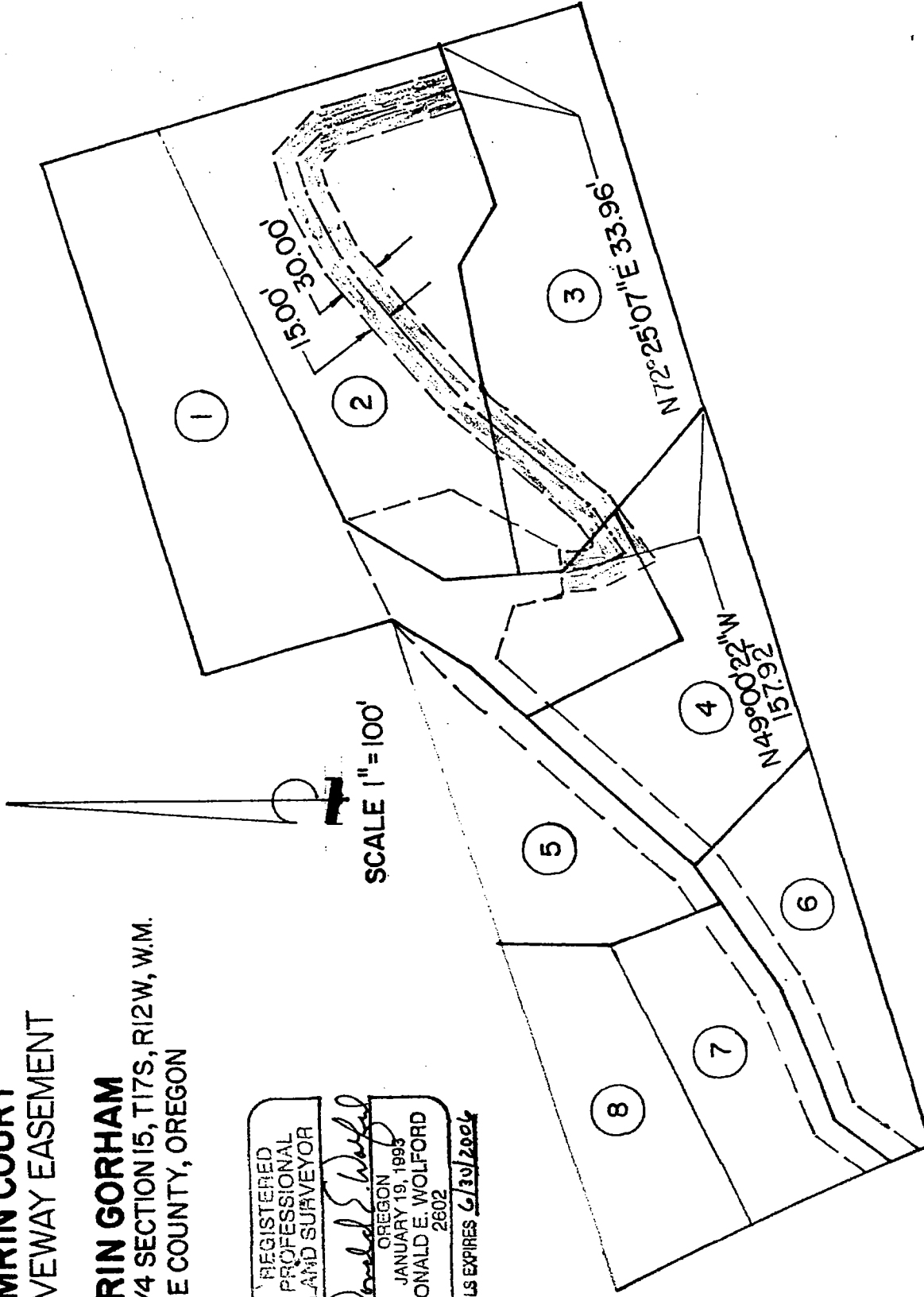
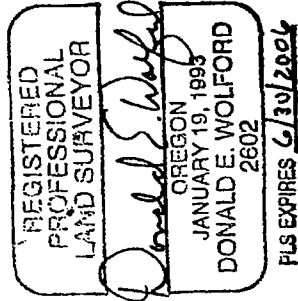


KAMRIN COURT
DRIVEWAY EASEMENT
 FOR
DARIN GORHAM
 SE1/4 SECTION 15, T17S, R12W, W.M.
 LANE COUNTY, OREGON



WOLFORD LAND SURVEYING LLC
 87180 MUNSEL LAKE ROAD
 FLORENCE, OR. 97439
 (541) 997-4455

1/18/2006

JOB NO. 03027

17-12-15 TL 2801

After recording return to:
Wolford Land Surveying LLC
87180 Munsel Lake Road
Florence, Or. 97439

Lane County Deeds and Records
00762678200500971650030030
RPR-ESMT Cnt=2 Stn=1 CASHIER 06
\$5.00 \$15.00 \$10.00 \$11.00

\$41.00

12/07/2005 10:54:27 AM

GRANT OF EASEMENT AND MAINTENANCE AGREEMENT

RECITALS:

1. **DARIN GORHAM** is the owner of the following described property. *Grantee is Darin Gorham.*

Beginning at the brass cap marking the Southeast corner of Section 15, Township 17 South, Range 12 West of the Willamette Meridian, Lane County, Oregon; Thence South 88° 24' West 780.29 feet along the South line of said Section to it's intersection with the Easterly right of way line of Oregon Coast Highway # 101; Thence North 16° 11' West 1232.72 feet along said Easterly line to a point marked by an iron pin; Thence continuing along said line and along the arc of a curve to the left having a radius of 2904.91 feet to an iron pin set thereon marking the **True Point of Beginning** and bearing North 19° 20' 20" West 319.81 feet from the last described point; Thence North 73° 49' East 869.20 feet to a point; Thence North 16° 11' West 400.21 feet to a point; Thence South 73° 49' West 389.54 feet to a point marked by an iron pin; Thence South 16° 02' 15" East 140.31 feet to a point marked by an iron pin; Thence South 72° 28' 49" West 378.14 feet to a point marked by an iron pin; Thence South 72° 08' 07" West 139.47 feet to an iron pin set on the Easterly right of way line of said Oregon Coast Highway # 101; Thence along said line and along the arc of a curve to the right having a radius of 2904.91 feet to the **True Point of Beginning**, which bears South 24° 57' 35" East 249.94 feet from the last described point.

2. The owner intends to subdivide his property into Eight (8) Lots, and Lane County has granted Tentative approval for that subdivision by PA # 03-5891.
3. Lots 1, 2, 3, 4, 5, 6, 7 and 8, Kamrin Court are shown on Exhibit "A", attached hereto and by reference incorporated herein.

DECLARATION OF EASEMENT:

1. **EASEMENT CREATED, OWNER** hereby creates a perpetual, nonexclusive easement to use a strip of land Thirty Six (36) feet wide, and a varying width turn around to serve Lots 1, 2, 3, 4, 5, 6, and 7 as shown on Exhibit "A".
2. **EASEMENT DESCRIBED:**

Beginning at a point of curvature on the Easterly Right of Way line of the Oregon Coast Highway No. 101 from which the Brass Cap marking the Southeast corner of Section 15, Township 17 South, Range 12 West of the Willamette Meridian, Lane County, Oregon bears South 39° 56' 08" East 1921.43 feet; Thence along said Easterly line along the arc of a 2904.91 foot radius curve to the Left, whose chord bears North 24° 59' 33" West 40.53 feet, an arc distance of 40.53 feet; Thence North 37° 39' 15" East 49.44 feet; Thence North 68° 27' 20" East 105.18 feet; Thence North 56° 17' 03" East 105.04 feet; Thence North 42° 50' 16" East 213.50 feet; Thence North 47° 21' 31" East 65.80 feet; Thence North 65° 30' 29" East 80.00 feet; Thence South 16° 01' 12" East 80.00 feet; Thence South 28° 42' 46" West 88.28 feet; Thence South 86° 12' 28" West 36.00 feet; Thence North 10° 58' 29" West 36.25 feet; Thence North 72° 37' 14" West 39.93 feet; Thence South 42° 50' 16" West 208.24 feet; Thence South 56° 17' 03" West 113.12 feet; Thence South 68° 27' 20" West 99.10 feet; Thence South 37° 39' 15" West 58.15 feet to the Point of Beginning.

GRANT OF EASEMENT AND MAINTENANCE AGREEMENT (continued)

3. EASEMENT PROVISION: The terms of the easement are as follows:

3.1 PURPOSE. The easement is for providing access, including ingress and egress, to and from Lots 1, 2, 3, 4, 5, 6 and 7 described in Paragraph 3 above, or any portion thereof, and for installation and maintenance of such utilities as may be needed to serve Lots 1, 2, 3, 4, 5, 6 and 7 described in Paragraph 3 above.

3.2 USE OF THE BURDENED PROPERTY: The owner of Lots 1, 2, 3, 4, 5, 6 and 7 described in Paragraph 3 above, shall have the right to use their property, including the area described in the easement, for any purpose so long as the owner or occupiers do not interfere with the use of the roadway nor access and maintenance agreement as granted by this instrument.

3.3 PRIVATE GRANT: The easement created by this instrument does not constitute a dedication or grant for public use, unless requested at a later time by a public agency to dedicate the easement as a public road.

3.4 MAINTENANCE AND REPAIRS: The owner or occupier of Lots 1, 2, 3, 4, 5, 6 and 7 described in Paragraph 3 above, shall at all times hereafter jointly maintain the easement property.

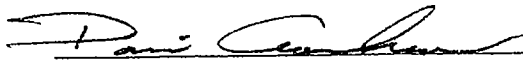
3.5 TAXES: The owners of Lots 1, 2, 3, 4, 5, 6 and 7 described in Paragraph 3 above, shall pay the real property taxes on that portion of the easement strip lying with each Lot.

3.6 UTILITIES: The easement may be used for the installation and maintenance of such utilities as may be needed to serve Lots 1, 2, 3, 4, 5, 6 and 7 described in Paragraph 3 above, or any portion thereof.

4. SUCCESSORS IN INTEREST, RECORDATION: The provisions of this instrument touch and concern, and relate to the use of Lots 1, 2, 3, 4, 5, 6 and 7 described in Paragraph 3 above, and are intended to be covenants and restrictions running with the land. This document shall therefore be recorded in the Deed Records of Lane County, Oregon.

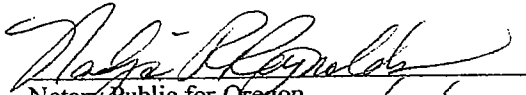
All provisions of this instrument, including the benefits and burdens, are binding on and inure to their heirs, successors, assign, transferees and personal representatives of all parties who own any of the Lots 1, 2, 3, 4, 5, 6 and 7 described in Paragraph 3 above..

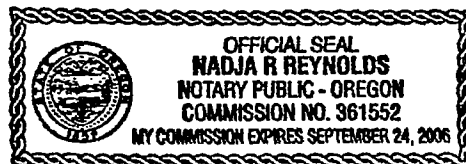
Dated this 7th day of December, 2005


DARIN GORHAM

STATE OF OREGON, County of Lane)SS

On this 7th day of Dec., 2005, personally appeared before me the within named **Darin Gorham** and acknowledged the foregoing instrument to be a voluntary act and deed.
Witness my hand and seal this day and year last above written


Notary Public for Oregon
My Commission expires 9/24/06



DADIN CORHAM 17-12-16 TL 2261

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Donald E. Wapfel

OREGON
JANUARY 19, 1993
DONALD E. WOLFORD
1992

6/30/2004

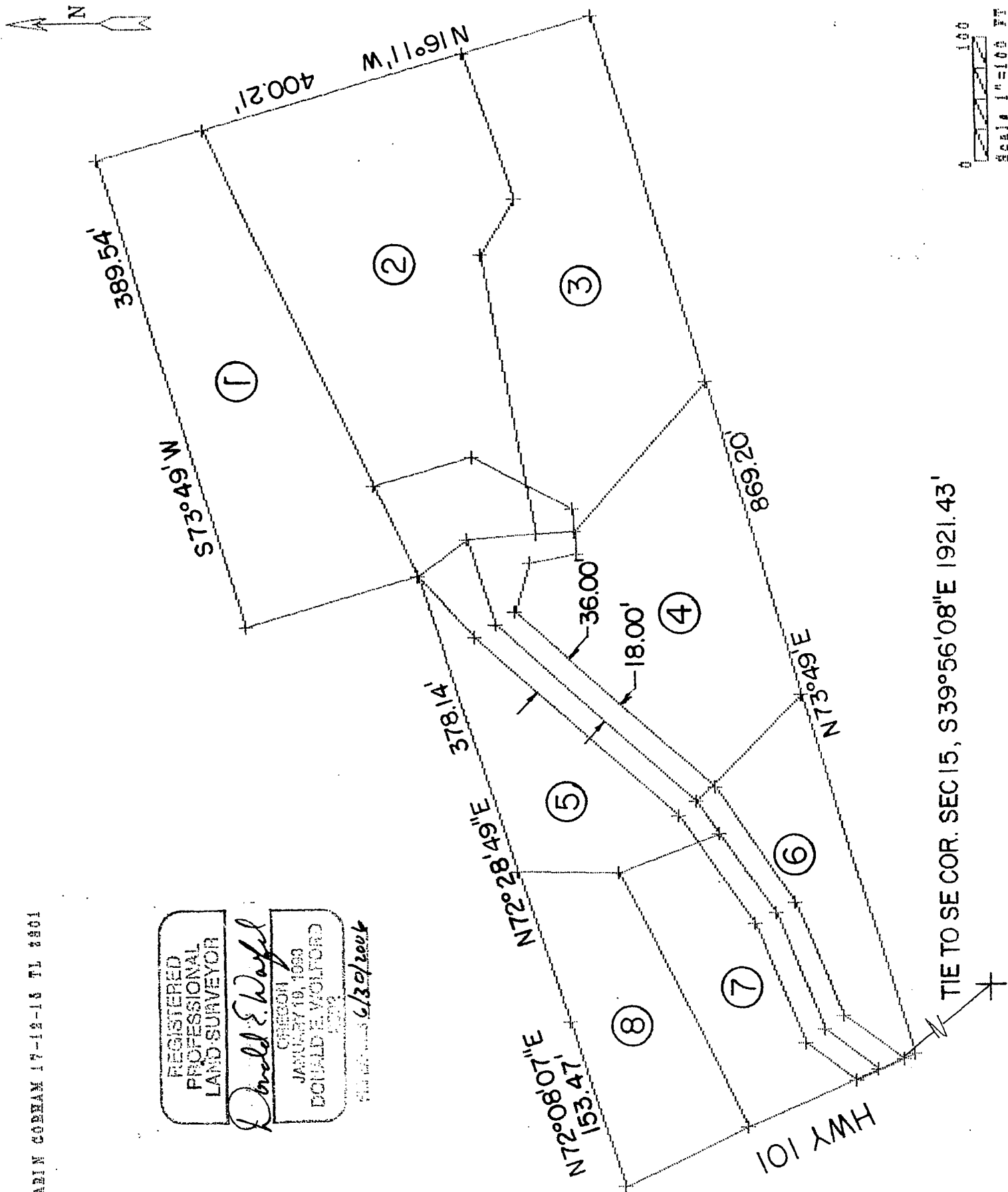


EXHIBIT 13

PLAN AMENDMENT & ZONE CHANGE

MAP 17-12-15-00-D001

Tax Lots 3900, 4000, 4100, 4200 & 4300

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

R NO.

89-11-7-6

-) IN THE MATTER OF ADOPTING
-) SUPPLEMENTAL DEVELOPED AND
-) COMMITTED FINDINGS IN SUPPORT OF
-) ORDINANCE NO. PA 884 FOR:
-) PLOT 002, EXCEPTION #1
-) PLOT 004, EXCEPTION #1
-) PLOT 007, EXCEPTION #1
-) PLOT 021, EXCEPTION #1
-) PLOT 027, EXCEPTION #2
-) PLOT 028, EXCEPTION #2
-) PLOT 032, EXCEPTION #2
-) PLOT 175, EXCEPTION #1
-) PLOT 184, EXCEPTION #2
-) PLOT 185, EXCEPTION #2
-) PLOT 195, EXCEPTION #1
-) PLOT 195, EXCEPTION #3
-) PLOT 220, EXCEPTION #1
-) PLOT 251, EXCEPTION #2
-) PLOT 252, EXCEPTION #3
-) PLOT 293, EXCEPTION #1
-) PLOT 342, EXCEPTION #1
-) PLOT 347, EXCEPTION #1
-) PLOT 347, EXCEPTION #2
-) PLOT 354, EXCEPTION #1
-) PLOT 388, EXCEPTION #3
-) PLOT 487, EXCEPTION #1
-) PLOT 502, EXCEPTION #1
-) PLOT 512, EXCEPTION #1
-) PLOT 514, EXCEPTION #1

WHEREAS, on February 29, 1984 the Board of County Commissioners of Lane County adopted Ordinance No. PA 884, which applied Rural Comprehensive Plan designations and zoning districts; and

WHEREAS, the Board of Commissioners of Lane County adopted the following supplemental findings for Ordinance No. PA 884 and the following ordinances changing the application of the Rural Comprehensive Plan designations and zoning districts applied by ORD No. PA 884:

- Order No. 84-6-19-16, "Supplemental Findings in Support of ORD No. PA 884," adopted June 19, 1984; and
- Ordinance No. PA 888, "IN THE MATTER OF ADOPTING AN ORDINANCE FOR AMENDMENTS TO LANE COUNTY'S RURAL COMPREHENSIVE PLAN (ERRORS AND OMISSIONS/CORRECTIONS), adopted July 17, 1984; and
- Order No. 84-9-11-23, "Supplemental Findings in Support of ORD No. PA 884, adopted September 11, 1984; and
- Ordinance No. PA 891, "IN THE MATTER OF AMENDING ORDINANCE 887 TO CHANGE THE PLAN AND ZONE DESIGNATION ON VARIOUS PARCELS OF PROPERTY TO BRING THIS ELEMENT OF THE RURAL COMPREHENSIVE PLAN INTO COMPLIANCE WITH THE STATEWIDE PLANNING GOALS AND ADOPTING A SAVINGS AND SEVERABILITY CLAUSE," adopted September 12, 1984; and

WHEREAS, LCDC acknowledged the Lane County Rural Comprehensive Plan (including the ordinances and orders mentioned above) on September 13, 1984; and

WHEREAS, on March 29, 1988, the Oregon Supreme Court remanded to LCDC its acknowledgment of the Lane County Rural Comprehensive Plan for reconsideration of five issues, including additional justification for developed and committed exception areas; and

WHEREAS, LCDC met on June 2, 1988 and adopted an In-Order-To-Comply directing Lane County to provide, among other things, additional justification for developed and committed exception areas designated and zoned by the Lane County Rural Comprehensive Plan; and

WHEREAS, the Lane County Board of County Commissioners adopted Supplemental Developed and Committed findings for those exception areas and submitted them to the Department of Land Conservation and Development (DLCD) for acknowledgment on 2 April 1989; and

WHEREAS, on 21 July 1989 the Land Conservation and Development Commission (LCDC) adopted Acknowledgment Orders 89-ACK-569 and 89-POST-570, which approved the DLCD staff recommendation for partial acknowledgment of certain Developed and Committed Exception Areas in Lane County and postponed review of others; and

WHEREAS, on 25 October 1989 the Lane County Board of County Commissioners approved Board Order 89-10-25-4 and adopted the 1989 Addendum to the Lane County RCP Developed and Committed Lands Working Paper which includes the findings of a panel of agricultural and forestry experts who formulated guidelines for developing additional findings; now, therefore, be it

ORDERED that the attached Supplemental Findings set forth in Exhibit "A" (Plot 002), Exhibit "B" (Plot 004), Exhibit "C" (Plot 007), Exhibit "D" (Plot 021), Exhibit "E" (Plot 027), Exhibit "F" (Plot 028), Exhibit "G" (Plot 032), Exhibit "H" (Plot 175), Exhibit "I" (Plot 184), Exhibit "J" (Plot 185), Exhibit "K" (Plot 195), Exhibit "L" (Plot 195), Exhibit "M" (Plot 220), Exhibit "N" (Plot 251), Exhibit "O" (Plot 252), Exhibit "P" (Plot 293), Exhibit "Q" (Plot 342), Exhibit "R" (Plot 347), Exhibit "S" (Plot 347), Exhibit "T" (Plot 354), Exhibit "U" (Plot 388), Exhibit "V" (Plot 487), Exhibit "W" (Plot 502), Exhibit "X" (Plot 512), Exhibit "Y" (Plot 514), are hereby adopted in support of Ordinance No. PA 884.

ENACTED this 7th day of November, 1989.


Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

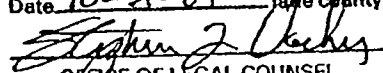
Date 10-31-89 lane county

OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

DEVELOPED AND COMMITTED LANDS EXCEPTIONS

(SUPPLEMENTAL FINDINGS)

Map: 17-12-15

Plot: 007

Name: Lilly Lake

Exception Number: 1

11. PARCEL CREATION HISTORY

- a) 22 parcels were created before adoption of the goals, determined as follows:
- i. Using the boundaries and dates of partitions which have been plotted from the Lane County Assessment and Taxation maps onto the computer drawn map of the exception area, the total number of parcels in this category created prior to December 27, 1974 is: 0.
 - ii. Using the boundaries and dates of subdivisions which have been plotted from the Lane County Assessment and Taxation maps and survey records onto the computer drawn map of the exception area, the total number of parcels in this category created prior to December 27, 1974 is: 0.
 - iii. Using the Lane County computer drawn map and year-built data for residences which have been plotted onto the computer drawn map of the exception area, the total number of parcels not included in above categories i. and ii. and having a residence built prior to December 27, 1974 is: 14.
 - iv. Using the Lane County Assessment and Taxation maps and year-built data for residences which have been plotted onto the computer drawn map of the exception area, the total number of parcels not included in above categories i., ii. and iii. either vacant or having a residence built after December 27, 1974 is: 0. It is assumed that parcels in categories iii. and iv. were created prior to December 27, 1974 for two reasons. The first reason is that the parcel had a residence on it prior to 12/27/74 which indicates that the parcel existed in some form prior to 12/27/74. The second reason requires a more detailed explanation. On March 26, 1975, Lane County adopted land division regulations which required County approval of all partitions and recording of partition maps for all approved partitions. The 3/26/75 land division ordinance adoption date corresponds closely to the 12/27/74 Goal adoption date. It is generally accurate to assume that, if parcels were created after

12/27/74, they would be included in an approved and recorded partition map; and, that parcels without an approved and recorded partition map were created before 12/27/74.

- v. Using the Lane County computer drawn map with the year built data and the partition and subdivision data plotted on it, the total number of parcels not included in an approved and recorded partition or subdivision, and being vacant or having a residence without built-upon data prior to 12/27/74 is: 8. It is assumed that these parcels were created prior to 12/27/74 for the same reasons as stated in the second reason in iv. above.
- b) 0 parcels were created after the adoption of the 12/27/74 goal adoption date based upon use of the boundaries and dates of partitions and subdivisions which have been plotted onto the computer drawn map of the exception area and identification of the parcels included in this category which were created after 12/27/74.

12. GOAL COMPLIANCE HISTORY

0 parcels were created via application of the Goal 2 Developed and Committed Lands Exceptions process. This number was determined by examining the files for partitions and subdivisions created in 1980 or later to verify if developed-and-committed findings were included in these files as part of the basis for approving the partitions or subdivisions. It is assumed the Developed and Committed Lands Exceptions process was not followed for partitions and subdivisions created before 1980.

13. DEVELOPED AND COMMITTED RATIONALE

The result of all of this development is that land within this exception area is unsuitable for agricultural or forest uses because of the following factors:

- small tract sizes (as determined by dividing the acreage of the exception area: 83.42 by the # of parcels in the exception area: 22 = an average parcel size of 3.79 acres;
- fragmented ownerships unlikely to consolidate (contiguous ownerships are identified on map with struances);
- close proximity to residential development;
- the residential pattern of development: 22 residences in the exception area;
- the residential development is generally clustered along Highway 102 serving the exception area;
- the development within the exception area is clustered within a large group;
- a natural feature Lilly Lake separates the exception area from adjacent resource land making it difficult for the development to spread and/or making it difficult for parcels within the exception

- area to be combined with adjacent resource lands;
- any agricultural or forest uses within the exception area appear to be accessory to the residential use of the parcels because of the residential use of the parcels and their small sizes.

Background data in Lane County's Working Papers support the policy direction that clustered small parcels in fragmented ownerships in close proximity to residential development and/or developed with residences cannot reasonably be considered suitable for the continuation of commercial farm and forest uses.

"to qualify, an area must consist of at least four tracts (not parcels - see definition of 'tract' below*) which are contiguous to one another, a majority of which have been built upon. However, individual isolated commercial and industrial activities, regardless of the number of tracts involved, are considered for D&C status. Public facilities such as schools, are also considered. In most cases, all tracts must be 10 acres or less in size, unless other factors render larger tracts unsuitable for resource use and/or committed to development." Source: Lane County Developed and Committed Working Paper, August 1983.

Refer to the original findings sheet for this exception area for the specific details on the number of tracts, total acreage, average tract size, number of residences, number of other uses, number of vacant tracts, and development pattern.

*'Tract' refers to a lot within an approved and recorded subdivision plat, or a parcel within an approved and recorded partition map, or a parcel within an approved minor subdivision, or undivided/unpartitioned land under the same ownership. Contiguous units of the last type shall be considered a single tract.

DEVELOPED AND COMMITTED EXCEPTION FINDINGS

DATA SHEET

Map: 17-12-15

Plot: 007

Name: Lilly Lake

Exception Number: 1

The following were adopted by the corresponding ordinances in support of this developed and committed exception area.

- Developed + Committed Lands Working Papers; adopted by Lane County Ordinance #PA 883.
- Plan Diagram Maps; adopted by Lane County Ordinance # PA 884.
- Zoning Maps; adopted by Lane County Ordinance # PA 884.
- Summary Exception Sheet; Plot: 007, Exception Number: 1; adopted by Lane County Ordinance # PA 884.
- Supplemental Findings; adopted by Lane County Ordinance # PA 891

The following are additional data resources used to generate supplemental findings in support of this exception area:

- GIS Exception Plot No. 007
- GIS Exception Listing No. 007-1
- Aerial Photo Map Number: 17-12-15
- SCS Soil Survey Map Number: 53
- USGS Topographical Quadrangle Map: Heceta Head
- Lane County Tax Codes for Public Service Districts; 097-16

School District: Siuslaw 97J
Fire District: Siuslaw #1 R.F.P.D
Water District: None

_____ Other:

OWNER	MAPLOT	PCL	SCL	UNITS	YBLT	ZONE	FRM	FOR	CACRES	ATACRES
SCOTT WILLIAM A & LUELL	17121500 01200	131	140	1	46	RR5	0	0	1.8382	2.0000
DAMONE RENEE	17121500 01300	131	0	1	0	RR5	0	0	0.9309	0.9700
LARSEN SHIRLEY A	17121500 01400	131	130	1	40	RR5	0	0	0.8884	0.9300
ELLIS STEVEN L	17121500 01600	131	130	1	38	RR5	0	0	1.6625	1.2700
BONES GLADYS CAROLYN	17121500 01700	131	130	1	10	RR5	0	0	4.0767	4.0000
GEIGER RICHARD GEORGE	17121500 01800	430	0	1	0	RR5	0	0	12.6351	10.0000
GIBSON HILDA M & EDGAR	17121500 01900	131	307	1	0	NR	0	0	4.1545	4.1400
LUTZ WILLIAM E & NORMA N	17121500 02400	131	130	1	38	RR2	0	0	3.8635	4.0000
BRANTON THOMAS RICHARD	17121500 02500	131	130	1	35	RR5	0	0	3.5258	3.6400
GIBSON HILDA M & EDGAR R	17121500 02600	131	130	2	0	RR5	0	0	4.1485	4.1900
GEIGER RICHARD GEORGE	17121500 02700	430	0	1	0	RR5	0	0	7.9399	6.0000
GEIGER RICHARD GEORGE	17121500 02700	430	0	1	0	RR5	0	0	7.9399	2.2200
PACHECO RAY & ELOISE	17121500 02800	131	130	1	37	RR5	0	0	1.8135	1.7800
MAGGARD HAROLD L & FREDA	17121500 02801	231	444	6	0	CR	0	0	6.6207	0.0000
MAGGARD HAROLD L & FREDA	17121500 02801	231	0	6	0	CR	0	0	6.6207	6.5400
BONES MICHAEL J & KATHLE	17121500 02900	431	140	1	68	RR5	0	0	6.8444	0.0000
BONES MICHAEL J & KATHLE	17121500 02900	431	0	1	0	RR5	0	0	6.8444	6.9500
LAVERDIERE JOSEPH A & E	17121500 03000	131	130	1	45	RR5	0	0	3.2330	3.1900
HILL MADELYN L	17121500 03100	461	0	1	0	RR5	0	0	7.8308	7.9900
HILL MADELYN L	17121500 03100	431	130	1	34	RR5	0	0	7.8308	0.0000
NEDDERMAN MARLEN W	17121500 03200	130	0	1	0	RR5	0	0	0.4683	0.4600
FEATHERSTON LAURA	17121500 03300	131	120	1	45	RR5	0	0	0.5180	0.5000
OREGON STATE OF	17121500 03400	130	0	1	0	RR5	0	0	1.3310	1.3300
BERRETH ERVIN F & MARJOR	17121500 03500	131	140	1	46	RR5	0	0	0.6822	0.7800
PLAEP FREDRICK A & GLEND	17121500 03600	131	130	1	45	RR5	0	0	0.1600	0.1700
SAUBERT RUSSELL FREDRICK	17121500 03700	131	130	1	25	RR5	0	0	4.9633	4.5500
LAVERDIERE JOSEPH A & E	17121500 03800	130	0	1	0	RR5	0	0	0.9159	1.1100

OWNER	MAPLOT	PCL	SCL	FRM	FOR	UNITS	YBLT	ZONE4	CACRES	ATACRES
BERRETH ERVIN F & MARJOR	17121500 03500	131	140	0	0	1	46	RR5	0.6822	0.7800
BONES GLADYS CAROLYN	17121500 01700	131	130	0	0	1	10	RR5	4.0767	4.0000
BONES MICHAEL J & KATHLE	17121500 02900	431	140	0	0	1	68	RR5	6.8444	0.0000
BONES MICHAEL J & KATHLE	17121500 02900	431	0	0	0	1	0	RR5	6.8444	6.9500
BRANTON THOMAS RICHARD	17121500 02500	131	130	0	0	1	35	RR5	3.5258	3.6400
DAMONE RENEE	17121500 01300	131	0	0	0	1	0	RR5	0.9309	0.9700
ELLIS STEVEN L	17121500 01600	131	130	0	0	1	38	RR5	1.6625	1.2700
FEATHERSTON LAURA	17121500 03300	131	120	0	0	1	45	RR5	0.5180	0.5000
GEIGER RICHARD GEORGE	17121500 01800	430	0	0	0	1	0	RR5	12.6351	10.0000
GEIGER RICHARD GEORGE	17121500 02700	430	0	0	0	1	0	RR5	7.9399	6.0000
GEIGER RICHARD GEORGE	17121500 02700	430	0	0	0	1	0	RR5	7.9399	2.2200
GIBSON HILDA M & EDGAR	17121500 01900	131	307	0	0	1	0	NR	4.1545	4.1400
GIBSON HILDA M & EDGAR R	17121500 02600	131	130	0	0	2	0	RR5	4.1485	4.1900
HILL MADELYN L	17121500 03100	461	0	0	0	1	0	RR5	7.8308	7.9900
LARSEN SHIRLEY A	17121500 03100	431	130	0	0	1	34	RR5	7.8308	0.0000
LAVERDIERE JOSEPH A & E	17121500 01400	131	130	0	0	1	40	RR5	0.8884	0.9300
LAVERDIERE JOSEPH A & E	17121500 03000	131	130	0	0	1	45	RR5	3.2330	3.1900
LAVERDIERE JOSEPH A & E	17121500 03800	130	0	0	0	1	0	RR5	0.9159	1.1100
LUTZ WILLIAM E & NORMA N	17121500 02400	131	130	0	0	1	38	RR2	3.8635	4.0000
MAGGARD HAROLD L & FRED	17121500 02801	231	414	0	0	6	0	CR	6.6207	0.0000
MAGGARD HAROLD L & FRED	17121500 02801	231	0	0	0	6	0	CR	6.6207	6.5400
NEDDERMAN MARLEN W	17121500 03200	130	0	0	0	1	0	RR5	0.4683	0.4600
OREGON STATE OF	17121500 03400	130	0	0	0	1	0	RR5	1.3310	1.3300
PACHECO RAY & ELOISE	17121500 02800	131	130	0	0	1	37	RR5	1.8135	1.7800
PLAEP FREDRICK A & GLEND	17121500 03600	131	130	0	0	1	45	RR5	0.1600	0.1700
SAUBERT RUSSELL FREDRICK	17121500 03700	131	130	0	0	1	25	RR5	4.9633	4.5500
SCOTT WILLIAM A & LUELL	17121500 01200	131	140	0	0	1	46	RR5	1.8382	2.0000

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO.

88-12-20-7

FILED

AT _____ O'CLOCK _____ M

DEC 22 1988

County Clerk
For Lane County, Oregon
BY [Signature]
DEPUTY

) IN THE MATTER OF ADOPTING
) SUPPLEMENTAL DEVELOPED AND
) COMMITTED FINDINGS IN SUPPORT OF
) ORDINANCE NO. PA 884 FOR:
) PLOT 007, EXCEPTION #1,
) PLOT 157, EXCEPTION #2
) PLOT 202, EXCEPTION #1
) PLOT 236, EXCEPTION #2
) PLOT 252, EXCEPTION #3
) PLOT 305, EXCEPTION #1
) PLOT 354, EXCEPTION #1
) PLOT 355, EXCEPTION #1
) PLOT 355, EXCEPTION #2
) PLOT 389, EXCEPTION #2
) PLOT 404, EXCEPTION #2
) PLOT 443, EXCEPTION #2
) PLOT 512, EXCEPTION #1
) PLOT 606, EXCEPTION #1

WHEREAS, on February 29, 1984 the Board of County Commissioners of Lane County adopted Ordinance No. PA 884, which applied Rural Comprehensive Plan designations and zoning districts; and

WHEREAS, the Board of Commissioners of Lane County adopted the following supplemental findings for Ordinance No. PA 884 and the following ordinances changing the application of the Rural Comprehensive Plan designations and zoning districts applied by ORD No. PA 884:

- Order No. 84-6-19-16, "Supplemental Findings in Support of ORD No. PA 884," adopted June 19, 1984; and
- Ordinance No. PA 888, "IN THE MATTER OF ADOPTING AN ORDINANCE FOR AMENDMENTS TO LANE COUNTY'S RURAL COMPREHENSIVE PLAN (ERRORS AND OMISSIONS/CORRECTIONS), adopted July 17, 1984; and
- Order No. 84-9-11-23, "Supplemental Findings in Support of ORD No. PA 884, adopted September 11, 1984; and
- Ordinance No. PA 891, "IN THE MATTER OF AMENDING ORDINANCE 887 TO CHANGE THE PLAN AND ZONE DESIGNATION ON VARIOUS PARCELS OF PROPERTY TO BRING THIS ELEMENT OF THE RURAL COMPREHENSIVE PLAN INTO COMPLIANCE WITH THE STATEWIDE

IN THE MATTER OF ADOPTING SUPPLEMENTAL FINDINGS IN SUPPORT OF ORD NO. PA 884
page 1

PLANNING GOALS AND ADOPTING A SAVINGS AND SEVERABILITY CLAUSE," adopted September 12, 1984; and


WHEREAS, LCDC acknowledged the Lane County Rural Comprehensive Plan (including the ordinances and orders mentioned above) on September 13, 1984; and

WHEREAS, on March 29, 1988, the Oregon Supreme Court remanded to LCDC its acknowledgment of the Lane County Rural Comprehensive Plan for reconsideration of five issues, including additional justification for developed and committed exception areas; and

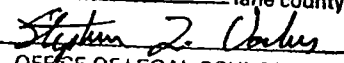
WHEREAS, LCDC met on June 2, 1988 and adopted an In-Order-To-Comply directing Lane County to provide, among other things, additional justification for developed and committed exception areas designated and zoned by the Lane County Rural Comprehensive Plan; now, therefore, be it

ORDERED that the attached Supplemental Findings set forth in Exhibit "A" (Plot 007), Exhibit "B" (Plot 157), Exhibit "C" (Plot 202), Exhibit "D" (Plot 236), Exhibit "E" (Plot 252), Exhibit "F" (Plot 305), Exhibit "G" (Plot 354), Exhibit "H" (Plot 355), Exhibit "I" (Plot 355), Exhibit "J" (Plot 389), Exhibit "K" (Plot 404), Exhibit "L" (Plot 443), Exhibit "M" (Plot 512), Exhibit "N" (Plot 606), are hereby adopted in support of Ordinance No. PA 884.

DATED this 20 day of December, 1988.


Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 12-12-88 lane county

OFFICE OF LEGAL COUNSEL

IN THE MATTER OF ADOPTING SUPPLEMENTAL FINDINGS IN SUPPORT OF ORD. PA 884,
page 2

DATA

0071

TOTAL POLYGON AREA =
NEGATIVE AREA =
SLIVER AREA =
TOTAL RETRACE LENGTH

=

NUMBER OF POLYGONS =

1

NUMBER OF POINTS =

30

83.42
0.00
0.00

0.00

AREA	PERIF-LENGTH	TEST-AREA
83.42	2.11	0.00

		YR_CAT
	B-1900 OR NOT KNOWN	C-1901-1975
	N	N
DCAREA		
0071	13.00	14.00

EXHIBIT C
SUPPLEMENTAL FINDINGS FOR
DEVELOPED & COMMITTED LANDS EXCEPTIONS

I. GENERAL INFORMATION

Maps: 17-12-15
Plot: 007-1
Location: Lilly Lake

Number of Parcels: 22
Size: 83.4 Acres

II. CRITERIA FOR EXCEPTIONS TO STATE PLANNING GOALS

Section 197.732, Oregon Revised Statutes (ORS), and Section 660-04-028(6), Oregon Administrative Rules (OAR) specify the criteria and procedures for designating exceptions to State Planning Goals. Section II of the 1989 Addendum to the Developed and Committed Lands Working Paper explains how these criteria have been applied to Exception Area 007-1.

III. METHODOLOGY FOR DETERMINING EXCEPTIONS

Section III of the 1989 Addendum to the Developed and Committed Lands Working Paper explains how Exception Area 007-1 has been mapped, how data pertaining to the area was collected, and how findings were made from the available evidence.

IV. FACTS RELIED UPON

- A. Exception Area 007-1 is a residential settlement of 22 dwellings, all of which were built prior to adoption of the State Planning Goals on December 27, 1974. The surrounding area is designated for forest and natural resource use by the Lane County Rural Comprehensive Plan (RCP).
- B. Soils in Exception Area 007-1 are rated Capability Class III-VI by the US Soil Conservation Service, which means they have some potential for agricultural use. The Lint soils that underlie portions of the exception area east and west of Highway 101 are most suitable. The Oregon Department of Forestry classifies these soils as site class II, except for the Brallier unit west of Highway 101. It has not been rated because it is not at all suitable for growing timber.
- C. Exception Area 007-1 gains access from the north and south by Highway 101, the major arterial along the Pacific coast. It is a two lane highway maintained by the State of Oregon. There are no public water or sewage systems in the area, but it is within Siuslaw Rural Fire Protection District. The area is served by the Siuslaw School District #97J, which places it in special taxing district 97-18.
- D. Exception Area 007-1 is 83.4 acres in size, and is comprised of 22 parcels. The average parcel size is 3.8 acres; the largest parcel is 10 acres and the smallest is .2 acre. All of the parcels were created prior to adoption of the State Planning Goals in 1974.

- E. Exception Area 007-1 is located less than a half mile inland from the Pacific coast, about 8 miles north of Florence. The exception area straddles Highway 101 just east of Lilly Lake. The exception area is located approximately 4 miles northwest of farm region 6, which is among a series of farm regions described in the Lane County RCP Agricultural Lands Working Paper (addendum).
- F. Exception Area 007-1 is bisected by Highway 101 along its north-south axis. It is further segmented by two creeks that originate in the higher elevations east of Highway 101. Much of the western portion of the area is a bog associated with Lilly Lake, which appears as soil unit 17 on the US Soil Conservation Map.
- G. Exception Area 007-1 is unusual because of its prominent location on the Pacific coast, where tourism and recreation are not only economically important; they are the essence of daily life. Timber harvesting is possible in the coastal region, but the practice is most often confined to locations that do not detract from these more preeminent values.
- H. On 20 December 1988 the Lane County Board of County Commissioners adopted Board Order 88-12-20-7, which endorsed supplemental findings for Exception Area 007-1. The findings were submitted to the Department of Land Conservation and Development (DLCD) for acknowledgment on 12 April 1989.
- I. On 21 July 1989 the Land Conservation and Development Commission (LCDC) voted unanimously to adopt Acknowledgment Orders 89-ACK-569 and 89-POST-570, which approved the DLCD staff recommendation for partial acknowledgment of Developed and Committed Exception Areas in Lane County.
- J. All but 20 of the 83.4 acres within Exception Area 007-1 were acknowledged by 89-ACK-569 and 89-POST-570. Approval of tax lots 1700, 1800 and 1900 was withheld because of the objection by 1000 Friends of Oregon: "Lots are undeveloped and adjacent to natural resource protection zone. 1700 has a structure but is surrounded by resource land".
- K. On 25 October 1989 the Lane County Board of County Commissioners voted unanimously to approve Board Order 89-6-25-4, which adopted the 1989 Addendum to the Lane County RCP Developed and Committed Lands Working Paper. The 1989 Addendum includes the findings of a panel of agricultural and forestry experts who formulated the following guidelines for determining whether land that is otherwise suitable for resource production may be so used:
 - a) Parcels of 20 acres or less with dwellings on three or more sides are committed to non-resource uses that make it impracticable to conduct farm or forest management.
 - b) Parcels with dwellings on two adjoining sides are impracticable for farm management if 15 acres or less, and impracticable for

forest management if 20 acres or less.

- c) Parcels with a dwelling on one adjoining side are impracticable for farm management if 5 acres or less, and impracticable for forest management if 15 acres or less.

V. ATTACHMENTS

1. Reference Data Sheet
2. Parcelization & Development Summary
3. Regional Location Map
4. RCP Map
5. Taxlot Data-Alphabetical Listing by Owner's Name
6. Taxlot Data-Numerical Listing by Legal Description
7. U.S.D.A. Soils Map No. 83
8. USGS Quadrangle Map
9. Map of parcels deleted from LCDC Acknowledgment Orders 89-ACK-569/89-POST-570
10. 1989 Addendum to Lane County RCP Developed and Committed Lands Working Paper (under separate cover)

VI. FINDINGS

Land along Highway 101 in northern coastal Lane County is designated for forestry and natural resource use by the Lane County Rural Comprehensive Plan. Exception to the RCP forest goal is taken for 83.4 acres of land within Section 15, Township 17, Range 12, which is elsewhere referred to as Exception Area 007-1. The exception is warranted because the land is developed or because it meets the criteria for irrevocably committed land specified in OAR 660-04-028(6):

a) Existing adjacent land uses

1. Exception Area 007-1 is surrounded by forest land on three sides, and lowlands associated with Lilly Lake on the other. The lowlands are designated as natural resource land by the Rural Comprehensive Plan. Other clusters of development are located along Highway 101 in both directions, along with waysides stops, scenic overviews, public parks and private tourist attractions. Most land within the Highway 101 corridor, in Lane County and the rest of Oregon, is associated with tourism and recreation to one degree or another.

b) Existing public facilities and services

1. Land located within Exception Area 007-1 is unsuitable for timber harvesting because of the effect on Highway 101, the most important public facility on the Pacific coast. The area is located on both sides of the Highway, so that travelers experience changing views of the ocean and inland hillsides as they approach the area from either direction. Removal of timber from land within the exception area would drastically alter those views.

c) Parcel size and ownership, patterns of the exception area and adjacent lands

1. The 83.4 acres of land within Exception Area 007-1 are impracticable to manage for timber harvest because the 22 different ownerships produce an average parcel size of only 3.8 acres. The largest parcel is only 10 acres. All of the parcels were created before the State Planning Goals were adopted in 1974.
2. Land on the west side of the exception area is impracticable to manage for timber production because of the location of existing homes nearby, built before the State Planning goals were adopted. Forestry experts who contributed to the 1989 Developed and Committed Lands addendum contend that parcels less than 15 acres that are adjacent to a dwelling are impracticable for forest management. The largest parcel in Exception Area 007-1 is only 10 acres.

d) Neighborhood and regional characteristics

1. Land within Exception Area 007-1 is impracticable to use for timber production because of the severe conflict between the scenic and recreational character of coastal areas along Highway 101, and the drastic alterations to the landscape associated with commercial logging. Timber can be harvested along the coast, and it often is, but it is not a practice that should be promoted by public policy on sites as prominent as the land within Exception Area 007-1.

e) Natural or man-made features or other impediments

1. Land within Exception Area 007-1 is impracticable to manage for timber production because the area is divided by Highway 101, and the only vacant land is unsuitable because it is a lowlying bog associated with Lilly Lake.

f) Physical development

1. All of the land east of Highway 101 within Exception Area 007-1 is developed to the extent that there is no further development potential under existing land use regulations. The remaining land is impracticable to manage for timber production because of the close proximity of nearby homes, tourist accommodations and public recreation facilities that were in existence before the State Planning Goals were adopted in 1974.
2. The land within Exception area 007-1 was acknowledged by the Land Conservation and Development Commission on 21 July 1989, except for Tax Lots 1700, 1800, and 1900 which constitute the western portion of the area. These tax lots are held in separate ownerships that add up to 20 acres, but the largest of the three is 10 acres. The western portion of the exception area is undeveloped, but contributes to the amenity of public and private recreational facilities within the Highway 101 corridor because the native timber that covers the site has not been removed.

g) Other relevant factors

1. Portions of Exception Area 007-1 are impracticable to manage for timber harvest because of environmental conditions common to coastal areas, such as salt spray and high winds that retard the growth of replanted areas.

VI. CONCLUSION

Exception Area 007-1 meets the criteria of ORS 197.732 because about two thirds of the 83.4 acres of land within are developed to the extent that they are no longer available for timber production, or because the remaining land is committed to uses that make commercial resource management impracticable.

DEVELOPED AND COMMITTED EXCEPTION FINDINGS
DATA SHEET

Map: 17-12-15

Plot: 007

Name: Lilly Lake

Exception Number: 1

The following were adopted by the corresponding ordinances in support of this developed and committed exception area.

- Developed + Committed Lands Working Papers; adopted by Lane County Ordinance #PA 883.
- Plan Diagram Maps; adopted by Lane County Ordinance # PA 884.
- Zoning Maps; adopted by Lane County Ordinance # PA 884.
- Summary Exception Sheet; Plot: 007, Exception Number: 1; adopted by Lane County Ordinance # PA 884.
- Supplemental Findings; adopted by Lane County Ordinance # PA 891

The following are additional data resources used to generate supplemental findings in support of this exception area:

- GIS Exception Plot No. 007
- GIS Exception Listing No. 007-1
- Aerial Photo Map Number: 17-12-15
- SCS Soil Survey Map Number: 53
- USGS Topographical Quadrangle Map: Heceta Head
- Lane County Tax Codes for Public Service Districts; 097-16

School District: Siuslaw 97J
Fire District: Siuslaw #1 R.F.P.D
Water District: None

____ Other:

PARCELIZATION AND DEVELOPMENT SUMMARY SHEET
DEVELOPED AND COMMITTED EXCEPTIONS

Map: 17-12-15Plot: 7Name: LILLY LAKEException Number: 1

I. PARCELIZATION AND DEVELOPMENT PRIOR TO ADOPTION OF STATE PLANNING GOALS:

Number of Parcels	<u>22</u>
Number of Dwellings	<u>22</u>
Other Uses (<u>1 COMMERCIAL</u>)	<u> </u>

II. PARCELIZATION AND DEVELOPMENT SINCE ADOPTION OF STATE PLANNING GOALS AND PRIOR TO ACKNOWLEDGEMENT OF COMPREHENSIVE PLAN:

Parcels Created Pursuant to Goals 3 and 4	<u>0</u>
Parcels Created by Exception to Goals 3 and 4	<u>0</u>
Parcels Created Without Findings	<u>0</u>
Subtotal of Parcels	<u>0</u>
Number of dwellings	<u>0</u>
Number Of Other Uses (<u> </u>)	<u> </u>

III. PARCELIZATION AND DEVELOPMENT SINCE ACKNOWLEDGEMENT OF COMPREHENSIVE PLAN:

Number of Parcels	<u>0</u>
Number of Dwellings	<u>0</u>
Number of Other Uses (<u> </u>)	<u> </u>

IV. PARCELIZATION AND DEVELOPMENT SUMMARY:

Total Acreage	<u>83.4</u>
Total Number of Parcels	<u>22</u>
Largest Parcel	<u>10.0</u>
Average Parcel Size	<u>3.8</u>
Total Number of Dwellings	<u>22</u>

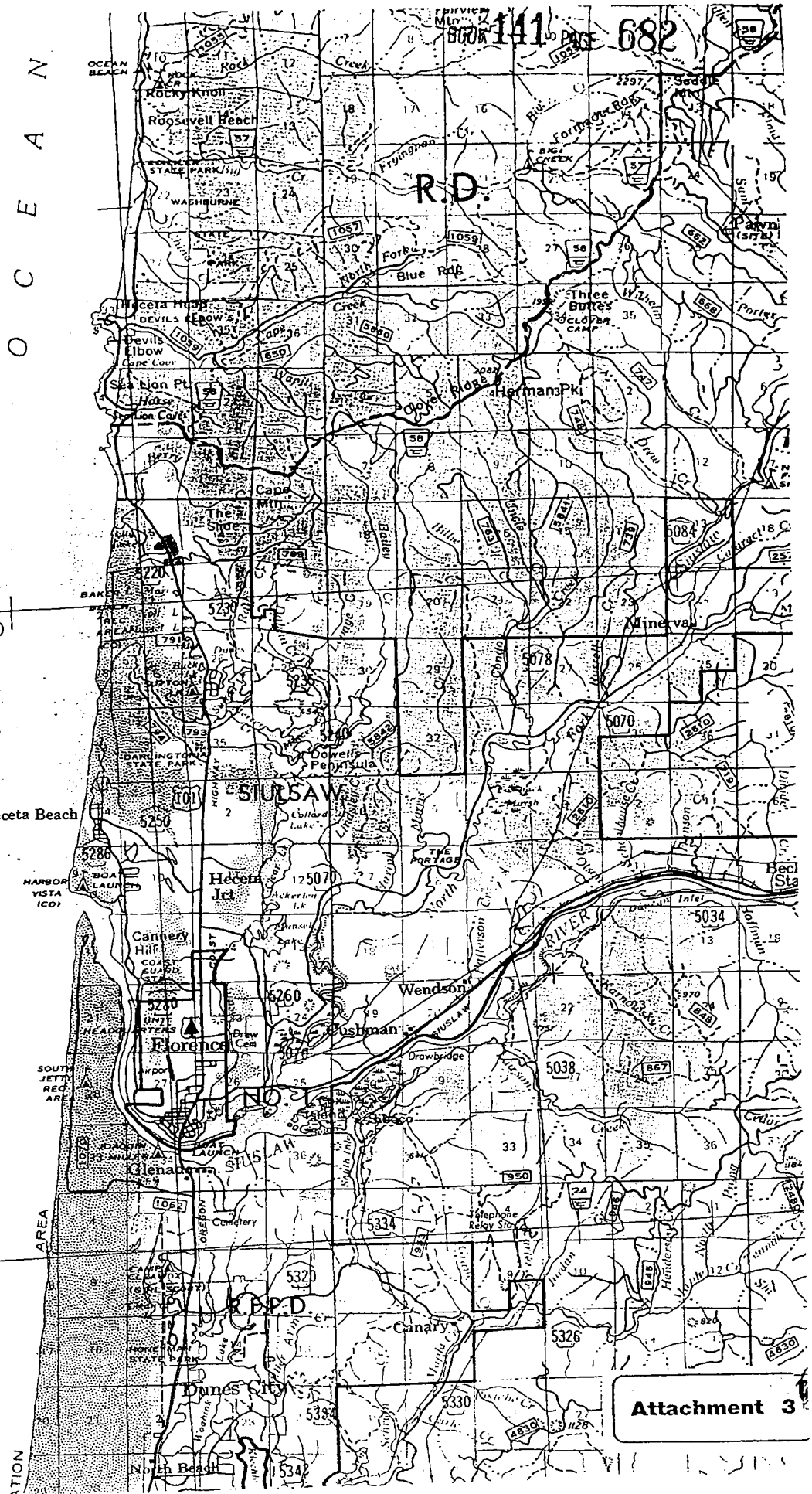
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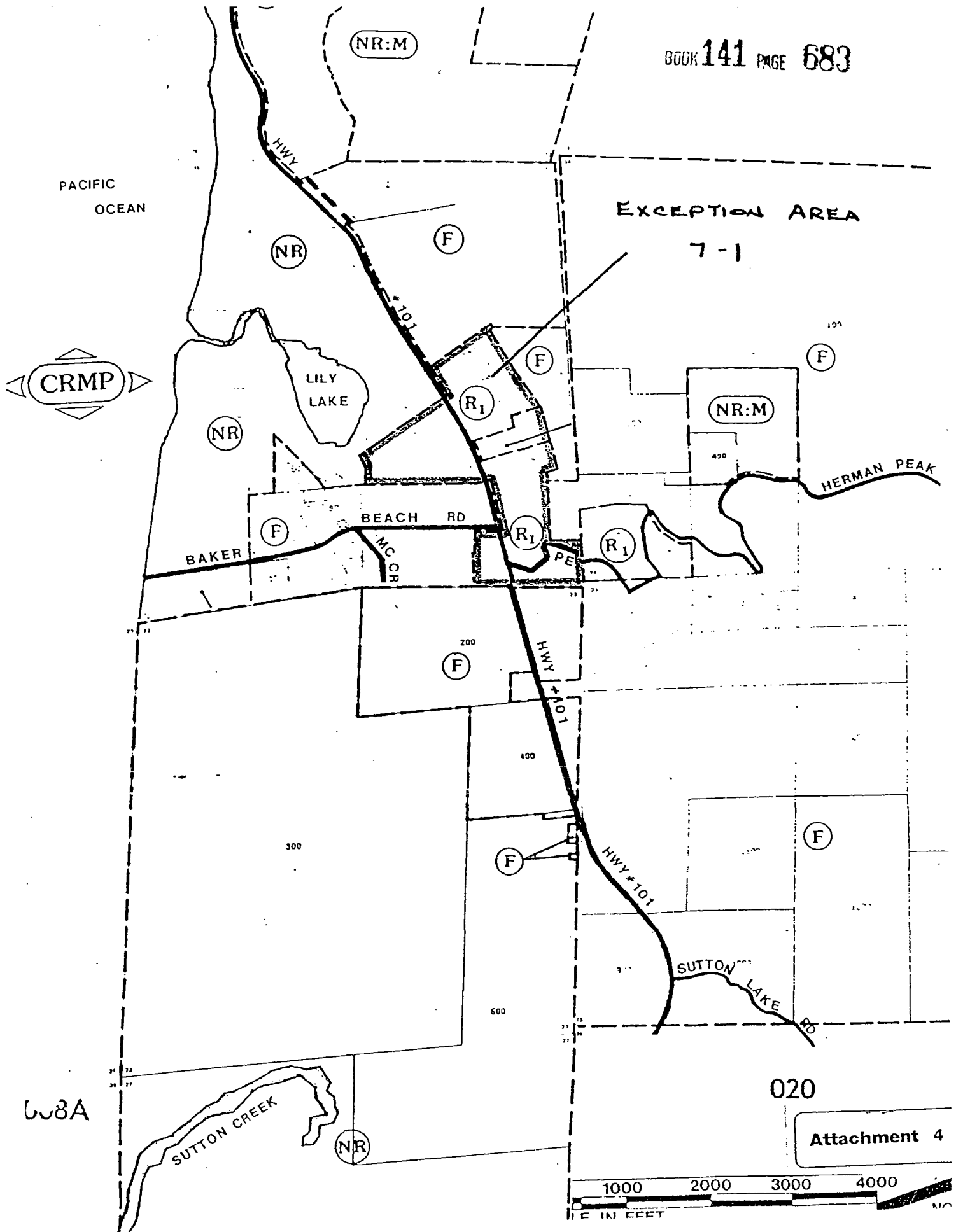
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Attachment 3



638A

Attachment 4

DATA FOR EXCEPTION AREA DC-0071, OWNER NAME ORDER

14:02 TUESDAY, SEPTEMBER 6, 1988

OWNER	MAPLOT	PCL	SCL	FRM	FOR	UNITS	YBLT	ZONE ⁴	CACRES	ATACRE
BERRETH ERVIN F & MARJOR	17121500 03500	131	140	0	0	1	46	RR5	0.6822	0.780
BONES GLADYS CAROLYN	17121500 01700	131	130	0	0	1	10	RR5	4.0767	4.000
BONES MICHAEL J & KATHLE	17121500 02900	431	140	0	0	1	68	RR5	6.8444	0.000
BONES MICHAEL J & KATHLE	17121500 02900	431	0	0	0	1	0	RR5	6.8444	6.950
BRANTON THOMAS RICHARD	17121500 02500	131	130	0	0	1	35	RR5	3.5258	3.640
DAMONE RENEE	17121500 01300	131	0	0	0	1	0	RR5	0.9309	0.970
ELLIS STEVEN L	17121500 01600	131	130	0	0	1	38	RR5	1.6625	1.270
FEATHERSTON LAURA	17121500 03300	131	120	0	0	1	45	RR5	0.5180	0.500
GEIGER RICHARD GEORGE	17121500 01800	430	0	0	0	1	0	RR5	12.6351	10.000
GEIGER RICHARD GEORGE	17121500 02700	430	0	0	0	1	0	RR5	7.9399	6.000
GEIGER RICHARD GEORGE	17121500 02700	430	0	0	0	1	0	RR5	7.9399	2.220
GIBSON HILDA M & EDGAR	17121500 01900	131	307	0	0	1	0	NR	4.1545	4.140
GIBSON HILDA M & EDGAR R	17121500 02600	131	130	0	0	2	0	RR5	4.1485	4.190
HILL MADELYN L	17121500 03100	461	0	0	0	1	0	RR5	7.8308	7.990
LARSEN SHIRLEY A	17121500 03100	431	130	0	0	1	34	RR5	7.8308	0.000
LAVARDIERE JOSEPH A & E	17121500 01400	131	130	0	0	1	40	RR5	0.8884	0.930
LAVARDIERE JOSEPH A & E	17121500 03000	131	130	0	0	1	45	RR5	3.2330	3.190
LUTZ WILLIAM E & NORMA N	17121500 03800	130	0	0	0	1	0	RR5	0.9159	1.110
MAGGARD HAROLD L & FRED	17121500 02400	131	130	0	0	1	38	RR2	3.8635	4.000
MAGGARD HAROLD L & FRED	17121500 02801	231	444	0	0	6	0	CR	6.6207	0.000
MAGGARD HAROLD L & FRED	17121500 02801	231	0	0	0	1	0	CR	6.6207	0.000
NEDDERMAN MARLEN W	17121500 03200	130	0	0	0	1	0	RR5	0.4683	0.460
OREGON STATE OF	17121500 03400	130	0	0	0	1	0	RR5	1.3310	1.330
PACHECO RAY & ELOISE	17121500 02800	131	130	0	0	1	37	RR5	1.8135	1.780
PLAEP FREDRICK A & GLEND	17121500 03600	131	130	0	0	1	45	RR5	0.1600	0.170
SAUBERT RUSSELL FREDRICK	17121500 03700	131	130	0	0	1	25	RR5	4.9633	4.550
SCOTT WILLIAM A & LUELL	17121500 01200	131	140	0	0	1	46	RR5	1.8382	2.000

DATA FOR EXCEPTION AREA DC-0071, MAPLOT ORDER 11:02 TUESDAY, SEPTEMBER 6, 1988

OWNER	MAPLOT	PCL	SCL	UNITS	YBLT	ZONE	FRM	FOR	CACRES	ATACRES
SCOTT WILLIAM A & LUELL	17121500 01200	131	140	1	46	RR5	0	0	1.8382	2.0000
DAMONE RENEE	17121500 01300	131	0	1	0	RR5	0	0	0.9309	0.9700
LARSEN SHIRLEY A	17121500 01400	131	130	1	40	RR5	0	0	0.8884	0.9300
ELLIS STEVEN L	17121500 01600	131	130	1	38	RR5	0	0	1.6625	1.2700
BONES GLADYS CAROLYN	17121500 01700	131	130	1	10	RR5	0	0	4.0767	4.0000
GEIGER RICHARD GEORGE	17121500 01800	430	0	1	0	RR5	0	0	12.6351	10.0000
GIBSON HILDA M & EDGAR	17121500 01900	131	307	1	0	NR	0	0	4.1545	4.1400
LUTZ WILLIAM E & NORMA N	17121500 02400	131	130	1	38	RR2	0	0	3.8635	4.0000
BRANTON THOMAS RICHARD	17121500 02500	131	130	1	35	RR5	0	0	3.5258	3.6400
GIBSON HILDA M & EDGAR R	17121500 02600	131	130	2	0	RR5	0	0	4.1485	4.1900
GEIGER RICHARD GEORGE	17121500 02700	430	0	1	0	RR5	0	0	7.9399	6.0000
GEIGER RICHARD GEORGE	17121500 02700	430	0	1	0	RR5	0	0	7.9399	2.2200
PACHECO RAY & ELOISE	17121500 02800	131	130	1	37	RR5	0	0	1.8135	1.7800
MAGGARD HAROLD L & FRED	17121500 02801	231	444	6	0	CR	0	0	6.6207	0.0000
MAGGARD HAROLD L & FRED	17121500 02801	231	0	6	0	CR	0	0	6.6207	6.5400
BONES MICHAEL J & KATHLE	17121500 02900	431	140	1	68	RR5	0	0	6.8444	0.0000
BONES MICHAEL J & KATHLE	17121500 02900	431	0	1	0	RR5	0	0	6.8444	6.9500
LAVERDIERE JOSEPH A & E	17121500 03000	131	130	1	45	RR5	0	0	3.2330	3.1900
HILL MADELYN L	17121500 03100	461	0	1	0	RR5	0	0	7.8308	7.9900
HILL MADELYN L	17121500 03100	431	130	1	34	RR5	0	0	7.8308	0.0000
NEDDERMAN MARLEN W	17121500 03200	130	0	1	0	RR5	0	0	0.4683	0.4600
FEATHERSTON LAURA	17121500 03300	131	120	1	45	RR5	0	0	0.5180	0.5000
OREGON STATE OF	17121500 03400	130	0	1	0	RR5	0	0	1.3310	1.3300
BERRETH ERVIN F & MARJOR	17121500 03500	131	140	1	46	RR5	0	0	0.6822	0.7800
PLAEP FREDRICK A & GLEND	17121500 03600	131	130	1	45	RR5	0	0	0.1600	0.1700
SAUBERT RUSSELL FREDRICK	17121500 03700	131	130	1	25	RR5	0	0	4.9633	4.5500
LAVERDIERE JOSEPH A & E	17121500 03800	130	0	1	0	RR5	0	0	0.9159	1.1100

AREA PERIF-LENGTH TEST-AREA

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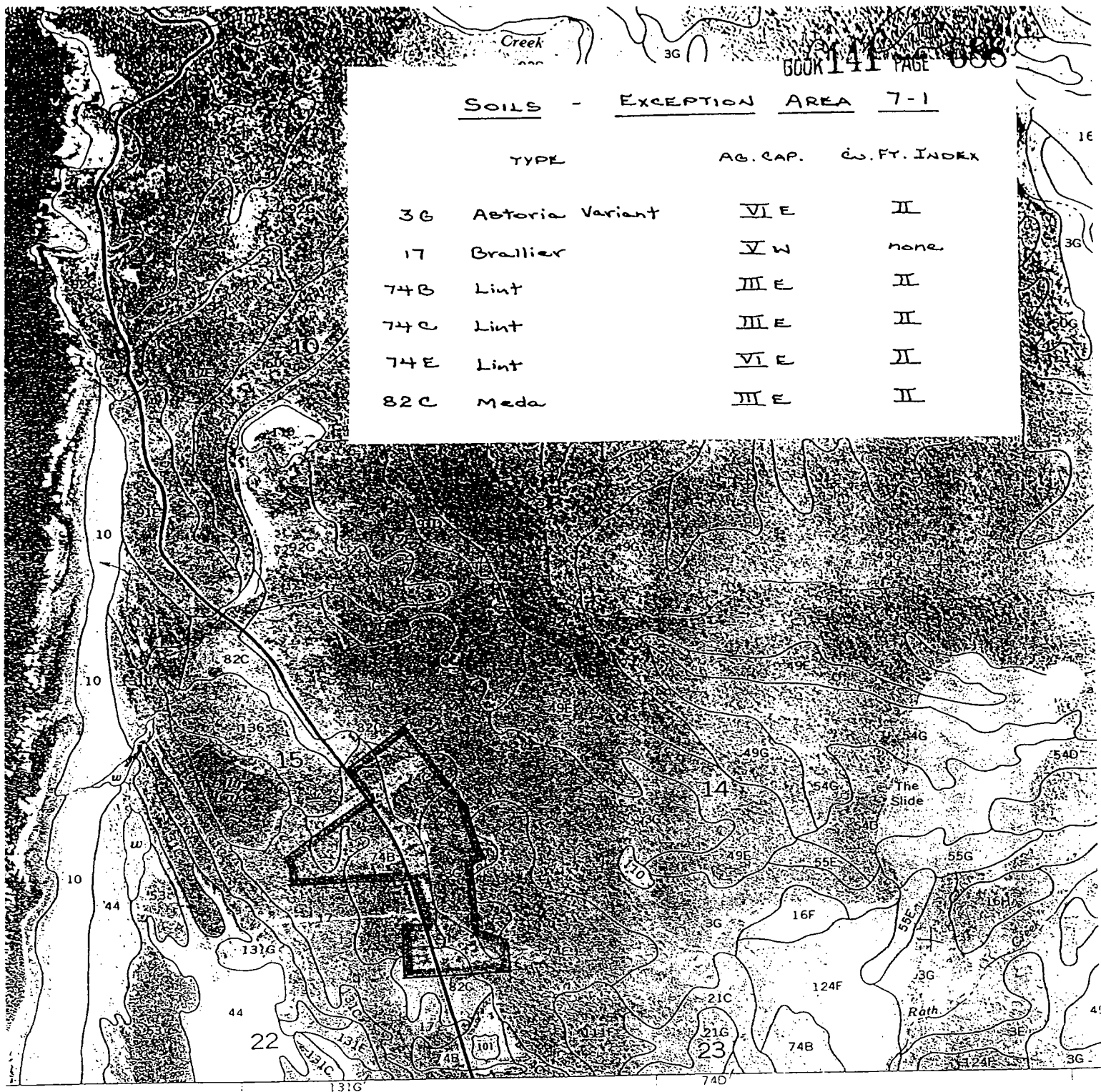
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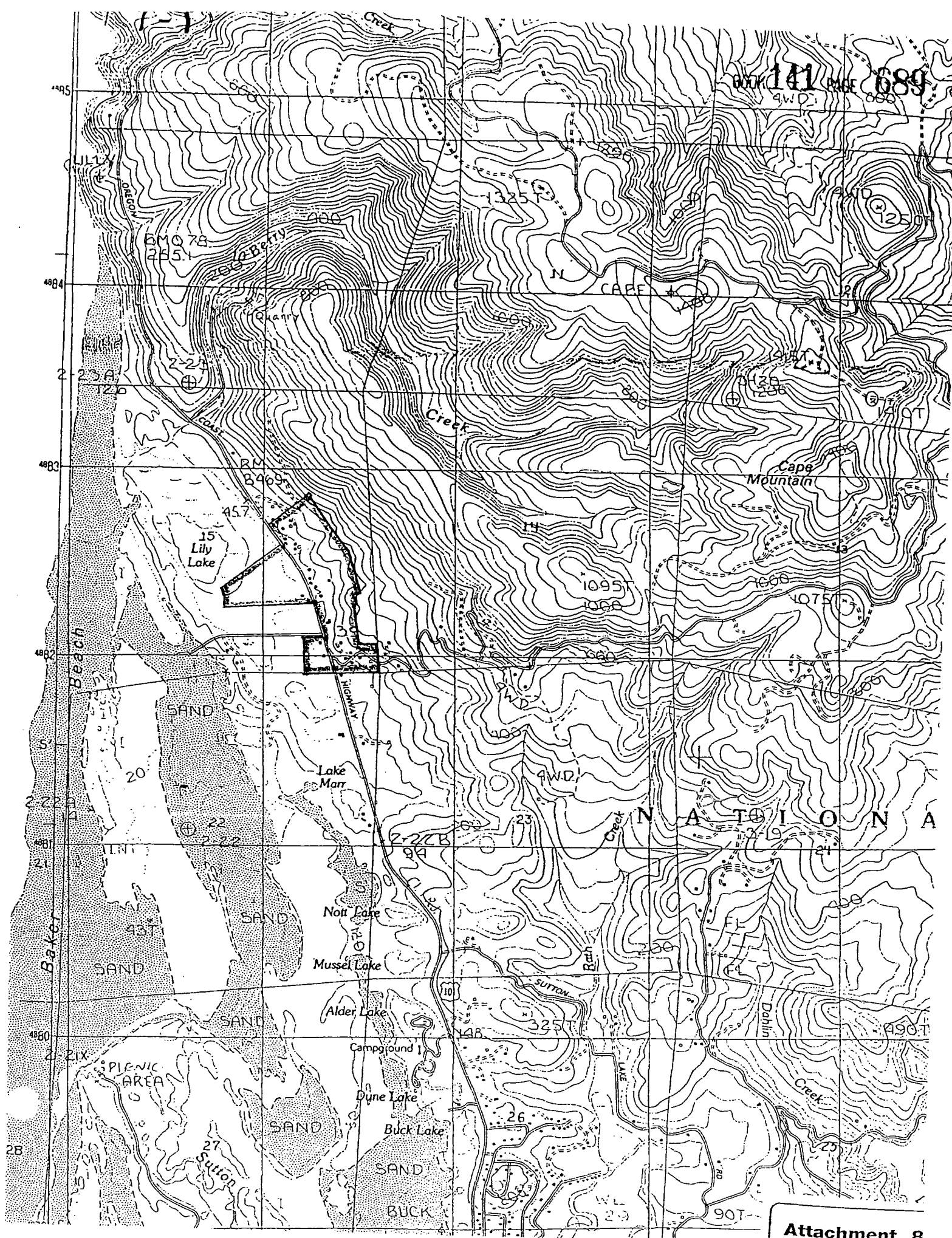
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DATA
0071

TOTAL POLYGON AREA =
NEGATIVE AREA =
SLIVER AREA =
TOTAL RETRACE LENGTH

NUMBER OF POLYGONS = 1
NUMBER OF POINTS = 30





NO RECORDED
PARTITIONS OR
SUBDIVISIONS

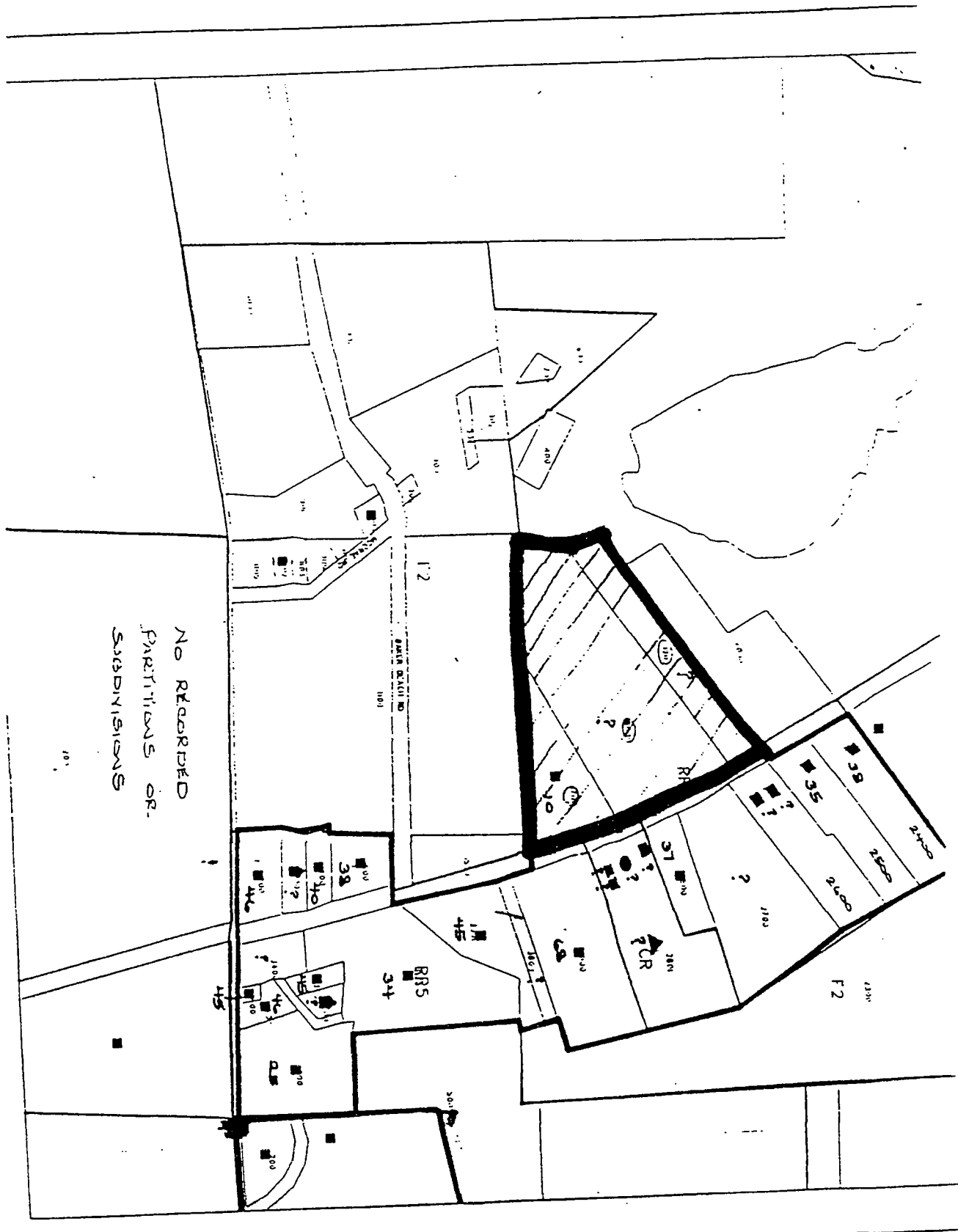


EXHIBIT 14

PLAN AMENDMENT & ZONE CHANGE

MAP 17-12-15-00-D001

Tax Lots 3900, 4000, 4100, 4200 & 4300



MINUTES

Lane County Planning Commission
Board of Commissioners Conference Room—125 East 8th Avenue
Eugene, Oregon

July 15, 2008
5:30 p.m.

PRESENT: John Sullivan, Chair; Lisa Arkin, Vice Chair; Steve Dignam, Todd Johnston, Anthony McCown, Nancy Nichols, Howard Shapiro, Jozef Siekiel-Zdzienicki, Ed Becker, Lane County Planning Commissioners; Lindsey Eichner, Kent Howe, Rafael Sebba, Stephanie Schulz, Lindsey Eichner, Rafael Sebba and Matt Laird, Lane County Land Management Division; Sandra Belson, City of Florence staff; Carol Henkel, City of Florence project consult.

PUBLIC HEARING

1. **PA07-5430 Amending the Rural Comprehensive Plan to Designate Land from "Residential" and "Commercial" to "Industrial" and Rezoning that Land from "RR2/Rural Residential" and "RC/Rural Commercial" to "RI/Rural Industrial".**

Map: 17-06-30, tax lots 2100 and 2200
17-06-29-03, tax lots, 3200, 3300, 3500-3900, 4100-4300, 4500, 4600, and 5100

Multiple addresses along Noti Loop Road, Noti

Owner/Applicant: Swanson Group

Agent: Ron R. Funke, AICP

Mr. Sullivan convened the meeting of the Lane County Planning Commission (LCPC) public hearing at 7:10 p.m. Planning Commissioners introduced themselves.

Mr. Howe introduced Land Management staff Lindsey Eichner and Rafael Sebba, and Matt Laird, the newly appointed Land Management Division manager.

Mr. Sullivan said Planning Commissioners were volunteers. The role of the Commission tonight was to listen to testimony from the public and offer recommendations to the BCC to approve or deny the proposed minor plan amendment to the Rural Comprehensive Plan changing residential and commercial land to industrial land designations, and the rezoning from Rural Residential and Rural Commercial zoning to Rural Industrial. He said at the conclusion of public testimony the public hearing would be closed and the Planning Commission would deliberate for the purpose of making a recommendation to the BCC. He asked if any member of the Planning Commission wished to declare an *ex parte* contact, conflict of interest, bias, abstention or if there was any

other challenge to impartiality by the public. Mr. Johnston declared a conflict of interest and refrained from participating in this deliberation or voting.

Mr. Sullivan opened the public hearing and called for staff comments.

Ms. Eichner stated the subject properties were located within the rural Unincorporated Community of Noti, northwest of the intersection of Noti Loop Road and Vaughn Road, south of Noti Loop Road. Twelve parcels were owned by the Swanson Group and three parcels were owned by the Noti Christian Church. The applicants were requesting redesignation of twelve parcels from Residential Land to Industrial Land, and three parcels from Commercial Land to Industrial Land. The applicants were also requesting that all fifteen parcels be rezoned from Rural Residential and Rural Commercial to Rural Industrial. She referred Commissioners to the color geographic information system (GIS) map attached to the staff report. The subject parcels were adjacent to a working mill owned by Swanson Superior. The purpose of the proposed amendment was to expand the existing log storage yard onto the subject properties in the near future which was an allowed use with approval of a special use permit in the Rural Industrial zone that would be processed through a supplemental application. At the time the staff report was prepared the applicant had not addressed the *Unincorporated Community* rule, OAR 660-022-0030(3), (6), (7), (8) and (11). Additional information was subsequently submitted by the applicant. Staff found that the application was not as robust as preferred, but it essentially met all of the criteria. Staff recommended approval of the proposed plan amendment and rezone request.

Mr. Sullivan solicited questions from Planning Commissioners.

At Ms. Arkin's request, Ms. Eichner reviewed the map included in the agenda packet.

Ms. Nichols questioned whether some of the smaller parcels could be consolidated into a larger one, noting small parcels had been a problem in the past when saw mills failed. Mr. Howe said the task before the Commission was a plan designation and zoning issue, rather than a partition, and thus could not consider lot size.

Mr. Sullivan said two safety issues had been identified by Transportation Planning staff, which were subsequently addressed by the applicant. He observed the Transportation Planning response to the applicant's solution was it "seemed ok." He asked if there was conclusive evidence that the Swanson Group met safety requirements. Ms. Eichner was not aware of specifics on this issue.

Mr. Dignam objected to Ms. Nichols's statement regarding future failure of a saw mill. It was not the position of the Planning Commission to judge the strength or lack of strength of an applicant. He knew the applicant had been at the site for a long time and was a reputable firm. He apologized to the applicant.

Ms. Nichols apologized for making the statement.

Mr. Sullivan called for public testimony and reviewed the procedure for a public hearing.

Ron Funke, Custom Planning Services, (99 West Tenth Avenue, Suite 119), (2595 Charnelton Street), identified himself as the agent representing the Swanson Group. He concurred with the staff recommendation that this was a good reutilization of long, abused residential parcels, which would allow the Swanson Group to take a longer term perspective, to expand their log yard so that it provided a scale of economy associated with the industry, and to provide increased safety. The Swanson Group had worked with the Noti Church of Christ to designate a lot for relocation of the church. Several residential parcels had been created and one parcel had been sold to the East Lane Fire Protection District. The Swanson Group had a long term interest in the community as an industry and a member of the community. Although his response regarding developed and committed area was late, all requirements under the applicable Oregon Administrative Rules (OARs) had been met. When Transportation Planning staff stated there was insufficient information about safety on and off Noti Loop regarding ingress and egress into the yards, the applicant hired a traffic engineering firm which established there were safe turning radiuses in relationship to Noti Loop and within the yard. One reason the Swanson Group wanted to complete the expansion was to develop safer routes within the log yard. Currently there was a significant amount of crossing traffic that presented safety concerns. The proposed expansion represented approximately 20 percent of the log yard was an allowed use, was in compliance with Goal 9, and was an appropriate rural economic use for the Noti area.

Responding to questions from Ms. Arkin, Mr. Funke explained the current ingress and egress requirements for the site. He said most of the residences on the parcels had been vacant and demolished. Two of the remaining four residences were occupied as rentals or offices.

Responding to a question from Ms. Arkin regarding the historical significance of some of the structures, Mr. Laird responded parcel 4600 was not included in the proposed changes and the house would remain. He said the house on parcel 3800 was vacant and he did not believe the house was old enough to be eligible for historic designation.

Mr. Siekiel-Zdzienicki did not see that the issue of 550 feet versus 551 feet sight line on the road had been totally resolved. At Mr. Sullivan's suggestion, he agreed to hold the question until Dale Clausen testified.

Responding to a question from Mr. Siekiel-Zdzienicki, Mr. Funke said the developed and committed exception areas were part of a 2004 rezone amendment that established the areas in the community of Noti. There was no direct bearing upon the current application but the Swanson Group wished to create a more contiguous boundary along the south side of Noti Loop, which provided more compatibility than a row of houses abutting the log yard. Ms. Eichner added the plan had been addressed in the application.

Responding to a question from Mr. McCown, Mr. Howe said the compatibility analysis the Planning Commission needed to apply was the OAR criteria for inside a community boundary when going from one plan designation to another.

Dale Clausen, Swanson Group, 22476 First Street, Noti, P.O. Box 250, Glendale, addressed the site distance comments relative to the Transportation Impact Analysis (TIA). He said the assumption by staff was the grade on the stretch of road. The actual grade of the specific section of Noti Loop varied from five to seven percent. Therefore, because of gravity, the stopping distance was shortened. Mr. Clausen did not know how old the house referred to by Ms. Arkin

was and was unable to say if it had historic significance, but the house did not look old enough to him. Mr. Clausen said the Swanson Group had been at the current location for 34 years, starting in 1974 with production at the saw mill. As the company had grown, it continued to expand and adjust facilities incrementally to increase productivity which meant more lumber output and the need for more logs. When the mill was at full production, consisting of two or more shifts, 120 to 150 loads of logs were needed daily in the yard. It was difficult to store enough and move enough trucks through safely in the current log yard. Expansion would streamline the traffic flow in the log yard.

Responding to a question from Ms. Nichols, Mr. Clausen explained one of the vacant parcels included in the request had been overlooked during a 2004 zone change.

Responding to a question from Mr. McCown, Mr. Howe said Chapter 15 of the code addressed road issues.

Responding to a question from Mr. Shapiro, Mr. Clausen said the Swanson Group sprinkled the yards with water.

James Huckins, 22427 Noti Loop, Noti, owned property across from the mill. He wanted to know what was intended to take place at the properties subject of the minor amendment application. Responding to Mr. Huckins, Mr. Clausen confirmed the purpose of the proposed change was for log yard activities. Mr. Clausen said the proposed expansion of the log yard was market driven. Mr. Huckins expressed concerns for quality of life and the value of his property. Mr. Clausen said one of the uses of the proposed expansion was to provide more room to stage trucks, reducing the use of the road for that purpose. Mr. Huckins said removal of trees in the past increased the noise level and opposed removal of trees on lots adjacent to his property.

Mr. Sullivan encouraged Mr. Huckins to understand what arguments he could present to the BCC.

David Johnson, said he rented property from the Swanson Group and the company had been very good landlords for seventeen years. He stated he was neutral on the proposal before the Commission. He was concerned not with the Swanson Group proposal, but with the notification process used by Lane County for tonight's public hearing.

Ms. Eichner explained the required statutory public notification process for public hearings. Responding to a question from Mr. Johnson, Ms. Eichner explained the mailing list consisted of current information from assessment and taxation records, adding that notices were not always sent to residences and businesses.

Responding to a question from Mr. Siekiel-Zdzienicki, Mr. Johnson confirmed the applicant had discussed the issue with him in the past.

Responding to a question from Ms. Nichols, Mr. Howe said Lane Code implemented ORS related to notification by using the most recent write off from the assessor's records of the property owner, which was usually the people who paid the taxes.

Mr. Dignam acknowledged Mr. Johnson was pointing out a weakness in the system and apologized that Mr. Johnson had not gotten better notice. Mr. Johnson accepted the apology.

Mr. McCown thought the Planning Commission could look at the ability to deliver notice to both property owners and the address to ensure renters received notification.

Ms. Arkin observed similar comments had been received from people in the past who lived in smaller communities that had their own newspapers, while Lane County advertised in the Register Guard.

Mr. Sullivan called for rebuttal from the applicant.

Mr. Clausen said there were trees in the area identified for rezoning that would be removed, noting there were grade issues for the log yard related to driving heavy equipment. It would be difficult and unsafe to have a treed island in the middle of the yard. Future decisions would be based on conversations with neighbors, as well as review of security, noise, dust, light requirements such as fences, sound barriers, earthen berms, vegetation and related costs. Final decisions had not been made.

Mr. Funke concurred with Mr. Johnson that the radius of the notice, particularly in rural communities, was not sufficient under current OARs, but he did not expect any movement to change them in the near future.

Mr. Dignam asked Mr. Huckins what he would like to see in a perfect world, given what he had just heard.

Mr. Huckins had heard Mr. Clausen say the applicant was aware that the view from Mr. Huckins house and other neighbors may be changed. He hoped the applicant would do what was necessary to make it presentable in appearance. He expressed concern that water use by the applicant would affect his well, that dust from trucks would come on to his property, and that increased noise and light from the site would impact his quality of life. He was concerned by the term industrial and future uses.

Mr. Clausen said the noise issue was a valid one because the trees blocked some of the noise. He opined there may be an increase in noise, and the applicant was looking into possible mitigation measures. There was a containment pond, the source of which was Elk Creek, that was used for fire suppression and recycled for log spraying.

Responding to a question from Mr. Dignam, Mr. Clausen said the distance of the log deck from the road had not yet been developed, but he estimated the distance would be 250 to 300 feet.

Responding to a question from Mr. McCown, Ms. Eichner said Chapter 16 of the Lane Code contained notification requirements during issuance of permits that would address noise mitigation and compatible uses.

Responding to a question from Ms. Arkin, Ms. Eichner confirmed that the Swanson Group had water rights for Elk Creek and would not be using wells or ground water to water the log yard.

Responding to Mr. Sullivan, Ms. Eichner said staff was currently looking at zoning and plan designation requests, and there was no proposed use at this point.

Mr. Sullivan said there was no request to keep the record open.

Mr. McCown, seconded by Ms. Arkin, moved to close the record. The motion passed 7:0:1, with Commissioners Sullivan, Arkin, Dignam, McCown, Nichols, Shapiro, and Siekiel-Zdzienicki voting in favor and Commissioner Johnston abstaining.

Mr. Sullivan closed the record and closed the public hearing. He opened the floor to Lane County Planning Commission deliberation.

Mr. Dignam said if as staff had indicated, noise and other potential adverse impacts would be addressed in the future and the applicant would have sufficient time to work with Mr. Huckins and other interested parties to try to address those concerns. He added the changes would support Goal 9, Economic Development in a rural area of Lane County and in an area that could benefit from it. The Swanson Group was a strong company and the proposal would help them to continue to operate efficiently in a difficult environment. He was inclined to support the proposal.

Mr. Shapiro would vote for the proposal because the allowed use was consistent and brought everything into conformity.

Ms. Arkin supported the proposal based on rural uses of the land. She suggested the County make note of the request for better notification.

Mr. McCown concurred with Ms. Arkin.

Ms. Nichols would support the proposal as it seemed like a logical action.

Mr. Siekiel-Zdzienicki supported the proposal and highly recommended the Swanson Group get together all of the neighbors to address all concerns.

Mr. Dignam, seconded by Ms. Nichols, moved to recommend approval to the Lane County Board of Commissioners of PA07-5430. The motion passed 7:0:1, with Commissioners Sullivan, Arkin, Dignam, Johnston, Nichols, Shapiro, and Siekiel-Zdzienicki voting in favor and Commissioner McCown abstaining.

Mr. Sullivan supported the proposal because it was consistent with the general purposes of Chapter 16 and Lane Code 16.003. It did not appear to be contrary to the public interest although he had concerns that could be met by having good communications with neighbors, noting the Swanson Group had demonstrated it was a good corporate citizen. The findings seemed consistent Goal 14 that included small scale industrial development. The findings indicated the water demands could be met and would not have an adverse impact to water, and that partitioning was unlikely. He thanked those who participated in the public hearing.

The Planning Commission took a break from 8:15 p.m. to 8:20 p.m.

2. **PA07-5485 Amending the Rural Comprehensive Plan to Designate Five Lots Totaling Five Acres in Size from “Commercial(C)” to “Residential (R)” and to Change the Zoning of Those Parcels from “Rural Commercial (RC)” to “Rural Residential (RR-5)”.**

Map: 17-12-15, tax lots 3900,4000, 4100, 4200, 4300

Approximately five miles north of the Florence UGB, on the east side of Highway 101, opposite Lilly Lake.

Owner/Applicant: Oregon Land LLC

Agent: Land Planning Consultants

Mr. Sullivan reconvened the Lane County Planning Commission and reiterated the public hearing format. He asked if any member of the Planning Commission wished to declare an *ex parte* contact, conflict of interest, bias, abstention or if there was any other challenge to impartiality by the public. There were no affirmative responses.

Mr. Sebba provided the staff report. He said the proposal was to amend the Rural Comprehensive Plan to redesignate five lots totaling five acres in size from Commercial (C) to Residential (R) and to change the zoning of those parcels from Rural Commercial (RC) to Rural Residential (RR-5). There were several considerations worth noting related to Division of Land Conservation and Development (DLCD) comments: the subject property was located within a designated Developed and Committed exception area; the five lots that comprised the subject property were lawfully created under the current RC zoning; and, the proposed plan amendment and zone change would not have the effect of allowing further division of, or uses on, the subject property that would compromise the land as rural. Mr. Sebba concluded that staff recommended approval of the proposed plan amendment zone change.

Ms. Nichols opined the proposal “gamed” the system by splitting commercial lots and subsequently switching to residential, RR-5, with half acre lots.

Responding to a question from Mr. Siekiel-Zdzienicki, Mr. Sebba said the other parcels in the Developed and Committed exception area ranged in size from ten acres to one-half acre, if not smaller. He directed Commissioners to the Vicinity Map included in the staff report.

Responding to a question from Ms. Nichols, Mr. Sebba said the Rural Commercial zone did not include a minimum lot size. As a part of the land division process, one of the required criteria was that the proposed parcel would not exceed the carrying capacity of the soils for septic purposes. He added the Kamrin Court subdivision had been approved.

Responding to a question from Mr. Dignam, Mr. Sebba said the application addressed both the septic issue and water supply. Preliminary sanitation approval had been granted on all of the lots, and staff concurred there was sufficient capacity.

Responding to a question from Ms. Arkin, Mr. Sebba said the lots were lawfully established and any restrictions on the placement of the drain fields would be directly dealt with at the time of development. If the request was approved and rezoned to Rural Residential, sanitation issues such as placement of dwellings and drain fields would be addressed when the applicant requested building permits for dwellings. He added that restrictions were generally dealt with at the time permits were issued.

Mr. Sullivan called for testimony from the applicant.

Mike Evans, 1071 Harlow Road, Springfield, identified himself as the agent representing the applicant, Oregon Land, LLC. He said the property was originally zoned commercial in 1980, prior to adoption of the current Comprehensive Plan. At that time, the property contained a grocery store and three residential units. In 1984 the Comprehensive Plan was adopted and the commercial zoning was retained in accordance with existing policy. In 2002, DLCD, in dealing with a Goal 14 court case, adopted new OARs, basically eliminating commercial opportunities in rural Lane County. Current restrictions in Lane Code were adopted in 2004. The last time the property was rezoned all of the rural residential and commercial zones were changed to reflect DLCD's new rules, limiting commercial use to a 25 percent expansion of an existing commercial use. The property was subdivided into smaller parcels to meet OARs and marketed unsuccessfully as commercial since 2003. The subdivision established five lots, each of which had approved sanitation and well requirements. The easement was established through the Lane Code subdivision process and included a provision to allow for installation of utilities and maintenance, with a shared responsibility of the parties using the easement.

Mr. Siekiel-Zdzienicki said he was bothered by the split into small lots, which seemed to be a way to bypass the system.

Mr. Evans said the average parcel size in the exception area was three acres. While the subject parcels were less than that they did fit into the average size of parcels in the area.

Mr. McCown expressed concern that road easements would not be enforced until a problem, such as roads being inadequate to accommodate emergency vehicles, occurred.

Responding to a question from Ms. Nichols, Mr. Evans said the wells, which were part of the Lilly Lake aquifer, ranged in depth from 107 to 185 feet.

Mr. Sebba explained Lane Code addressed required road conditions for emergency vehicle access and egress.

Mr. Howe iterated that the notice procedures for the public hearing were the standard, statutorily required procedures.

Mr. Sullivan had not heard a request to keep the record open.

Ms. Arkin requested that the record be kept open for one week.

Mr. Dignam asserted there had never been a request by a member of the Planning Commission to keep the record open, and asked if the same issues and guidelines applied to Commissioners as to members of the public.

Mr. Howe said a request to keep the record open had always been made by neighbors or others providing testimony because something had come into the record they wanted an opportunity to address. He understood the intent of the statute was to provide extra time to those participating in the process.

Ms. Arkin said she was concerned about notification of the surrounding properties.

Mr. Howe asserted all of the legal requirements had been met.

Mr. Sullivan opined all of the Planning Commission had similar concerns about notification. He thought Ms. Arkin's request was an administrative procedure to make a statement when the applicant had complied with the applicable OAR, and it would be arbitrary to prohibit the applicant from moving forward.

Mr. McCown noted that the Planning Commission approved a zone amendment earlier this evening without keeping the record open, which raised the question when both followed the OAR. Although the rules may not be adequate, the County should look at them outside of the process. However, he would support keeping the record open out of courtesy to Ms. Arkin.

Ms. Arkin said she wanted to do more research on proximity of wells and drain fields in the area, and submit anything she found into the record.

Mr. Sullivan said if Ms. Arkin decided to do her own research, all Planning Commissioners would be entitled to see every page of every document she looked at.

Mr. Dignam suggested Planning Commissioners were free to make motions to keep the record open for a period of time. However, he did not believe individual Planning Commissioners could invoke the statutory requirement that the record be kept open.

Ms. Arkin, seconded by Mr. Siekiel-Zdzienicki, moved to keep the record open until July 22, 2008.

Mr. Howe agreed to check the statutes to determine if requests to keep the record open applied to decision makers.

Mr. Johnston expressed concern that without a specific plan or evidence, the Planning Commission would take additional time. He could not support the motion.

Mr. Dignam stated he would not support the motion.

Ms. Arkin said she had serious questions about the application and thus would not vote in favor of a motion to support approval of the application. She added decisions had been postponed for many reasons in the past.

Ms. Nichols had not thoroughly reviewed all of the information and wanted more time.

Mr. Shapiro said he had only received the substantial information packet two days earlier.

Mr. Sullivan was hesitant to extend the process noting, it had been going on for a long time. Fairness not speed was the issue, and he would not support the motion.

Mr. Howe clarified the hearing would be closed while the record kept open if the motion passed. Deliberations could be scheduled for August 5, 2008.

Mr. Johnston understood Commissioners' discomfort with not being able to get through all of the material, but he understood Ms. Arkin wanted to look at new material to see if the Commission could get comfortable with the proposal. He could support the motion if it was to provide additional time to study material already provided to Commissioners. However, he was not comfortable with Commissioners gathering new information and presenting it as evidence.

Mr. Sullivan said if the motion passed, he would ask Ms. Arkin to meet with Mr. Howe and Mr. Sebba to understand when the activity proposed by Ms. Arkin became *ex parte*, because all Commissioners had the right to see the same information as she.

Mr. Howe suggested the Commission close the public hearing and the record, and continue deliberations on August 5, 2008, if all that was needed was time to review the staff report and the record to reach a conclusion.

The motion passed 5:3, with Commissioners Arkin, Shapiro, McCown, Nichols and Siekiel-Zdzienicki voting in favor, and Commissioners Dignam, Johnston and Sullivan voting in opposition.

Mr. Howe reviewed the timeline:

July 22, 2008	Record closed.
July 29, 2008	Last day for applicant rebuttal.
August 5 or 19, 2008	Planning Commission deliberations.

Mr. Dignam, seconded by Mr. McCown, moved to close the public hearing. The motion passed unanimously, 8:0.

Responding to a question from Mr. Johnston, Mr. Howe said he would consult with County Counsel regarding clarity on *ex parte* contacts, and send information to Planning Commissioners.

The public hearing concluded at 9:15 p.m.

(Recorded by Linda Henry)

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MINUTES

Lane County Planning Commission
Harris Hall—125 East 8th Avenue
Eugene, Oregon

August 5, 2008
5:30 p.m.

PRESENT: John Sullivan, Chair; Lisa Arkin, Vice Chair; Steve Dignam, Todd Johnston, Nancy Nichols, Jozef Siekiel-Zdzienicki, Lane County Planning Commissioners; Rafael Sebba, Kent Howe, Lane County Land Management Division.

ABSENT: Tony McCown, Howard Shapiro, Lane County Planning Commissioners.

Mr. Sullivan convened the meeting of the Lane County Planning Commission (LCPC) at 5:40 p.m. He stated additional items may be added to the agenda following the scheduled work session. Those present introduced themselves.

PUBLIC COMMENT

There was no one wishing to offer public comment.

WORK SESSION

1. **Deliberation: PA 07-5485: Amending the Rural Comprehensive Plan to redesignate five lots totaling five acres in size from "Commercial (C)" to "Residential (R)" and to change the zoning of those parcels from "Rural Commercial (RC)" to "Rural Residential (RR-5)".**

Map: 17-12-15 Tax Lots 3900, 4000, 4100, 4200, and 4300.

Site: Approximately five miles North of the Florence Urban Growth Boundary (UGB), on the East side of Highway 101, opposite Lilly Lake.

Owner/Applicant: Oregon Lane LLC.

Agent: Lane Planning Consultants.

Mr. Sullivan stated following the July 15, 2008 public hearing, the record was held open until July 22, 2008. The record was now closed.

Mr. Sebba reported the applicant submitted additional information into the record on July 21, 2008, a copy of which was distributed to Planning Commissioners. No additional information was submitted during the week that the record was held open.

Mr. Sebba stated the submitted materials addressed factors the applicant believed were important to the application relating to the developed and committed lands, the size and number of parcels in the original exception area, the sewage facilities and well information. The applicant also submitted proposed findings should the Planning Commission be interested in incorporating them.

Mr. Dignam, seconded by Ms. Arkin, moved a five minute recess to allow Planning Commission members time to review the applicant's information submitted on July 21, 2008. The motion passed unanimously, 5:0.

Mr. Sullivan called for a five minute recess.

Mr. Sullivan reconvened the Lane County Planning Commission.

Mr. Sebba reiterated his previous report as Mr. Sullivan's request. Mr. Sullivan opened the floor to questions from Commissioners.

Mr. Siekiel-Zdzienicki asked if there was an Oregon Administrative Rule (OAR) requiring an exception to Goal 14 to create new rural residential lots if under ten acres.

Mr. Sebba explained the OAR related to the creation of lots and minimum lot size of two acres. The creation of lots under ten acres required an exception. However, the area addressed with this request was already in a developed and committed exception area, and he did not believe that requirement applied.

Mr. Howe added the rule that Mr. Siekiel-Zdzienicki referred to was applicable when the area was zoned residential and there were lots being created, which was not the application before the Commission. The application before the Commission was for a plan amendment zone change for lots that had already been created. The topic before the Commission was for a change from one plan designation to another, and not on the topic of creation of lots. He added the rule referenced by Mr. Siekiel-Zdzienicki had to do with the creation of new lots not being below two acres in the rural residential zone.

Responding to a question from Ms. Arkin, Mr. Sebba said Lane County issued building permits and septic permits based upon State of Oregon sanitation and building codes. He added the sanitation program was charged with evaluating proposals for sewage and septic systems to ensure they complied with all state and local code requirements.

Mr. Sullivan stated that the State of Oregon Department of Land Conservation and Development (DLCD) had two stipulations it recommended to Lane County. Mr. Sullivan read from a June 17, 2008 memorandum from Dave Perry, South Coast Regional Representative, DLCD, "To ensure compliance with OAR 660-04-018, the County should find that the proposed amendment will facilitate only rural uses, densities, and public facilities and services that maintain the land as rural. Additionally, the County should find that the change would authorize rural uses, densities, and public facilities and services that are compatible with, and do not otherwise commit adjacent or nearby resource land to non-resource uses." He asked if those stipulations needed to be incorporated into a motion in favor of adoption of the proposed amendment.

Mr. Howe responded that Lane County had an acknowledged comprehensive plan that the State already acknowledged allowed only rural uses. Therefore, the comprehensive plan and code provisions were acknowledged by the State as fulfilling the requirements. He added there was a finding in the staff report that addressed a change committing adjacent or nearby resource land to non-resource uses.

Mr. Sullivan opened the floor to deliberations.

Ms. Arkin said she would support the zone change request but was still uneasy because she felt the size of the drain field small for the proposed housing density on the lots. She asked that any motion incorporate the density stipulation. Responding to a question from Mr. Sullivan, she said she could agree to referencing the applicable paragraph in the June 17, 2008 letter from Dave Perry.

Mr. Sickiel-Zdzienicki asserted the land was currently zoned commercial for which there were no minimum lot sizes when subdivided, thus allowing five lots on five acres. He had a problem with the current request before the Commission by now requesting a zone change to residential.

Mr. Dignam moved approval of PA 07-5485. There was no second to the motion.

Mr. Johnston, seconded by Ms. Arkin, moved approval of PA 07-5485, with the stipulation as outlined by DLCD in a letter dated June 17, 2008 from Dave Perry, as follows: The code amendment would facilitate only rural uses, densities, and public facilities and services that maintain the land as rural.

Mr. Dignam stated intuitively the lots seemed too small, but his intuition was not a basis for a land use decision. Therefore he intended to support the motion for the following reasons: the lots were lawfully established; the applicant had demonstrated adequate water and had an approved septic system; there were no traffic issues; the properties were not on the highway and would not be used for commercial properties; and, the properties were compatible with surrounding uses in the exception area.

Mr. Siekiel-Zdzienicki would vote no because he felt the applicant got around the system and the lots were too small. Although the exception area had seven lots that were less than one acre, he thought the applicant was attempting to get around the system and that was not right.

Ms. Nichols did not think it was right, but thought it was legal, and she would vote for the motion.

Mr. Johnston would support the motion. He agreed the lots were lawfully established with no evidence opposing the application from anyone in the area. There was no evidence that the applicant had surreptitiously tried work the system. The only evidence before the Commission was that the applicant had tried for a number of years to use property that was otherwise not being used for any purpose. The applicant's efforts were legitimate and well directed.

Ms. Arkin would vote yes. The land originally zoned commercial meant that the land would probably be put to some use. She was still uncomfortable with the proximity of the drain fields to wells and Lilly Lake. She hoped the applicant would respect the land.

Mr. Dignam said it was not his job to determine the applicant's motivation, as it was not relevant nor within the Commission's purview. He iterated the lots met the law and the proposal should be approved.

Mr. Sullivan said he would support the motion for the following reasons: the applicant had demonstrated this was a minor plan amendment; DLCD had provided comment that the request was consistent with surrounding area, the lot sizes were consistent with statewide planning goals, the request would maintain the rural residential flavor, and, DLCD did not believe the amendment would increase intensity of development; the proposal did not appear to be in conflict with the Rural Comprehensive Plan.

The motion passed 5:1, with Commissioners Sullivan, Arkin, Dignam, Nichols and Johnston voting in favor, and Commissioner Siekiel-Zdzienicki voting in opposition.

Mr. Sullivan thanked the applicants for their participation.

2. Communication with Board of County Commissioners (BCC)

Mr. Sullivan stated he and Mr. Howe had discussed providing ongoing training for Commissioners and including minority reports when forwarding recommendations to the BCC.

Mr. Howe distributed a draft document entitled *Lane County Planning Commission Recommendation to the Board of Commissioners*. He said the intent was to capture Planning Commission recommendations to the BCC and ensure findings in support of the Commission's recommendations were included. He added Planning Commission discussions were carried to the BCC through the minutes, and staff reports often included information that addressed other concerns that may have been raised by the BCC. He suggested the draft document could provide a mechanism to explain how individual Planning Commissioners voted and why. He emphasized the importance of the Planning Commission applying code criteria when making recommendations because the code criteria were all that mattered from the BCC's perspective when making decisions that could be appealed. If the BCC voted by principle without applying the criteria, those decisions would come right back to them, which was costly and time consuming. Although the Planning Commission made recommendations rather than decisions, he was not sure how much the BCC could use recommendations based on principle rather than application of code criteria. The BCC had to make decisions that were legally defensible. It was important to the Planning Commission to tie findings to the law because that was all that was valuable to the BCC.

Following a discussion related to the document's purpose and format, Mr. Howe saw the document as a tool to summarize the pros, cons, findings and positions of each Commissioner. The minutes that included the Planning Commission discussing would still be part of the record. There was consensus to experiment with how to use the document.

3. Planning Commission Training

Mr. Howe said the Planning Commission conducted a training session on quasi-judicial versus legislative public hearings in June 2006. He distributed recordings of the trainings to Commissioners and a document entitled *Quasi-Judicial V. Legislative Public Hearing Process—Training for the Lane County Planning Commission* dated June 20, 2006.

Mr. Howe stated the Oregon Planning Institute training was scheduled for September 10-12, 2008. He said the department would cover the costs of Commissioners who wished to attend.

Mr. Sullivan intended to schedule Oregon Chapter of the American Planning Association video trainings for the Commission.

4. Miscellaneous

Mr. Howe said he would forward the upcoming Planning Commission schedule to Commissioners.

Responding to a question from Mr. Dignam regarding the Commission's work plan, Mr. Howe said today the BCC had directed staff to draft fundamental policy amendments that were making the Eugene Springfield Metropolitan Area General Plan (Metro Plan) non-functioning, and to develop a population coordination proposal. The BCC felt it needed to gain control of the Metro Plan and that population coordination was a fundamental need. All other tasks identified by staff and the Planning Commission had been deferred for at least a year.

Mr. Howe stated urban and rural reserves were currently an important topic. The Metro Plan had no urban reserves as they had been eliminated in the 1990's and early 2000's. In the case of rural reserves, lands that would not be developed within the next 50 years could be identified and set aside.

With no further business, the meeting adjourned at 6:40 p.m.

(Recorded by Linda Henry)

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