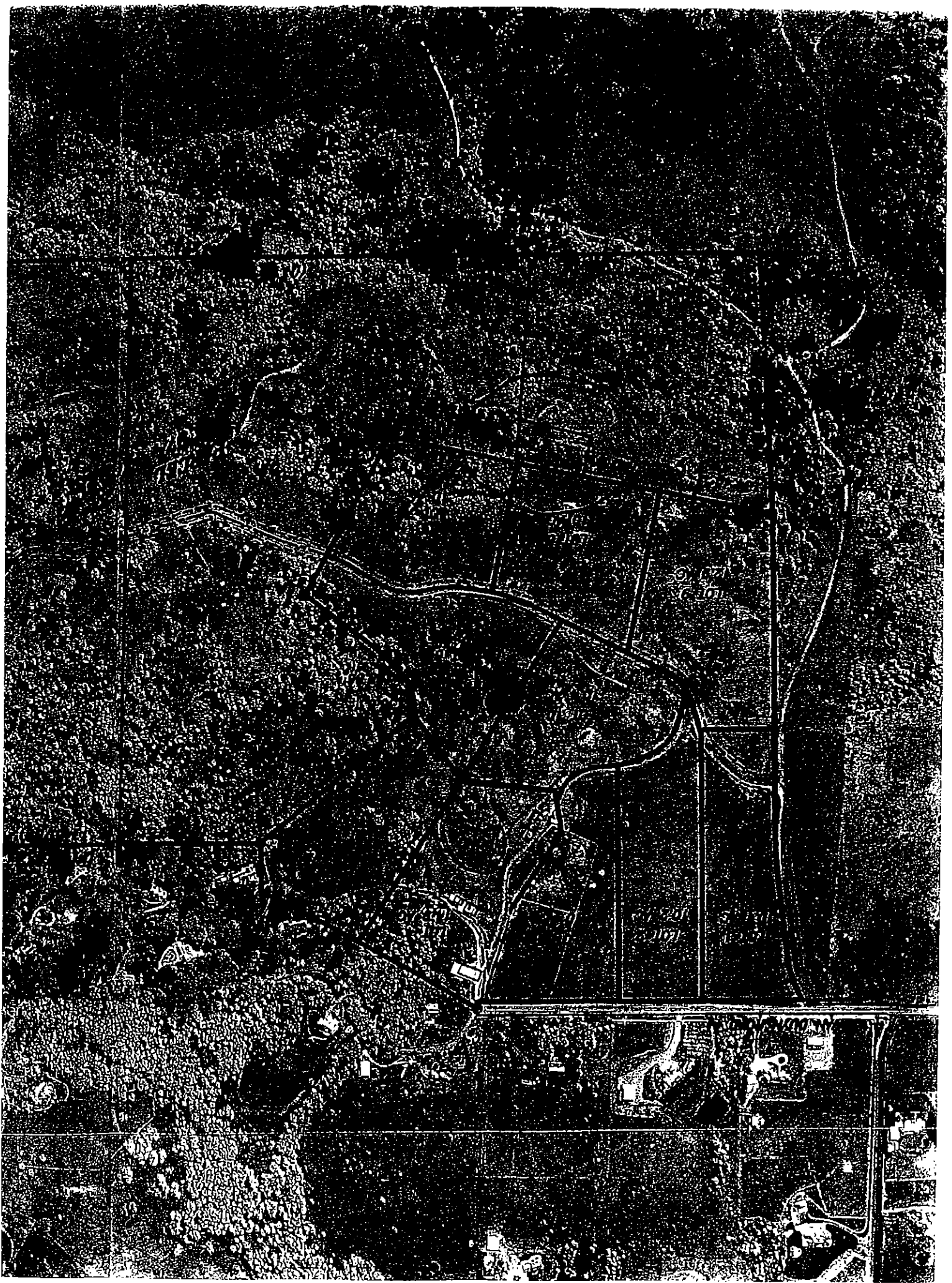


1.31- acre portion of subject property, looking west

Air Photo.

Exhibit G





SEWAGE DISPOSAL SITE EVALUATION

Job Location: SEE ATTACHED MAP LOT # 8 S.I.# 70 92 52

Written Directions: _____

Subdivision: PA 1194-98
CLOUD NINE RANCH

Lot _____ Block _____

APPLICANT'S NAME AND ADDRESS: LARRY REED WATER SUPPLY COMMUNITY

OWNER'S NAME AND ADDRESS: RON P. FOS 714 GREENFIELD AVE

STRUCTURES NOW ON THE PROPERTY: NONE 87995 RIVERVIEW MANUFACT. CN

Phone: 342-7171 Phone: 358-1111

I hereby certify that the above statements are true and accurate, and that I have the following legal interest in the property: _____ owner of record; _____ contract purchaser; _____ potential buyer; _____ realtor or agent; I further certify that (if not the owner) I am authorized to act for the owner of record, and that said owner is aware and approves of this action.

TEST HOLES READY: 7/28/98 Signature: [Signature] Date: 7/28/98

SITE MEETS STATE STANDARDS

	YES	NO	OFFICE USE ONLY BELOW THIS LINE
Standard System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	YES NO
Sand Filter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Low Pressure Distribution <input type="checkbox"/>
1 Foot Capping Fill	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Holding Tank <input type="checkbox"/>
			<input type="checkbox"/> Other <input type="checkbox"/>

COMMENTS:

STAGE 1 SERIAL 450 INITIAL 1ST YEAR PERMIT

REPLACE DEPT 24 MAX THROUGH OFFICIAL

WE OBTAIN DRAWING OF 1/2 GALLETS TO ESCROW

SURFACE REQUIRED -

LAND USE COMPLIANCE

Zoning _____ Acreage or Lot Size _____ Parcel # _____

Partitioning # _____ } Completed

_____ } Pending

FLOODPLAIN INFORMATION

Approximate Study Area All or part of this site may be in a flood hazard area for which 100 year flood levels have not been established. Extra precautions may be appropriate to assure that the building site will be reasonably safe from flooding.

Detailed Study Area All or part of this site may be in a flood hazard area for which 100 year flood levels have been established. A building elevation above the 100 year flood level may be required.

Floodway All or part of this site may be in a flood hazard area in which a floodway has been designated. Building may be prohibited subject to demonstration that the cumulative effect of proposed development will not increase the 100 year flood level at any point.

THIS IS A PRELIMINARY REPORT WHICH DOES NOT ENSURE THE ISSUANCE OF A FUTURE BUILDING PERMIT. ANY PLANS OR EXPENDITURES MADE IN RELIANCE UPON THIS REPORT ARE AT YOUR OWN RISK. IF SITE IS APPROVED, SEE REVERSE SIDE.

AUTHORIZED SIGNATURE: [Signature] DATE: 12-2-98

LANE COUNTY ENVIRONMENTAL HEALTH, 125 EAST 8TH AVENUE, EUGENE, OREGON 97401 (687-4051)

Cloud Nine Ranch water system
information.

Exhibit I

LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION

Eugene City Hall
Council Chambers

August 5, 1999
7:30 p.m.

Continued from the June 3, 1999, Public Hearing - Water System Establishment (Cloud Nine Ranch Subdivision)

IV.A. BC File X W 99 - 44

Initiated by petition from Ron Foss
Action under ORS 199.464 of boundary commission law
Received May 4, 1999
Action to be taken by May 4, 2000

Notice

Advertised in *The Register Guard* on July 14, 1999
Notices mailed to the affected property owners on July 23, 1999
Notice of the public hearing posted in area of the proposal on and at the Lane County courthouse on July 21, 1999

Description

Located east of the City of Coburg and I-5, south of Van Duhn Road
Property owner of property to be served: Ron Foss
Tax lot: 105, T16S R03W S35
Area to be served: ± 135 acres
Estimate of existing population: 4 (one residence)
Existing land use: Primarily vacant, residential
Existing zoning in Lane County: RR-10, rural residential with 10-acre minimum lot size
~~Applicable comprehensive plan: Lane County Rural Comprehensive Plan (acknowledged by LCDC in September 1984 and as subsequently amended)~~
Existing public services: Police (Oregon State Police/Lane County Sheriff), roads (Lane County), schools (Eugene School District #4J), fire (Coburg Rural Fire Protection District), electrical (Emerald People's Utility District)

Reason for System Establishment

The property owner is planning to develop a 10-lot residential subdivision in Lane County. The community water system is proposed to serve the subdivision.

In conformance with OAR 191-05-065(3), these staff notes are incorporated as part of the record of the boundary commission's public hearing of August 8, 1999.

This request was considered by the boundary commission at its June 3, 1999, public hearing. The commission continued this item to the August hearing to allow time for the property owner to complete a special use permit process through Lane County. The permit is needed to allow the placement of the water system's reservoir and some distribution lines on F-2 zoned lands located outside the RR-5 zone. On July 9, 1999, the county approval of a special use permit (PA 99-5741) became effective. The following staff report reviews the request and includes new information where appropriate. The June 3, 1999, staff notes are incorporated into the record in accordance with OAR 191-05-065(3).

A "community system" is either a publicly or privately owned system which serves four or more residences or other users where water is provided for public consumption; the system includes both the source of water and the distribution system. [ORS 199.464(7)(c)]

The boundary commission was granted authority to review and act on community water systems for several reasons including the following:

1. Provision of common water systems is a key step in the land use development process.
2. Community systems are not always as cost effective as larger public or private systems and fragmentation of water and wastewater service complicates logical boundary decisions.
3. When small scale community systems fail, larger, nearby water or wastewater providers often must respond to emergency health situations by extending services and boundaries. Responding to emergency health situations is not always the most logical or cost efficient manner to meet growth needs or to provide low cost service to a broader area.

This petition for establishing a privately owned community water system was filed with the boundary commission by the owner's representative, Larry Reed of Jim Griffith & Associates, in accordance with ORS 199.464. The owner is Ron Foss. The water system is proposed to serve a 10-lot subdivision located on one tax lot (T16S R03W S35 tax lot 105; refer to Maps No. IV-A-1 and IV-A-2) located east of the City of Coburg, east of I-5 and south of Van Duyn Road. The area of the proposed subdivision is zoned RR-10, rural residential with 10-acre minimum lot size, in Lane County. It is primarily vacant with one existing residence. The existing residence will be incorporated into the subdivision and will be located on Lot 4.

The proposal area will be developed as a rural residential subdivision and will consist of 10 lots (refer to Map No. IV-A-3). The proposal area is designated nonresource lands (rural residential) and zoned RR-10, rural residential with 10-acre minimum lot size, by Lane County. This designation and zoning was applied to the proposal area in 1998. The county gave conditional administrative approval of the Cloud Nine Ranch subdivision in August 1998. One of the conditions of approval is that a community water system be created to serve the proposed subdivision. As part of the filing, the applicant's representative provided information on the

for conductivity, hardness, iron, pH, total dissolved solids, and turbidity. These tests results will not be available until June 2, 1999.

Initial costs of developing the water system will be borne by the applicant. An estimate cost of construction of the water system is \$144,000. The total per lot capital cost is estimated at \$16,000, resulting in an estimated annual replacement fund budget of \$2,174, or \$242 per lot.

The operation and maintenance of the water system will be financed through monthly water bills plus an annual assessment to each lot of approximately \$300 each January. Each water meter will be read monthly. The monthly billings will include a base monthly charge of approximately \$51, plus an additional charge that is based upon the number of gallons used the previous month. A tiered rate structure will be applied to encourage water conservation. The monthly receipts will finance the operations and general maintenance of the system. Annual assessments will be for the purpose of building up a water system replacement fund account that will provide funds to replace system components as required over time. Through the CC&Rs, each lot will be limited to irrigating no more than one-half acre.

The average monthly operating income of approximately \$460 will be available to offset the estimated monthly expenses of \$430 for ongoing operations, including a part-time water system operator, meter reading, pump maintenance, electrical costs and related miscellaneous expenditures. The average monthly expense is approximately \$48.75 per lot.

Onsite subsurface disposal systems will be developed consistent with county regulations on each tax lot. Prior to final approval of the subdivision, evidence will be required that approval for septic sites has been obtained.

Preliminary plans for the proposed water system have been reviewed and given preliminary approval by the Oregon State Health Division (OSHD). Final approval of the water system will be handled by the Health Division after the system is constructed and all state and local standards are met. Any construction permits that are required for completion of the water system will be obtained through the applicable jurisdiction's permitting processes.

This request is consistent with this boundary commission standard.

Consider the comprehensive plan's economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. ORS 199.410(3)(d) and 199.462(1)

The proposed residential use and the majority of the water system is located within the RR-10 zone. The proposed water system is needed to serve the proposed Cloud Nine Ranch subdivision. The subdivision has been conditionally approved by Lane County. A portion of the proposed water system (reservoir and distribution lines) is located on property zoned F-2. A special use permit from Lane County has been approved to allow the placement of these facilities in this resource zone. No connections or extensions of the water system outside the RR-10 zoned Cloud 9 Ranch subdivision have been approved by the boundary commission.

This request is consistent with this boundary commission standard.

STAFF RECOMMENDATION

The boundary commission staff recommends that the proposed water system establishment for the Cloud Nine Ranch subdivision (BC File X W 99 - 44) be approved based upon the following findings and reasons.

The findings are organized to respond to boundary commission standards outlined in ORS 199, the boundary commission law. The following findings and reasons are based on approval of the request as submitted. If the boundary commission modifies the proposal, the findings and reasons would need to be adjusted.

Findings:

1. This proposal was initiated with the boundary commission on May 4, 1999, by Jim Griffith & Associates on behalf of the property owner, Ron Foss, in accordance with ORS 199.464, and was determined to be a valid filing in accordance with OAR 191-06.
2. The Cloud Nine Ranch water system is proposed to serve a 10-lot subdivision involving one tax lot (T16S R03W S35 tax lot 105) owned by Ron Foss. No connections or extensions of the water system to serve other users are allowed and have not been granted approval by the boundary commission.
3. The proposed Cloud Nine Ranch subdivision consists of approximately 135 acres. Currently, one residence exists on the site which will be incorporated into the proposed subdivision. The area proposed for the subdivision is zoned RR-10 in Lane County. A portion of the water system (reservoir and distribution lines) is located on F-2 zoned land. A Lane County special use permit has been conditionally approved to allow the placement of these facilities in this resource zone.

4. As submitted, the proposed water system, when completed, will consist of a water source (an existing well); chlorination facility; one 10,000 gallon storage reservoir; approximately 3,980 lineal feet of 2-inch water line; approximately 4,845 lineal feet of 3-inch water line; 10 individual domestic water meters; one master water meter; various gate and pressure reduction valves; and associated components

Provide an impartial forum for resolution of local jurisdictional questions. Consider the effects of the boundary change on other units of government. ORS 199.410(1)(b) and 199.410(3)(c)

5. The boundary commission held a public hearings on June 3, 1999 and August 5, 1999. Notice of the public hearings were given in accordance with ORS 199 provisions. All interested parties were given a reasonable opportunity to be heard.

6. The proposed water system and subdivision are within the boundaries of the Coburg Rural Fire Protection District. The fire district raised no objections regarding the community water system.
7. This proposal is consistent with this standard.

Consider the orderly determination and adjustment of local government boundaries to best meet the needs of Lane County and Oregon. Consider alternative solutions where intergovernmental options are identified and make decisions based on the most effective long-range option among identified alternatives. ORS 199.410(1), 199.410(2), and 199.410(3)(a) and (e)

8. Evidence submitted concludes that there is adequate water source to serve the proposed Cloud Nine Ranch subdivision. Well testing showed this well can provide adequate water supply. Quality testing also showed that the water is of high quality.
9. The Country View Estates water system is located to the north and east of the proposed Cloud Nine Ranch water system. This water system was designed and constructed to serve only the residential development within the Country View Estates subdivision. Boundary commission approval of the Country View Estates water system did not provide for any service outside the platted subdivision. Water service from this existing system is not feasible and a community system to serve the proposed Cloud Nine Ranch subdivision is a viable method of providing water service. No approval by the boundary commission to connect the two systems has been given. In the future if it is determined to be feasible, a request to connect to the systems can be submitted to the boundary commission.
10. The proposal area is outside the acknowledged urban growth boundary of the Coburg Comprehensive Plan. Consistent with comprehensive plan policy, water from the Coburg cannot be extended outside the urban growth boundary.

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11. ~~This request is consistent with this standard.~~

Make boundary commission determinations which are consistent with acknowledged local comprehensive plans. Assure an adequate quality and quantity of public services required in the comprehensive plan to meet existing and future growth. For major boundary changes, there must be assurance that the proposed unit of government is financially viable. ORS 199.410(1)(d), 199.410(3)(b), and (d)

12. The Lane County Rural Comprehensive Plan (acknowledged by LCDC in September 1984 and as subsequently amended) is the applicable comprehensive plan. The Cloud Nine Ranch subdivision has received conditional approval from Lane County. The subdivision lies within a nonresource land area and is zoned RR-10. A portion of the water system will be located on F-2 zoned land. The appropriate Lane County permitting process has been completed to allow these facilities in this resource zone.

13. The community water system is intended to serve the Cloud Nine Ranch subdivision located within a RR-10 zone. Preliminary review of the water source indicates adequate capacity to serve this 10-lot subdivision. No service connections outside the subdivision were requested or approved.
14. Individual septic systems will provide service to the 10-lots in Cloud Nine Ranch subdivision. Prior to final subdivision approval from the county, evidence is needed that site approvals for each lot has been given.
15. This request is consistent with this standard.

Consider the comprehensive plan's economic, demographic, and sociological trends and projections and its environmental policies, pertinent to the proposal. ORS 199.410(3)(d) and 199.462(1)

16. The proposed water system to serve the Cloud Nine Ranch subdivision is consistent with the applicable comprehensive plan and projections.
17. This request is consistent with this standard.

Reasons:

1. The proposal allows for residential development within RR-10 lands in Lane County which is supported by the property owner. The water system's reservoir and some distribution lines have been given conditional approval to locate on F-2 zoned land.
2. The proposal is consistent with the LCDC acknowledged Lane County Rural Comprehensive Plan.
3. The proposal is consistent with past boundary commission actions supporting creation of community water systems to support rural residential development.

pt: LCBC: \CLSRV125\LGBCS\M\999XW9944 SN2.DOC
Last Saved: July 29, 1999

TENTATIVE PLAN INFORMATION SHEET

ESTABLISHMENT OF A PRIVATELY OWNED COMMUNITY WATER OR SEWER SYSTEM

RONALD P FOSS
(Petitioner's Name)

87995 RIVERVIEW AVE
(Address)

MAPLETON OR
(City)

97453 (541) 268-1952
(Zip) (Phone)

This proposal is for the establishment of CLOUD NINE(9) RANCH
ASSOCIATION COMMUNITY WATER (water) (sewer) system.

Please supply the following information regarding the area to be served.

Location Twp 16 (S), R 03 (W) Sec 35. County LANE

Number of Residential Units 10 HOUSES Population ESTIMATE 25 TO 30

Land Area: 108.37 Acres Area Undeveloped: 100 Acres

Other Land Uses (e.g., store, mill): NONE JUST 10 LOTS - EACH MIN.
EXISTING DEVELOPMENT OF 10 ACRES ONE HOUSE PER LOT

There will be 10 connections to the (water) (sewer) system. If total
is different from the sum of above land uses, please state reason: MR FOSS
HAS ADDITIONAL LAND TO EAST OF CLOUD 9 RANCH AND
MAY INSTALL AN ELEVENTH CONNECTION TO PERMIT HIS (CAMPER)

PROPOSED DEVELOPMENT PERSONNAL USE FOR WATER

If the property is entirely or substantially undeveloped, what are the
plans for future development? (Be specific--if site or development plans
have been prepared, please submit a copy.) MR. FOSS HAS SUBDIVISION

APPROVAL UNDER LANE COUNTY PLANNING # PA 1194-98. A
COMMUNITY WATER SYSTEM IS A CONDITION OF RECORDING
THE FINAL PLAT.

Can the proposed development be achieved under current county zoning?

Yes RR-10 No If no, has a zone change been sought from the county
either formally or informally for this property? Yes No

Please describe the outcome of zone change request if answer to the
preceding question is "yes."

ALL PROPOSALS

Does this proposal include all contiguous property under the same ownership? NO If not, please state your reasons for not including entire

ownership: THE 276 ACRES OF LAND TO EAST CURRENTLY CONSISTS OF TWO TAX LOTS (PARCELS 2 & 3 OF PARTITION #97-10947. PARCEL #2 HAS APPROVAL FOR A FOREST DWELLING

DESCRIPTION OF THE SYSTEM AND HAS BEEN SOLD; ALSO DISTANCES AND ELEVATIONS ARE TOO GREAT TO BE PART OF SYSTEM.

The new system will involve the construction of 3980 feet of 2 inch line; 4845 feet of 3" inch line; _____ feet of _____ inch line, etc., in PROPOSED SUBDIVISION (street/road). AND ALONG INTERIOR PROPERTY (LINES

WATER SYSTEMS ONLY

The construction will include installation of 0 fire hydrants, construction of a 0 MGD treatment plant, construction of 10,000 gallon reservoirs located on attached map. The system will have 11 individual meters, ONE master meter, _____ auxiliary power supply, ONE water treatment equipment. (10 CHLORINATION)

The source of water for the system is:

Connection, as shown on attached map, is to an existing ONE private or _____ public water system with 32 gpm, _____ psi at peak flow in area of connection. SEE ATTACHED WELL PUMPING TEST ONE BY EGR & ASSOC. INC AND SECOND BY PHG

An existing well certified for (public) (community) use and tested at _____ gpm.

A proposed well. POSSIBLE ADDITIONAL WELL LATER.

A river or stream whose flow is _____ cfs for which the system has an appropriation of _____ cfs which (has) (has not) been approved by the State Department of Water Resources.

A spring with a capacity of _____ gpm

Is the source been chemically analyzed? _____ Yes _____ No When? _____

Tentative Plan/4

Is the territory to be served presently included within the boundaries of any of the following types of governmental units? (Please indicate name.)

City	<u>NONE</u>	Rural Fire	<u>COBURG</u>
County Service District	<u>NONE</u>	Sanitary District	<u>ADJACENT TO COUNTRY VIEW ESTATES WATER SYSTEM NONE</u>
Highway Lighting District	<u>NONE</u>	Water District	<u>NONE</u>
Park & Recreation District	<u>NONE</u>	Metro Service District	<u>NONE</u>

This form has been prepared by the following persons:

<u>Name</u>	<u>Address</u>	<u>Representing</u>
<u>LARRY E. REED of</u> <u>JIM GRIFFITH & ASSOC.</u>	<u>700 COUNTRY CLUB RD.</u> <u>SUITE "C"</u> <u>EUGENE OR 97401</u>	<u>RONALD FOSS</u>
<u>RALPH CHRISTENSEN of</u> <u>EGR & ASSOC.</u>	<u>2535 B PRAIRIE RD</u> <u>EUGENE OR 97402</u>	<u>RONALD FOSS</u>
<u>CLINT L. BEECROFT of</u> <u>EGR & ASSOC. (ENGINEER)</u>	<u>SAME</u>	<u>RONALD FOSS</u>
_____	_____	_____
_____	_____	_____

Staff notes will be sent to the above parties. Please list below any others to whom staff notes and notices should be sent.

<u>Name</u>	<u>Address</u>	<u>Representing</u>
<u>MICK ARNOLD of</u> <u>NANCY AMSBERRY & ASSOC</u> <u>REAL ESTATE</u>	<u>700 COUNTRY CLUB RD.</u> <u>SUITE "A"</u> <u>EUGENE OR 97401</u>	<u>RONALD FOSS</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

DENSITY CALCULATIONS FOR LANE CODE 16.400(6)(h)(iii)(dd)(a)

MAP #	TAX LOT #	ACREAGE	ZONING
16-03-26	200	1.54	
16-03-26	201	1.16	RR-10
16-03-26	202	10	RR-10
16-03-26	203	12.23	RR-10
16-03-26	204	10	RR-10
16-03-26	205	0.36	RR-10
16-03-26	206	9.51	RR-10
16-03-26	207	0.08	RR-10
16-03-26	300	12.27	RR-10
16-03-26	301	10	RR-10
16-03-27	400	10	RR-10
16-03-34	101	10.27	RR-10
16-03-34	102	20.06	RR-10
16-03-34	103	20.05	RR-10
16-03-34	104	0.87	RR-10
16-03-34	105	20	RR-10
16-03-34	109	3.83	RR-10
16-03-34	110	30	RR-10
16-03-34	111	23.75	RR-10
16-03-34	112	10	RR-10
16-03-34	113	10	RR-10
16-03-34	114	10	RR-10
16-03-35	105 LOT#1	10.1	RR-10
16-03-35	105 LOT#2	10.15	RR-10
16-03-35	105 LOT#3	10.1	RR-10
16-03-35	105 LOT#4	11.87	RR-10
16-03-35	105 LOT#5	11.03	RR-10
16-03-35	105 LOT#6	11.47	RR-10
16-03-35	105 LOT#7	10.25	RR-10
16-03-35 SITE	105 LOT#8	10	RR-10
16-03-35	105 LOT#9	10	RR-10 / F-2 (1.31 ACRES IN F-2)
16-03-35	105 LOT#10	10.23	RR-10 / F-2 (28.76 ACRES IN F-2)
16-03-35	202	10	RR-10
16-03-35	203	10	RR-10
16-03-35	204	10	RR-10
16-03-35	205	14.02	RR-10
16-03-35	206	21.14	RR-10
16-03-35	207	12.85	RR-10
16-03-35	208	51.77	RR-10
16-03-35	209	50.79	RR-10
16-03-35	211	3.34	RR-10
16-03-35	212	1.66	RR-10
16-03-35	213	1.97	RR-10
16-03-35	214	3.1	RR-10
16-03-35	215	3.88	RR-10
16-03-35	216	5.66	RR-10
16-03-35	217	4.3	RR-10
16-03-35	218	6.53	RR-10
16-03-35	219	3.36	RR-10
16-03-35	220	32.84	RR-10

11.31 AC

RR-10 / F-2 (1.31 ACRES IN F-2)
RR-10 / F-2 (28.76 ACRES IN F-2)

EXHIBIT J

16-03-35	221	3.27	RR-10
16-03-35	222	4.07	RR-10
16-03-35	223	1.72	RR-10
16-03-35	224	1.56	RR-10
16-03-35	225	3.38	RR-10
16-03-35	226	3.2	RR-10
16-03-35	227	2.1	RR-10
16-03-35	228	4.59	RR-10
16-03-35	229	2.41	RR-10
16-03-35	230	2.46	RR-10
16-03-35	231 "ROAD"	9.49	RR-10
16-03-35	232	10	RR-10
16-03-35	233	10	RR-10
16-03-35	234	10	RR-10
16-03-35	235	10.05	RR-10

TOTAL ACRES IN EXCEPTION AREA 666.69

TOTAL NUMBER OF RR-10 PARCELS 65

AVERAGE PARCEL SIZE OF EXCEPTION AREA 10.25 ACRES / PARCEL

DECLARATION OF COVENANTS AND RESTRICTIONS FOR
CLOUD NINE RANCH SUBDIVISION

THIS DECLARATION of Covenants and Restrictions is made by Ronald P. Foss, Trustee of the Foss Living Trust, dated October 18, 1994.

A. Foss owns, as of the date of this instrument, all the real property described and shown on the Plat of the Cloud Nine Ranch Subdivision, which is described as Parcel One of Land Partition #97-P0947 as in Lane County, Oregon Surveyor's Office File #34111 all in Lane County, Oregon records.

B. Foss has subdivided the Property into a number of parcels generally in the form of lots identified in the recorded Plat of the Cloud Nine Ranch Subdivision as filed October 15, 1999 in File 75, Slide 886 in the Plat Records of Lane County, Oregon, and by this reference incorporated as though fully set forth.

C. By this Declaration of Covenants and Restrictions, Foss desires to establish reasonable controls over the use and development of the Property, a homeowner's association to implement such controls, and to establish a procedure for the maintenance of the Common Elements for the benefit of the future Owners of the Lots.

IN CONSIDERATION of the foregoing recitals, which are by this reference incorporated herein, Foss does hereby declare and establish that the Property shall be restricted and encumbered in accordance with the provisions herein established.

ARTICLE I
DEFINITIONS

Section 1. Definitions. The following words shall have the meaning hereinafter set forth wherever used in this agreement unless the context clearly requires otherwise.

A. "Association" means the Cloud Nine Ranch Homeowner's Association as hereby established.

B. "Common Elements" means:

1. The 60-foot wide roadway and utility easement which is more particularly described as Easement No. 1 on the Plat;

2. The 30-foot wide roadway and utility easement which is more particularly described as Easement No. 2 on the Plat;

3. The 30-foot wide roadway and utility easement which is more particularly described as Easement No. 3 on the Plat;

4. The utility easements created under Article VI, Section 1; and

5. The Community Water System, as defined and described herein.

C. "Community Water System" means the water system which Foss has or will construct and install to provide domestic water service to each of the Lots. The system will consist of a well, pump, chlorination equipment, supply lines to and including a storage tank and potable water distribution lines to the boundary line of each Lot.

D. "Foss" means Ronald P. Foss, Trustee of the Ronald P. Foss Living Trust dated October 18, 1994, and any successor in interest to his rights as the developer of the Property.

E. "Living Unit" means a building or structure located on the Property designed for the use and occupancy as a residence.

F. "Lot" shall mean and refer to those particular parcels of land created by the recorded Plat referred to in Recital above.

G. "Member" means a member of the Association as defined in Article II below.

H. "Owner" means the person or persons who hold fee simple title to any Lot, or vendee who is purchasing any Lot under a land sale contract. Owner shall not include, however, any mortgagee or other party claiming any interest in any Lot as security for an obligation unless and until such person acquires fee simple title pursuant to foreclosure or some proceeding in lieu of foreclosure.

I. "Plat" means the Plat of the Cloud Nine Ranch Subdivision. A copy of the Plat was recorded on _____, 1999, at File _____, Slide _____ of the Lane County, Oregon Plat Records.

J. "Property" means the real property described in Recital A above.

ARTICLE II HOMEOWNER'S ASSOCIATION

Section 1. Creation. There is hereby created the Cloud Nine Ranch Homeowner's Association, which shall have the powers, duties and shall be organized and operate in accordance with the terms of this Article II. The Association is intended to be a real estate management association as defined in and operating in accordance with §528 of the Internal Revenue Code of 1986, as from time to time amended.

Section 2. Membership. The Owner of each of the Lots shall be a member of the

Association. All of the individuals who own one lot shall be collectively considered one single Member. If an Owner owns more than one Lot, such Owner shall still be deemed one single Member.

Section 3. Voting. All decisions of the Association, unless otherwise provided herein, shall be decided by a majority of the Members.

A. Prior to Completion. So long as Foss is the Owner of any of the Lots, there shall be a total of 20 votes to be cast by the Members. Each Member other than Foss shall have one vote and Foss shall have the number of votes equal to the difference between the votes held by such other Members and 20.

B. After Completion. At such time as Foss is no longer Owner of any of the Lots, there shall be as many votes as there are Members of the Association, and each Member shall have one vote.

Section 4. Meetings. Meetings of the Association may be called either by the Board of Directors or by Members holding 20% of the Member's votes. Meetings shall be called by a written notice mailed or personally delivered to each of the Members not less than seven days prior to the date of any meeting. All meetings shall be conducted at a location not more than 15 miles from the Property. The Members may act without a meeting upon the written concurrence of the Members holding three-fourths of the Member's votes.

Section 5. Board of Directors. The affairs of the Association shall be managed and conducted by a Board of Directors. Such Board of Directors shall make all decisions for the Association except those items for which this Declaration requires a vote of the Members. The Members, however, shall have the right to delegate to the Board of Directors matters which would require a vote of the Members, so long as the resolution approving such delegation is approved by the number of Members which would be required for the Association Members to approve the action which is the subject matter of the delegation.

A. Size. The number of Directors shall be equal to the lesser of the total Members of the Association, or three.

B. Election. The Members shall elect the members of the Board of Directors. Each director shall serve from the date of election until the date of death, resignation or replacement of such person by the Members.

C. Officers. The Board of Directors shall elect officers comprised of a president and secretary. The president shall preside over all meetings of the Board of Directors and the Members and the secretary shall be responsible for the maintenance of the records of the Association. If the Board of Directors desires, it may also elect a vice-president and treasurer, who shall have such duties as the Board may delegate to them. A person may hold more than one office except president and secretary. All documents requiring approval of the Association shall be executed by two officers or members of the Board of Directors.

D. **Quorum.** A majority of the directors shall constitute a quorum for the purposes of conducting business and all decisions of the Board of Directors shall be made by a majority vote of those directors present at any meeting.

E. **Meetings.** Meetings of the Board of Directors shall be convened at the call of the president, secretary, or any director. Notice of each such meeting shall be given to each director at least 48 hours in advance of the meeting. Meetings shall be held within 15 miles of the Property. The Board may act without a meeting upon the written consent of all directors.

Section 6. Association Powers. The Association shall have the authority to enforce any and all of the provisions of this Declaration of Covenants and Restrictions and to carry out any and all lawful activities necessary and proper for the Association to provide for a safe, desirable, and aesthetically pleasing living environment within the Property for all Members of the Association.

Section 7. Turnover Date. The turnover date of Cloud Nine Ranch from Foss to the Association shall be the date Foss conveys all of the Common Elements to the Association. Prior to turnover date, Foss shall have exclusive authority to manage and operate Cloud Nine Ranch Subdivision, including, but not limited to, assessing the Owners for their share of the maintenance and exercising all other rights, duties, functions, and authority granted to the Association and Board of Directors herein. This requirement is made in order to ensure that the Cloud Nine Ranch Subdivision will be adequately administered in the initial stages of development, and to ensure an orderly transition to Association acceptance of this management and operational authority from Foss.

ARTICLE III DEVELOPMENT CONTROLS

Section 1. Purpose. It is the intent and purpose of this Declaration that the Property as platted, shall provide a harmonious, aesthetically pleasing and desirable rural residential living environment for the Members which will allow them the opportunity to carry on farming or timber-raising activities, and that no Member may use or occupy such Member's lot in a manner which is noxious, abhorrent or aesthetically undesirable to the other Members.

Section 2. Use Restrictions. The following restrictions shall apply to each Lot unless the Owner obtains a variance under Section 3 below.

A. **Living Units.** Only one Living Unit shall be allowed on each Lot. No mobile homes, prefabricated homes, or similar Living Units or multi-family Living Units shall be allowed. The floor area of each Living Unit shall not be less than 2000 square feet. Garages, carports, porches and any other structure not designed or intended specifically for residential use and occupancy shall be excluded in calculating the floor area of any Living Unit. Each Living Unit shall be accompanied by a two vehicle enclosed garage containing at least 480 square feet of floor area.

B. **Occupancy.** No Lot shall be used for other than residential and related

agricultural and silvicultural purposes. No building shall be erected on any Lot except Living Units, garages, carports, swimming pools, tennis courts, noncommercial greenhouses and workshops, barns and gardens sheds. No Living Unit may be rented by the Owner for a period of more than one year, and any such rental arrangement shall be made only with the intent and understanding that it is temporary in nature and that the Owner intends to reoccupy such Living Unit at the end of the rental period.

C. Temporary Structures. No structure of a temporary character, trailer, basement, partially-finished house, shack, garage, barn or other building shall be located, constructed or occupied on any Lot at any time as either a permanent or temporary residence. All structures, additions, alterations or improvements shall be completed within one year from the starting date.

D. Offensive Uses. No noxious, offensive or illegal activities shall be carried on upon any Lot, nor shall any Lot be used or occupied in any manner which is an unreasonable annoyance to any other Member. Each Owner shall control noxious vegetation, such as tansy ragwort, Canadian thistle, Himalayan blackberry and similar plants within their Lot to the degree necessary to prevent the spread of such vegetation to adjacent Lots.

E. Signs. No sign of any kind shall be displayed to public view on any Lot, except one sign of not more than five square feet advertising the Lot for sale.

F. Resource Extraction. No oil drilling, oil development operations, quarrying, mining or natural resource extraction shall be conducted on any Lot, except that merchantable timber or Christmas trees may be harvested so long as the harvesting process is conducted in a way which minimizes the adverse impact on any other Owners. (The foregoing sentence shall not limit the right of an Owner to harvest all of the trees on the Owner's Lot.) Timber harvesting shall only occur between 7:00 a.m. and 5:00 p.m. on Monday through Friday and not on holidays. Equipment shall have mufflers and noise controls.

G. Animals. No noxious, dangerous or wild animals shall be raised, kept or bred on any Lot. Owners may pasture their own cattle, sheep, goats, llamas, horses and similar domestic animals (but not swine) in a manner which does not create any objectionable noise or odor, and so long as such animals are properly cared for and maintained within an area fenced in a good, husbandlike manner.

H. Storage and Parking. No Lot may be used or maintained as a parking place for trucks, trailers, equipment or outdoor storage of building materials or other items not reasonably related to the occupancy of the Lot, except that during the course of construction of improvements to the Lot, building materials may be located thereon. No junked, wrecked or inoperative automobiles or other automobiles not regularly for the use of the family residing in the Living Unit shall be maintained, stored or parked on any Lot.

I. Sanitation. Trash, garbage or other waste shall be kept in sanitary containers, emptied at least weekly. All incinerators, garbage cans or other equipment for the storage or

disposal of refuse shall be maintained in a clean and sanitary condition, enclosed by fences or screened from sight. All storage of household items shall be within areas which are enclosed by the walls of a building or enclosed by fences or vegetation where such storage is screened from view from outside the Lot.

J. **Antennae.** No television, radio or other antennae shall be erected on any Lot which extends more than two feet above the highest point of the roof line of the Living Unit which it serves. All antennae shall be located within 100 feet from the Living Unit which it serves.

K. **Recreational Vehicles.** Travel trailers, campers, motor homes and similar recreational vehicles may be parked on a Lot so long as such items are for the personal use by the occupant of the Living Unit. If such vehicles are parked for more than one week, they shall be parked in an area screened from view of other Lots. Occupancy of such vehicles while parked on the Lot is not permitted except that guests of an occupant of a Living Unit, may reside in the guests' recreational vehicle while visiting the occupant up to a maximum of 30 days during any consecutive 12 calendar months.

L. **Fencing.** No fencing shall be constructed to a height greater than six feet above the ground level (except fences around garden areas may be eight feet high) and all such fencing shall be built in a good, husbandlike manner and maintained in good order and repair.

M. **Utility Lines.** All utility lines serving each Lot shall be maintained underground.

N. **Setbacks.** No building shall be constructed within 200 feet of Van Duyn Road nor within 30 feet of any exterior boundary line of the Property as the boundary line exists by virtue of lot line adjustments if any, at the time of construction. No building shall be constructed within 50 feet of any internal boundary line of a Lot as the boundary line exists at the time of construction.

O. **Design Requirements.** All structures on each Lot shall meet the following design requirements.

1. No structures shall exceed 35 feet in height measured from the midpoint of the roof to the ground directly under it.
2. Exterior wall material may be of any standard wall construction material.
3. Window and door trim, including other architectural trim features where desired, shall be a minimum width of 3 inches and painted.

4. Roof vents and other exterior non-copper metal parts shall be painted to match the approved color of the roofing material.

5. Heating, ventilating and air conditioning equipment is not permitted on roofs. An exception for roof solar panels may be granted by the Board of Directors when the design is part of the initial approved roof construction or later part of approved remodel construction that is determined to be harmonious with the structure's architectural style and is aesthetically consistent in appearance.

6. Living Units may have gable or hip roof with a minimum of six to twelve pitch. Maximum flat roof area shall not exceed ten percent of roof area including garages. Roofing materials may not include wooden shingles or shakes which may be a fire hazard. Roof overhangs excluding gutters, porches, covered walkways, etc., may not exceed three feet.

P. Outbuildings. Barns, sheds and other accessory structures shall be designed and constructed with roof and wall colors and door and window trim width and colors to match the dwelling.

Section 3. Variance. In the event an Owner desires to conduct an activity which is prohibited under Section 2 above, such Owner may file a written request with the Board of Directors, (or prior to the turnover date, Foss) requesting approval of a variance from the foregoing conditions. The Board of Directors shall have the right to approve activities in violation of such restrictions, so long as such activities do not materially adversely affect the Owner of any other Lot. If the Owner applying for the variance is a director, such variance must be approved by a majority of directors excluding the applicant.

Section 4. Architecture Controls. Whenever an Owner desires to construct or remodel any improvement, including but not limited to buildings, fences, walls or additions or modifications thereto, such Owner shall, prior to commencing such improvement, submit plans and specifications showing the nature, kind, shape, size, color, materials and location of the improvement to the Board of Directors (or prior to the turnover date, Foss). The Board of Directors shall consider such plans and specifications with regard to the type, style and use of the improvement, the quality and use of materials, the exterior color, and design and location of the improvement upon the Lot, the proposed finished grades, and the harmony of the exterior and topography. If the Board of Directors has any objection to any of the plans and specifications, the Board of Directors shall so notify the Owner in writing within 30 days of submission of such objection, and the Owner shall modify such plans and specifications sufficiently to satisfy such objections. The improvements shall then be constructed only in accordance with plans and specifications as modified to satisfy the Board of Directors' objections. If the Board of Directors fails to respond to the Owner within 30 days of submission, the Board of Directors shall be deemed to have approved such plans and specifications.

Section 5. Exclusion. The restrictions contained in this Article III shall not apply to improvements constructed or located within the Property prior to the date on which this

instrument is recorded.

ARTICLE IV COMMON ELEMENTS USE AND MAINTENANCE

Section 1. Road Rights of Way. Each Owner, along with the members of their household and guests, shall be entitled to use the roads constructed and maintained as Common Elements for the purpose of vehicular and pedestrian ingress and egress to the Owner's Lot. In addition, each Owner shall be entitled to locate within the Common Element road rights-of-way utility lines such as electrical power lines, telephone lines, television cables and similar items which are reasonable and necessary for the use and occupancy of the Owner's Lot. Any such utility lines shall be installed in a manner that does not interfere with any other utility lines or the road within the right-of-way. All such utility lines shall be underground. In the event any existing utility line or the road the right-of-way is damaged during the installation or maintenance of any utility line, the Owner responsible for such installation and maintenance shall promptly repair the damage so caused at such Owner's expense. Any damage done to roads or utility lines in the course of timber harvesting shall be promptly repaired at the expense of the Owner whose timber is being harvested.

Section 2. Community Water System. Foss has constructed or will construct a Community Water System to provide potable water for household use to each Lot. The Living Unit on each Lot may be connected to the Community Water System. Water from the Community Water System may only be used for domestic consumption and irrigation of up to one-half acre of landscaping and watering livestock. However, no Lot may use more than 1,500 gallons per day of water from the Community Water System. The Owner of each Lot shall be responsible for the cost of running the waterline from the Owner's property line to the Owner's Living Unit.

Section 3. Maintenance. The Association shall have no responsibility for the original construction of the Common Elements which is Foss' responsibility. The Association shall be responsible for maintaining the Common Elements at the expense of the Association. The cost of maintenance of the Common Element roads identified as Easement numbers 2 and 3 on the Plat shall be borne exclusively by the Owners of Lots No. 3, 4 and 5. The cost of maintenance of the Common Element road identified as Easement No. 1 on the Plat shall be borne exclusively by the owners of Lots 1, 2 and 6 through 10.

Section 4. Assessments. Each Member (excluding Foss) shall pay to the Association the sums set forth below to fund the maintenance of the Common Elements and to pay for the other necessary and proper expenses of the Association in carrying out its activities.

A. Annual Assessments. Each Member shall be required to pay the Association an annual assessment on or before January 1 of each calendar year, commencing with the year 2000. The assessment due for the year 2000 shall be the sum of \$500. Such assessment shall increase each year thereafter at the rate of \$50 per year, so that after the 10 years the

annual assessment shall be \$1,000. Thereafter, such sum shall be fixed unless modified by a majority vote of the Members of the Association. The Board of Directors shall have the right, however, to reduce the amount of the annual assessment below that otherwise required if, in the opinion of the Board of Directors, the funds required by the annual assessment are not necessary for conducting the Association's affairs. The Board of Directors may also reduce the annual assessments equally for the owners of Lots 3, 4 and 5 or Lots 1, 2 and 6 through 10 if the Board of Directors determines it is necessary to ensure that road maintenance costs are allocated among such Lot Owners as provided in Section 3 above.

B. Additional Assessments. In addition to any annual assessments provided under Section 4.A above, the Association by a majority vote may levy additional assessments. Any assessment under this subsection shall be imposed only upon a finding by the Board of Directors that such assessment is necessary to carry out the activities of the Association and that insufficient funds are available under subsection A with which to do so. All assessments under this section shall be equal for each Lot except for assessments for maintenance of the Common Element roads which may be allocated on Lots 3, 4 and 5 or Lots 1, 2 and 6 through 10 so the costs are divided among such Lots as required by Section 3 above.

C. Water Use. In addition to the assessments provided for in Sections 4.A and 4.B, the Homeowner's Association may charge Owners connected to the Community Water System an assessment for water used by each Owner. The rate structure shall be established by the Board of Directors in an amount sufficient to efficiently operate the Community Water System and also to maintain adequate reserves for emergencies and unforeseen occurrences. This operational assessment may consist of a base monthly rate, plus an amount based on the Owner's water consumption, a flat rate per user or a rate based strictly on consumption whichever is approved by the Board of Directors as amended from time to time.

D. Limitation. Notwithstanding the foregoing, the sum of the assessments against all Lots for any year other than assessments under section 5 below shall not exceed two percent of the estimated value of all Lots and improvements within the Property. Such calculation shall be made in accordance with the Oregon Revised Statutes 94.570(2)(b)(1997).

Section 5. Capital Improvements. In the event the Board of Directors desires to make any capital improvements to any of the Common Elements, such capital improvements shall only be undertaken only upon the vote of a three-fourths majority vote of the Members of the Association. In the event capital improvements are approved by the Association, the cost of such capital improvements shall be assessed in equal amounts to each Lot.

Section 6. Lien. The Association shall have a lien on each Lot for all assessments against such Lot. The lien for any assessment shall be superior to any and all liens against such Lot, except for the lien for real property ad valorem taxes and liens against the Lots to secure repayment of financing for the construction of improvements of such Lots, but only to the extent that such liens are (a) perfected prior to the accrual of the assessment in question, and (b) the subordination shall

only be to the extent that the financing is actually used for the improvement of the Lot in question. In the event Lane County acquires ownership of any of the Property through foreclosure of its ad valorem tax lien against such Property, no assessment accruing thereafter against the foreclosed Property shall become a lien thereon for a period starting on the date of the foreclosure and ending on the date on which Lane County ceases to be the Owner.

Section 7. Ownership Common Elements. The Association may upon a two-thirds majority vote of the Members, dedicate any Common Element road right-of-way and the improvements therein or the Community Water System to Lane County, the City of Coburg, or any other municipal corporation subdivision of the State of Oregon. In addition, Foss, at his option, may at any time convey all or any portion of the Common Element road rights-of-way or Community Water System to the Association.

Section 8. Taxation. The Association shall be responsible for paying the real property ad valorem taxes assessed against the Common Elements.

ARTICLE V EXPANSION OF PROJECT

Section 1. Additions by Declarant. Foss, his successors and assigns, shall have the right, but shall not be obligated, to include additional real property of his selection, located adjacent to but outside the Property as a part of the Plat subject to and restricted by this Declaration. The addition of other real property shall be made by recording a supplementary declaration of covenants, conditions, and restrictions containing such complementary additions and modifications of this Declaration as may be necessary to reflect the different character, if any, of the additional properties. In no event, however, shall such supplementary declaration revoke, increase the burdens and restrictions imposed on the Lots described in *Exhibit A*, by this Declaration. However, the utility easements created under Article VI, Section 1 may at Foss' election, be used for the benefit of the property added to the Plat.

Section 2. Additions by Others. Upon approval in writing of Foss or, after the turnover date, approval by the Association, the owner of any other property who desires to subject such other real property to the provisions of this Declaration and to subject it to the jurisdiction of Foss or the Association as the case may be, may file of record a supplementary declaration of covenants, conditions, and restrictions which, by its terms expressly extends the Covenants, contained in this Declaration to such other real property.

Section 3. Lot Line Adjustments. Owner may adjust the Owner's Lot boundaries, so long as such adjustment is made in accordance with the applicable state and local laws.

ARTICLE VI EASEMENTS

Section 1. Utility Easements. The Declarant does hereby declare, establish, grant, and convey to the Association and to any utility company, association, district or other organization providing utility services to the Subdivision a non-exclusive utility easement on and over a strip of land ten feet on each side of each interior Lot line and the Common Element road rights-of-way to the extent necessary to provide utility services to the Lots in the Plat. The utility easement described herein shall include, but not to be limited to, the following utility services; electricity, water (including the Community Water System), storm drainage, telephone, and television cable. The rights and duties of the Owners of the lots with respect to the utility easement shall be as follows:

A. Whenever any utility line is installed within the Property, with any portion thereof in the utility easements on Lots owned by someone other than the Owner of the Lot served by such line, the Owner of the Lot served by the utility line shall have the right to enter upon or have the utility companies enter upon the Lot containing the easement, to repair, replace and generally maintain the utility line.

B. Whenever a utility line is to be constructed in a utility easement on the Lot owned by someone other than the Owner of the Lot to be served by the utility line, the Owner of the Lot crossed by such easement shall, to the extent practicable, be provided ten (10) days prior notice of such extension.

C. No structure shall be built within the utility easement area which would interfere with or prevent the installation or maintenance of utility lines in the easement.

Section 2. Drainage Ways. Three drainage ways are shown on the Plat. They are appurtenant to and for the benefit of the Lots which they cross. The Owner of each Lot crossed by a drainage way shall maintain the portion of the drainage way on such Owner's Lot, free from obstructions and allow open drainage of surface water from each of the Lots to which the drainage way is appurtenant, in its natural course along the drainage way. None of the Owners of such Lots shall do anything to impede such flow without the consent of the Owners of all the Lots to which the drainage way is appurtenant.

Section 3. Reservation of Easement. There is reserved to Foss until the turnover date, and then to the Association, their agents and servants an easement over each and every Lot for entry and access at reasonable times and places for the performance of general maintenance functions and duties of the Common Elements.

Section 4. Future Easements. Prior to the Turnover Date, Foss reserves the right to construct, create, establish and modify easements, on and over any lot which Foss owns and the Common Elements.

ARTICLE VII DURATION AND AMENDMENTS

Section 1. **Duration.** This Declaration shall become effective upon recording in the real property records for Lane County, Oregon, and shall continue for a term of thirty (30) years. It shall automatically renew thereafter for terms of ten (10) years, unless at the end of such thirty (30) years or at the end of any ten (10) year term thereafter the Declaration is terminated by a two-thirds vote of the Members and recorded in the Lane County, Oregon property records. Termination shall not terminate or alter any easement created hereunder without the consent of the Owner of each Lot served by the easement.

Section 2. **Amendments.** This Declaration of Covenants and Restrictions may be amended at any time by an instrument in writing, executed by three-fourths of the Members and recorded in the Lane County, Oregon property records.

ARTICLE VIII MISCELLANEOUS

Section 1. **Dispute Resolution.** Any dispute arising out of or concerning this agreement or the Property (except as provided in subsection A and B below), shall be resolved by arbitration in accordance with the then-current rules of the American Arbitration Association, or if such Association no longer exists, in accordance with arbitration provisions contained in any applicable law. Any award or determination of the arbitrators may be entered as a judgment in any court with jurisdiction in the manner then provided by law.

A. **Enforcement.** In the event of any actual or threatened violation of any of the provisions of Section 2 or 4 of Article III, the Association acting through the Board of Directors shall have the right to initiate litigation to obtain an injunction to enjoin such violation. The Board of Directors shall have the power to obtain ex parte and without notice, hearing, or the posting of any bond, a temporary restraining order rejoining such activity until a hearing can be convened to determine whether such temporary restraining order should continue. Under no circumstances shall the Association be required to post any bond or undertaking as a condition of obtaining any temporary restraining order, preliminary or permanent injunction.

B. **Lien Enforcement.** The Association, acting through the Board of Directors, shall have the right to foreclose any lien for assessments under Article IV, Section 6, by suit in equity initiated at any time not later than six years after the date upon which the assessment for which collection is undertaken first became due and payable. In any suit for foreclosure, the Association shall obtain a judgment against the Owner for the amount of the assessment actually due and for the Association's reasonable costs, disbursements, and attorney's fees included in such litigation, and a decree of the court directing that any subordinate liens against the Lot in question be foreclosed and the Lot and improvements thereon be sold subject to the rights and in accordance with the procedure provided for the sale of real property upon execution.

Section 2. **Preclusion.** Every Owner and such Owner's family and guests are hereby precluded from asserting any claim against Foss or the Association relating to the quantity or quality of the water provided by the Community Water System it being understood that neither Foss nor the Association provide any assurance that the quantity or quality of water provided by the Community

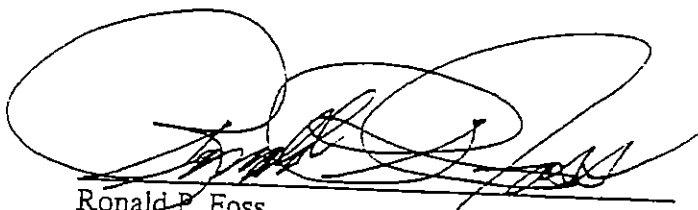
Water System will be suitable for any of the Owner's domestic purposes.

Section 3. Severability. In the event any term or provision in this Declaration of Covenants and Restrictions is determined to be unenforceable, invalid or void for any reason by a court of competent jurisdiction, such determination shall in no way affect the validity or enforceability of any of the other provisions contained herein, and such other provisions shall be construed as though such invalid, unenforceable or void provision had never been included in this instrument.

Section 4. Successors in Interest. This Declaration of Covenants and Restrictions shall be appurtenant to the Property and shall run with the land and be binding upon all present and future Owners of any interest in any of the Property.

Section 5. Litigation Expenses. In the event of any litigation or arbitration concerning this agreement, or to enforce any of the terms herein, the prevailing party in such litigation or arbitration shall be entitled to recover such party's reasonable attorney's fees and reasonable and necessary costs and disbursements incurred in such proceeding and in any appeal therefrom and enforcing or collecting any award or judgment rendered.

DATED this 3rd day of December, 1999.



Ronald P. Foss,
Trustee of the Foss Living Trust dated October 18, 1994.

STATE OF OREGON

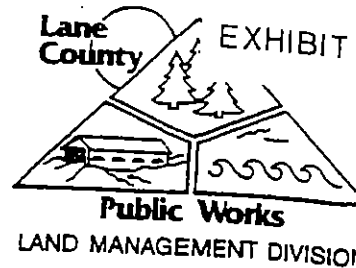
)
:ss.
)

County of Lane

This instrument was acknowledged before me on this 3rd day of December 1999, by **Ronald P. Foss** as Trustee of Foss Living Trust dated October 18, 1994.



Kathrine M. West
Notary Public in and for Oregon
My commission expires: 4-10-01



Date: MARCH 9 2004

APPLICANT: SATZ ASSOCIATES
70 TERRAZZA LANDING
132 EAST BROADWAY STE # 530
EUGENE, OR. 97401

OWNER: PETER DETTMER TRUST
12604 BAZZETT LN.
SANTA ANNA, CA. 92705

PA: 04-5173

RE: Report and Verification of a Legal Lot
Tax Map: 16-03-35-30 Taxlot: 1100

A more exact description by reference to Deed or Land Sales Contract is LOT 3 OF COBURGHILL
FILE 75 SUBD 1075

Based upon the Findings provided in this report, the above referenced property constitutes a legal lot, which means:

1. Ownership to this property may be conveyed with the assurance that such a conveyance would not require approval by Lane County land division regulations; and
2. Lane County recognizes this property as a legally separate unit of land for the purposes of development. Development would still be subject to applicable zoning, sanitation, access and building regulations.

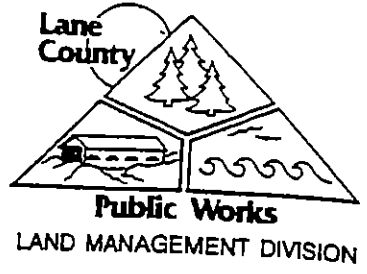
Findings

1. The subject property was created as a separate parcel on MARCH 13 2001. See attached instruments LOT 3 OF COBURGHILL
2. The creation of the subject property as a separate parcel complied with all effective land division, zoning and comprehensive plan regulations, and it therefore constitutes a legal lot:

a. Land division regulations:

When the subject parcel was created, there were not land division regulations in effect to govern its creation. Lane County did not adopt applicable regulations for this kind of division until _____.

There were land division regulations in effect governing the creation of this parcel, and the creation of this parcel was specifically exempted by these regulations from compliance because IT IS AN APPROVED SUBDIVISION LOT



b. Zoning regulations:

- [] When the subject parcel was created, there were no zoning regulations in effect at this time. The zoning for this property was adopted on _____.
- When the subject parcel was created, there were the following zoning regulations in effect which the parcel complied with because IT IS AN APPROVED SUBDIVISION LOT

c. Additional Comments:

THE 1100, BEING LOT 3 COBURGH HILLS,
IS A LEGAL LOT.

"This is a preliminary indication that the above referenced property, as further designated on the enclosed map, is a legal lot. The decision that this property constitutes a legal lot will be made at the time of the first permit or application action where a legal lot is required. If the boundaries of this legal lot have changed at the time of a permit or application which requires a legal lot, a new Legal Lot Verification will be required."

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "D. G. Nickell".

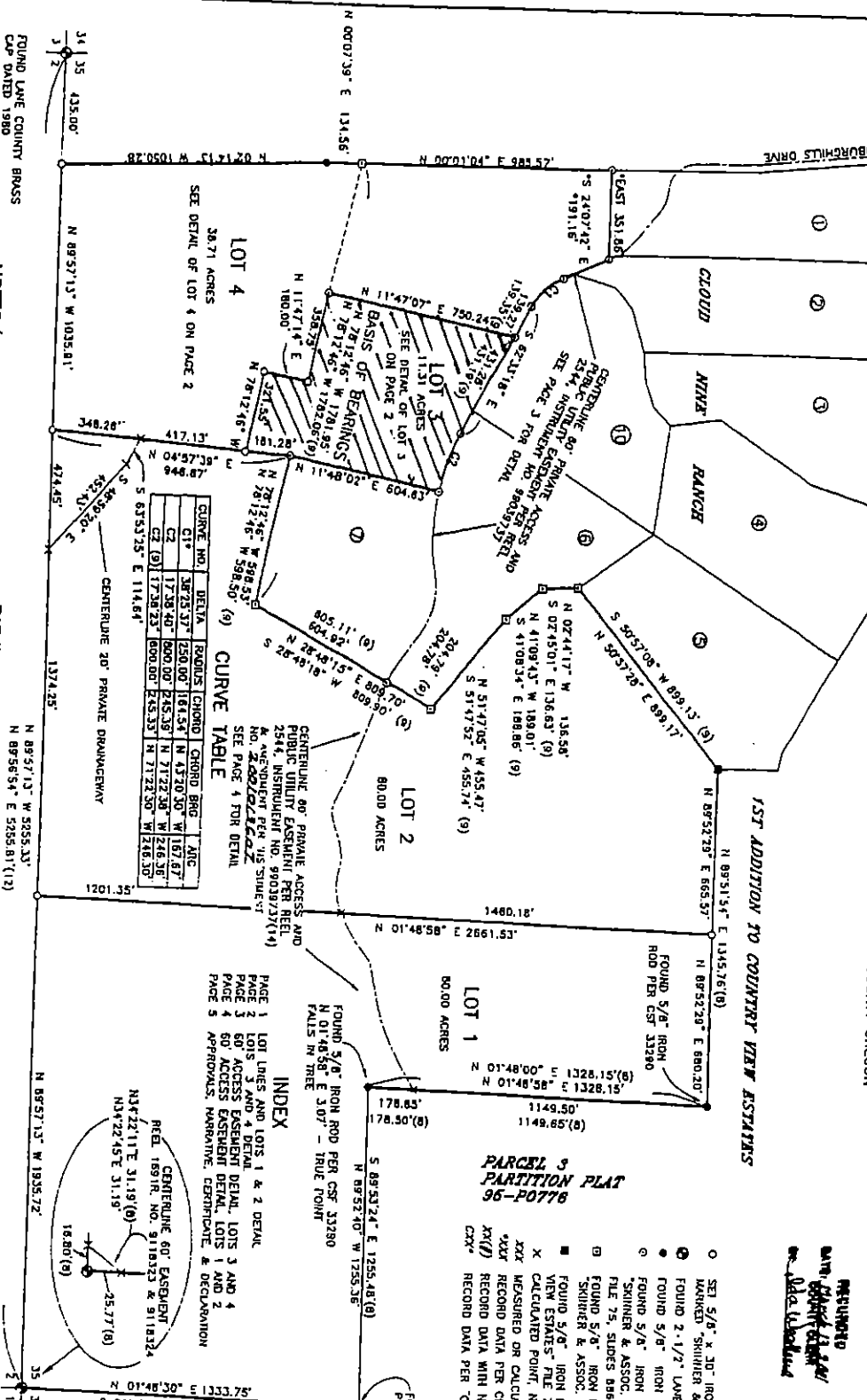
D. G. NICKELL P.L.S.O.
Engineering Associate
541-682-3989

ATTACHMENTS

CC: TRS File

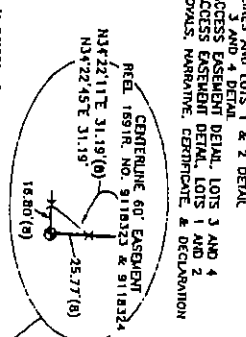
LEGEND

- SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED SKINNER & ASSOC. INC.
- FOUND 2-1/2" LIME 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 886-890
- FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED SKINNER & ASSOC. INC. PER CSF 33960
- FOUND 5/8" IRON ROD PER "1ST ADDITION TO COUNTRY VIEW ESTIMATES" FILE 73, SLIDE 376
- CALCULATED POINT NOTHING SET OR FOUND
- MEASURED OR CALCULATED DATA TRUE POINT TO TRUE POINT
- RECORD DATA PER CLOUD NINE RANCH EQUALS MEASURED DATA
- RECORD DATA PER "CLOUD NINE RANCH" EQUALS MEASURED DATA



CURVE TABLE

CURVE NO.	BEVIA	RADIUS	CHORD	CHORD BEG.	ANG.
C1	38.75	37	250.00	N 43.70 S 0° W 183.67	113.07
C2	17.38	40	600.00	N 21.27 S 0° W 448.38	161.67
C3	17.38	23	600.00	N 71.22 S 0° W 248.30	161.67
C4	6.75	75	114.64	N 87.57 S 13° W 1935.72	1374.25



NOTES/REFERENCES

1. THIS PROPERTY IS LOCATED IN AN AREA WHERE ARSENIC IS KNOWN TO OCCUR AT SIGNIFICANT LEVELS.
2. ALL OR A PORTION OF THIS PROPERTY HAS BEEN IDENTIFIED AS A TRANSITIONAL WETLAND ON THE STATE-WIDE WETLANDS INVENTORY.
3. DEVELOPMENT MUST COMPLY WITH THE DIVISION OF STATE LANDS AND/OR THE ADJ. COURTS OF ENGINEERS WETLANDS REGULATIONS.
4. SEE PAGE 3 AND 4 FOR DETAIL OF ACCESS AND UTILITY EASEMENTS.
5. WELL RESEARCH AND MAINTENANCE SURVEYOR'S CERTIFICATE, APPROVALS, ACKNOWLEDGMENTS, AND OWNER'S DECLARATION.
6. APPROVAL OF LINES SUBDIVISION DOES NOT ENSURE THAT LOT 1 QUALIFIES AS A HOME SITE. A DRIBBLING OR MOBILE HOME IS NOT ALLOWED ON THIS PROPERTY.
7. AT THE TIME OF DEVELOPMENT, EACH HOME SITE SHALL HAVE AN EMERGENCY VEHICLE TURNAROUND.
8. COUNTY SURVEY FILE NO. 22727 (SLIDES 886-890).
9. CLOUD NINE RANCH, FILE NO. 33960.
10. COUNTY SURVEY FILE NO. 33960.
11. COUNTY SURVEY FILE NO. 32151.
12. COUNTY SURVEY FILE NO. 29853.
13. 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 5 PARTITION PLAT 96-P0778

FOUND 5/8" IRON ROD PER CSF 33280
N 01°48'58" E 3.07' - TRUE POINT
FALLS IN TREE

FOUND 5/8" IRON ROD PER CSF 33280
N 01°48'58" E 3.07' - TRUE POINT
FALLS IN TREE

FOUND 5/8" IRON ROD PER CSF 33280
N 01°48'58" E 3.07' - TRUE POINT
FALLS IN TREE

EXACT COPY

1. STEVEN E. WOODS, HERBERT CENYRY
THAT THE PLAT IS AN EXACT COPY OF
THE PLAT AS SHOWN HEREBY
STEVEN E. WOODS PLS 2365

FOUND LANE COUNTY BRASS
CAP DATED 1980

FOUND LANE COUNTY BRASS
CAP DATED 1982

REGISTERED
FRONT EXHAUST
LAND SURVEYOR
DATE: 11/22/00
RENEWAL DATE: 03/01/07

SKINNER & ASSOCIATES, INC.
LAND SURVEYING
PROPERTY SURVEY-PARTITION SURVEYS
SUBDIVISION & CONSTRUCTION SURVEYS
P.O. BOX 321, 351 HWY 40 S
JUNCTION CRT, OR 97448
(541) 888-2153 FAX 888-1648
DRAWN BY: PMA CHECK BY: SEW

DATE: 11/22/00

SCALE: 1" = 300'
0 150 300

PAGE 1 OF 5

SUBMITTED FOR: DELOROUS J. ROSS, SCOTT WELTNRATH & DENNIS J. PARMON COPY

THE GREAT COMPANION

DATE: 11/22/00

DRAWN BY: PMA

CHECK BY: SEW

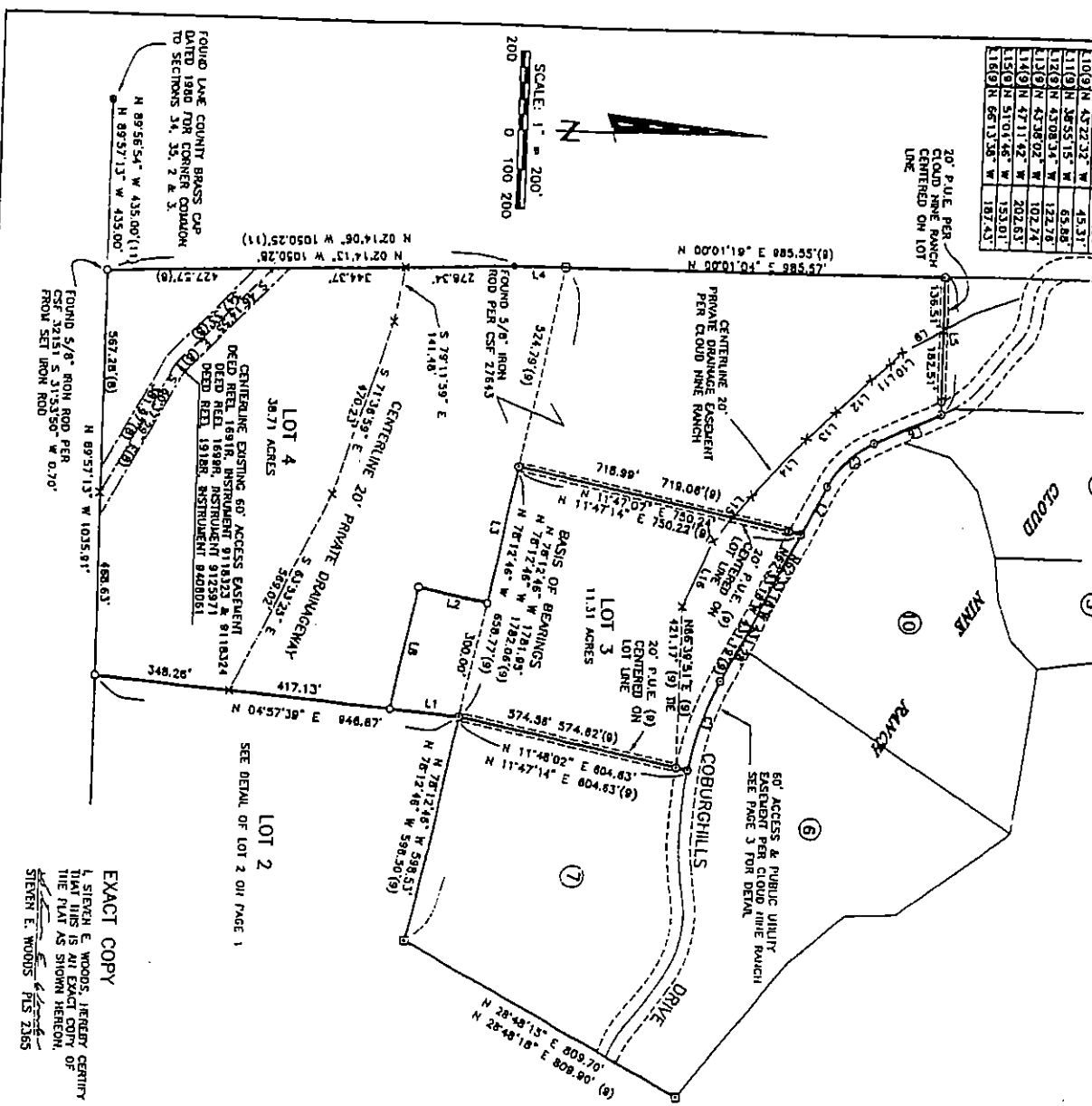
THE GREAT COMPANION

LINE TABLE

LINE	BEARING	DISTANCE
1	N 28°04'13" W	117.84'
2	N 43°22'32" W	45.31'
3	N 28°55'15" W	65.88'
4	N 45°08'34" W	122.78'
5	N 45°38'02" W	102.74'
6	N 47°11'42" W	202.63'
7	N 51°04'46" W	153.01'
8	N 61°13'38" W	187.43'

COBURGHILL

A REPLAY OF PARCEL 2 OF PARTITION 97-P0947 AND LOTS B AND 9 OF CLOUD NINE RANCH LOCATED IN THE SW 1/4 AND SE 1/4 OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LAINE COUNTY OREGON



RECORDED
 DEED
 11/17/00
 11/17/00

FILE **75** SLIDE **1076**

LEGEND

- SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED SKINNER & ASSOC. INC.
 - FOUND 2-1/2" LAINE COUNTY BRASS CAP AS DESCRIBED
 - ⊙ FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED SKINNER & ASSOC. INC. PER "CLOUD NINE RANCH" FILE 75, SLIDES 888-930
 - ⊗ FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED SKINNER & ASSOC. INC. PER CSF 33960
 - x CALCULATED POINT
 - xxx MEASURED OR CALCULATED DATA TRUE POINT TO TRUE POINT
 - *** RECORD DATA PER CLOUD NINE RANCH EQUALS MEASURED DATA
 - (***) RECORD DATA WITH NUMBER BEING HOLE NUMBER
 - COX RECORD DATA PER "CLOUD NINE RANCH" EQUALS MEASURED DATA
 - LYX RECORD DATA PER "CLOUD NINE RANCH" EQUALS MEASURED DATA
- SEE PAGE 1 OF 5 FOR NOTES AND REFERENCES

CURVE TABLE

CURVE	DELTA	RADIUS	CHORD	CHORD BEARING	ARC
C1	173.84°	800.00'	724.33'	N 71°22'30" W	246.06'
C1(9)	173.84°	800.00'	724.33'	N 71°22'30" W	246.06'
C2	387.25°	250.00'	184.54'	N 43°20'30" W	187.67'

LINE TABLE

LINE	BEARING	DISTANCE
1	N 04°57'39" E	181.37'
2	N 11°47'14" E	180.00'
3	N 78°12'48" E	358.25'
4	N 09°07'39" E	134.36'
5	N 07°00'00" E	134.49'
6	N 30°00'00" E	351.86'
7	N 24°07'42" W	191.16'
8	N 82°53'18" W	139.27'
9	N 67°33'18" W	139.35'
10	N 78°12'48" W	321.55'

PAGE 2 OF 5
 LOT 3 AND LOT 4 DETAIL

SKINNER & ASSOCIATES, INC.

LAND SURVEYING
 PROPERTY & ESTATE SERVICES
 SURVEYING & CONSTRUCTION SERVICES
 P.O. BOX 311, 371 HOLLY STREET
 ALBANY, OREGON 97148
 (503) 888-3125
 DATE: 11/21/00 DRAWN BY: PAA CHECKED BY: SKM

EXACT COPY
 I, STEVEN E. WOODS, JEREMY CENTURY
 THEY ARE AN EXACT COPY OF
 THE PLAN AS SHOWN HEREON,
 STEVEN E. WOODS PLS 2365

COBURGHILL

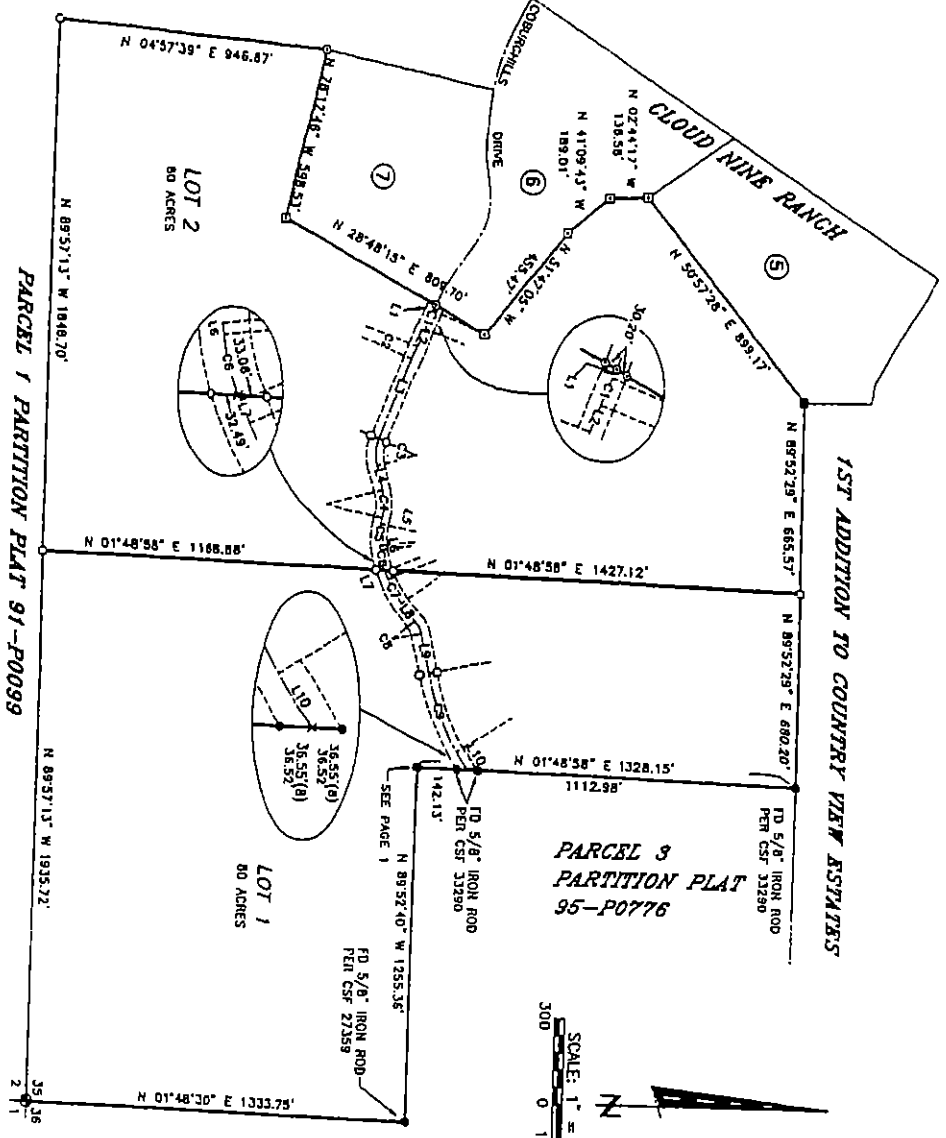
A REPLAT OF PARCEL 2 OF PARTITION 97-P0947 AND OF LOTS B AND 9 OF CLOUD NINE RANCH LOCATED IN THE SW 1/4 AND SE 1/4 OF SECTION 35, TOWNSHIP 16 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LANE COUNTY OREGON

FILE **75** SLIDE **1078**

Replatted
DATE: March 13, 2001
COUNTY CLERK
OF: Lane County, Oregon
Division of State Land, Survey & Record
Lane County, Oregon
111 M
RE-SHOW Online Show? COMPLETE ON 03/12/01 09:31:12 AM
\$3.00 PER PAGE \$10.00 PER SLIDE \$11.00

LEGEND

- SET 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP
 - MARKED "SKINNER & ASSOC. INC."
 - FOUND 2-1/2" LANE COUNTY BRASS CAP DATED 1982
 - 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 888-890
 - FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "SKINNER & ASSOC. INC." PER CSF 32980
 - FOUND 5/8" IRON ROD PER "1ST ADDITION TO COUNTRY VIEW ESTATES" FILE 73, SLIDE 578
 - XXX MEASURED OR CALCULATED DATA TRUE POINT TO TRUE POINT
 - XXX RECORD DATA PER CLOUD NINE RANCH EQUALS MEASURED DATA
 - XXX RECORD DATA WITH NUMBER BEING NOTE/REFERENCE NUMBER
 - XXX RECORD DATA PER "CLOUD NINE RANCH" EQUALS MEASURED DATA
 - XXX RECORD DATA PER "CLOUD NINE RANCH" EQUALS MEASURED DATA
- SEE PAGE 1 OF 5 FOR NOTES AND REFERENCES



PARCEL 3 PARTITION PLAT 95-P0776

1ST ADDITION TO COUNTRY VIEW ESTATES

CURVE TABLE

CURVE NO.	CHORD BEG.	CHORD END	CHORD LENGTH	DELTA	ARC LENGTH	ACRES
C1	N 88°57'13" W	N 01°48'58" E	67.99	02°13'25"	47.27	1.751,997
C2	N 88°57'13" W	N 01°48'58" E	67.99	01°55'13"	47.27	1.404,227
C3	N 88°57'13" W	N 01°48'58" E	67.99	01°55'13"	47.27	1.471,350
C4	N 88°57'13" W	N 01°48'58" E	67.99	01°55'13"	47.27	1.471,350
C5	N 88°57'13" W	N 01°48'58" E	67.99	01°55'13"	47.27	2.014,336
C6	N 88°57'13" W	N 01°48'58" E	67.99	01°55'13"	47.27	2.28,586
C7	N 88°57'13" W	N 01°48'58" E	67.99	01°55'13"	47.27	3.82,611
C8	N 88°57'13" W	N 01°48'58" E	67.99	01°55'13"	47.27	3.72,207
C9	N 88°57'13" W	N 01°48'58" E	67.99	01°55'13"	47.27	1.00,007
C10	N 88°57'13" W	N 01°48'58" E	67.99	01°55'13"	47.27	7.89,343

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	N 67°45'33" W	72.30'
L2	N 69°50'57" W	61.09'
L3	N 68°03'15" W	301.58'
L4	N 74°28'06" E	46.88'
L5	N 76°02'00" W	20.31'
L6	N 87°46'10" E	13.25'
L7	N 87°58'27" E	22.89'
L8	N 87°58'27" E	75.55'
L9	N 78°21'35" E	139.76'
L10	N 57°02'29" E	73.42'

EXACT COPY
L. SKINNER & ASSOCIATES, INC.
LAND SURVEYING
1000 N. 3RD ST., SUITE 200
ASTORIA, OREGON 97103
PHONE: 325-1144
FAX: 325-1145
WWW.SKINNERANDASSOCIATES.COM

SKINNER & ASSOCIATES, INC.
LAND SURVEYING
1000 N. 3RD ST., SUITE 200
ASTORIA, OREGON 97103
PHONE: 325-1144
FAX: 325-1145
WWW.SKINNERANDASSOCIATES.COM

LANE COUNTY
AND TAXATION
ONLY

SEC. 35 T.16S. R.3W. W.M.
LANE COUNTY
SCALE 1" = 400'

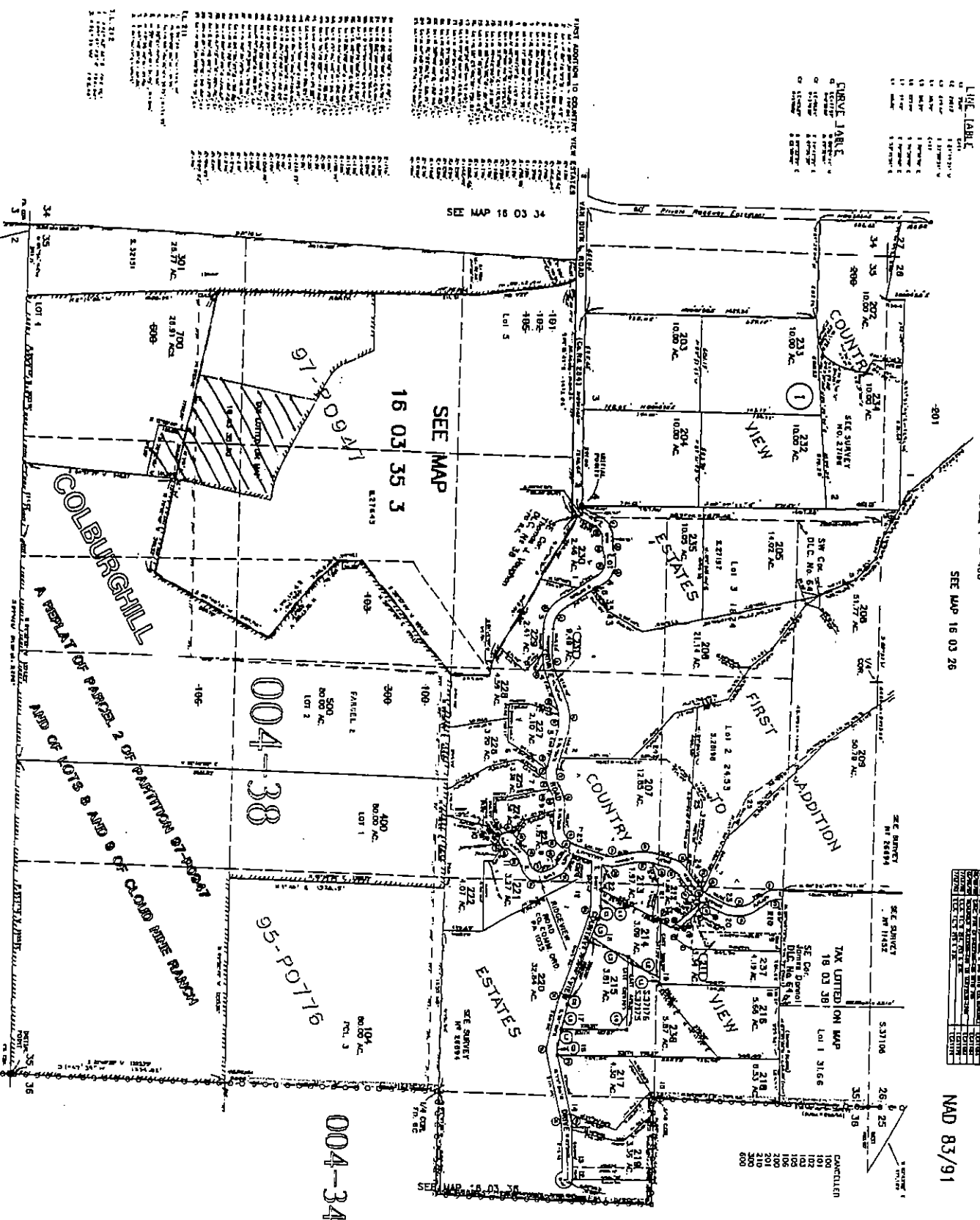
LINE LABEL
10 1000 AC
11 1100 AC
12 1200 AC
13 1300 AC
14 1400 AC
15 1500 AC
16 1600 AC
17 1700 AC
18 1800 AC
19 1900 AC
20 2000 AC

CURVE TABLE
1 1000 AC
2 1100 AC
3 1200 AC
4 1300 AC
5 1400 AC
6 1500 AC
7 1600 AC
8 1700 AC
9 1800 AC
10 1900 AC
11 2000 AC

SEE MAP 16 03 26

SECTION	TAX MAP	DATE	STATUS
16 03 35	18 03 38	1988	REPLACED
16 03 35	17 03 02	1987	REPLACED
16 03 35	16 03 34	1986	REPLACED
16 03 35	16 03 33	1985	REPLACED
16 03 35	16 03 32	1984	REPLACED
16 03 35	16 03 31	1983	REPLACED
16 03 35	16 03 30	1982	REPLACED
16 03 35	16 03 29	1981	REPLACED
16 03 35	16 03 28	1980	REPLACED
16 03 35	16 03 27	1979	REPLACED
16 03 35	16 03 26	1978	REPLACED
16 03 35	16 03 25	1977	REPLACED
16 03 35	16 03 24	1976	REPLACED
16 03 35	16 03 23	1975	REPLACED
16 03 35	16 03 22	1974	REPLACED
16 03 35	16 03 21	1973	REPLACED
16 03 35	16 03 20	1972	REPLACED
16 03 35	16 03 19	1971	REPLACED
16 03 35	16 03 18	1970	REPLACED
16 03 35	16 03 17	1969	REPLACED
16 03 35	16 03 16	1968	REPLACED
16 03 35	16 03 15	1967	REPLACED
16 03 35	16 03 14	1966	REPLACED
16 03 35	16 03 13	1965	REPLACED
16 03 35	16 03 12	1964	REPLACED
16 03 35	16 03 11	1963	REPLACED
16 03 35	16 03 10	1962	REPLACED
16 03 35	16 03 09	1961	REPLACED
16 03 35	16 03 08	1960	REPLACED
16 03 35	16 03 07	1959	REPLACED
16 03 35	16 03 06	1958	REPLACED
16 03 35	16 03 05	1957	REPLACED
16 03 35	16 03 04	1956	REPLACED
16 03 35	16 03 03	1955	REPLACED
16 03 35	16 03 02	1954	REPLACED
16 03 35	16 03 01	1953	REPLACED

16 03 35
NAD 83/91



SEE MAP 17 03 02

16 03 35



Coburg Fire District

91232 North Coburg Road • P.O. Box 8345
Coburg, OR 97408 • (541) 686-1573 • Fax (541) 686-2445

August 13, 2004

Lane County Planning Department

The property located at Township 16 S. Range 3 Sec. 35 Quarter 30 Lot # 3 in the Coburg hills subdivision, on Coburg Hill Drive may us the Lane County Code with set backs of 10' from all property lines.

Thank you,

Chief Chad Minter

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

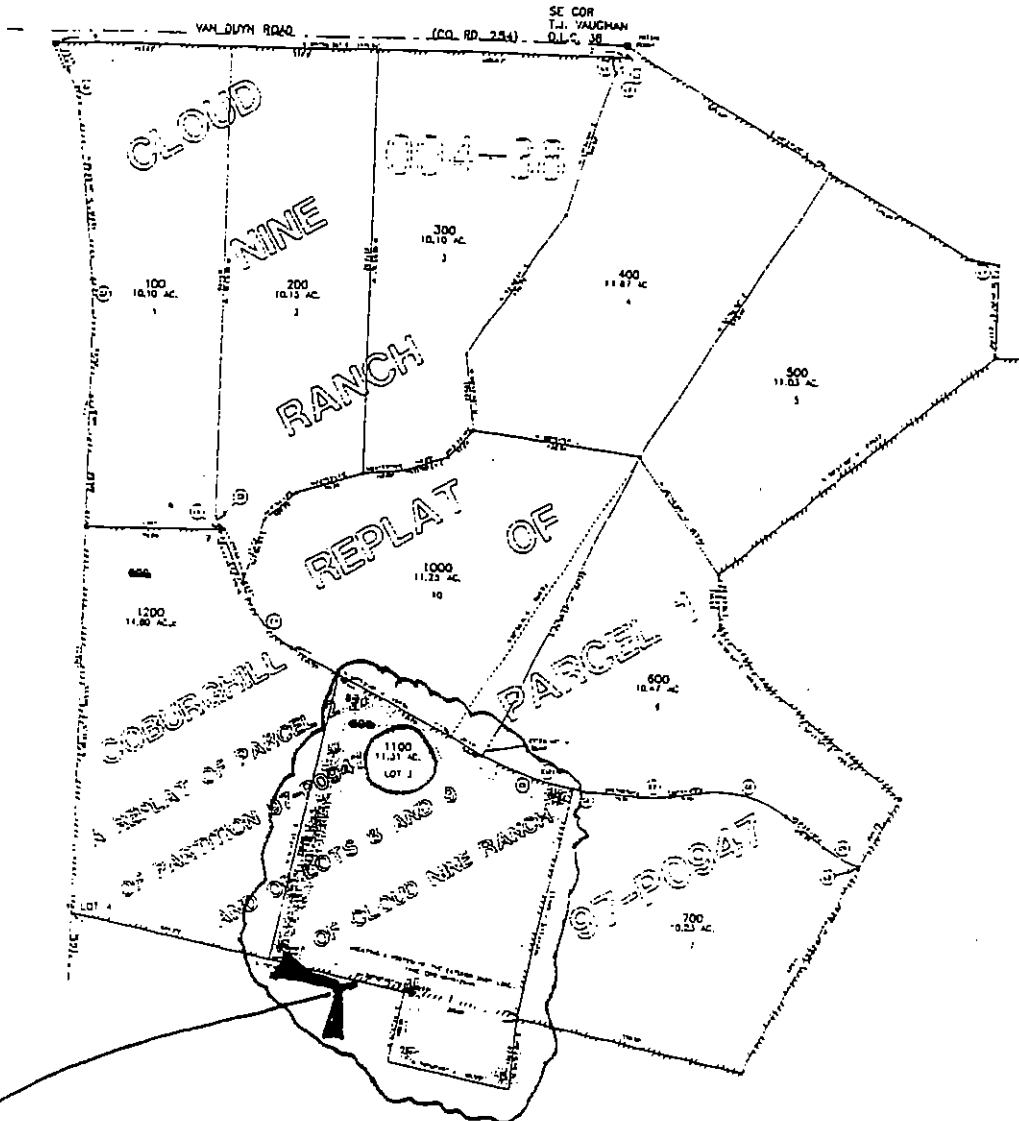
16 03 35 3

NAD 27

SEE MAP 16 03 35

Block	Area
1	100 AC
2	100 AC
3	100 AC
4	100 AC
5	100 AC
6	100 AC
7	100 AC
8	100 AC
9	100 AC
10	100 AC
11	100 AC
12	100 AC
13	100 AC
14	100 AC
15	100 AC
16	100 AC
17	100 AC
18	100 AC
19	100 AC
20	100 AC

SEE MAP 16 03 35



CANCELLED
800
900

Block Area

1	100 AC
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3	100 AC
4	100 AC
5	100 AC
6	100 AC
7	100 AC
8	100 AC
9	100 AC
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Block Area

1	100 AC
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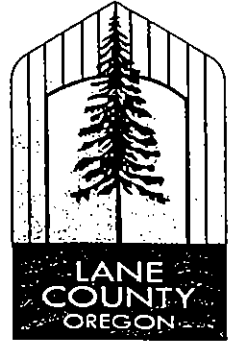
SEE MAP 16 03 35

SEE MAP 16 03 35

16 03 35 3

LOT # 3 - COBURGHILL SUBDIVISION
THE DETTMER PROPERTY

Supplemental Memo



Date of Memo: August 24, 2005

To: Lane County Planning Commission

From: Jerry Kendall/^{JK}Associate Planner (682-4057)

Re: PA 03-6037 Plan Amendment from "Forest Land" to "Nonresource" with concurrent zone change from "F-2/Impacted Forest Lands" to "RR-10/Rural Residential", for 1.31 acres of land located with an 11.31 acre parcel. Subject parcel is Map 16-03-35.3 (lot 3, Coburg Hill Subdivision). Applicant: Peter & Joy Dettmer

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

Planning Commission deliberation (public meeting, no public comment) is on September 6, 2005 at 7:00 PM, Main Harris Hall.

Background:

The LCPC conducted the original hearing for this matter on March 16, 2004. A copy of the staff report for that hearing is enclosed. Please refer to it to refresh your memory. That report recaps the basic requirements for a change from resource to Nonresource designation.

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.

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 (enclosed). 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 submittal (enclosed), and submitted it to the LMD on August 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.

APRIL

BCC ATTCH. # 2-2005



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 submittal his comments via email on August 15, they are enclosed. The *Goal One Coalition* recommends approval of the request.

The applicant has until August 30 to provide final rebuttal comments. I wanted to get this packet of information to the Commission early, because it has been so long since the last hearing. If any final comments are turned in by the applicant, they will be either mailed to you, or presented at the meeting on September 6.

Conclusion/Recommendation:

With the revised soils information now showing an average forest capability rating of 42.7 cubic feet per acre annual, and all other requirements having been covered previously, staff recommends approval of the request.

It is noted that the fire protection district had recommended a 50' (primary) fuelbreak around the dwelling. This can be incorporated into the Board Ordinance if so subsequently approved by the Board of Commissioners.

As always, please contact me if you have any questions or comments regarding this item, either by phone (682-4057) or email (Jerry.Kendall@co.lane.or.us).

IMPORTANT NOTE: LCPC QUORUM:

Several new Planning Commissioners have been appointed since this item was last heard. The LCPC will be polled in the near future to determine if a quorum is available for this meeting. In order to deliberate on this item, one must either have attended the March 16 2004 hearing, or be able to declare that you have read the file record and listened to the hearing tapes.

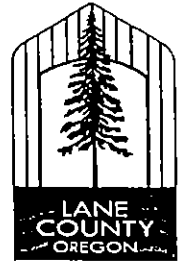
Staff will obtain the minutes from the last hearing to ascertain who attended, and coordinate with the secretary of the LCPC in order to insure that deliberation can occur. Ideally, the commissioners who did not attend the original hearing will not need to vote, but may be needed to establish a quorum (5 commissioners are needed for a quorum, and a majority of the quorum is needed to deliberate).

Enclosures:

1. LCPC Staff Report for hearing of 3-16-04
2. Revised soils study received 9-3-04
3. Spiral-bound revised submittal received ~~8~~⁴-29-05
4. *Goal One Coalition* comments of 8-15-05

LANE COUNTY PLANNING COMMISSION

STAFF REPORT



HEARING DATE: March 16, 2004

FILE No. PA 03-6037

REPORT DATE: March 9, 2004

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

I. APPLICATION DESCRIPTION

- | | |
|--|--|
| <p>A. Owner/Applicant:
Peter & Joy Dettmer
c/o US Embassy (KAV)
PSC 108 Box 39
APO-AE-09842</p> | <p>Agent:
Teri Harding/Satre Associates P.C.
132 E. Broadway, Suite 536
Eugene, Or. 97401</p> |
|--|--|

B. **Proposal**

Plan Amendment from "Forest Land" to "Nonresource" with concurrent zone change from "F-2/Impacted Forest Lands" to "RR-10/Rural Residential", for 1.31 acres of land located with an 11.31 acre parcel. Subject parcel is Map 16-03-35.3 (lot 3, CoburgHill Subdivision).

II. RECOMMENDATION

Staff recommends approval of the request, with the requirement of a 50' primary fuelbreak around the perimeter of any dwelling placed on the 1.31 acre portion. The primary fuelbreaks will be per the standards in the F-2 zone, LC 16.211(8)(c).

III. SITE AND PLANNING PROFILE

A. **Subject Property**

Refer to the maps on the following page for location and configuration. The subject property is located east of Coburg and south of VanDuyn Road. It was originally 10 acres in size, and was previously identified as lot 8 of the Cloud Nine Ranch Subdivision. This lot 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.

It is staff's understanding that 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 is necessary in order for the homesite to be located on the 1.31 acre portion.

B. **Site Characteristics**

The RR-10 zoned portion of Lot 3 of CoburgHill is generally level. The F-2 zoned 1.31 acre portion is an isolated point, dropping off sharply to the south and west. See page 4 of the submittal for further information.

**FOR ASSESSMENT
AND TAXATION
ONLY**

SEC. 35 T.16S. R.3W. W.M.
LANE COUNTY
SCALE 1" = 400'

16 03 35
NAD 83/91

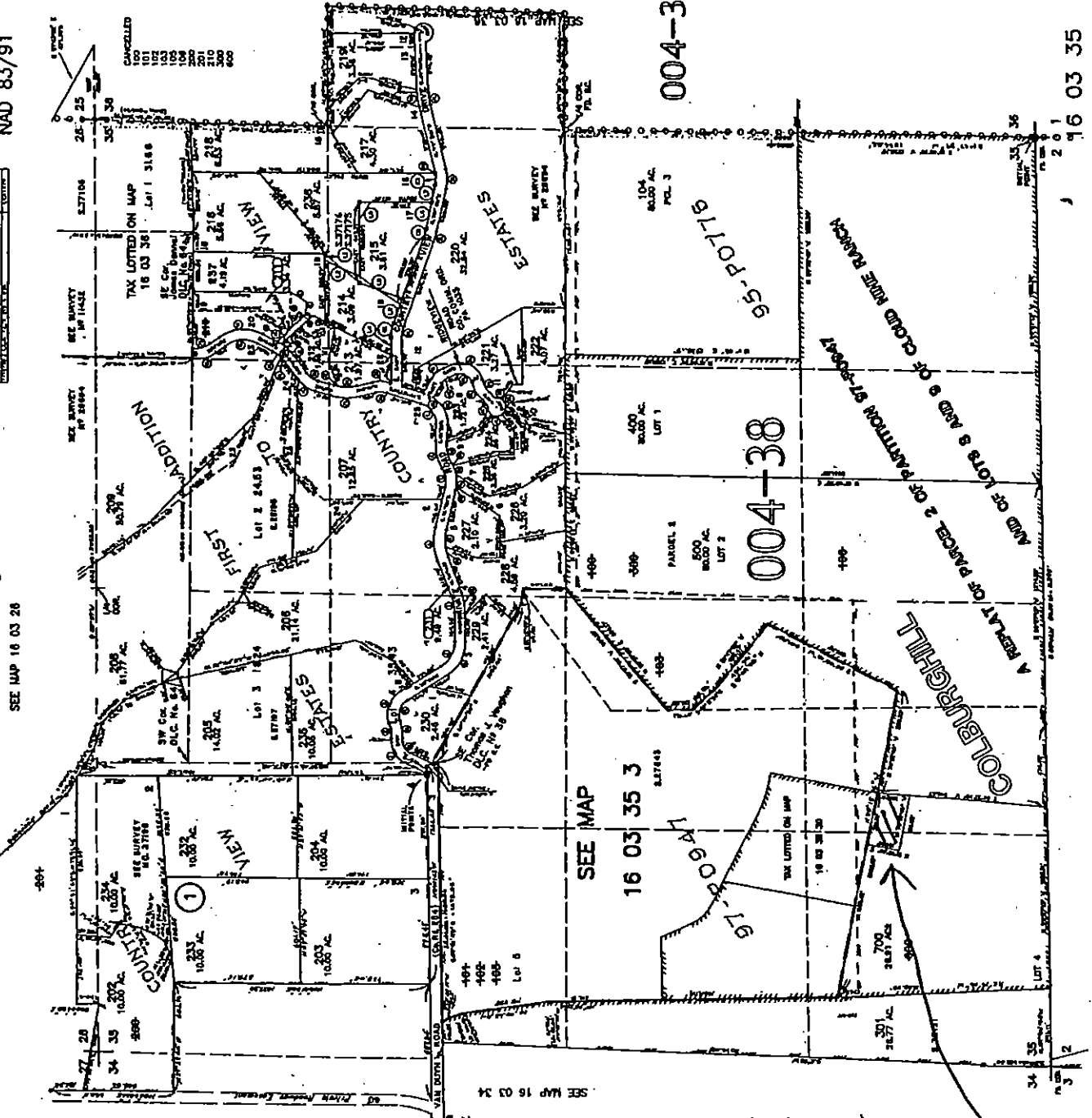
LINE	DESCRIPTION
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LINE TABLE

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- 3 1/4" = 400'
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CURVE TABLE

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- 40 1/4" = 400'



1.31 ACRES
SUBJECT
PROPERTY

SEE MAP 17 03 02

16 03 35

C. Surrounding Area

See page 5 of the applicant's submittal.

D. Services

See page 5 of the submittal.

E. Referral Comments Received:

The only comment received on this application, as of the writing of this report, was from the Coburg Fire Department. Chief Minter stated that the property is within his district and that the department will respond to fire, although he states that there is "limited water for firefighting purposes in that area". He recommends that 50' fuelbreaks be cut for any dwelling unit built on the 1.31 acres. This recommendation can be included in the final ordinance approving this request.

IV. APPROVAL CRITERIA & ANALYSES

A. Approval Criteria

Applicable criteria for all RCP amendments and rezoning are found in Lane Code 16.400(6) and L.C. 16.252. They are recited in the applicant's statement and so are not repeated in this staff report. The Nonresource designation is a unique designation which must meet a special set of evaluation criteria, fundamentally proving that the land involved in the proposal has no significant resource value within the definitions of the statewide planning goals.

It is noted that while this request is for changing the designation of the 1.31 acre portion of lot 3, CoburgHill only, the analysis, especially in regards to soil capability, is performed on a whole parcel basis. This policy minimizes any applicant from gerrymandering rezones on isolated portions of land.

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

B. Evaluation

This application proposes to change a 1.31 acre portion of an 11.31 acre parcel of Impacted Forest Land property to a RR-10/Nonresource designation, in order to enable placement of a dwelling on that portion of the lot. In justifying the proposal, the applicant has addressed Plan and zoning criteria including RCP policies and Nonresource approval standards. Those criteria are not repeated in this Staff Report; please refer to the applicants' statement (attached) for both criteria and the applicants' responses to them.

A key test for Nonresource designations is soils productivity. An identical proposal was attempted in 2000, via PA 00-6298, prepared by Brent Reed of Jim Griffith & Associates. The proposal was later withdrawn at the agent's request. In the original submittal for the present application, Mr. Reed's submittal was used. However, since it contained

numerous deficiencies, the current agent, Teri Harding, rewrote the proposal. It is attached to this report.

The Reed submittal analyzed the soils for the 1.31 acre portion only. When Ms. Harding was advised that the entire parcel would need to be examined, it was realized that the soils, as mapped by the Natural Resource Conservation Service, would not qualify for a Nonresource designation. This led to the employment of a soils scientist, Andy Gallagher, who conducted an on-site soils study. He found that the parcel actually contained a different set of soils with less productivity. This study is Exhibit E in the attached applicant's submittal. In turn LCOG soils scientist Kathi Weiderhold evaluated this study. Ms. Weiderhold concluded that the methodology and conclusion of the study is correct. Her memo follows the applicant's submittal and is included herein.

In order to qualify for a Nonresource designation, the agricultural class capability of a majority of the parcel should be in class V-VIII¹, and have an average forest capability rating below 50 cu.ft./ac.year². According the Gallagher study, the 11.31 acre subject property has 5.5 acre (49.1%) of the soils in agricultural capability Class I-IV. He also found only .5 acre (4.5%) with any forest capability rating (of 152 cubic feet per acre annual), for an average of 6 cu.ft.ac./year.

Specific Nonresource criteria drawn from the Marginal Lands Working Paper are addressed on pages 6-19 of the statement. The property is not the site of inventoried archeological, historical or sensitive wildlife habitat.

Water supply, always a key concern for rural development proposals, is supplied via a community water system from the Cloud Nine Ranch, meeting the requirements of Lane Manual 13.010 for this water limited area.

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

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

These criteria are fundamentally the same as those used to establish appropriate Rural Residential densities in Developed & Committed areas, and which the Board of Commissioners has interpreted on two occasions. The Board's interpretations place much weight on analyses of existing development patterns and density of nearby Rural Residentially-zoned lands to determine their average parcel size, the result of which is applied by the RR zone (RR-1, RR-2, RR-5 or RR-10) to be placed on the subject property. The applicant rightfully concludes that the density should be the same as in the vicinity, 10 acres.

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.

¹ Goal 3, in part, defines agricultural land in western Oregon as land having a majority agricultural capability of class I-IV, on a scale of I-VIII.

² Lane County recognizes land with a minimum average productivity of 50 cubic feet per acre per year as commercial forest land.

V. CONCLUDING COMMENTS

A. Summary Remarks

This Nonresource zone proposal on a 1.31 acre portion of lot 3, CobergHill, appears to meet the necessary requirements; staff recommends approval of the request.

B. Attachments to Staff Report

1. Vicinity maps—2pp.
2. Applicant's statement with exhibits -- NOTE: provided to Planning Commissioners only, and can be made available to other interested persons.
3. Memo from K. Wiederhold Re: soils study—2pp.

NOT INCLUDED
WITH SUPPLEMENT
OF B-36-05

C. Materials to be Part of the Record

1. Staff Report and attachments.
2. Applicant's statement with all exhibits.
3. File PA 03-6037.
4. Lane Code Chapter 14.
5. Lane Code sections 16.252 and 16.400.
6. *Marginal Lands Working Paper*, 1983

REC'D SEP 16¹ 2004

Andy Gallagher, Soil Scientist PO Box 2233 Corvallis, OR 97333

Red-Hill Soils

541-745-7873 avg@redhillsoil.com

September 3, 2004

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

Dear Mr. Kendall,

This letter is in reference to the land use case "PA 03-6037 Dettmer Non-Resource Application" for Mr. Peter Dettmer's property located on Coburg Hills Road. In this case the client owns an 11.31 acre parcel that currently consists of 10 acres zoned RR-10 and 1.31 acres zoned F-2. Mr. Dettmer hired Ms. Terri Harding of Satre and Associates to represent him in the zone change. Mr. Dettmer's original goal was to have the 1.31 acres changed from F-2 to RR-10 zone, so that he could build his home on the knoll that was zoned F-2, which he had selected as the most desirable home site on this property.

I was hired to remap and reclassify the soils on the entire property and to determine the forest productivity based on the revised soil information. My findings were previously submitted in a report and revised soil map for the property. I reclassified soils previously mapped as a soil complex, and my revised map included several soils that had not been rated by NRCS for forest productivity. In my analysis soils that had no rating for forest productivity were valued at zero productivity and the calculated weighted average productivity was less than a threshold 50 cu ft/ac/yr. Mr. Jim Just of Goal One Coalition raised objection to a rating of zero for soils that had no NRCS ratings, and opposed the net loss of F-2 lands in his written and verbal testimony at a public hearing. The decision to change the zone from F-2 to RR-10 was put on hold following the hearing in spring 2004.

My work revising the soil map provided much better and more detailed information relative to the soil resources of these 11.31 acres than had previously been available to planning staff and to decision makers. A significant finding of my work was that the soil on the knoll (1.31 acres currently zoned F-2) was in fact very marginal land for forest production and even though zoned F-2 it had the lowest potential productivity based on soil properties. This 1.31-acre area consists of outcrops of andesite, tuff and basalt rocks and severely eroded, very shallow soils.

In July 2004, I met with Mr. Just on Mr. Dettmer's behalf, to discuss adjusting the location of F-2 zoned land on the 11.31-acre property to improve the effectiveness of the zone on this land and to enable the landowner, Mr. Dettmer, to use the home site of choice. Mr. Dettmer could already build a home on the 10 acres zoned RR-10, though he preferred to build on the knoll. The soils on the 1.31-acre land had much lower potential forest productivity than an equivalent and adjacent area of land on the land zoned RR-10. I proposed that all interests could be better served if the land of lower

forest productivity in the F-2 zone were adjusted into the R-10 zone and an equivalent amount of land of better potential forest productivity be adjusted to F-2. In addition, Mr. Dettmer will enroll most of his RR-10 land in a habitat conservation management plan safeguarding and restoring native oak savannah. Mr. Christopher Yee of ODFW is currently drawing up the details of that plan.

Mr. Just presented this proposal to his client Land Watch Lane County and they signaled interest in the idea. In August 2004, I arranged a meeting with Mr. Just, Mr. Bob Emmons (Land Watch Lane County), Mr. and Mrs. Dettmer and myself to discuss the details of the proposal. All parties came to an agreement that the plan appeared to be sound and merited further discussion and introduction to you on behalf of Lane County.

Mr. Just suggested that it would be helpful if I would do a more detailed soil investigation on the 1.31 acres currently in F-2, which I mapped as a complex of Philomath soils and Rock Outcrop. On August 26, 2004, I made a series of transects of the 1.31 acre area and further delineated soils in this area. My findings (attached) indicated that the soils on this 1.31 acre area are predominantly rock outcrop (RO) and very shallow soils less than 6 inches to bedrock. The lack of sufficient soil depth to plant a tree is the basis for giving this area a rating of marginal lands. Part of the 1.31 acre area is a cut-and-fill road section that is exposed bedrock and compacted road fills that is also considered marginal lands since planting trees in this area is physically impractical. Part of this area along the eastern lot line is in severely eroded Philomath soils and Witzel soils (Ph), and along the eastern lot line, a strip of these soils will remain in F-2, though the severely eroded profile and very shallow depth (<12 inches) is evidence that these soils have a much diminished productivity compared to typical Philomath soils, which typically range from 12 to 20 inches deep.

Productivity values for these rock outcrop land type and very shallow and eroded phases of Philomath soils and Witzel Soils are not available from the NRCS. In map units in Soil Survey of Lane County that contain rock outcrop component, the NRCS reduces the productive potential of the complex by the weighted percentage of rock outcrop. I estimate that within the 1.31 acre F-2 zone there is 75 percent rock outcrop and soils less than six inches to lithic contact. There is no rating for the very shallow soils.

Currently the best reference to estimate productivity of the Rock Outcrop and Very Shallow Soils Unit (RO) is the Memo from the Office of the State Forester, Oregon Department of Forestry, January 27, 1989. That document reports estimated forest productivity for map units that did not have NRCS ratings for forest productivity in thirteen Oregon counties. The map unit in that document that is most similar to the soils on the 1.31 acre F-2 portion is the Rock Outcrop and Witzel Complex, which is rated at 25 cf/ac/yr. That unit is composed of 70 percent rock outcrop and 30 percent Witzel soils. Witzel soils are at least 12 inches deep and up to 20 inches to a lithic contact. In the Rock Outcrop and Very Shallow Soil unit mapped on the Dettmer property the soil portion of the unit is about 25 percent and the soil is less than 12 inches. Therefore based on the best available information the forest productivity of this unit is estimated to be less than 25 cf/ac/yr. These soils have rock at depths that is too shallow to plant a tree seedling and seedling mortality would be high.

Soils currently in the current RR-10 zone proposed to be adjusted to F-2 are deeper, less rocky, less sloping and less eroded. Additionally, part of this area that it is proposed to adjust into the F-2 currently has a stand of mixed oak-fir timber. So there would be no

net loss of F-2 land and in the end the land in F-2 would be more productive for forest than the knoll.

In summary, my client Peter Dettmer is proposing a "swap" of zoning designations: moving the current F-2 zone away from the unproductive 1.31 acres onto a portion of the parcel zoned RR-10; and we propose re-designating the unproductive 1.31 acre portion of this parcel as either RR-10 or as Marginal Lands. Mr. Dettmer has informed me that this is very similar to the "swap" of zones approved for Holiday Farms in PAS 01-5894.

The basis for the rezoning in this case is newer and more detailed soil information obtained in my Order-1 soil survey of the property. The landowner would get his preferred home site on lower productivity soils, and at the same time forest conservation and productivity values would be enhanced. Important conservation values of preserving and enhancing oak savannah on RR-10 lands are being encouraged on this property through a wildlife and habitat management conservation plan. This proposal has the support of Mr. Just of the Goal One Coalition and Mr. Bob Emmons of Land Watch Lane County, and Christopher Yee of ODFW.

Please give this proposed zoning adjustment your consideration and respond to me as soon as possible.

Thank you for your time.


Andy Gallagher
Certified Professional Soil Classifier

Attachments:

1. Boring Log from August 24, 2004, plot of boring locations,
2. Peter Dettmer's "Proposed Zone Exchange (Swap) Area"
3. Peter Dettmer's "My Proposed Lot Development" Map
4. Letter from Christopher Yee, Assistant District Wildlife Biologist, ODFW
5. Coburg Fire District Letter and Map

Cc.

Peter Dettmer
Jim Just, Goal One Coalition
Terri Harding, Satre Associates
Bob Emmons, Land Watch Lane County

**Supplemental Soil Boring Log from Onsite Soil Investigation on 1.31 acre F-2 Area
on Dettmer Property
Field Work August 26, 2004**

18 Rock Outcrop 10% slopes ridge shoulder
 Horizon Depth Color Texture
 Igneous Rock at surface

19 Rock Outcrop 12% slopes ridge shoulder
 Horizon Depth Color Texture
 Igneous Rock at 0 to 3 inches depth.

20 Rock Outcrop 15% slope ridge shoulder
 Horizon Depth Color Texture
 AC 0-5 10YR3/4 Cobbly Clay Loam

21 Rock Outcrop 15% slope ridge shoulder,
 Horizon Depth Color Texture
 AC 0-2 10YR3/4 Clay loam

22 Rock Outcrop 6% slope ridge,
 Horizon Depth Color Texture
 Igneous Rock at surface

23 Rock Outcrop 6% slope ridge
 Horizon Depth Color Texture
 Igneous Rock at surface

24 Road Cut/Rock Outcrop 20 % slope ridge shoulder upper part of skid road

Road Cut is 4 to 6 feet deep and cut bank and road bed are rock outcrop, and fill section is compacted extremely cobbly rubble disturbed road section is about 20 feet wide.

25 Road Cut/Rock Outcrop 55 % slope side slope mid slope of skid road grade.

Soil in cut bank is 0 to 6 inches deep to igneous rock. Road Cut is 4 to 6 feet deep and cut bank and road bed are rock outcrop, and fill section is compacted extremely cobbly rubble disturbed road section is about 20 feet wide. .
 Rock Outcrop % slopes ridgetop,

26 Road Cut/Rock Outcrop 45 % slope sideslope lower part of skid road

Road Cut is 3 feet deep and cut bank and road bed are rock outcrop, and fill section is compacted extremely cobbly rubble disturbed road section is about 21 feet wide consisting of a 6 foot cutbank into rock and a 15 foot road bed and fill section.

27 Road Cut/Rock Outcrop 45% slope sideslope cut bank of skid road

Horizon	Depth	Color	Texture
AC	0-3	10YR 3/4	Gravelly CL

28 Philomath, severely eroded, very shallow phase 15% slopes ridgetop,

Horizon	Depth	Color	Texture
AC	0-8	10YR 3/4	very gravelly clay
Cr	8-16	Saprolite of Tuff, crushes to clay	

29 Witzel, severely eroded, very shallow phase 20% side slope,

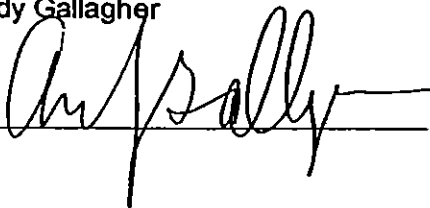
Horizon	Depth	Color	Texture
A	0-5	10YR 3/4, 10 YR 3/3	gravelly clay loam
Cr	5-12	Saprolite of Andesite	
R	12	Andesite	

NOTE: Borings 1-17 were previously reported in the original report

End of Boring Log

Andy Gallagher

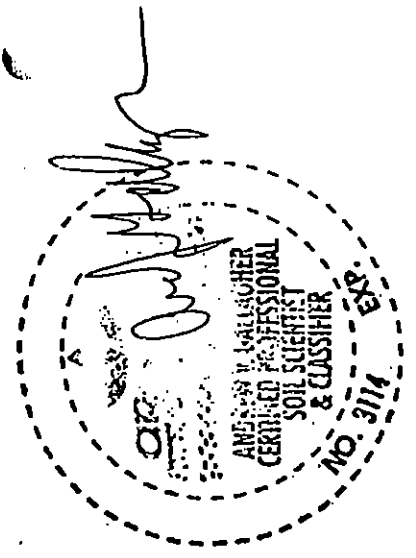
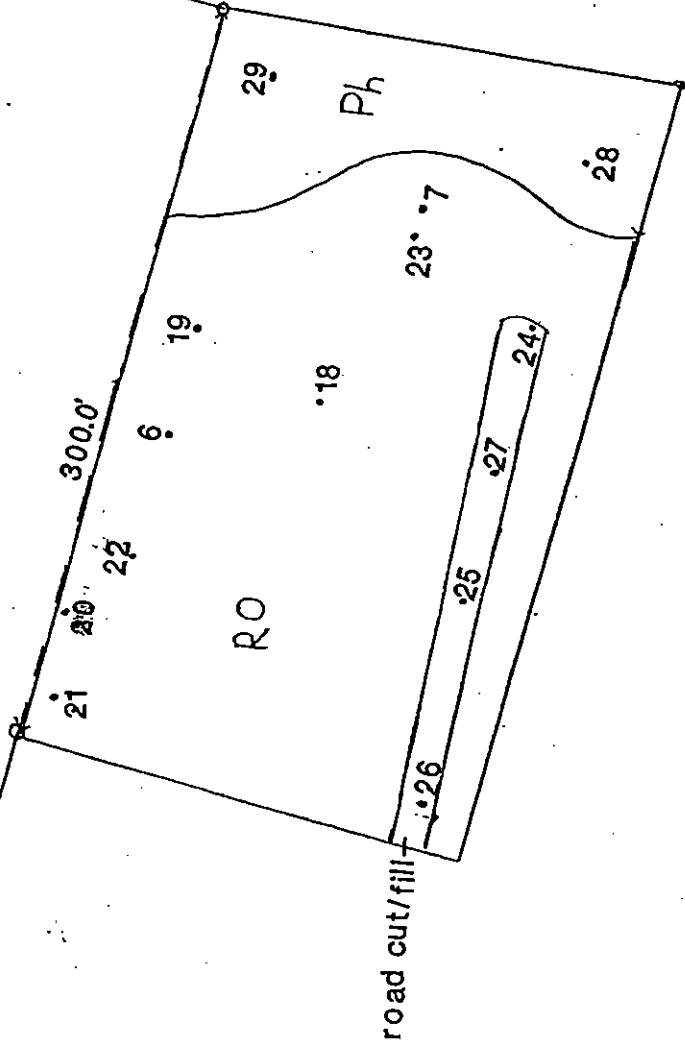
ARCPACS CPSSc/SC 03114



Date:

9-3-04

DETTMER PROPERTY



PROPOSED LAND EXCHANGE AREA

("SWAP")

South PROPERTY LINE

SOUTH EAST PROPERTY CORNER

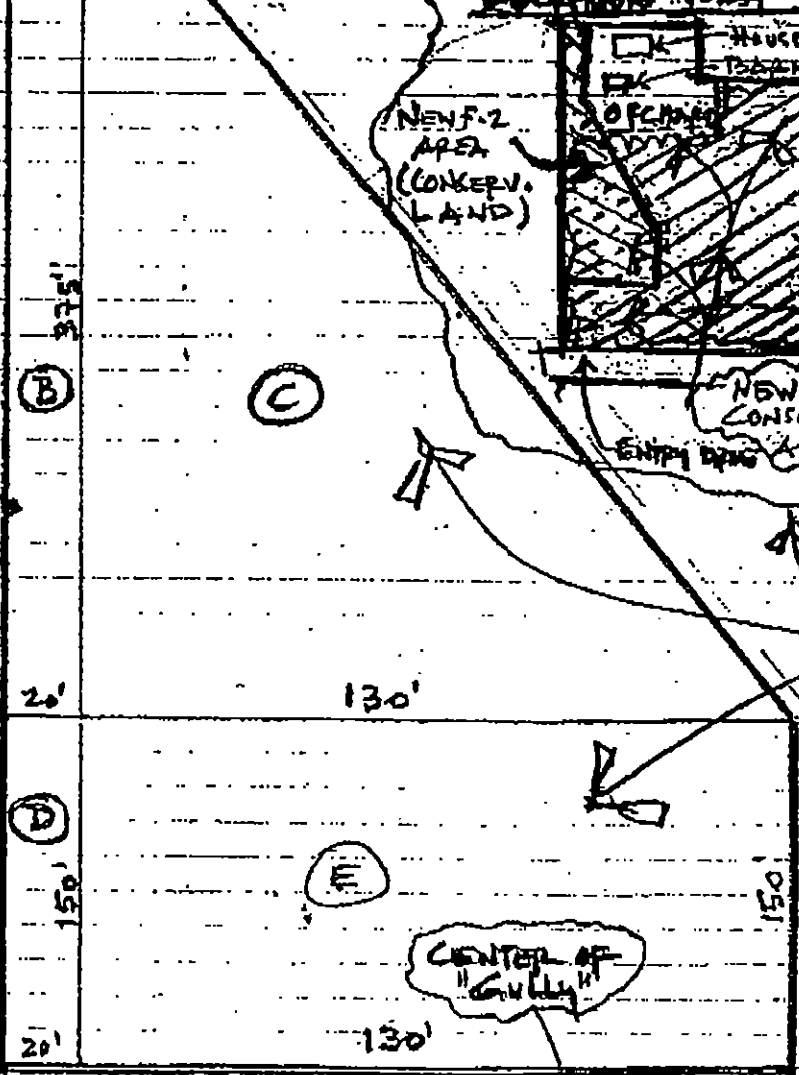
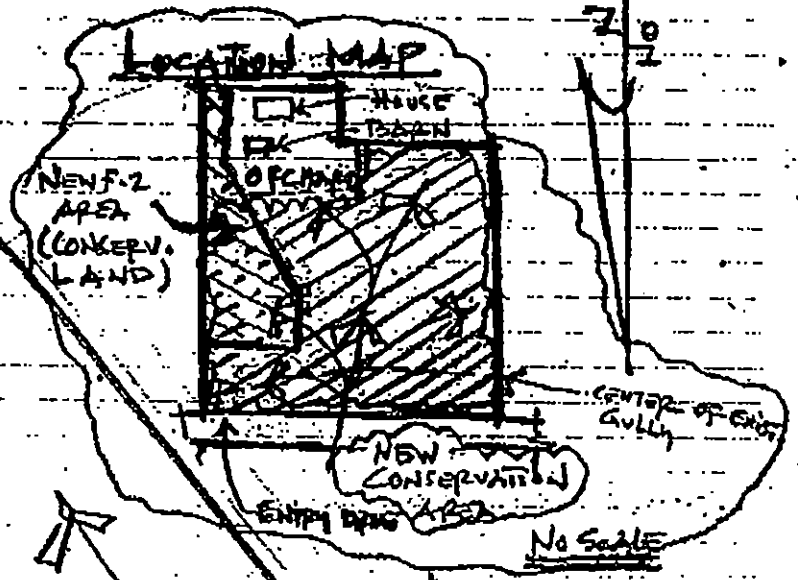
A =	150 x 18	=	2,700	sq ft
B =	375 x 20	=	7,500	sq ft
C =	130 x 375 : 2	=	24,375	sq ft
D =	150 x 20	=	3,000	sq ft
E =	150 x 130	=	19,500	sq ft

TOTAL NEW F-2 = 57,075 sq ft

old F-2 = 1.31 ACRES = 57,064 sq ft

EAST PROPERTY LINE

NORTH PROPERTY LINE



8/17/04
NOTES
 Conservation AREA TO SOUTH & NORTH OF EXISTING GULLY LINE WITHIN OF COVER APPROX. 9+ ACRES

NORTH EAST PROPERTY CORNER

ENTRY DRIVE

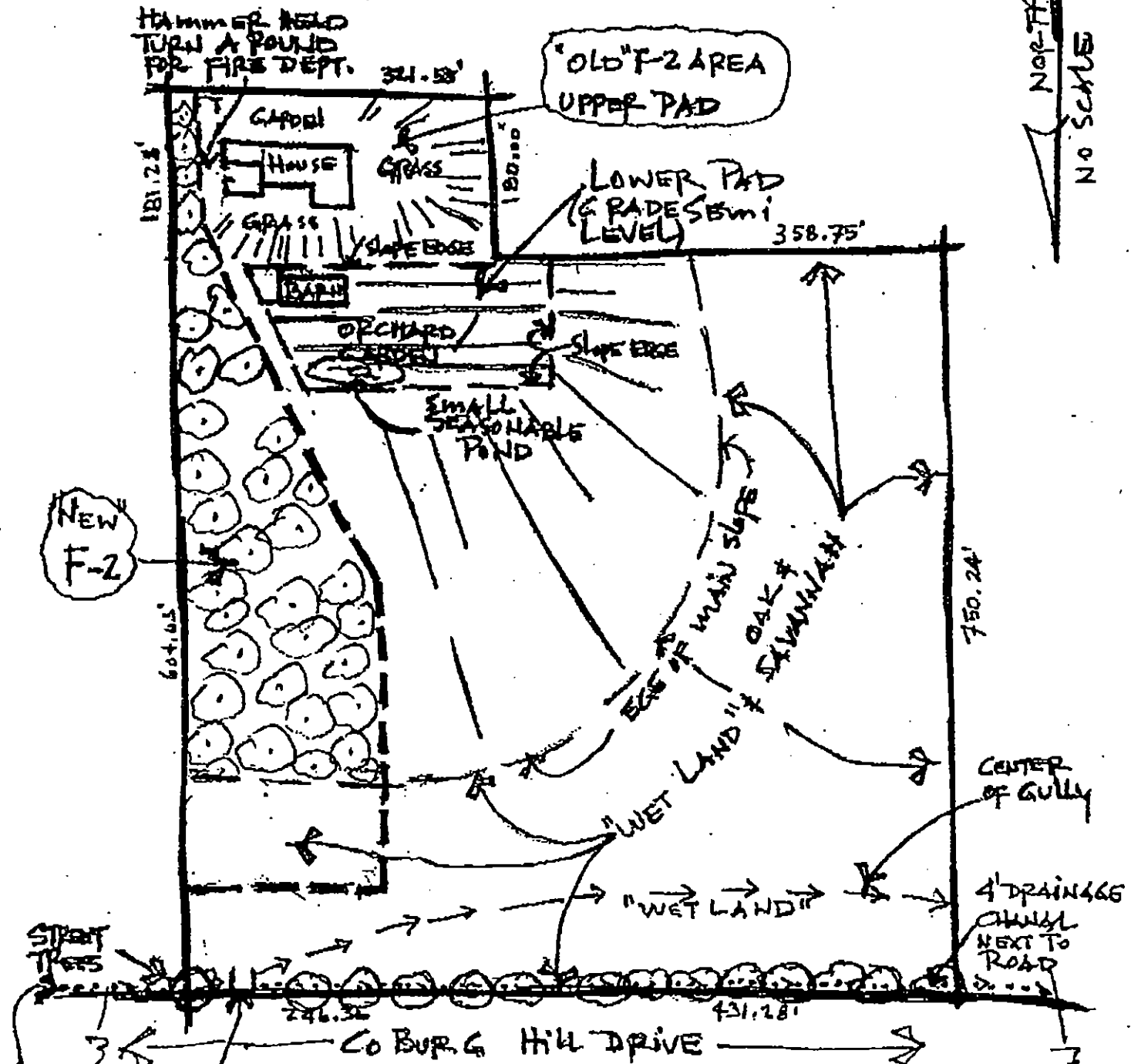
No SCALE

8/15/2004

PHD

MY PROPOSED LOT DEVELOPMENT

("SWAP")



DRAINAGE DITCH NEXT TO ROAD

LANDSCAPING @ ENTRY AND ALONG DRIVE TO TOP OF UPPER PAD, INCL. TREES. DRIVE FOLLOWS EAST PROPERTY LINE W/ OFF-SETS.

NOTE: THE OREGON DEPT. OF FISH & WILDLIFE CONSERVATION MANAGEMENT PLAN WILL COVER APPROX. 9-ACERS OF THE 11.31 ACRES LAND AREA

8/17/04 PAD

JOY, LOOK AT THIS LAYOUT AND TELL ME WHETHER YOU AGREE. OK!



Oregon

Theodore R. Kalogostaki, Governor

Department of Fish and Wildlife
SPRINGFIELD DISTRICT OFFICE

3150 East Main Street
Springfield, OR 97478

(541) 726-3515

FAX (541) 726-2505

www.dfw.state.or.us/South_Willamette



01 SEP 04

Subject: Dettmer Wildlife Habitat Conservation Management Plan (WHCMP) and other lands managed for wildlife habitat

In cooperation with the Dettmers, the Oregon Department of Fish and Wildlife is working towards enrolling a 1.31 acre F-2 zoned area into the WHCMP program. We will be providing technical assistance for managing an additional 9 acres for wildlife habitat on land currently ineligible for the WHCMP program (ineligible zoning). Approximately 1 acre will be reserved for a dwelling and associated appurtenances (e.g., barn, garden, etc.). The overall area is undeveloped and included in the 11.31 acre Lot 3 located at Township 16S, Range 03W, Section 35, SW 1/4, Taxlot 1100.

The WHCMP enrollment will not change property zoning or acreage allocations. The WHCMP program will include a wildlife management plan approved by the Oregon Department of Fish and Wildlife and the respective County government. The plan overlays existing zones eligible for the WHCMP and focuses landowners on managing with a wildlife emphasis, while reserving options of integrating other management practices. Enrollment in the WHCMP program is voluntary, may be revoked or amended by the signatories, and is biennially inspected for plan compliance.

If you have any questions about the WHCMP program, the Dettmer's participation, or otherwise, please contact me at 541.726.3515 x27 or christopher.g.yee@state.or.us.

Respectfully,

Christopher G. Yee
Assistant District Wildlife Biologist



Coburg Fire District

91232 North Coburg Road • P.O. Box 8345
Coburg, OR 97408 • (541) 688-1573 • Fax (541) 688-2445

August 13, 2004

Lane County Planning Department

The property located at Township 16 S. Range 3 Sec. 35 Quarter 30 Lot # 3 in the Coburg hills subdivision, on Coburg Hill Drive may us the Lane County Code with set backs of 10' from all property lines.

Thank you,

Chief Chad Minter

Volunteers Protecting "Our" Community

KENDALL Jerry

From: Jim Just [goal1@pacifier.com]
Sent: Monday, August 15, 2005 1:49 PM
To: KENDALL Jerry
Cc: SEGEL Lauri (SMTP)
Subject: draft testimony

Jerry,

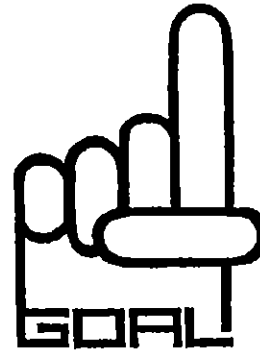
Attached is draft testimony. It will probably be the final version. Please feel free to circulate it to interested parties.

Jim Just, Executive Director
Goal One Coalition
39625 Almen Drive
Lebanon, OR 97355
phone: 541.258.6074
fax: 541.258.6810
www.goal1.org

Championing citizen participation in realizing sustainable communities, economies, and environments

GOAL ONE COALITION

39625 Almen Drive
Lebanon, Oregon 97355
Phone: 541-258-6074
Fax: 541-258-6810
goal1@pacifier.com



August 15, 2005

Lane County Planning Commission
c/o Jerry Kendall, Associate Planner
Lane County Land Management Division
125 East 8th Avenue
Eugene, OR 97401

RE: PA 03-6037, Dettmer plan amendment/zone change

Members of the Commission:

The Goal One Coalition (Goal One) is a nonprofit organization whose mission is to provide assistance and support to Oregonians in matters affecting their communities. Goal One is appearing in these proceedings at the request of and on behalf of its membership residing in Lane County. This testimony is presented on behalf of LandWatch Lane County and its membership in Lane County, the Goal One Coalition, and Jim Just as an individual.

The Planning Commission held a public hearing on the above referenced matter on March 16, 2004, at which time the hearing was closed but the record left open for written comments. Since then, the applicant has produced additional soils information and has been involved in discussions with the Goal One Coalition and LandWatch Lane County.

The subject site is an 11.31 acre parcel, split zoned Rural Residential (RR-10) and Impacted Forest (F-2). The applicant's request is to redesignate and rezone the 1.31 acre piece of F-2 forest land so that the entire parcel would be zoned RR-10, making it possible to site a dwelling on the 1.31 acre piece currently zoned F-2.

In the applicant's amended application submittal dated April 29, 2005 at p. 3, regarding forest productivity, it is asserted that "[t]he threshold for resource land is 50 cubic feet per acre per year." This proposal is subject to the direct application of Goal 4 and its implementing administrative rules. Neither Goal 4 nor OAR 660 Division 6 establish or allow for local governments to establish a 50 cf/ac/yr threshold. Nevertheless, Goal One has concluded that the subject parcel legally qualifies as nonresource land.

A determination has already been made that 10 acres of the subject parcel is nonresource land. This determination cannot be collaterally attacked in the current proceeding. The relevant unit of inquiry for determining forest productivity is the entire parcel. *DLCD v. Curry County*, 33

GOAL ONE COALITION

Or LUBA 728, 740-41 (1997). It is clear that, considering the entire parcel, the soils are predominantly nonresource soils.

Goal One recommends that Mr. Dettmer's request be approved.

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

Respectfully submitted,

/s/ 

Jim Just
Executive Director

MINUTES

Lane County Planning Commission
Harris Hall - Lane County Courthouse

March 16, 2004
7:00 p.m.

PRESENT: Juanita Kirkham, Marion Esty, Steve Dignam, James Carmichael, Ed Becker, Members; Greg Mott, Sara Summers, Nancy Moreno, City of Springfield; Jerry Kendall, Stephanie Schulz, Lane County

ABSENT: Vincent Martorello, Mark Herbert, Jacque Betz, Chris Clemow

I. PA 03-6037; Plan Amendment and Zone Change from "Forest Land" to "Non Resource" and from "F2/Impacted Forest Land" to "RR-10/ Rural Residential" for a 1.31 acre portion of a 11.31 acre parcel. Map; 16-03-35.3 Tax Lot 1100 Applicant: P Dettmer

Ms. Kirkham opened the public hearing and called for declarations of *ex parte* contacts or conflicts of interest. None were declared.

Jerry Kendall provided the staff report. He outlined the purpose of the application saying that the idea was for the owner to improve their home site. He noted that the non-resource test was more strict than the marginal lands test that the commission had dealt with previously. He noted that staff had decided to look at the parcel as a whole rather than the area where the new house would be built. He said a soil scientist had done samples of the soils on the property which did not meet the definition of farm land in western Oregon. He added that the Forest Land test had also been passed. He said staff were recommending approval of the application but noted that the applicant had to address the un-rated soils.

Mr. Kendall reviewed a letter from Jim Just regarding soil testing. He noted that some of the soil on the property did not have a rating and said that this was not the same as a rating of zero.

Terry Harding, Satre Associates, spoke representing the applicant. She submitted written material into the record.

Ms. Harding said the site was a legal lot and had been approved by Lane County staff. She said the soils had been mapped in detail and had been rated low for agricultural and forest use. She noted that the 50 cubic foot test was a criterion for approval that was long established by Lane County.

Ms. Harding said the property was not needed for agricultural purposes. She said the limited ability for forest growth was shown by 12 stumps of Douglas Fir trees on the site. She added that the land could also not support live stock. She said the application would not increase density or add traffic to the area.

— BCC ATTCH. # 3 - 2 pp. —

Steve Cornacchia, 180 East 11th Avenue, spoke as the applicant's attorney. Addressing the letter submitted by the Goal One Coalition, he said non resource rezoning applicants were required to use 1982 Lane County working paper. He said 50 cubic feet per acre was the threshold for productivity to be used in non resource land. He said the Oregon Administrative Rules quoted in the letter had nothing to do with the land in question.

Mr. Cornacchia said there was no state mandated 20 cubic feet per acre rule for soil productivity.

Regarding soil ratings, Mr. Cornacchia said he wanted to keep the record open for two additional weeks to get a forester's opinion on the ability of the soils on the site to produce other commercial tree species. He added that the Douglas Fir was the highest value tree on the market and it was a moot point to try the productivity test with trees of lesser value since they would only produce a lower rating.

Mr. Cornacchia said the parcel was not included on any county Forest Land inventory. He said the land was not necessary to permit forest use practices on nearby land.

Mr. Becker confirmed that the Forest Land adjacent to the site were not commercial forest lands and had no bearing on the application.

Gary Thompson, 90818, said he supported the application and urged the commission to approve it.

Ms. Kirkham called for testimony from those in opposition to the application.

Jim Just, Goal One Coalition, submitted written material into the record. He said the 50 cubic feet per acre per year standard did not govern how goal four applied. He said the Department of Forestry and the Bureau of Land Management both supported a 20 cubic foot per acre threshold and commented that this was a common standard for much of the western United States.

Addressing un-rated soils, Mr. Just said a heading of "no information available" could not be used as credible data. He stressed that the data needed to be searched for.

The record was to be left open for written materials until April 20, 2004. Deliberation would be held on May 18.

II. SPRINGFIELD DRINKING WATER PROTECTION PLAN; Periodic Review Work Task Five of the Eugene Springfield Metro Plan for application within the Springfield Urban Growth Boundary and rezoning of certain properties within the UGB and adopting Article 17 "Drinking Water Protection Overlay District" of the Springfield Development Code. Applicant; City of Springfield

Stephanie Schulz provided the staff report. She said were recommending approval of the project.

Mr. Carmichael commended Springfield City staff on their thorough work in developing the project. He noted that sewer issues also needed to be dealt with.

MINUTES

Lane County Planning Commission
Main Harris Hall-Lane County Courthouse



September 6, 2005
7:00 P.M. LAND MANAGEMENT DIVISION
http://www.LaneCounty.org/PW_LMD/

Present: Steve Dignam, Chair; James Carmichael, Vice-Chair; Juanita Kirkham, Ed Becker, Jozef Siekiel-Zdzienicki, Nancy Nichols, John Sullivan, members. Kent Howe and Jerry Kendall, staff.

Absent: Marion Esty, Lisa Arkin

I. Pre-public meeting items

- One party spoke at public comment concerning the Region 2050 plan.
- Planning Director Kent Howe discussed four items:
 1. He distributed the May 3, 2005 minutes from a prior public hearing (PA 05-5132 In the Matter of Amending the Lane County Rural Comprehensive Plan and the Junction City Comprehensive Plan to expand the City's Urban Growth Boundary to include 74.26 acres of City land to facilitate expansion of Country Coach, Inc. The Junction City Comprehensive Plan Amendment included re-designating and rezoning the affected property from AG (Agriculture) to M1 (Light Industrial)). Deliberation is set for September 20. Comm. Zdzienicki noted that none of his comments were to be found in the minutes. Among the items Comm. Zdzienicki had mentioned were concerns over drainage, farmland preservation, and effluents. Mr. Howe stated that the minutes could be amended to insert those concerns, and that Comm. Zdzienicki would still have the opportunity to pronounce those concerns at the deliberation meeting. The minutes were approved as so noted.
 2. Mr. Howe provided the Commissioners with materials related to the Oregon Planning Institute conference of Sept. 15-16, and invited them to attend. The LMD would reimburse them for attending.
 3. Mr. Howe discussed the LCPC Annual Report which is delivered to the Board after the New Year. He stated he would email the Commissioners a draft of the report for their comments, and offered to hold a work session.
 4. Mr. Howe stated that Comm. Esty's position expires on September 30, and that she could not be re-appointed after having served two terms. The position was posted, is now closed, and the Board is expected to fill the position by the end of this month.
- The minutes of June 7, 2005 were approved after one edit by Chair Dignam.

— BCC ATTCH. # 4 - 2 pp. —

II. PA 03-6037: Deliberation only on a Plan Amendment/Rezone request from "Forest Land" to "Nonresource" and from "F-2/Impacted Forest Land" to RR-10/Rural Residential" for a 1.31 acre portion of an 11.31 acre parcel at Map 16-03-35.3, tax lot 1100. Owner: P. Dettmer; Agent: Satre Associates; (original hearing was on 3-16-04).

Comm. Nichols excused herself from the deliberation, as this was her first LCPC meeting and she did not attend the prior hearing.

Commissioners Zdzienicki and Sullivan stated that they had read the file record and were prepared to participate in the deliberation.

The item was introduced by Mr. Kendall. He stated that the soils issue on the 1.31 acre portion of the 11.31 acre parcel had been resolved through an intensive on-site study by Soils Scientist Andy Gallagher. The forest capability rating thus came to 42.7 cubic feet per acre per year, below the 50 cubic feet per acre per year standard established by the Board of Commissioners. In addition, the agricultural capability rating was 50.9% Class 5-8. While Mr. Kendall emphasized that a Nonresource application must successfully argue that the parcel does not meet the definition of Goals 3 and 4, many other details must also be addressed, and were done so in the spiral bound submittal of April 29, 2005. However, the agricultural capability rating was the primary unresolved issue after the close of the March 16, 2004 hearing, and was now satisfied.

Mr. Kendall noted that the revised soils study was reviewed by LCOG Soils Scientist Kathi Wiederhold, who approved of the methodology employed. Mr. Kendall also noted that, after reading the soils report, the *Goal One Coalition* dropped its opposition to the request and now supports the proposal.

Comm. Zdzienicki sought clarification on the fuelbreak issue. Mr. Kendall reported that the local fire protection district chief had recommended a 50' primary fuelbreak around the dwelling. Comm. Zdzienicki wanted to know if that fuelbreak would extend beyond the boundaries of the subject parcel if the dwelling were located less than 50' from the lot lines. Mr. Kendall responded that while the Commission could require that the break extend beyond lot lines if need be, that staff was recommending it apply only within the subject parcel, and that his understanding of adjacent lands was that it was already in a grassland state.

After asking staff questions concerning the chronology of events of the application, and satisfied with the update proposal, Comm. Carmichael motioned that the proposal be approved as recommended by staff, including that the fuelbreak be within the subject parcel only. Comm. Kirkham seconded the motion, and it passed 5-0, with Comm. Sullivan abstaining.

The meeting adjourned at 7:58 PM.
(Recorded by Jerry Kendall)