BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDINANCE PA 1305 -) **IN THE MATTER OF AMENDING THE RURAL COMPREHENSIVE PLAN TO**
) **REDESIGNATE LAND FROM "FOREST" TO "AGRICULTURE" AND REZONE**
) **THAT LAND FROM "F-2/RCP, IMPACTED FOREST LAND" TO "E-40/RCP,**
) **EXCLUSIVE FARM USE"; AND ADOPT SAVINGS AND SEVERABILITY CLAUSES**
) **(File 509-PA12-06341: McGavin and Golish)**

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

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

WHEREAS, in November 2012, application no. 509-PA12-06341 was made for a minor amendment to redesignate tax lots 800 and 801 of map 15-05-30 from "Forest" to "Agricultural" and concurrently rezone the property from "F-2, Impacted Forest Land" to "E-40, Exclusive Farm Use"; and

WHEREAS, the Lane County Planning Commission reviewed the proposal in public hearing of May 21, 2013, and recommended approval of the proposed plan designation amendment and rezoning; and

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

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

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

Section 1. The Lane County Rural Comprehensive Plan is amended by the redesignation of tax lots 800 and 801 of Assessor's Map 15-05-30 from from "Forest" to "Agricultural", such territory depicted on Official Lane County Plan Map 1505 and further identified in Exhibit "A" attached and incorporated herein.

Section 2. Tax lots 800 and 801 of Assessor's Map 15-05-30 is rezoned from "F-2, Impacted Forest Land" (Lane Code 16.211) to "E-40, Exclusive Farm Use" (Lane Code 16.212), such territory depicted on Official Lane County Zoning Map 1505 and further identified in Exhibit "B" attached and incorporated herein.

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

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

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

ENACTED this 20 day of August, 2013.

Chair, Lane County Board of County Commissioners

Recording Secretary for this Meeting of the Board

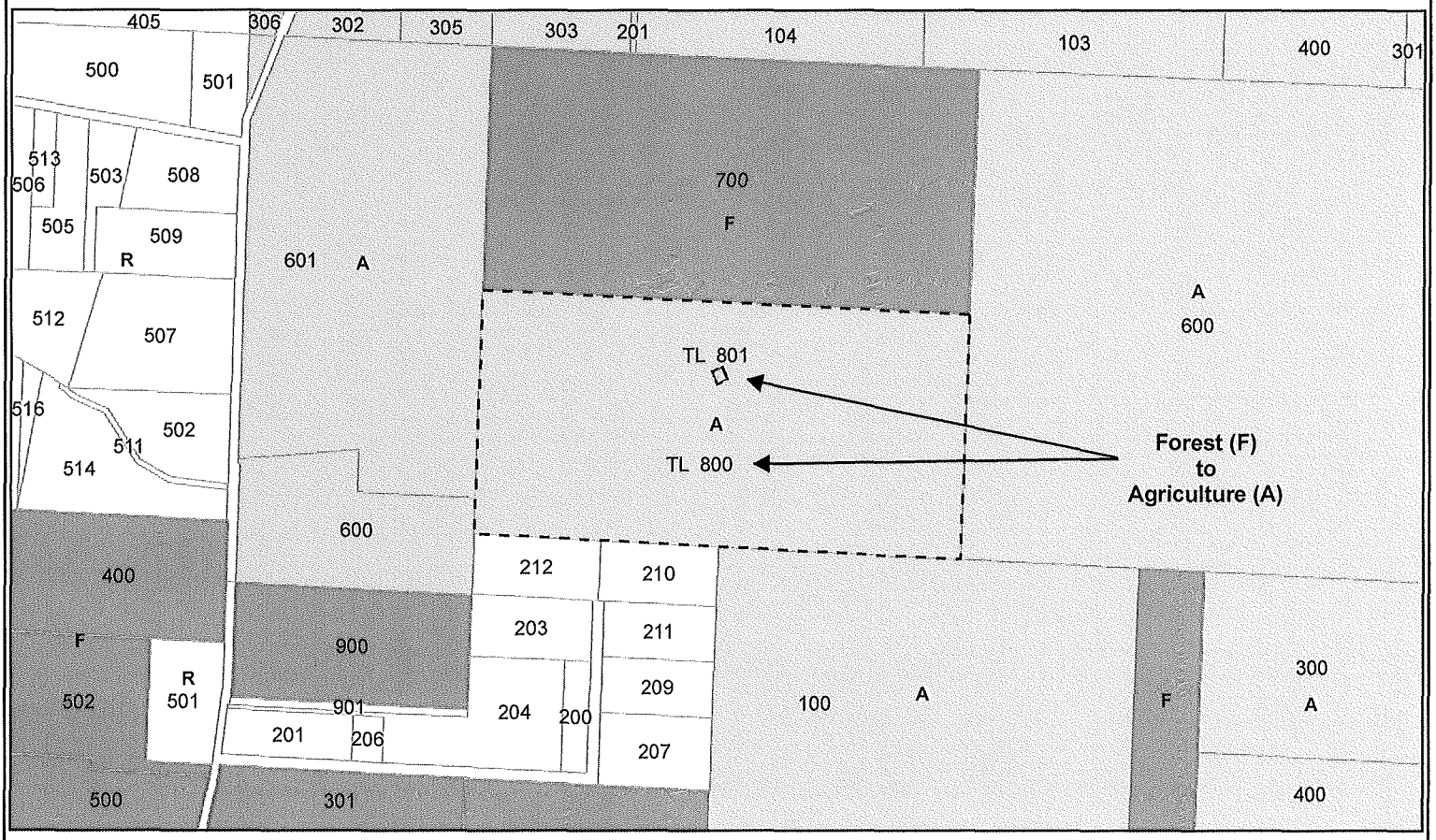
APPROVED AS TO FORM

Date 8-16-13 **Lane County**

OFFICE OF LEGAL COUNSEL

EXHIBIT "A"

Existing Plan Designation



Change being enacted by PA12-06341on Official Plan Map 15-05

The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or perfomal accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.

N

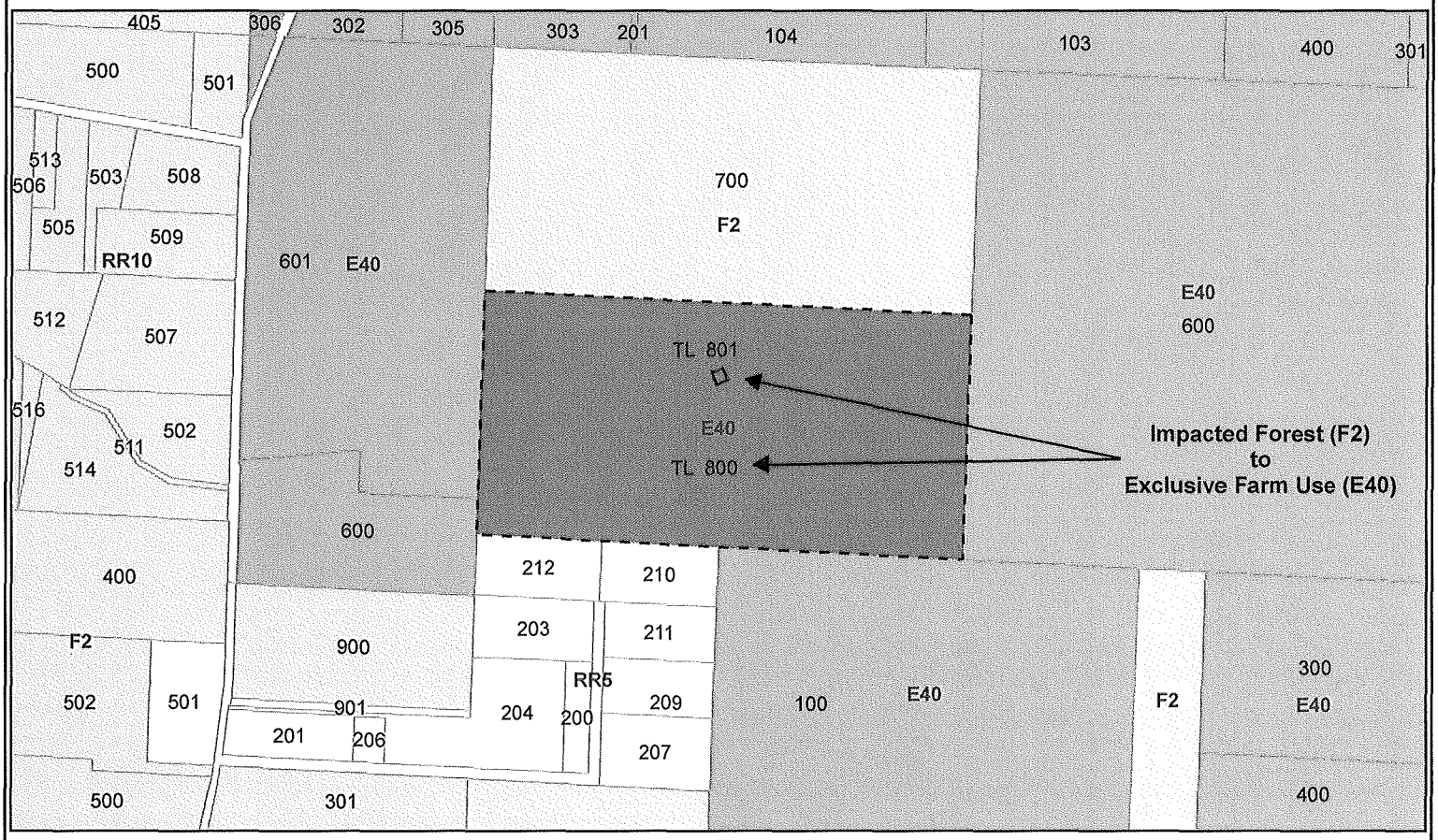
0 500 1,000 Feet

PA12-06341
94739 Turnbow Ln; 15-05-30-00-00800 & 00801
Lane County, Oregon

Drawn By: LCPWGRL | Date: 7/16/2013 | Revised: 7/16/2013

EXHIBIT "B"

Existing Zoning



Change being enacted by PA12-06341on Official Plan Map 15-05

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PA12-06341
94739 Turnbow Ln; 15-05-30-00-00800
& 00801
Lane County, Oregon
Drawn By: LCPWGRL
Date 7/16/2013
7/16/2013

Lane County Board of Commissioners
Minor Plan Amendment to the Rural Comprehensive Plan
From Forest Land to Agricultural
And Rezone From F-2/Impacted Forest Lands
To E-40/Exclusive Farm Use
Map 15-06-30, Tax Lot 800 and Tax Lot 801

FINDINGS

Application Summary

This application, 509-PA12-06341, is made by Jim McGavin and Wendy Golish, Junction City, Oregon. The subject property consists of tax lots 800 and 801, Map 15-05-30, and total 80.00 acres.

The request is for approval of a minor Rural Comprehensive Plan diagram amendment from Forest land to Agricultural, concurrent with a zone map amendment from Impacted Forest Lands (F-2) to Exclusive Farm Use (E-40).

Parties of Record

James McGavin and Wendy Golish
Monica Jelden / Seneca Jones Timber Company

Application History

The Lane County Planning Commission held a public hearing on May 21, 2013, and voted to recommend approval of the request to the Board of County Commissioners.

Statement of Criteria

OAR 660-33-120
Lane Code 16.400
Lane Code 16.252

Findings of Fact

1 The site is located at 94739 Turnbow Lane, Junction City Oregon. Lot 800 contains approximately 79.89 acres; Lot 801 contains approximately .11 acres. A portion of Lot 800 has been in active vineyard production since the mid-1990's. The property is located off of Turnbow Lane, about 6 miles west of Junction City, on the eastern edge of the Coastal Range.

2 Jim McGavin and Wendy Golish and prior owners began transitioning Lot 800 from pasture land to vineyards in the mid 1990's with the grapes being sold to local wineries for use in premium quality Pinot Noir and Pinot Gris. The soil types: Bellpine silty clay loam 3 – 12% (11c) and Bellpine silty clay loam 12 – 20% (11D) are preferred for quality wine grapes. McGavin/Golish has planted another 5 acres of vineyard in 2013, with the planted vineyard now totaling 30 acres. They would now like to establish a small winery (approximately 1,500 cases per year) and tasting room on tax lot 800 for an on-site purchasing.

3 The subject property is located on Map 15-05, and is designated "Forest" (F) and zoned "Impacted Forest Lands" (F-2/RCP).

4 The adjacent properties to the west, east, and southeast are zoned E-40 and are in various agricultural and timber productions. The contiguous parcel to the north is zoned F-2. The adjacent properties to the southwest are zoned RR-5 and are residentially developed.

5 Public services for the property are currently provided as follows:

Fire:	Junction City Rural Fire Protection District
Police:	County, State
Water and Sewer:	On Site Septic and Water
School:	Junction City
Telephone:	Qwest
Power:	Lane Electric
Access:	Turnbow Lane Road (Lane County), and via Private easement.

6 This application implements Lane County RCP Goal 3 Agricultural Lands, Policy 1, which encourages agricultural activities by preserving and maintaining agriculture lands through the use of an exclusive agricultural zone, and Policy 5, which directs use of planning and implementation techniques that reflect appropriate uses and treatment for each type of land.

The Subject property was originally zoned "Exclusive Farm Use" (EFU-20) under Ordinance No. 701, adopted April 5, 1979, but was changed to "Impacted Forest Land" (F-2) when the Rural Comprehensive Plan was adopted under Ordinance No. PA 884, on February 29, 1984. The western section of the property has been in documented agricultural use since at least 1968. It has been producing high value wine grapes used in several Oregon award winning wines since the mid 1990's. The property has been in a combination of farm and forest uses for over 40 years. Farm and forest uses are allowed in both the current and the proposed zones. The applicant expects these mixed uses to continue. The plan designation and zone change recognizes and better supports and strengthens agricultural use of the property, and enhances the property's financial viability. More specifically, the applicant intends on establishing a winery in accordance with the provisions of the Exclusive Farm Use Zone, which will increase the financial viability of farming of high value wine grapes on the property. Because forest uses are allowed in the Exclusive Farm Use zone, no negative impacts on the portion of the property presently devoted to forest uses will result from the zone change.

Furthermore, the application is supported by RCP Goal 9, Policy 9, which states, "Tourism shall be considered as a base industry having high potential for growth through the County. Development of facilities oriented towards tourists shall be given maximum support within the framework of these policies." Wineries are an increasingly important attraction for tourists in Lane County and the Willamette Valley. Wine tasting tours are increasingly popular and their viability is enhanced with a higher density of facilities in given area. The proposal will not only enhance the financial viability of the applicant's farm operations but it will also have a positive effect on similar wineries in the vicinity.

7. The proposal is a Minor Amendment pursuant to Lane Code 16.400(6)(h) and involves a rezoning subject to LC 16.252. No exception to any Goal, resource or otherwise, is necessary. The application simply requests a proposal change from one resource zone to another.

8. The redesignation of the property more appropriately aligns its current and historical agriculture uses with the permitted uses of the proposed zone. A redesignation to Exclusive Farm Use will allow the applicant to establish a winery on the property in accordance with LC 16.212(3)(g). This change will further increase the economic viability of the current vineyard use and generally add to the economic wellbeing of the "neighborhood" and the County.

APPROVAL CRITERIA

1. LANE CODE 16.400(6)(h)

Method of Adoption and Amendment
(iii)The Board may amend or supplement the Rural Comprehensive Plan upon making the following findings:

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

This application proposes to amend the property's Rural Comprehensive Plan designation from Forest Land to Agricultural Land. This application provides evidence that addresses the applicable requirements of the Lane Code, RCP policies, and applicable statewide planning goals and law.

(bb) For Major and Minor Amendments as defined in LC16.400(8)(a) below, the Plan amendment or component is:

- *(i-i) necessary to correct an identified error in the application of the Plan; or*
- *(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or*
- *(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; or*
- *(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; or*
- *(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.*

The Board finds the proposed plan amendment implements the following RCP policies related to Goal 3 (Agriculture) and Goal 9 (Economy):

Goal 3, Policy 1: "Encourage agricultural activities by preserving and maintaining agricultural lands through the use of exclusive agricultural lands which is consistent with ORS 215 and with OAR 660, Division 33." Goal 3, Policy 5: "Use planning and implementation techniques that reflect appropriate uses and treatment for each type of land."
Goal 9, Policy 9: "Tourism shall be considered as a base industry having a high potential for growth throughout the County. Development of facilities orientated towards tourists shall be given maximum support within the framework of these policies."

The Board finds that the change in plan designation and zoning recognizes the current and historic agricultural uses of the property, and supports and strengthens the property's agricultural and financial viability. As stated under the goal responses later in the findings, the Board finds that a redesignation to Agricultural land is responsive to the unique soil type and topography of the property.

The Board finds that that the change in plan designation and zoning will allow the owners to construct a winery in accordance with LC 16.212(3)(g), which will help support an important and significant tourism related industry in Lane County.

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

The Board finds that this application identifies various policies that provide policy support for this document. No policies have been identified that directly conflict with this request.

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

The plan amendment is consistent with the intent and structure of the RCP to choose between competing uses. As previously indicated, this amendment is consistent with county policies that provide for designating both forest and agriculture lands. Approval of this amendment does not conflict with unamended portions of the plan and is therefore consistent with the plan.

2. LANE CODE 16.400(8)

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

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

This application proposes an amendment to the Plan diagram from Forest land to Agricultural land. Since this action is limited to a plan diagram only, it is a minor amendment. No exception to a Statewide Goal is needed or proposed.

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

> *(iii)An assessment of the probable impacts of implementing the proposed, Including the following:*
>
> > *(aa) Evaluation of land use and ownership patterns of the area of the Amendment;*

The adjacent properties to the west, east, and southeast are zoned E-40 and are in various agricultural and timber productions. The contiguous parcel to the north is zoned F-2. The adjacent properties to the southwest are zoned RR-5 and are residentially developed.

The eastern adjoining E-40 zoned parcel is owned by Seneca Jones Timber Company, and is actively engaged in forest management activities, including chemical spraying and periodic timber harvesting. The applicant has recorded a Farm/Forest Management Agreement, (LC 2004-044454) reducing the potential for conflict between the subject property and nearby resource-based activities.

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

Ground Water
The vineyards and dwelling are supplied by a well on Lot 800. A new well was completed on 1/18/2005 and yields 40 gallons a minute.

Sewage Disposal
The dwelling on lot 800 is served by an existing sewage system, established in 2004 (509-SP04-07104). The system has been regularly maintained and is currently on a 10-year inspection schedule.

Transportation
Turnbow Lane, a County road classified as a Local Road in the Lane County Transportation Plan provides access to the property via a private 30' wide easement across Tax Lot 601. The Junction City Fire Department has inspected the access and found it meets its requirements.

Fire protection and others
The Western Lane Forestry District provides fire protection for wild land fires and structural fires are covered by the Junction City Rural Fire Department.

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

The intended development area is in vicinity the original home site on the property. This area was most recently used as a plant nursery propagating native Oregon plants. The nursery business was closed by its owners in 2012. The applicant has recorded a Farm/Forest Management Agreement, (LC 2004-044454), reducing the potential for conflict between the subject property and nearby resource-based activities. There are no inventoried resource sites in the vicinity. The Board finds that the approval of the amendment would cause no substantial impacts to proximate natural resources or resource lands.

3. STATEWIDE PLANNING GOALS

For purposes of the analysis of this section the following applicable statewide planning goal statements have been summarized. The Oregon Land Conservation and Development commission Goals and Guidelines are incorporated herein by reference, except as noted.

Goal 1: Citizen Involvement

Goal 1 requires citizens and affected public agencies be provided an opportunity to comment on the proposed amendment and zone change.

Public notification in the form of mailed public notice has been sent by Lane County to affected agencies, including the Department of Land Conservation and Development, and owners of record within 750 feet of the subject property. A public notification sign was posted near the property.

Goal 2: Land Use Planning

Goal 2 establishes a land use planning process and policy framework as a basis for all land use decisions and requires factual base be developed to support such decisions. A minor amendment is one that does not have significant effect beyond the immediate area of change and is based on a site-specific analysis. The public need and justification for the particular change must be established.

Lane County has adopted a comprehensive land use plan amendment process with specific criteria that must be addressed to justify a minor amendment. Compliance with the procedural aspects of Lane Code 16, 400 will constitute compliance with Goal 2.

Goal 3: Agricultural Lands

Goal 3 is to preserve and maintain agricultural lands.

Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural and land use policy expressed in ORS 215.243 and 215.700.

Approval of this request will preserve the subject property as agricultural land into the future. Also, a Plan Amendment/Zone Change from F-2 to EFU still allows forestry to be practiced on the eastern half of the parcel.

Goal 4: Forest Lands

The purpose of Goal 4 is to conserve and maintain the forest the land base and to protect the states forest economy by making possible economically efficient forest practices that assures the continuous growing and harvesting of forest tree species as the leading use on forest land. Goal 4 requires sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

There are forest resources located on the eastern portion of the subject property. The property has been in a combination of farm and forest uses for over 40 years. Farm and forest uses are allowed in both the current and the proposed zones. The Exclusive Farm Use zone allows propagation and harvesting of forest products as a permitted use, and primary processing of forest products as a Director approval special use. Because forest operations are permitted in the Exclusive Farm Use zone, the change in zoning will not preclude the continuation of forest practices on the eastern portion of the property.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

There are no Goal 5 resources located on this property.

Goal 6: Air, Water and Land Resources Quality

The purpose of Goal 6 is to maintain and improve the quality of air, water, and land resources of the State. The subject property will be served by adequate on-site water and sanitation facilities. There will be no air emissions, except normal burn piles, as allowed by Lane County Code. The vineyard operation has been certified sustainable by the Low Input Viticulture and Enology (LIVE) program and has been designated as a Salmon SAFE since 2005.

Goal 7: Area Subject to Natural Disasters and Hazards

The purpose of Goal 7 is to protect life and property from natural hazards. The property is not inventoried as being subject to any natural disasters or hazards (severe slopes, erosion, flood etc.).

Goal 8: Recreational Needs

The purpose of Goal 8 is to satisfy the recreational needs of the State and visitors. This goal is not applicable to this application.

Goal 9: Economic Development

The purpose of Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the healthy, welfare, and prosperity of Oregon's citizens.

The proposal will allow the applicant to establish a winery on the property in accordance with LC 16.212(3)(g). This change will further increase the economic viability of the current vineyard use and will help support an important and significant tourism related industry in Lane County and the Willamette Valley.

Goal 10: Housing

The main purpose of goal 10 is to provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

No dwellings are proposed or required.

Goal 11: Public Facilities and Services

The main purpose of Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services as a framework for urban and rural development.

All of the rural services necessary are in existence, this amendment will not require any increase in the public services beyond the level that exists.

Goal 12: Transportation

The main purpose of goal 12 is to provide and encourage a safe, convenient, and economic transportation system.

Lane County Transportation Planning has evaluated the proposal and determined that a Traffic Impact Analysis is not required.

Goal 13: Energy Conservation

The main purpose of Goal 13 is to conserve energy.

Continuing support of the local sale of locally raised agricultural products limits the energy expenditures in transportation costs.

Goal 14: Urbanization

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

Not applicable to this request. No density increase in proposed or urban uses.

The following Goals are not applicable to this application as they are geographically orientated and apply to the Willamette River Greenway and Coastal resources.
Goal 15: Willamette River Greenway
Goal 16: Estuarine Resources
Goal 17: Coastal Shorelands
Goal 18: Beaches and Dunes
Goal 19: Ocean Resources

4. ZONE CHANGE CRITERIA LC 16.004

(4) Prior to the zoning or rezoning of land under this Chapter, which will result in the potential for additional parcelization, subdivision or water demands or intensification of uses beyond normal single-family residential equivalent water usage, all requirements to affirmatively demonstrate adequacy of long –term water supply must be met as described in LC 13.050(13)(a)-(d).

This application does not seek any change in the current land use which would result in any potential additional parcelization, or increase on the current water demands beyond normal single-family residential equivalent water usage.

5. ZONE CHANGE CRITERIA LC 16.252

(2) Criteria. Zonings, rezonings and changes in the requirements of this Chapter shall be enacted to achieve the general purpose of this Chapter and shall not be contrary to the public interest. In addition, zonings and rezonings shall be consistent with the specific purposes of the zone classification proposed, applicable Rural Comprehensive Plan elements and components, and Statewide Planning Goals for any portion of Lane County which has not been acknowledged for compliance with the Statewide Planning

Goals by the Land Conservation and Development Commission. Any zoning or rezoning may be effected by Ordinance or Order of the Board of County Commissioners, the Planning Commission or the Hearings Official in accordance with the procedures in this section.

GENERAL PURPOSE: The purpose of Chapter 16 Lane County Land Use and Development Code is to provide and coordinate regulations governing development in the county and to implement the Lane County Rural Comprehensive Plan. Lane Code 16.003 is a list of 14 broadly worded goals and policy statements. Of these purpose statements, the second and fourth relate to this proposal:

(2) Protect and diversify the economy of the County.
(4) Conserve farm and forest lands for the production of crops, livestock and timber products.

The plan amendment and zone change is supported by the these purpose statements insofar as the proposal will help bolster Lane County's wine industry, which is an increasingly important component of the County's economy, and will support and protect land in agricultural production. The proposal does not conflict with any of the other purpose statements of Lane Code 16.003.

The Exclusive Farm Use zone contains five purpose statements (Lane Code 16.212(1)):

a) *To preserve open land for agriculture use as an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asses to the people of Lane County and the state of Oregon, whether living in rural, urban or metropolitan areas;*
b) *To preserve the maximum amount of the limited supply of agriculture landing large blocks in order to conserve Lane County's economic resources and to maintain the agriculture economy of Lane County and the state of Oregon for the assurance of adequate, healthful and nutritious food for the people of Lane County, the state of Oregon and the nation;*
c) *To substantially limit the expansion of urban development into rural areas because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and loss of open space and natural beauty around urban centers occurring as the result of such expansion*
d) *To provide incentives for owners of rural lands to hold such lands in the exclusive farm use zone because if the substantial limits paced on the use of these lands and the importance of these lands to the public; and*
e) *To identify and protect high value farm land in compliance with AR 660 Division 33.*

The proposal is consistent with the first, second, fourth and fifth purpose statements in that it will preserve and support existing agricultural use, it will add to the supply of agriculture land in the County, it will support the owner's agriculture use of the property, and it will designate as agricultural a property that is predominately composed of high value soils. The proposal is not inconsistent with the third purpose statement.

Rural Comprehensive Plan: The policies of the RCP serve as the basis of the County Plan, provide direction for land use decisions, and fulfill the mandate of the LCDC Statewide Planning Goals. Goal 2 Lane Use Planning Policy 26 specifically provides that land use designation shall be implemented by specific zoning districts. Thus, these policies specifically support adoption of this plan amendment and

the implementing zoning. Therefore this application acknowledges the changing rural economy and is consistent with the intent and purpose of the Rural Comprehensive Plan and county policies.

CONCLUSION

This application for a minor plan amendment and rezoning addresses and satisfies all applicable criteria. The request is consistent with and receives policy support from the Rural Comprehensive Plan and the implementing E-40 zone. The Board finds the request will have no significant adverse impact on existing or planned uses in the area.

Further, this minor plan amendment and rezoning is specifically supported by RCP Goal 3, Policy #1 (Encourage agricultural activities and preserve agricultural land), Goal 3, Policy #5 (use zoning techniques to reflect appropriate use of each type of land), and Goal 9, policy #9 (support tourism in a base industry).

LANE COUNTY PLANNING COMMISSION

STAFF REPORT

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

HEARING DATE: May 21, 2013

REPORT DATE: May 14, 2013

FILE No.: 509-PA12-06341

I. APPLICATION DESCRIPTION

A. Owner/Applicant:

James Gavin and Wendy Golish
94739 Turnbow Lane
Junction City, OR 97448

Agent:
Ron Funke, AICP
2595 Charnelton St.
Eugene, OR 97401

B. Proposal

A request to amend the Rural Comprehensive Plan to re-designate a 79.9 acre property from 'Forest' (F) to 'Agricultural' (A), and to change the zoning from 'Impacted Forest Land' (F-2) to 'Exclusive Farm Use' (E-60). The applicant is proposing to establish a winery and tasting room in conjunction with an existing 25 acre vineyard on the subject property.

II. RECOMMENDATION

Staff recommends:

- Approval of a Plan Amendment to 'Agricultural'; and
- Approval of a zone change to 'Exclusive Farm Use', E-40/RCP

III. SITE AND PLANNING PROFILE

A. Subject Property:

Map and Tax Lot:	15-05-30-00-00800 and 00801
Address:	94739 Turnbow Lane
Size:	79.89 acres total

B. Zoning

The subject property is currently zoned 'Impacted Forest Land' (F-2). The current F-2 zone was applied to the property under Ordinance No. PA 884, adopted February 29, 1984.

Prior to the current F-2 zoning the subject property was zoned 'Exclusive Farm Use' (EFU-20). The EFU-20 zoning was applied to the property under Ordinance No. 701, adopted April 5, 1979.

C. Site Characteristics

The subject property is located off of Turnbow Lane, approximately 2/3 miles north of the intersection of Turnbow Lane and High Pass Road, approximately six miles west of Junction City.

The subject property is 79.89 acres in size. The western half of the property is composed of southwestern facing slopes and contains the existing vineyard. The eastern half of the property is composed of northern facing slopes and is forested. The property is developed with a single family dwelling, two agricultural buildings, and a number of outbuildings.

The application indicates that the vineyard was originally planted in 1995. The property owner provided an affidavit from an adjacent neighbor stating that the subject property has been actively farmed since 1968. Though the affidavit does not identify a specific farm use, the property owner speculates that the subject property was likely used as pasture for grazing. Aerial photography of the subject property indicates that the western portion of the property has been significantly less forested than the eastern portion of the property since at least 1982.

The application contains additional details about the subject property.

E. Surrounding Area

The subject property is adjacent to land zoned 'Exclusive Farm Use' (E-40) on the west, east, and southeast. The property is adjacent on the north to an 80 acre parcel zoned 'Impacted Forest Land' (F-2).

Southwest of the property is a residentially zoned area (RR-5), consisting of eight parcels between approximately two and ten acres in size.

F. Services

Fire: Junction City RFPD
Police: Lane County Sheriff, Oregon State Police
Water & Sewer: On site well and septic systems
School: Junction City 69
Utility Service Area: Blachly-Lane
Access: Turnbow Lane via private access easement across tax lot 601

G. Referral Comments Received:

As of the date of this report, no comments on the proposed plan amendment and zone change have been received. Any incoming referrals received after this report will be introduced at the hearing.

IV. APPROVAL CRITERIA & ANALYSES

A. Character of the Request

The proposal is a Minor Amendment pursuant to Lane Code 16.400(6)(h) and involves a rezoning subject to LC 16.252. No exception to resource goals is required, as the proposed amendment is from one resource designation to another resource designation.

The current application, as proposed with the requested 'Agricultural' designation and 'Exclusive Farm Use E-60' zoning, would allow the uses permitted in the Exclusive Farm Use ordinance, (LC 16.212).

B. Statement of Criteria

Lane Code 16.400(8)(a) 'Major' and 'Minor' Amendments
Lane Code 16.400(6)(h) Method of Adoption and Amendment
Lane Code 16.400(8)(c) Additional Rural Comprehensive Plan Amendment Provisions
Lane Code 16.252 Procedures for Zoning, Rezoning and Amendments to Requirements
Statewide Planning Goals
Lane County Rural Comprehensive Plan

C. Evaluation

Concerning the Lane Code plan amendment and rezoning criteria, the applicant recites most of the appropriate standards and responds to them in his statement. Below is a brief summary of the criteria and staff comments and concerns. Staff concurs with the applicant's conclusions, except as noted below.

Proposed E-60 Designation

Regarding the proposed Exclusive Farm Use designation, the staff believes that an E-40 designation is more appropriate and consistent with the overall zoning patterns of the area. The agriculturally-zoned land between Junction City and the foothills of the Coast Range is predominantly zoned E-40. All of the agricultural land surrounding the subject property is similarly zoned E-40. While there are pockets of E-60 zoned land in Lane County, there are no E-60 zoned parcels in the vicinity of the subject property. The applicant has not provided a rationale specific to the E-60 designation.

Lane Code 16.400(8)(a) 'Major' and 'Minor' Amendments

LC 16.400(8)(a) defines a 'Minor Amendment' as, "An amendment limited to the Plan Diagram only and, if requiring an exception to Statewide Planning Goals, justifies the exception solely on the basis that the resource land is already built upon or is irrevocably committed to uses not allowed by the applicable goal."

The proposed amendment would be limited to the Plan Diagram only. As such, it constitutes a 'Minor' amendment, as this term is defined by LC 16.400(8)(a). The subject property is currently designated 'Forest' and zoned 'Impacted Forest Land' (F-2). The proposed amendment to the Plan Diagram would change the property's designation to 'Agricultural' and its zoning to 'Exclusive Farm Use' (E-60). As stated above, staff believes that an E-40 zoning designation is more appropriate for the subject property.

Because the current and proposed designations and zoning are resource designations no exception is required.

Lane Code 16.400(6)(h) Method of Adoption and Amendment

The requirements of Lane Code 16.400(6)(h) are addressed on pages 14 and 15 of the applicant's submittal.

Lane Code 16.400(6)(h)(iii)(aa) requires compliance with the Statewide Planning Goals and applicable Oregon Administrative Rules. These are addressed on pages 1 through 9 of the applicant's submittal.

Lane Code 16.400(6)(h)(iii)(bb) offers five justifications for Plan amendments. It reads as follows:

> *(bb) For Major and Minor Amendments as defined in LC16.400(8)(a) below, the Plan amendment or component is:*
> *(i-i) necessary to correct an identified error in the application of the Plan; or*
> *(ii-ii) necessary to fulfill an identified public or community need for the intended result of the component or amendment; or*
> *(iii-iii) necessary to comply with the mandate of local, state or federal policy or law; or*
> *(iv-iv) necessary to provide for the implementation of adopted Plan policy or elements; or*
> *(v-v) otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.*

On page 14 of the applicant's submittal the applicant cites (ii-ii), (iv-iv), and (v-v) as justification for the proposed amendment. Perhaps the strongest justification for the proposed plan amendment is LC 16.400(6)(h)(iii)(bb)(iv-iv), as a change to an agricultural designation for the purposes of establishing a winery in conjunction with existing vineyards implements certain Plan policies, specifically:

> RCP Goal 3 (Agricultural Lands), Policy #1: *"Encourage agricultural activities by preserving and maintaining agricultural lands through the use of an exclusive agricultural zone which is consistent with ORS 215 and OAR 660 Division 33."*
>
> RCP Goal 3 (Agricultural Lands), Policy #5: *"Use planning and implementation techniques that reflect appropriate uses and treatment for each type of land."*
>
> RCP Goal 9 (Economy of the State), Policy #9: *"Tourism shall be considered as a base industry having high potential for growth throughout the County. Development of facilities oriented towards tourists shall be given maximum support within the framework of these policies."*

The above policies support the change in designation to agricultural land, as the property has proven itself capable of raising wine grapes, and as such a designation will support and encourage the owners' agricultural activities on the property. In addition, wineries are an increasingly important attraction for tourists in Lane County and the Willamette Valley.

Lane Code 16.400(8)(c) Additional Rural Comprehensive Plan Amendment Provisions

Lane Code 16.400(8)(c) requires the applicant to provide information on the items listed in LC 16.400(8)(c)(i)-(iii). These are addressed on pages 15 through 17 of the applicant's submittal. These provisions require the applicant provide a description of the proposal, characteristics of the site and surrounding area, services available, and impacts to proximate natural resources and resource lands.

Lane Code 16.252 Procedures for Zoning, Rezoning and Amendments to Requirements

Lane Code 16.252(2) contains criteria for rezonings. These criteria are outlined below. The balance of Lane Code 16.252 relates to the process and procedures for zoning, rezoning, and amendments.

Staff notes that the submitted materials do not address the criteria of Lane Code 16.252(2). However, brief analyses of these criteria are provided below. Should the applicant provide additional material addressing these criteria, it will be forwarded to the Planning Commission at the public hearing.

The rezoning must achieve the purpose of LC Chapter 16 and not be contrary to the public interest.

The 'purpose' of Chapter 16 is specified in Lane Code 16.003, which is actually a list of 14 broadly worded goals and policy statements, which are listed below.

(1) *Insure that the development of property within the County is commensurate with the character and physical limitations of the land and, in general, to promote and protect the public health, safety, convenience and welfare.*
(2) *Protect and diversify the economy of the County.*
(3) *Conserve the limited supply of prime industrial lands to provide sufficient space for existing industrial enterprises and future industrial growth.*
(4) *Conserve farm and forest lands for the production of crops, livestock and timber products.*
(5) *Encourage the provision of affordable housing in quantities sufficient to allow all citizens some reasonable choice in the selection of a place to live.*
(6) *Conserve all forms of energy through sound economical use of land and land uses developed on the land.*
(7) *Provide for the orderly and efficient transition from rural to urban land use.*
(8) *Provide for the ultimate development and arrangement of efficient public services and facilities within the County.*
(9) *Provide for and encourage a safe, convenient and economic transportation system within the County.*
(10) *Protect the quality of the air, water and land resources of the County.*
(11) *Protect life and property in areas subject to floods, landslides and other natural disasters and hazards.*
(12) *Provide for the recreational needs of residents of Lane County and visitors to the County.*
(13) *Conserve open space and protect historic, cultural, natural and scenic resources.*
(14) *Protect, maintain, and where appropriate, develop and restore the estuaries, coastal shorelands, coastal beach and dune area and to conserve the nearshore ocean and continental shelf of Lane County.*

Of these purpose statements, the second and fourth relate to the proposed plan amendment and zone change. The proposal appears to be supported by the these purpose statements insofar as the proposal will help bolster Lane County's wine industry, which is an increasingly important component of the County's economy, and will support and protect land in agricultural production. At the very least, the proposal does not appear to conflict with any of the purpose statements.

The rezoning must be consistent with specific purposes of the zone proposed.

The Exclusive Farm Use zone, Lane Code 16.212, contains five purpose statements:

(1) Purpose. The purposes of the Exclusive Farm Use (E-RCP) Zone are:

(a) To preserve open land for agricultural use as an efficient means of conserving natural resources that constitute an important physical, social, aesthetic and economic asset to the people of Lane County and the state of Oregon, whether living in rural, urban, or metropolitan areas;

(b) To preserve the maximum amount of the limited supply of agricultural land in large blocks in order to conserve Lane County's economic resources and to maintain the agricultural economy of Lane County and the state of Oregon for the assurance of adequate, healthful and nutritious food for the people of Lane County, the state of Oregon, and the nation;

(c) To substantially limit the expansion of urban development into rural areas because of the unnecessary increases in costs of community services, conflicts between farm and urban activities and the loss of open space and natural beauty around urban centers occurring as the result of such expansion;

(d) To provide incentives for owners of rural lands to hold such lands in the exclusive farm use zone because of the substantial limits placed on the use of these lands and the importance of these lands to the public; and

(e) To identify and protect high value farm land in compliance with OAR 660 Division 33.

The proposal appears to be consistent with the first, second, fourth, and fifth purpose statements in that it will preserve and support an existing agricultural use, it will add to the supply of agricultural land in the county, it will support the owner's agricultural use of the property, and it will designate as agricultural a property that is predominantly composed of high value soils. The proposal is not inconsistent with the third purpose statement.

The rezoning must be consistent with the applicable RCP elements and components.

The RCP policies applicable to residential designations are discussed on pages 1 through 9 of the submittal. After review of the RCP goals, staff found no conflicts between the RCP with the proposal.

Statewide Planning Goals and Lane County Rural Comprehensive Plan

The RCP is composed of various elements, including goals, policies, and ordinances, all of which have been discussed above and/or in the submittal.

Regarding RCP Goal 12 (Transportation), the applicant's analysis focuses on Turnbow Lane. The subject property takes access from Turnbow Lane via an private easement across tax lot 601. Staff notes that private access easements are governed by Lane Code Chapter 15.055 and 15.706.

V. CONCLUSION

A. Summary and Recommendation

The proposal to convert the 79.9 acre property from a 'Forest' to an 'Agricultural' designation and rezone the property from 'Impacted Forest Land' (F-2) to 'Exclusive Farm Use' is supported, or in the least, raises no conflicts with, state and local goals and applicable approval criteria. Approval of the request, modified to include an E-40 zoning designation rather than an E-60 zoning designation, is recommended.

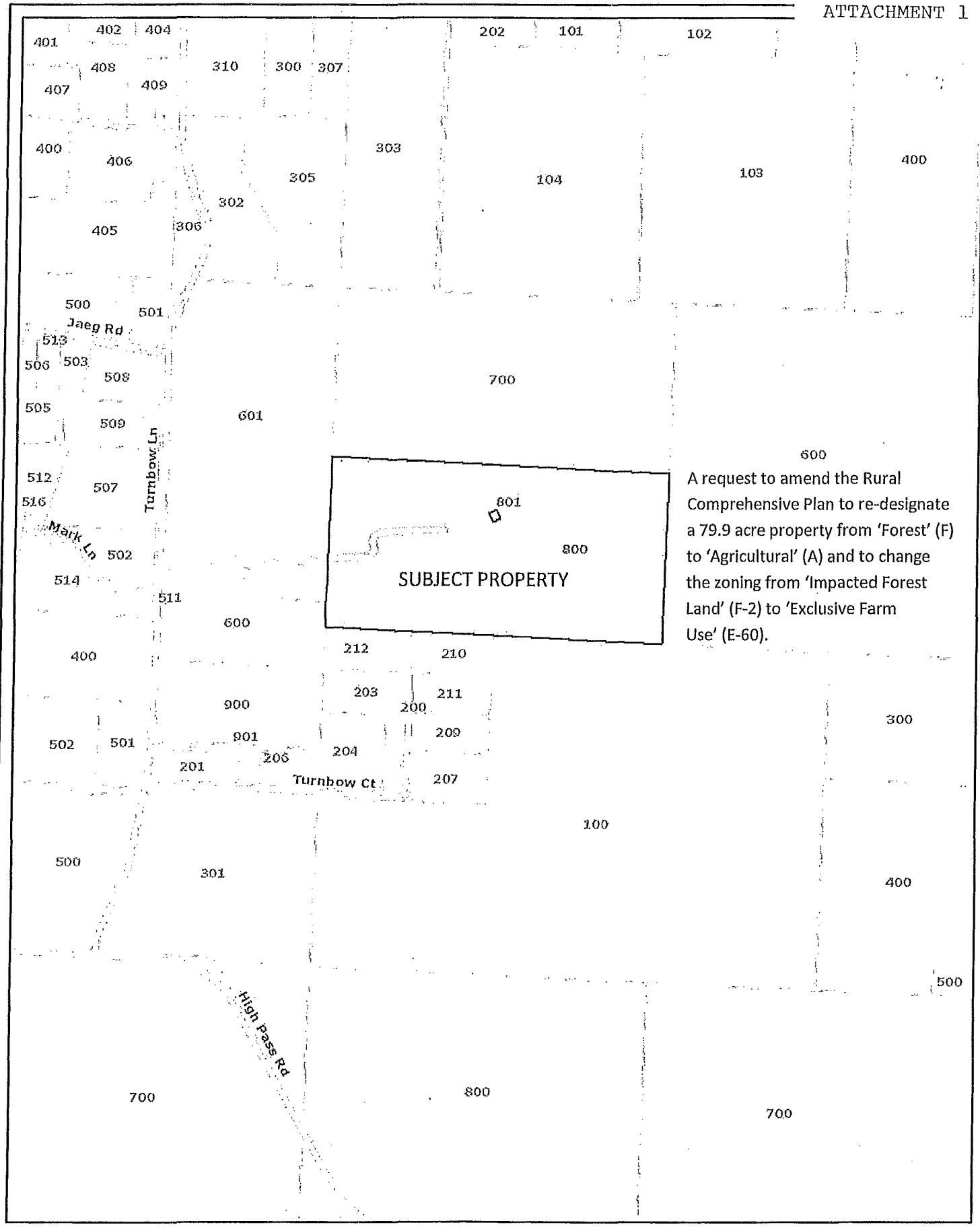
B. Attachments to Staff Report

1. Vicinity Map
2. Plan and Zone maps
3. McGavin E-mail and Moritz Affidavit
4. 1982, 2000, and 2012 Aerial Photos
5. Application including applicant's statement and exhibits, 49 pages

C. Materials to be Part of the Record

1. Staff Report
2. Applicant's statement with all exhibits
3. Lane Code Chapter 14 and Chapter 16 sections 16.252, 16.400, and 16.212
4. Property file for 15-05-30-00-00800 and 00801

ATTACHMENT 1



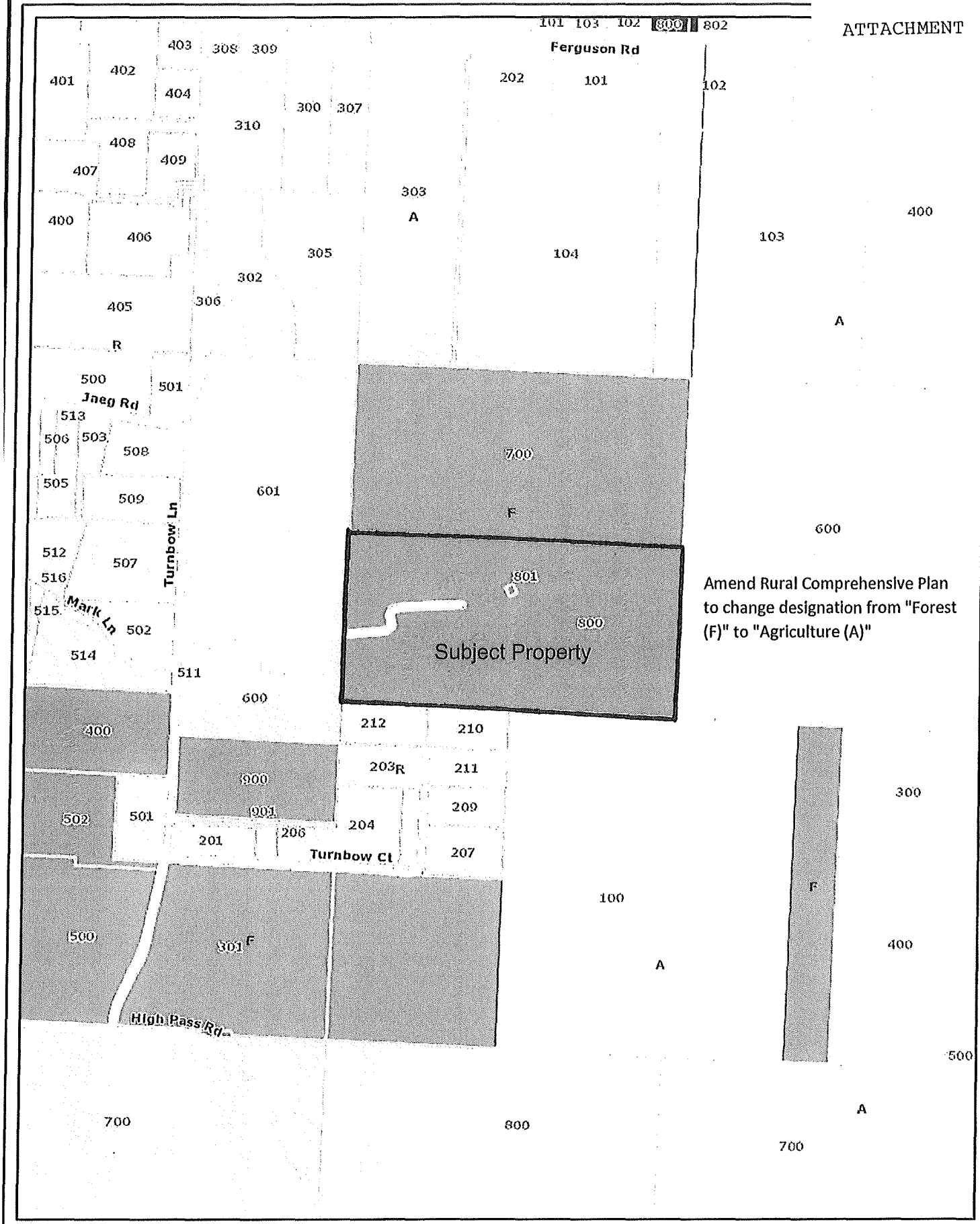
A request to amend the Rural Comprehensive Plan to re-designate a 79.9 acre property from 'Forest' (F) to 'Agricultural' (A) and to change the zoning from 'Impacted Forest Land' (F-2) to 'Exclusive Farm Use' (E-60).

The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.

N

0 250 500 1,000 Feet

PA12-06341
94739 Turnbow Lane
15-05-30-00-00800 & 00801
Lane County, Oregon

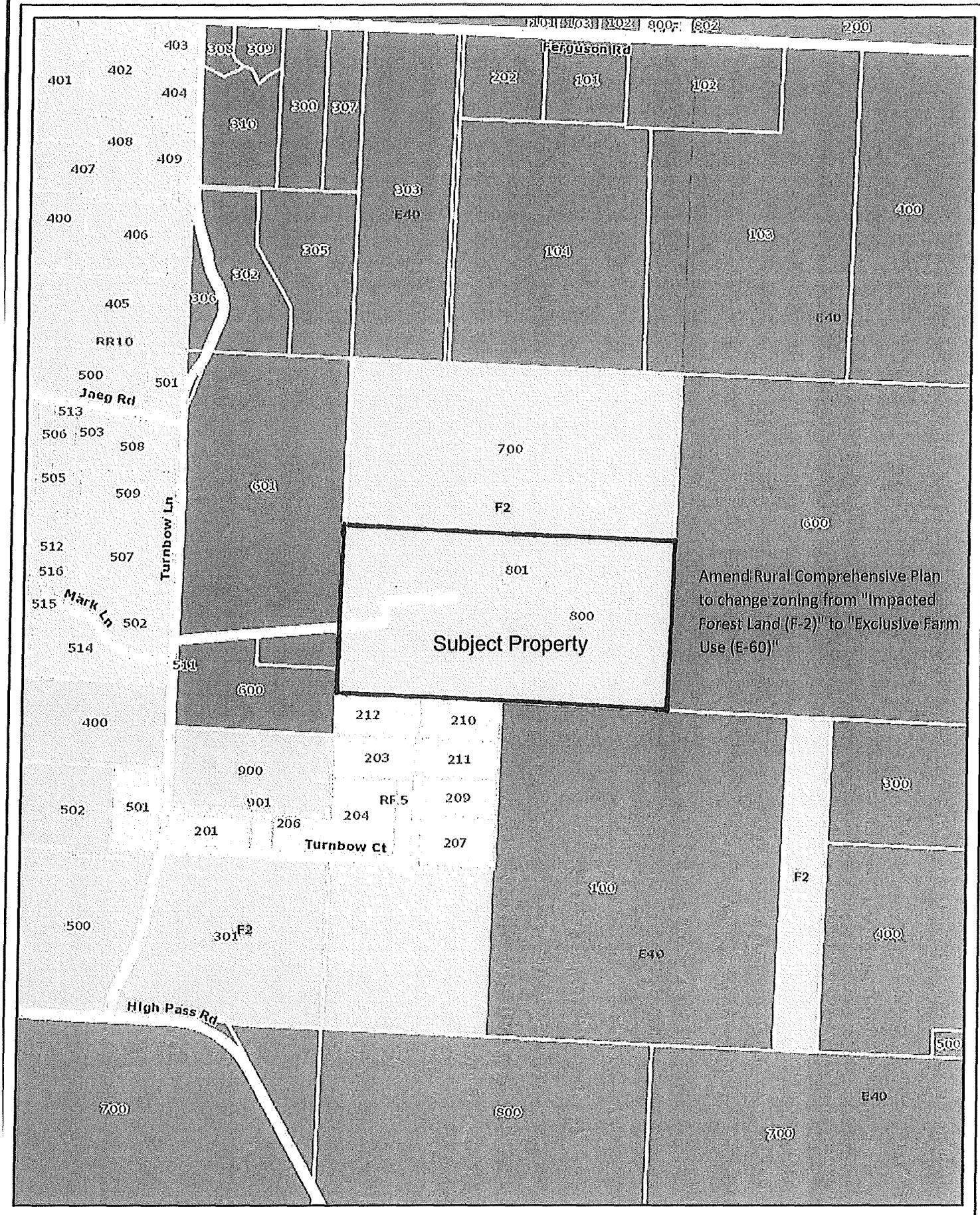


The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.

N

0 250 500 1,000 Feet

PA12-06341
94739 Turnbow Lane; 15-05-30-00-00800
Lane County, Oregon



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N

0 250 500 1,000 Feet

PA12-06341

94739 Turnbow Lane; 15-05-30-00-00800

Lane County, Oregon

SEBBA Rafael

From: James McGavin <jim@walnutridgevineyard.com>
Sent: Monday, March 25, 2013 9:17 AM
To: SEBBA Rafael
Cc: FUNKE Ron (SMTP)
Subject: PA12-06341

Hi Rafael,

As discussed the other day, I asked my neighbor about the farming history on our property. Mrs Moritz has lived on the adjacent property since 1968 and she has signed an affidavit stating that our property has been continuously farmed since that time. I suspect it has been farmed since the parcel was originally established.

I am forwarding the original notarized affidavit by US Mail.

Re proceeding with our rezoning, my attorney suggests we proceed.

Please contact me with any questions.

Jim McGavin
541 998 2606

PA12-06341

RECEIVED MAR 26 2013

AFFIDAVIT

STATE OF OREGON)

) SS

County of Lane)

I, Teresa Moritz, have lived at 94320 Turnbow Lane, adjacent to 94739 Turnbow continuously since 1968. Between the years 1968 and present the property at 94739 was actively farmed.

Teresa Moritz

SUBSCRIBED AND SWORN TO)

BEFORE ME, on the)

22 day of March, 2013)

)

)

)

)

NOTARY PUBLIC)

My Commission expires: ----- October 1 2016

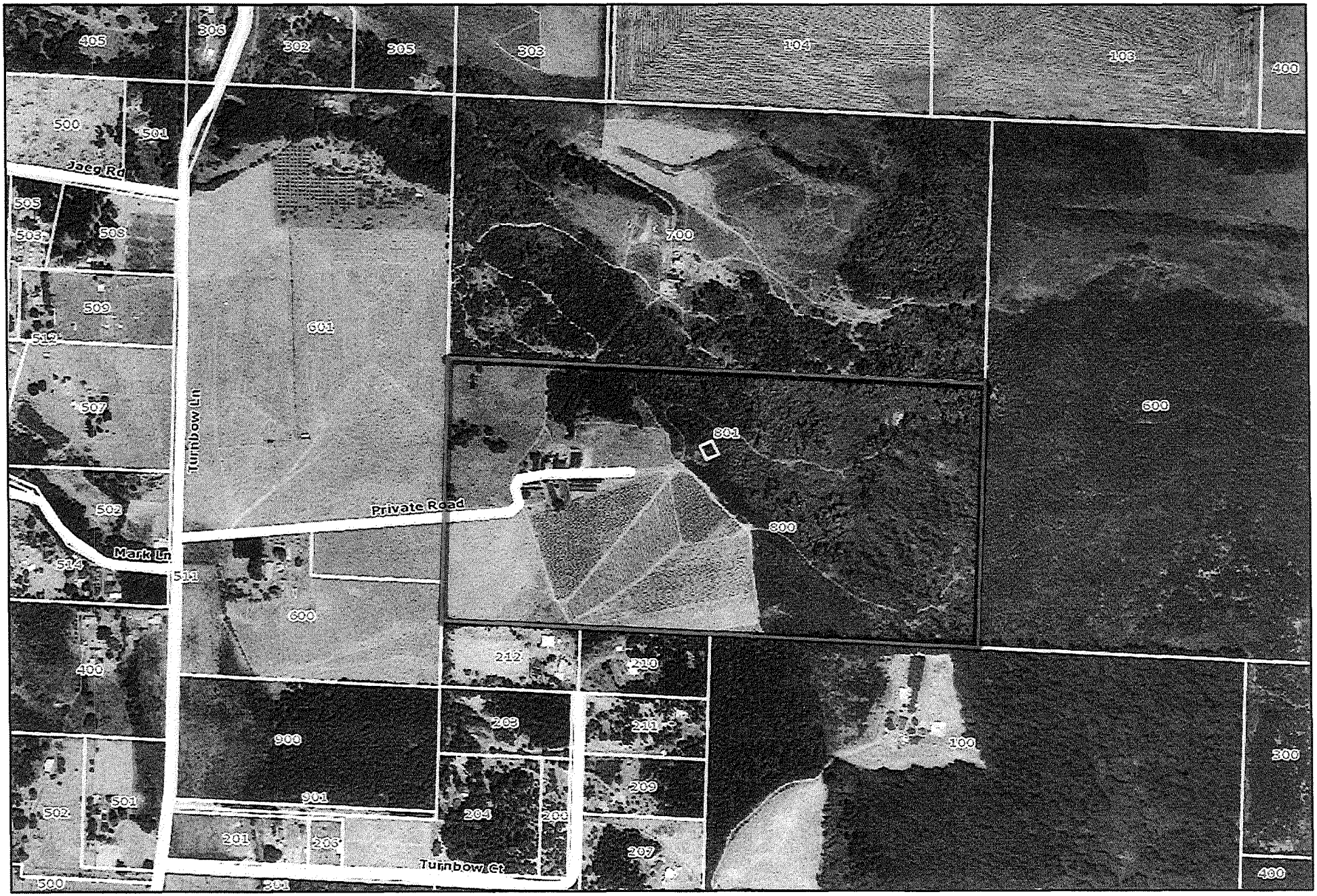
OFFICIAL SEAL
MACKENSIE LAMAE NELSON
NOTARY PUBLIC - OREGON
COMMISSION NO. 472206
MY COMMISSION EXPIRES OCTOBER 01, 2016

15-05-30

4-9-82

1982 PHOTO

ATTACHMENT 4



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N

0 300 600 1,200 Feet

Lane County, Oregon

2000 PHOTO

The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.

N

0 300 600 1,200 Feet

Lane County, Oregon

2012 PHOTO

CUSTOM
PLANNING
SERVICES LLC

Thoughtful Land Use
Planning & Development
Ron Funke, AICP Princincipal

November 16, 2012

Owners: James McGavin and Wendy Golish
Agent: Ron R. Funke, Custom Planning Services. LLC.

NARRATIVE OVERVIEW
Plan Amendment/ minor/ no exception
Map 15-05-30-00 Lot 800

James McGavin and Wendy Golish (DBA as Walnut Ridge Vineyards), wish to establish a tasting room at their property on Map 15-05-30-00 Lot 800 (94739 Turnbow Lane, Junction City, OR. 97448). The property totals 79.89 acres (see exhibit A). The property is located on the east side of the coast range and slopes moderately to the west. There are no streams on the property and the soil is stable, consisting of Bellpine Silty Clay Loam (30 - 50 % slope, classification 11F, 68.70 acres), and Silty Clay Loam (12 - 20 % slope, classification 11D, 11.18 acres). Junction City Rural Fire Department provides fire protection and Lane Rural Fire and Rescue provide ambulance service.

They currently grow 25 acres of wine grapes on the western portion of the property and 40 acres of timber on the eastern portion. The timber was harvested and replanted in the 1990's. Nothing is to be done with the timber at this time except let it grow.

Walnut Ridge Vineyard grows wine grapes for sale to other wineries. They plan to bottle less than 3,000 cases a year (1,200 gallons) on their Turnbow Lane property and sell the rest of their production to other wineries in the area.

The property, Map 15-05-30-00, Lot 800, is currently zoned F-2, which doesn't allow for a tasting room on the property. Rezoning the property to EFU 60 would allow for a tasting room to be established on the site, where an old agriculture building is currently standing. The tasting room would operate only periodically, during the summer and fall and on holiday weekends. No other changes to the property are planned.

This is a request to change the zoning from one rural resource classification to another rural resource classification, in recognition of the changing economics of some rural Lane County properties. EFU 40 borders the parcel on the east and the west and ½ of the southern boundary. An F-2 parcel lies directly north of Map 15-05-30-00, Lot800. The remaining ½ of the southern boundary borders RR-5 properties.

A Legal Lot Determination, (PA 00-6384), was established by Don Nichel in 2001, (exhibit 3).

Ron R. Funke, AICP
Ron R. Funke
Custom Planning Services & Assoc. LLC.
2595 Charnelton St.
Eugene, Oregon 97405
(541) 302-4993

COMPLIANCE WITH STATEWIDE PLANNING GOALS
Plan Amendment/ minor/ no exception

GOAL 1: Citizen Involvement

To ensure the opportunity for citizen involvement in all phases of the planning process.

This application for a Rezone and Map Amendment for Map 15-05-30-00-800 is being filed under Lane Code (LC), Chapter 16.252, which proscribes the required procedures, including at least one public hearing and may provide for more public hearings if greater deliberation is required.

Evidence supporting this application will be presented with this application and at the hearing(s) and the public will be given the opportunity to support, note or dispute any of the evidence or documentation presented.

Notice of public hearings will be sent by Lane County in conformance with Oregon Revised Statutes (ORS) 197.763.

GOAL 2 • Land Use Planning

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

This application has been prepared in compliance with Lane County's recognized and acknowledged land use processes involving Rezoning and Map Amendments in Lane County and as such is being filed in accordance with LC 16.252 and will comply with zoning and plan requirements as laid out in Lane County's Rural Comprehensive Plan (June 2009) as it applies to Agricultural Lands in the County.

No exception is being sought.

GOAL 3 - Agricultural Land

To preserve and maintain agricultural lands.

Map 15-05-30-00-800 is currently zoned F-2. Rezoning this parcel will allow James McGavin and Wendy Golish to operate a winery and wine tasting room under Lane County 16.212 (3)(g)

which allows a winery and wine tasting room to be located on E.F.U lands as long as certain conditions are met. James McGavin and Wendy Golish will meet the siting requirements for a winery and wine tasting room. They would retain the vineyard use of this property.

GOAL 4 • Forest Lands

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

There are approximately 40 acres of logged and replanted forest on the east side (up hill) of the property. There are no plans to do anything with this portion of the property at this time.

GOAL 5:· Open Space, Scenic and Historic Areas, and Natural Resources

To conserve open space and protect natural and scenic resources.

This property has not been identified as containing significant open space, scenic or historical area or natural resources. However, a hillside of wine grapes is scenic by their very nature.

GOAL 6: Air, Water and Land Resources Quality.

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

There is a seasonal creek on the eastern side of the property, approximately 1,300 feet from the proposed development area.

GOAL 7: Areas subject to Natural Disasters and Hazards.

To protect life and property from natural disasters and hazards.

There are no identified natural hazards on this property. All hillsides are stable and not prone to landslides.

GOAL 8: - Recreational Needs.

To satisfy the recreational needs of the citizens of the state.

This parcel has not been identified as "Recreational Land."

GOAL 9 - Economy of the State.

To diversify and improve the economy of the state.

James McGavin and Wendy Golish wish to add a winery and tasting room to their Turnbow Lane vineyards, by which they can promote their wines and help build the rural economy of Lane County.

GOAL 10 -Housing.

To provide for the housing needs of the citizens of the state.

There is already a house on the property. This is neither a plan nor a need for additional residences on this parcel.

GOAL 11 - Public Facilities and Services.

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

Not Applicable

GOAL 12 - Transportation.

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

See GOAL 12 in Lane County Compliance section.

GOAL 13 - Energy Conservation.

To conserve energy.

Not Applicable

GOAL 14 - Urbanization.

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

Not Applicable, this land is several miles from Junction City, the nearest urbanized land.

GOAL I5 - Willamette River Greenway.	Not Applicable.
GOAL 16 - Estuarine Resources.	Not Applicable.
GOAL 17 - Coastal Shorelines	Not Applicable.
GOAL 18 - Beaches and Dunes.	Not Applicable.
GOAL 19 - Ocean Resources.	Not Applicable.

Goals 14 through 19 are not relevant to this parcel.

COMPLIANCE WITH LANE COUNTY PLANNING GOALS

Plan Amendment / minor / no exception

Lane County Rural Comprehensive Plan Goals and Policies that bear specifically on this Rezone Request and Map Amendment will be addressed here.

Policies that that have no bearing relative to the rezoning of Map 15-05-30-00 Lot 800 will not be listed.

GOAL 1: Citizen Involvement

> *To ensure the opportunity for citizen involvement in all phases of the planning process.*

As noted above, this application for a Rezone and Map Amendment for this Parcel listed above is being filed under Lane Code (LC), Chapter 16.252, which proscribes the required procedures, including at least one public hearing and may provide for more public hearings if greater deliberation is required.

Evidence supporting this application will be presented with this application and at the hearing(s) and the public will be given the opportunity to support, note or dispute any of the evidence or documentation presented.

Notice of public hearings will be sent by Lane County in conformance with Oregon Revised Statutes (ORS) 197.763.

GOAL 2 • Land Use Planning

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

This rezone request fits within the Land Use Planning Process and is in compliance with established Rural Comprehensive Plan policies.

GOAL 3 - Agricultural Land

> *To preserve and maintain agricultural lands.*
>
> Policy 5: *Use planning and implementation techniques that reflect uses and treatment for each type of use.*

This rezoning request more fully recognizes the agricultural use that this property is being utilized for, allowing for a more economically viable farm operation. Rezoning to E-60 would allow for a winery and tasting room for sales of bottled and cased wine, an activity, which is

contributing to a "rural Renaissance" in Lane County. Less than 3,000 cases of wine per year would be produced on site.

James McGavin and Wendy Golish plan to operate a winery and tasting room under Lane County 16.212(3)(g) which allows as a permitted use:

(g) A winery that:

(l) is a facility producing wines with a maximum production of less than 50,000 gallons and that:

Production is estimated to be less than 3,000 cases (7,500 gallons) of wine per year.

(aa) owns an on-site vineyard of at least 15 acres

See (aa) above..

(dd) Obtains grapes from any combination of the LC 16.212(3)(g)(i)(aa);

See (aa) above..

(iii) A winery described above in LC 16.212(3)(g)(i) or (ii) above shall only allow the sale of:
(aa) Wines produced in conjunction with the winery: and

James McGavin and Wendy Golish agree to this.

(bb) Items directly related to wine, the sale of which is incidental to retail sale of wines on-site. Such items include those items served by a limited service restaurant as defined in ORS 624.010.

James McGavin and Wendy Golish agree to this.

(iv) Prior to the issuance of a permit to establish a winery under LC 16.212(3)(g) above, the applicant shall show that the vineyards, described in LC.212(3)(g)(i) or (ii) above have been planted or that the contract has been executed, as applicable.

These vineyards were established in 1995, seventeen years ago.

(v) The Approval Authority shall adopt findings for each of the standards described in the above LC 16.212(3)(g)(i) or (ii). Standards imposed on the sitting of a winery shall be limited solely to each of the following requirements for the sole purpose of limiting demonstrated conflicts with accepted farming or forest practices on adjacent lands.

(aa) Establishment of a setback of 100 feet from all property lines for the winery and public gathering places.

This criterion is meet.

(bb) Provision of direct road access, internal circulation and parking, as documented in the submitted plot plan.

James McGavin and Wendy Golish own the private gravel road that leads directly to the tasting room area. The road is at least 12 feet wide.

(vi) The Approval Authority shall also apply the requirements in LC 16 regarding flood plains, geologic hazards, the Willamette Greenway, airport safety or other regulations for resource protection respecting open space, scenic and historic areas and natural resources.

None of these apply to this property.

GOAL 4 • Forest Lands

To preserve forest lands.

No land will be taken out of forest production. This forest portion of the property was logged and replanted in the early 1990's. The area planned for the winery and tasting room was the site of the original site of the house, which burnt down in the 1970's. It was replaced by greenhouses which collapsed under a heavy snow load last winter and was deemed uneconomic to replace.

GOAL 5:· Open Space, Scenic and Historic Areas, and Natural Resources

To conserve open space and protect natural and scenic resources.

By the very nature of the current agricultural activity, open space and natural and scenic resources are protected.

GOAL 6: Air, Water and Land Resources Quality.

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

There is a seasonal stream running on the eastern portion of the property, about 1,300 feet to the east and uphill from the proposed wine tasting area, which will not be affected.

GOAL 7: Areas subject to Natural Disasters and Hazards.

To protect life and property from natural disasters and hazards.

There are no identified natural hazards on this site. All hillsides are stable and not prone to landslides.

GOAL 8: - Recreational Needs.

To satisfy the recreational needs of the citizens of the state.

This land has not been identified as "Recreational Land."

GOAL 9 - Economy of the State.

To diversify and improve the economy of the state.

Policy 7. New industrial development shall normally take place within adopted Urban Growth Boundaries, unless such development:

a. Is clearly rural oriented (e.g., canneries, logging operations, processing of resource material);

Vineyards are an inherently rural / agricultural enterprise.

b. Is necessary for the continuation of existing industrial operations, including plan or site expansion;

c. Will be located in an area either built upon or committed to non-resource use where necessary services can be provided;

d. The industrial activity is dependent on a unique site-specific resource;

e. The use is too hazardous or is incompatible in densely populated areas;

f. The industrial activity creates by-products, which are used to a significant level in resource activities in the immediate area; or g. Where a significant comparative advantage could be gained in locating in a rural area. Any development approved under this policy that requires a plan amendment shall be justified by an exception to applicable Statewide Planning Goals.

Not Applicable

Policy 9: Tourism shall be considered as a base industry having high potential for growth throughout the County. Development of facilities oriented towards tourists shall be given maximum support within the framework of these policies.

Wineries in Lane County, as well as other counties in the Willamette Valley have become important commercial enterprises, drawing people from all over the world to the wineries of the valley. There are already several wineries in the area with tasting rooms attached, including Pfeiffer Winery just across Turnbow Lane.

GOAL 10 -Housing.

To provide for the housing needs of the citizens of the state.

Not Applicable

GOAL 11 - Public Facilities and Services.

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

Not Applicable

GOAL 12 - Transportation.

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

1: Lane County shall strive for a coordinated and balanced transportation system which complies with LCDC Goal 12 and is responsive to the economic, social and environmental considerations, and which will

work towards the following objectives:

(a): Safe, convenient and economical transportation for all people, materials and services.

Turnbow Lane (County road #345900) has a Right of Way of 50 feet where James McGavin and Wendy Golish's private road takes off to the east. The average daily traffic count (ADT) taken in 2009 shows 260 cars at 3/100's of a mile north High Pass Road and 140 ADT 3/100's of a mile south of Ferguson Road. We feel that that addition of another winery and tasting room on Turnbow Lane will add a very small amount of new traffic to Turnbow Lane. People visiting Walnut Ridge Vineyards are likely to be the same people visiting Pfeiffer Winery, who received a zone change from F-2 to E-40 in 2008. At that time the adequacy of Turnbow Lane was not questioned.

Excepted from Lane Code 15.705(3) through 15.705(14)

15.705(3) Right-of-way width for local roads shall be 50 feet wide.

Turnbow Lane is classified as a rural local road and where it turns into the McGavin/Golish property is 50 feet wide.

15.705(4) The minimum roadway (travel surface) width varies with ADT. The applicant shall provide an estimated traffic generated from the proposal and provide finding what should be the appropriate road width to serve the property.

The ADT varies from 260 cars from the south and 140 cars from the north.

15.705(5) The surface type shall be pavement.

Turnbow Lane is a paved surface 20 feet wide.

15.705(6) The surface structure should meet the requirements specified in LC 15.707. For uses other than residential, the structure should be at least 2" AC over 15" rock base.

This condition is meet.

15.705(9) The roadway ditches and side slopes should meet the standards specified in this section.

This condition is meet.

15.705(11) A clear zone of at least 10 feet wide on each side from the edge of the pavement should be provided.

This condition is meet.

15.705(14) on-street parking is not allowed.

There will be no street parking.

GOAL 13 - Energy Conservation.

To conserve energy

Some grapes will no longer be trucked to a neighboring vineyard for processing, reducing fuel consumption.

GOAL 14 - Urbanization.

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

This rezone request has no bearing on the transition to urban land.

GOAL I5 - Willamette River Greenway.	Not Applicable.
GOAL 16 - Estuarine Resources.	Not Applicable.
GOAL 17 - Coastal Shorelines.	Not Applicable.
GOAL 18 - Beaches and Dunes.	Not Applicable.
GOAL 19 - Ocean Resources.	Not Applicable.

Goals 14 through 19 are not relevant to this parcel.

Plan Amendment/ Minor/ No Exception

RURAL COMPREHENSIVE PLAN AMENDMENTS
RURAL COMPREHENSIVE PLAN

16.400 Rural Comprehensive Plan Amendments.

(1) Purpose. The Board shall adopt a Rural Comprehensive Plan. The general purpose of the Rural Comprehensive Plan is the guiding of social, economic and physical development of the County to best promote public health, safety, order, convenience, prosperity and general welfare. The Rural Comprehensive Plan shall be considered to be a dynamic policy instrument that can be modified to reflect changing circumstances and conditions as well as to correct errors and oversights. It is recognized that the Rural Comprehensive Plan affects the people of Lane County, and it is, therefore, important that the ability by individuals to propose amendments be free of restraint.

Map 15-05-30-00-800, 94739 Turnbow Lane, is subject to Lane County's Rural Comprehensive Plan.

(2) Scope and Organization. The Rural Comprehensive Plan shall conform to the requirements of Statewide Planning Goals. The Rural Comprehensive Plan shall consist of components which shall be organized into categories by Plan type or geographic area as described in LC 16.400(3) below.

(3) Plan Categories.

(a) Rural Comprehensive Plan. This category includes all plans relating to lands beyond the Eugene-Springfield Metropolitan Area General Plan boundary and the urban growth boundaries of the cities within Lane County.

This rezone request falls within the scope of Lane County's Rural Comprehensive Plan.

(b) Special Purpose Plan. This category includes Plans addressing a single or special need. The Plans may apply Countywide or to a limited area.

There are no Special Areas plans affecting the area of this request.

(4) Rural Comprehensive Plan Described. The Rural Comprehensive Plan of Lane County shall consist of the following components:

(a) Rural Comprehensive Plan.

(i) General Plan Policies and Plan Designations applying throughout Lane County outside of the Metropolitan Area General Plan and outside of all urban growth boundaries (Adopted by Ordinance No. 883).

The area around James McGavin and Wendy Golish property is not recognized as a Rural Community Lane County's Rural Comprehensive Plan, and this rezone request complies with the procedures for rezoning within the context of the Plan and for applicable zone changes within the rural areas of Lane County. This request is intended to more accurately reflect the primary agricultural use of this parcel and to allow for the establishment of a winery and tasting room to complement the 25-acre vineyard currently in production.

(b) Special Purpose Plans.

There are no Special Areas plans affecting the area of this request.

(5) Interrelationship of Plan Components. New Comprehensive Plan components shall include a description of relationship to other Plan components within the respective Plan category and to the overall Rural Comprehensive Plan. Existing Plan components not containing such a description of relationship shall, at the next update of that Plan, be amended to include such a description.

This Map Amendment and Rezone request requires no major plan modification, only rezoning of 15-05-30-00 Lot 800 as E – 60 rather than F – 2. This rezone request simply transfers this parcel from one resource classification to another. No exceptions to Statewide Planning Goals are required or sought.

Policy 7. New industrial development shall normally take place within adopted Urban Growth Boundaries, unless such development:

a. Is clearly rural oriented (e.g., canneries, logging operations, processing of resource material);

This proposal for continued agricultural use is clearly an appropriate designation for this parcel and is encouraged under Goal 3 in Lane County's Rural Comprehensive Plan (RCP) and Goal Three in Lane County Code.

> *b. Is necessary for the continuation of existing industrial operations, including plan or site expansion;*

James McGavin and Wendy Golish are requesting a rezoning with the goal of addding a winery and wine tasting room and add to economy of the area. They want to be able to showcase their wines at the vineyard.

> *c. Will be located in an area either built upon or committed to non-resource use where necessary services can be provided;*

The parcel being requested for rezone has been planted with 25-acres of wine grapes since 1995.

> *d. The industrial activity is dependent on a unique site-specific resource;*

The *gout de terroir*, the taste of the earth, of a wine is critical to its flavor profile, and much of what makes a wine unique is the soil in which it is grown. The soils on this site, Bellpine Silty Clay Loams and Jory Silty Clay Loam are prime soils for wine grapes in the Willamette Valley. The integrity of the Walnut Ridge Vineyard label is dependent in part on these soils for their unique tastes.

> *e. The use is too hazardous or is incompatible in densely populated areas;*

Vineyards are an agricultural crop, requiring acreage that is impractical within city limits, or otherwise densely populated areas.

> *f. The industrial activity creates by-products which are used to a significant level in resource activities in the immediate area; or*

> *g. Where a significant comparative advantage could be gained in locating in a rural area. Any development approved under this policy that requires a plan amendment shall be justified by an exception to applicable*

Neither of these criteria are applicable to this request.

No exceptions to Lane County's RCP or to the State Wide planning goals are required to implement this zone change. Since this Map Amendment and Rezone Request supports Goals 3, 4, 6 and 9 (Agricultural Lands, Forest Lands, Air, Water and Land Resources and the Economy of the State) it should be a non-controversial request.

Policy 8

8. Existing industrial and commercial uses shall be designated on the plan diagram. Uses so identified shall be zoned to allow for continued operation and routine expansion commensurate with their character, provided significant conflicts with other land uses (existing and planned) do not result.

Not Applicable to this parcel.

(6) Plan Adoption or Amendment - General Procedures. The Rural Comprehensive Plan, or any component of such Plan, shall be adopted or amended in accordance with the following procedures:

(a) Referral to Planning Commission. Before the Board takes any action on a Rural Comprehensive Plan component, or an amendment to such Plan component, a report and recommendation thereon shall be requested from the County Planning Commission and a reasonable time allowed for the submission of such report and recommendation. In the event the Rural Comprehensive Plan component, or amendment applies to a limited geographic area, only the Planning Commission having jurisdiction of that area need receive such referral.

This request is by Ron Funke, AICP, Custom Planning Services. LLC, acting on behalf of James McGavin and Wendy Golish, owners of Map 15-05-30-00 Lot 800.

(b) Planning Commission - Hearing and Notice.

(i) The Planning Commission shall hold at least one public hearing before making a recommendation to the Board on a Rural Comprehensive Plan component, or an amendment to such Plan component, and the hearing shall be conducted pursuant to LC 14.300.

(ii) Notice of the time and place of hearing shall be given, pursuant to LC 14.300.

(iii) If an exception to State Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notices of such hearing.

No exception is needed or sought.

(iv) The proposed Rural Comprehensive Plan component, or an amendment to such Plan component, shall be on file with the Director and available for public examination for at least 10 days prior to the time set for hearing thereon.

(c) Planning Commission - Consideration With Other Agencies.

(i) In considering a Rural Comprehensive Plan component, or an amendment to such Plan component, the Planning Commission shall take account of and seek to harmonize, within the framework of the needs of the County, the Comprehensive Plans of cities, and the Plans and planning activities of local, state, federal and other public agencies, organizations and bodies within the County and adjacent to it.

(ii) The Planning Commission, during consideration of a Rural Comprehensive Plan component or an amendment to such Plan component, shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens generally to the end that maximum coordination of Plans may be secured.

(iii) Whenever the Planning Commission is considering a Rural Comprehensive Plan component, or an amendment to such Plan component, it shall be

referred to the planning agency of every city and county affected to inform them and solicit their comments.

(iv) The provisions of this subsection are directory, not mandatory, and the failure to refer such Plan, or an amendment to such Plan, shall not in any manner affect its validity.

(d) Planning Commission - Recommendation and Record.

(i) Recommendation of the Planning Commission on a Rural Comprehensive Plan component, or an amendment to a Plan component, shall be by resolution of the Commission and carried by the affirmative vote of not less than a majority of its total voting members.

(ii) The record made at the Planning Commission hearings on a Rural Comprehensive Plan component, or an amendment to such Plan component and all materials submitted to or gathered by the Planning Commission for its consideration, shall be forwarded to the Board along with the recommendation.

(e) Board Action - Hearing and Notice.

(i) After a recommendation has been submitted to the Board by the Planning Commission on the Rural Comprehensive Plan component, or an amendment to such Plan component, all interested persons shall have an opportunity to be heard thereon at a public hearing before the Board conducted pursuant to LC 14.300.

(ii) Notice of the time and place of the hearing shall be given pursuant to LC 14.300.

(iii) If an exception to Statewide Planning Goals is to be considered during the hearing, such exception shall be specifically noted in the notice of such hearing.

No exception to Statewide Planning Goals is required or sought.

(iv) Hearings to consider amendments of the Plan Diagram that affect a single property, small group of properties or have other characteristics of a quasi-judicial proceeding shall be noticed pursuant to LC 14.300.

The request to rezone 80-acres +/- from F - 2 to E - 60 is a minor plan amendment affecting only one parcel that is currently being used appropriately to the Zone designation being requested.

(f) Concurrent Consideration. The Board and Planning Commission may hold a single joint meeting to consider the proposed Plan amendment consistent with the requirements of LC 16.400(6)(e)(ii),(iii) and (iv) above.

James McGavin and Wendy Golish request that a Concurrent Hearing be held for this request. This application should be conclusive as to the need and applicability of the requested actions. A Concurrent Hearing will reduce unnecessary time by the Planning Commission, County Commissioners and by the planning staff.

(g) Board Referral. Before the Board makes any change or addition to a Plan component, or Plan component amendment recommended by the Planning Commission, it may first refer the proposed change or addition to the Planning Commission for an additional recommendation. Failure of the Planning Commission to report within 21 days after the referral,

or such longer period as may be designated by the Board, shall be deemed to be approval of the proposed change or addition. It shall not be necessary for the Planning Commission to hold a public hearing on such change or addition.

(h) Method of Adoption and Amendment.

(i) The adoption or amendment of a Rural Comprehensive Plan component shall be by Ordinance.

(ii) The adoption or amendment shall be concurrent with an amendment to LC 16.400(4) above. In the case of a Rural Comprehensive Plan adoption, the Code amendment shall place such Plan in the appropriate category. In the case of a Rural Comprehensive Plan amendment, the Code amendment shall insert the number of the amending Ordinance.

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

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

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

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

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

We submit that this rezone supports the goals of promoting agricultural products and the rural economy of Lane County.

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

Not Applicable

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

The proposed amendment supports appropriate rural economic development.

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

It is desirable to support rural, resourced based industries in rural areas.

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

The proposed amendments are supported by the Rural Comprehensive Plan policies, as indicated above.

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

This is a minor amendment and is consistent with the unamended Agricultural Polices established in Lane County's Rural Comprehensive Plan.

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

(7) Validation of Prior Action. The adoption of a Rural Comprehensive Plan component, or an amendment to such Plan component under the authority of prior acts, is hereby validated and shall continue in effect until changed or amended under the authority of these provisions.

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

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

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

This Zone Change and Map Amendment request is a minor amendment.

(ii) Major Amendment. Any amendment that is not classified as a minor amendment.

(b) Amendment proposals, either minor or major, may be initiated by the County or by individual application. Individual applications shall be subject to a fee established by the Board and submitted pursuant to LC 14.050.

This Zone Change request is at the behest of the property owners, James McGavin and Wendy Golish .

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

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

A narrative description of this proposed Rural Comprehensive Plan zone change and map amendment and the intended new use of this parcel can be found in the document titled: James McGavin and Wendy Golish Narrative and is part of this application.

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

As noted in 16.400(6)(h)(ii), this is a request for a Rural Comprehensive Plan zone change and map amendment to better reflect the actual use of the property and to allow the Walnut Ridge Vineyard to showcase wine made from the grapes they grow on their property.

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

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

James McGavin and Wendy Golish will retain ownership of the parcel in question. Ownership pattern will not change, only the uses allowable to the owners, i.e. the ability to showcase their own wine, under their own label – Walnut Ridge Vineyard.

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

No new public or private services will be required by granting this request. Neither will there be new water supply impacts or sewage disposal impacts. A new septic system was installed in 2004 (509-SP04-07104) and serviced in 2008. A new well was completed on 1/18/2005 and yields 40 gallons a minute.

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

None.

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

None

A(ee) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an assessment of employment gain or loss, tax revenue impacts and public service/facility costs, as compared to equivalent factors for the existing uses to be replaced by the proposal;

Allowing wine tasting on the McGavin/Golish property would create a small net employment gain, if at all. The effects would be relatively small, though positive, in terms of increased tax revenue.

(ff) For a proposed amendment to a nonresidential, nonagricultural or nonforest designation, an inventory of reasonable alternative sites now appropriately designated by the Rural Comprehensive Plan, within the

jurisdictional area of the Plan and located in the general vicinity of the proposed amendment;

Not applicable, as this is an agricultural property and will remain so.

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

Not Applicable

(9) Addition Amendment Provisions - Special Purpose Plans. In addition to the general provisions set forth in LC 16.400(6) above, the following provisions shall apply to any amendment of Rural Comprehensive Plan components classified in LC 16.400(4) above as Special Purpose Plans. Amendments to Special Purpose Plans may only be initiated by the County. Any individual, however, may request the Board to initiate such amendment. Requests must set forth compelling reasons as to why the amendment should be considered at this time, rather than in conjunction with a periodic Plan update. An offer to participate in costs incurred by the County shall accompany the request.

Not Applicable

(10) Designation of Abandoned or Diminished Mill Sites. A minor plan amendment pursuant to LC 16.400(8)(a)(i), to the Rural Comprehensive Plan for an abandoned or diminished mill site on a lot or parcel zoned Nonimpacted Forest Lands Zone (F-1, RCP), Impacted Forest Lands Zone (F2, RCP) or Exclusive Farm Use Zone (E-RCP) to Rural Industrial Zone (RI, RCP) without taking an exception to Statewide Goal 3 (Agricultural Lands), Goal 4 (Forest Land), Goal 11 (Public Facilities and Services), or Goal 14 (Urbanization) may be allowed after submittal of an application pursuant to LC 14.050 and after review and approval of the application pursuant to LC 16.400(6) and (10).

Not Applicable

(11) Periodic Review of Plan Components. All components of the Rural Comprehensive Plan shall contain a provision requiring the Plan be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances. Any Plan component adopted under the authority of prior acts can be assumed to require a review every five years.

Not Applicable

Ron R. Funke, AICP

Ron R Funke

Custom Planning Services & Assoc. LLC
2595 Charnelton St.
Eugene, Oregon 97405

CUSTOM
PLANNING
SERVICES LLC

Thoughtful Land Use
Planning & Development
Ron Funke, AICP Princincipal

November 16, 2012

Applicants:
James McGavin and Wendy Golish
94739 Turnbow Lane
Junction City, Oregon 97488

Agent:
Ron R. Funke, AICP
2595 Charnelton St.
Eugene Oregon, 97405

Map 15-05-30-00 Lot 800

Subject: Rezoning Map 15-05-30-00 Lot 800 F – 2 to E – 60 (EFU).

Attachments

Legal Description	Exhibit A
Easement	Exhibit B
Plot Plan (1" = 200' scale)	Exhibit C
Legal Lot Determination	Exhibits D - 1 – D-15
Zoning Map for Map 15-05-30-00 Lot 800	Exhibit E
Well log for surrounding area.	Exhibit F
Current site photos	Exhibit G
Google Historic Air photos	Exhibit H
New septic approval (2004)	Exhibit I

Ron R. Funke

Ron R. Funke, AICP

Member: American Institute of Certified Planners ☆ American Planning Association
2595 Charnelton St., Eugene, OR 97405 ☆ 541.302.4993 (p) ☆ 541.302.3300 (f)
ronfunke@customplanningservices.com

EXHIBIT A

The South one-half of the Southeast quarter of Section 30, Township 15 South, Range 5 West, of the Willamette Meridian, in Lane County, Oregon.

Witness my hand and seal this Twenty-second day of March A. D. 1923.
Leonard Rice
Notary Public for
My Commission Expires March 29, 1925.
Notarial Seal

I certift that the actual consideration for the within deed is less than one hundred dollars.
Leonard Rice

Exhibit B

STATE OF PENNSYLVANIA }
County of Philadelphia, ss. }

I, WILLIAM H. BUNN, Prothonotary of the Courts of Common Pleas of said County, which are Courts of Record having a common seal, being the officer authorized by the laws of the State of Pennsylvania to make the following Certificate, do by my second deputy, Benton S. Bunn, authorized by Act of Assembly of May 24, 1917. Certify, That Leonard Rice Esquire, whose name is subscribed to the certificate of the acknowledment of the annexed Instrument and thereon written., was at the time of such acknowledgment a Notary Public for the Commonwealth of Pennsylvania, residing in the County aforesaid, duly commissioned and qualified to administer oaths and affirmations and to take acknowledgments and proofs of Deeds or Conveyances for lands, tenements, and hereditaments to be recorded in said State of Pennsylvania, and to all whose acts, as such, full faith and credit are and ought to be given, as well in Courts of Judicature as elsewhere;and that I am well acquainted with the handwriting of the said Notary Public and verily believe his signature thereto is genuine, and I further certify that the said instrument is executed and acknowledged in conformity with the laws of the State of Pennsylvania.

The impression of the seal of the Notary Public is not required by law to be filed in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court, this 25 day of June in the year of our Lord one thousand nine hundred and Twenty-three (192)(1923.)

William H. Bunn, Prothonotary.

SEAL OF COURT OF COMMON PLEAS
PHILADELPHIA PENN

By Benton S. Bunn 2nd Dep. Prothonotary
Durante Absentia, Secundum Legem

-KJ-

EASEMENT OF WAY OVER PRIVATE ROAD 53085

Jerry R. Turnbow
to
H. M. Perry et ux

Filed for record Jul 2, 1923, 1:51 o'clock P. M.
R. S. Bryson, County Clerk
Eva L. Pease, Deputy

EASEMENT OF WAY OVER PRIVATE ROAD.

THIS INDENTURE, Made this 30th day of June, 1923, by and between Jerry R. Turnbow, hereinafter known as the party of the first part, and H. M. Perry and Etta R. Perry, husband and wife hereinafter known as the parties of the second part,

WITNESSETH

WHEREAS, the party of the first part is the owner of the Southeast quarter (SE¼) of the Southwest quarter (SW¼) of Section 30, Township 15 South of Range 5 West of the Willamette Meridian in Lane County, Oregon, across which there is a private lane or road which commences at a point in the County Road running North and South along the West boundary line of said land which is about half way between the North and South boundary lines of said land, and runs thence in a Northeasterly direction to the East boundary line of said land, and;

WHEREAS, the party of the first part has this date sold unto the parties of the second part Eighty acres of land which adjoins said above described property on the East, and,

Whereas, the said party of the first part has agreed in consideration of the sum of One Dollar to be paid by the parties of the second part to grant ~~the~~ unto the parties of the second part an easement or right of way over said private road,

NOW THEREFORE, in pursuance of said agreement, and in consideration of the sum of One Dollar paid by the parties of the second part to the party of the first part, the receipt whereof is hereby acknowledged by the party of the first part, the said party of the first part hereby grants unto the parties of the second part, their heirs and assigns the full and free right for them, their tenements, servants, visitors and licensees, for all purposes connected with the use of said land this date conveyed to the parties of the second part by the party of the ~~second~~ part, to pass and re-pass along said private land or road above described.

TO HAVE AND TO HOLD, said easement unto the said H. M. Perry and Etta R. Perry their heirs and assigns forever as appurtenant to the said land of the said H. M. Perry and Etta R. Perry, husband and wife.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 30th day of June, A. D. 1923.

Executed in the presence of:
Edward F. Bailey
H. C. Herron
Witnesses.

Jerry R. Turnbow (Seal)

State of Oregon }
} ss.
County of Lane }

BE IT REMEMBERED, That on this 30th day of June, A. D. 1923, personally appeared before me, a Notary Public in and for said County and state, the within named Jerry R. Turnbow who is personally known to me to be the identical individual described in and who executed the foregoing instrument, and acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein named.

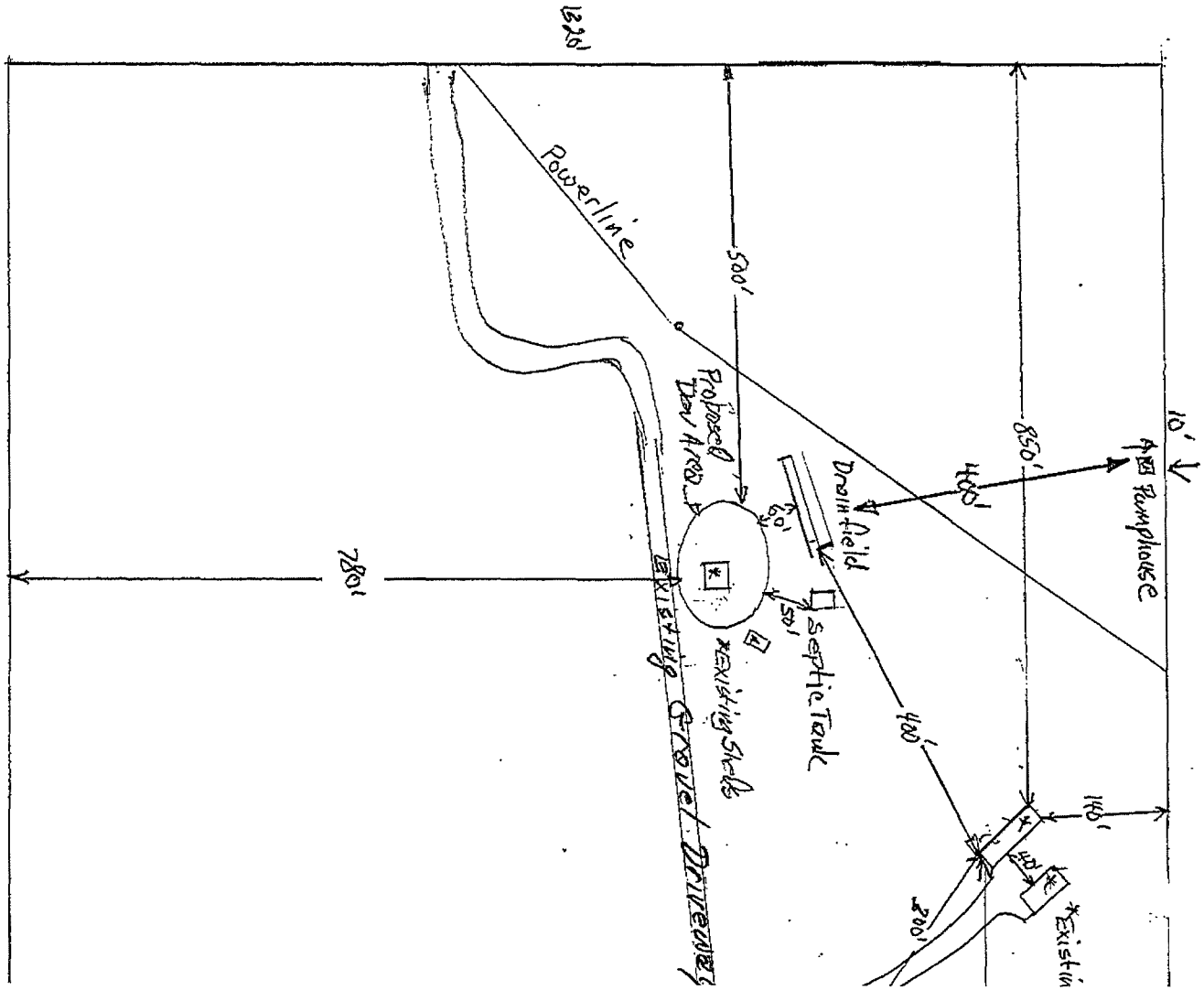
Witness my hand and notarial seal this 30th day of June, 1923.
Edward F. Bailey
Notary Public for Oregon
My Commission expires Oct 10, 1925.

Notarial Seal

-KJ-

SITE PLAN SUBMITTAL FORM

OWNER NAME:	Map and Taxlot #:	APPLICANT NAME:
James McGavin & Wendy Golish	15 05 30 800	James R. McGavin
PHONE # 541 998 3373		PHONE # 541 998-3373
ADDRESS: 94739 Turnbow Ln. Junction City, OR 97448	Scale: 1" = 200'	ADDRESS: 94739 Turnbow Ln. Junction City, OR 97448



C45 D-1

Land Use Application

LMD Land Management Division

REQUEST / PROPOSAL FOR: LEGAL LOT DETERMINATION

FILE NO. PA# 6358-4 ACTION ALD FEE 370.00

LOCATION (PLEASE PRINT)

TOWNSHIP	RANGE	SECTION	1/4 SECTION	TAX LOT	SUBDIVISION / PARTITION	LOT / PARCEL	BLOCK
15S	5W	30	SE	801 800			

ZONED	TAX CODE	PLOT #	ACREAGE
F-2	0020741	1112034 & 1569175	80

94379 Turnbow Lane Junction City, Oregon 97448
LOCATION ADDRESS

Manufactured Dwelling, 5 shade houses, one green house, one septic system
STRUCTURES NOW ON PROPERTY

APPLICANT / AGENT

Frank Walker & Associates — 9/28/2000
NAME (PLEASE PRINT) — DATE

37708 Kings Valley Highway — (541) 929-5743
ADDRESS — PHONE

Philomath, Oregon — 97370
CITY — ZIP

OWNER

WAJ L.L.C. (James & Wendy McGavin) — 9/28/2000
NAME (PLEASE PRINT) — DATE

4530 Lake Washington Blvde — (425) 576-1365
ADDRESS — PHONE

Kirkland, Washington — 98033
CITY — ZIP

DO YOU OWN ADJACENT PROPERTY? Yes ☐ No ☒
MAP, PARCEL NUMBER

Township	Range	Section	1/4 Section	Tax Lot

WATER PUBLIC ☐ ON-SITE WELL ☒ COMMUNITY SYSTEM ____

SEWAGE PUBLIC ☐ ON-SITE SEPTIC ☒ COMMUNITY SYSTEM ____

ROAD STATE ☐ COUNTY ☐ PUBLIC ☐ EASEMENT ☒

FIRE DISTRICT Junction City SCHOOL DISTRICT Junction City

POWER COMPANY Blachly-Lane PHONE COMPANY U.S. West

I (We) have completed all the attached application requirements and certify that all statements are true and accurate to the best of my (our) knowledge and belief. I am (We are) so authorized to submit this application as evidenced by the signature(s) in the blocks below.

OWNER Signature — Date 10/14/00 — APPLICANT Signature Frank L. Walker — Date 9/28/2000

An accurate Plot Plan must be attached. Ask for a sample Plot Plan

SPECIFIC SECTION OF LANE CODE REQUIRING THIS APPLICATION

RELATED PERMIT # 92-CUP-5373-S

STAFF COMMENTS: T-15-R5W-S30 & 32 Tax Lots 800 & 801 (F-2)

W/ THIS APPLICANT IS ENTITLED

Planning Staff 4/27/2001

P-2

Lane County Public Works
LAND MANAGEMENT DIVISION

Date: FEB. 7, 2001

APPLICANT: FRANK WALKER & ASSOC.
37708 KINGS VALLEY HWY
PHILOMATH, OR. 97370

OWNER: WAS LLC (JAMES & WENDY McGAVIN)
4530 LAKE WASHINGTON BLVD.
KIRKLAND, WA. 98033

PA: 00-6384

RE: Report and Verification of a Legal Lot
Tax Map: 15-05-30-00 Taxlot: 800 & 801

A more exact description by reference to Deed or Land Sales Contract is REEL 358-2/94830.

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 AUGUST 14 1967
See attached instruments REEL 358-2/94830

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:

[X] When the subject parcel was created, there were not land division regulations in effect to govern its creation. Lane County did not adopt applicable regulations for this kind of division until MARCH 26 1975.

[ ] There were land division regulations in effect governing the creation of this parcel, and the creation of this parcel was specifically exempted by these regulations from compliance because _____

D-3

Lane County
Public Works
LAND MANAGEMENT DIVISION

b. Zoning regulations:

[X] When the subject parcel was created, there were no zoning regulations in effect at this time. The zoning for this property was adopted on APRIL 5 1978.

[ ] When the subject parcel was created, there were the following zoning regulations in effect which the parcel complied with because _____

c. Additional Comments:

TL'S 800 AND 801 COMBINED IS ONE LEGAL LOT. IT APPEARS THAT THIS LEGAL LOT DOES NOT HAVE ANY LEGAL ACCESS. PLEASE CONTACT THE PLANNING OFFICE FOR MORE DETAILS.

NOTE, THE REASON T.L. 801 IS NOT A LEGAL LOT IS THERE APPEARS TO BE NO CONVEYANCE OF THE PARCEL

"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,

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

ATTACHMENTS

CC: TRS File

D-4

94830 AUG 14 67 48874

WARRANTY DEED

FOR VALUE RECEIVED LESLIE G. ANDERSON

herein referred to as grantors, hereby grant, bargain, sell and convey unto LESLIE G. ANDERSON and RUTH ROGERS ANDERSON, Husband and Wife, as tenants by the entireties, an undivided one-half interest, Grantor retaining a like undivided one-half interest, thus creating an estate by the entirety between Grantor and Grantees; herein referred to as grantees, the following described real property, with tenements, hereditaments and appurtenances, to wit:

The South half of the Southeast Quarter of Section 30, in Township 15 South of Range 5 West of the Willamette Meridian in Lane County, Oregon.

Also, all of the right, title and interest of the Grantor in and to the easement for right-of-way appurtenant to the above-described property recorded July 2, 1923, in Volume 137, Page 164, Deed Records of Lane County, Oregon.

TO HAVE AND TO HOLD the said premises unto said Grantees, their heirs and assigns forever, And the said Grantors hereby covenant that they are lawfully seized in fee simple of said premises; that they are free from all incumbrances.

REVENUE STAMPS

and that they will warrant and defend the above granted premises against all lawful claims whatsoever, except as above stated.

Dated August 14, 1967

(Seal) Leslie G. Anderson (Seal)

Leslie G. Anderson

(Seal) (Seal)

STATE OF OREGON, County of Lane, ss. Personally appeared the above named

LESLIE G. ANDERSON

and acknowledged the foregoing instrument to be his voluntary act and deed. Before me;

Dated August 14, A.D. 19 67 Irma Wall

My Commission Expires 11-2-70 Notary Public for Oregon

94830

Compliments of CASCADE TITLE COMPANY

WARRANTY DEED

4 4990 Anderson

4 4990 Anderson

State of Oregon, County of Lane ss.

I, Ina Randolph, Director of the Department of Records and Elections, in and for the said County, do hereby certify that the within instrument was received for record at

AUG 14 1967 1:30 PM

Lane County OFFICIAL Records

Director of the Department of Records and Elections

Deputy

Return To:

D-5

1 5 0 5 3 0

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

#2968 OFFICE OF COUNTY ASSESSOR, LANE COUNTY, OREGON 64-02800

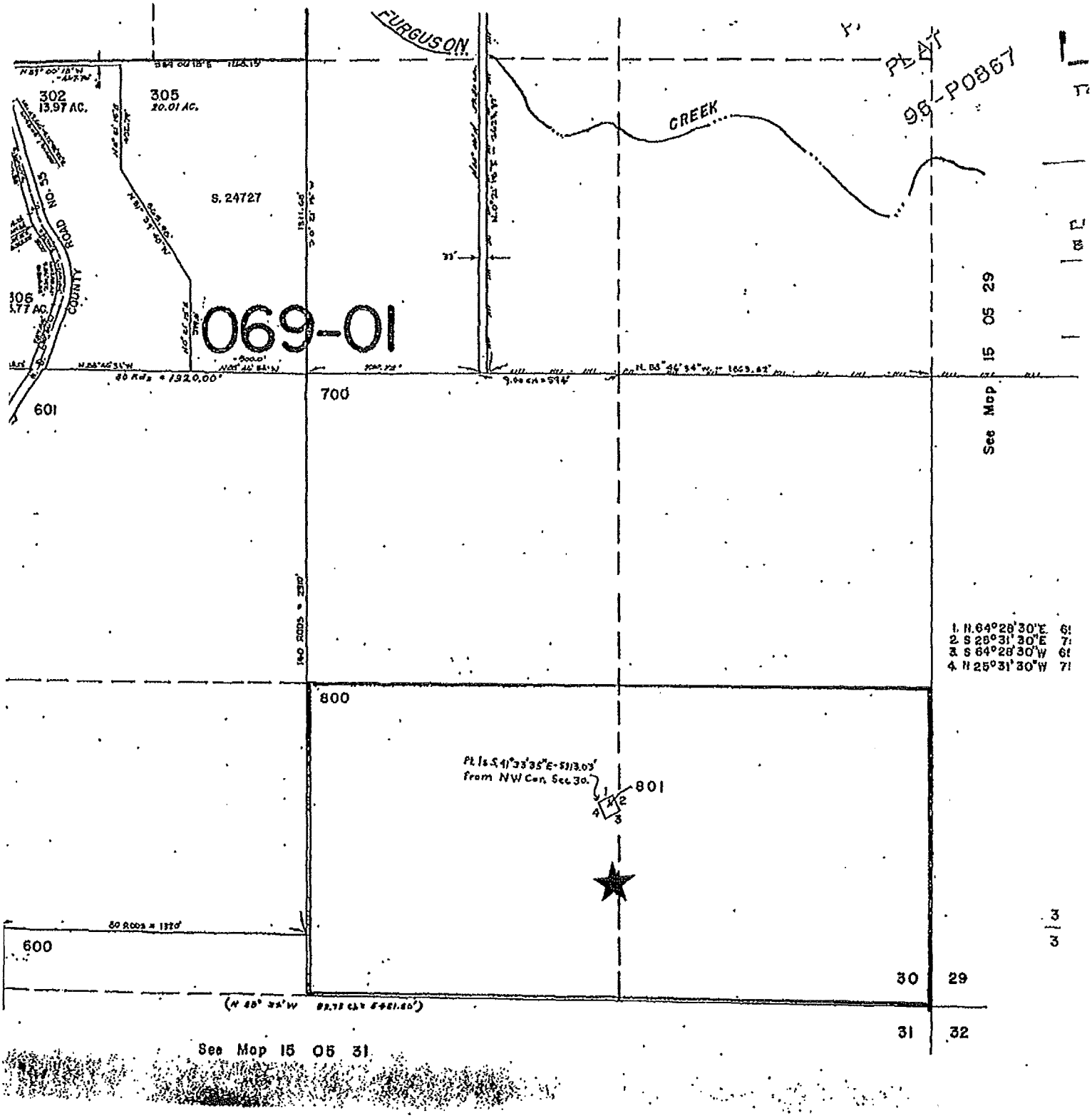
020 741

YEAR	TAX LOT No.	SECTION	TOWNSHIP	RANGE E. OR W.	W. M.	DEED RECORD VOL. PAGE	ACRES REMAINING
	7	30	15 S.	5			

YEAR	BEARING	DISTANCE	BEARING REFERENCE OR LEGAL SUBDIVISION	DEED RECORD VOL. PAGE	ACRES REMAINING
1941 1967			$S\frac{1}{2}$ $SE\frac{1}{4}$, Sec. 30, T15S., R5W., WM., LC Containing more or less	0136-385 R356/ 93759 93760 R358/ 94830	80.00
1991de abs			EXCEPT: 0.11 acre to TL 801 for 1975 per Request and FTLPO. Containing more or less	R1723/9150167 9150257	79.89
1992de	MICROFILMED DATE			R1813/9272834	
1993 wd				R1816/9300342	
1993 wd				R1816/9300343	
1993 wd				R1819/9303692	
1993 wd				R1878/9358414	
1993 wd				R1880/9359731	
1994 BS				R2025/9488174	

SHELTON-TURNBULL-FULLER CO. EUGENE, OREGON F2058

D-6



FURGUSON
CREEK
PLAT
96-P0867
302
13.97 AC.
305
20.01 AC.
S. 24727
COUNTY ROAD NO. 55
306
3.77 AC.
069-01
80 Rds = 1320.00'
700
601
See Map 15 05 29
140 RODS = 2310'
1. N.64°28'30"E
2. S 25°31'30"E
3. S 64°28'30"W
4. N 25°31'30"W
800
Pt. Is S.41°33'35"E-5313.03'
from NW Cor. Sec. 30.
801
80 RODS = 1320'
600
30
29
31
32
See Map 15 05 31

D-7

OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES

OFFICE OF COUNTY ASSESSOR LANE COUNTY, OREGON

OLD NUMBER

201 112 034
ACCOUNT NUMBER

TAX LOT | MAP NO. 15.05.30 | PARCEL NO. 801 | SECTION 30 | TOWNSHIP 15 S. | RANGE 5W W.M.

INDENT EACH NEW COURSE TO THIS POINT	LEGAL DESCRIPTION	DEED RECORD: DATE OF ENTRY	DEED RECORD: DEED NUMBER	ACRES REMAINING
	F. T. L. P. O. (Out of TL 800. For ownership see R358/94830 in 1967.)			
	Beginning at a point S.41°33'35"E. 5913.03 feet from the NW corner of Sec. 30, T15S, R5W of the WM, thence N.64°28'30"E. 65.00 feet; thence S.25°31'30"E. 75.00 feet; thence S.64°28'30"W. 65.00 feet; thence N.25°31'30"W. 75.00 feet to the point of beginning all in Lane County, Oregon.	1975		
		1991 de abs	R1723/9150167 9150257	
		1992 pr	de R1813/9272834	
		1993 wd	R1816/9300342	
		1993 wd	R1816/9300343	0.11
	Containing more or less			
		1993 wd	R1819/9303692	
		1993 wd	R1818/9358414	
		1993 wd	R1880/9359731	
		1994 bs	R2025/9488174	

MICROFILMED
DATE

SUBJECT PROPERTY

9150167

P-8

5
10
20

DEED OF PERSONAL REPRESENTATIVE

GORDON LYNN HYDE, Personal Representative of the Estate of LESLIE GERALD ANDERSON, Deceased, Grantor, conveys to the ESTATE OF DONA R. HOLDEMAN, Deceased, Grantee, the following described real property located in Lane County, Oregon:

> The South one-half of the Southeast quarter of Section 30, Township 15 South, Range 5 West of the Willamette Meridian in Lane County, Oregon. ALSO, all of the right, title and interest of the Grantor in and to the easement for right-of-way appurtenant to the above described property recorded July 2, 1923, in Volume 137, Page 164, Deed Records of Lane County, Oregon.

The true and actual consideration for this conveyance is no cash and other valuable consideration.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Until a change is requested, send tax statements to 969 Willagillespie Road, Eugene, OR 97401.

Dated July 29, 1991.

X Gordon Lynn Hyde

Gordon Lynn Hyde, Personal Representative of the Estate of Leslie Gerald, Anderson, Deceased

STATE OF CALIFORNIA)
) ss.
County of Lassen)

2321OCT.17'91HOSREC 5.00
2321OCT.17'91HOSPFUND 10.00
2321OCT.17'91HOSAST FUND 20.00

The above instrument was acknowledged by the above named GORDON LYNN HYDE to be his voluntary act as personal representative.

Dated July 29, 1991.

J. Foote

Notary Public for California
My Commission Expires: 12/26/92

After Recording return to:
969 Willagillespie Road
Eugene, OR 97401

OFFICIAL SEAL
J. FOOTE
NOTARY PUBLIC - CALIFORNIA
LASSEN COUNTY
My Comm. Expires Dec. 26, 1992

9150257

D-9

ABSTRACT

The Decedent's Name: Dona R. Holdeman

Address at time of death: 94739 Turnbow Road
Junction City, Oregon 97448

Probate No: 50-88-09938

County where proceedings are pending: Lane

Personal Representative: Lin Holdeman, Sr.

Personal Representative's address: 25395 Irene Street
Elmira, OR 97437

Attorney's name: Donald W. Monte

Attorney's address: 1551 Pearl Street
Eugene, OR 97401

The following real property is subject to probate proceedings:

The South one-half of the Southeast quarter of Section 30, Township 15 South, Range 5 West of the Willamette Meridian in Lane County, Oregon. ALSO, all of the right, title and interest of the Grantor in and to the easement for right-of-way appurtenant to the above described property recorded July 2, 1923, in Volume 137, Page 164, Deed Records of Lane County, Oregon.

DATED this 17 day of October, 1991.

Donald W. Monte

STATE OF OREGON)
) ss.
County of Lane)

2431OCT.17'91#04&REC 5.00
2431OCT.17'91#04&PFUND 10.00

This foregoing instrument was acknowledged before me this 17 day of October, 1991, by Donald W. Monte.

Notary Public for Oregon
My Commission Expires: 8-20-93

9150257

State of Oregon, County of Lane—ss.
I, the County Clerk, in and for the said County, do hereby certify that the within instrument was received for record at
17 OCT 91 2:34
Rec 1723R
Lane County OFFICIAL Records
Lane County Clerk
By: [signature] County Clerk

D-10

CORPORATE WARRANTY DEED 25741/1112934, 1501330000800,69-02 MFT-169782-10-27868

5-10-20

9359731

ATR SERVICES, INC., an Oregon Corporation

, Grantor,

conveys and warrants to

SECOND GROWTH, INC., an Oregon Corporation

, Grantee,

the following described real property situated in LANE County, OR
free of encumbrances except as specifically set forth herein, to-wit

The South one-half of the Southeast Quarter of Section 30, Township 15, South, Range 5, West of the Willamette Meridian in Lane County, Oregon.

1308SEP.21'93H02SEC 5.00
1308SEP.21'93H02FUND 10.00
1308SEP.21'93H02MAT FUND 20.00

This conveyance is subject to and excepts: RIGHTS OF THE PUBLIC IN STREETS, ROADS AND HIGHWAYS, COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, EASEMENTS OF RECORD AND 1993-4 REAL PROPERTY TAXES, A LIEN NOT YET PAYABLE

The true consideration for this conveyance is $ 118,000.00

"THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES."

Dated: 09/15/93

ATR SERVICES, INC.

BY: _____ PRESIDENT
GREGORY H. DEMERS

State of Oregon, County of Lane ss.
I, the County Clerk, in and for the said County, do hereby certify that the within instrument was received for record at
21 SEP 93 10:45
and 1880R
Lane County OFFICIAL Records
Lane County Clerk
By: _____ Deputy Clerk

STATE OF OREGON)
) ss.
County of LANE)

This instrument was acknowledged before me on September 15, 1993, by GREGORY H. DEMERS as President of ATR SERVICES, INC., an Oregon Corporation

OFFICIAL SEAL
JODI A. STERLING
NOTARY PUBLIC OF OREGON
COMMISSION NO. 024888
MY COMMISSION EXPIRES MAY 15, 1997

_____
Notary Public for Oregon
My commission expires: 5-15-97

Until a change is requested, all tax statements shall be sent to the following address:
TURNBOW TRACT (80 ACRES), OR
Second Growth, Inc. P.O. BOX 11060, Eugene, Oregon 97440

After Recording Return to:
Western Pioneer Title Co.
P.O. Box 10748
Eugene, OR 97440

WESTERN PIONEER TITLE CO. of Lane County 9359731

D-11

9358414

(Turnbow Lane)

GRANTOR: McDougal Bros. Investments
P.O. Box 87, Dexter, OR 97431

GRANTEE: ATR Services, Inc.
P.O. Box 1042, Veneta, OR 97487

TAXES TO AND AFTER RECORDING RETURN TO: ATR Services, Inc.
P.O. Box 1042, Veneta, OR 97487

STATUTORY WARRANTY DEED

McDougal Bros. Investments, a partnership consisting of Melvin L. McDougal and Norman N. McDougal, Grantor, conveys and warrants to ATR Services, Inc., an Oregon corporation, the following real property situated in LANE County, Oregon, free of encumbrances except as specifically set forth herein:

THE SOUTH one-half of the SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 15 SOUTH, RANGE 5 WEST of the Willamette Meridian, in Lane County, Oregon.

92TTSEP.15'93#03REC	5.00
92TTSEP.15'93#03PFUND	10.00
92TTSEP.15'93#03A&T FUND	20.00

THIS PROPERTY IS SUBJECT TO AND EXCEPTS: rights of the public in streets, roads and highways, covenants, conditions, restrictions, reservations, easements of record and rights of way of record, if any.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses.

The true consideration for this conveyance is: OTHER PROPERTIES.

SIGNED AND DATED THIS 20th DAY OF August, 1993.

GRANTOR:

Norman McDougal
McDougal Bros. Investments

STATE OF OREGON, County of Lane): ss. 8-20, 1993.

Personally appeared the above named NORMAN N. McDOUGAL, and acknowledged said instrument to be HIS voluntary act and deed.

Before me:

OFFICIAL SEAL
LINDA BLISH
NOTARY PUBLIC - OREGON
COMMISSION NO. 010609
MY COMMISSION EXPIRES OCT. 29, 1995

Linda Blish
NOTARY PUBLIC for Oregon
My Commission Expires: 10/29/95

9488174 15-05-30 #800 801 D-12

Send tax statements to:
Walnut Ridge Vineyard, L.L.C.
1134 West 2nd Avenue
Eugene, OR 97402

After recordation return to:
Russell D. Poppe
Speer, Jones Poppe & Wolf
998 Ferry Lane
Eugene, OR 97401

5 10 20

BARGAIN AND SALE DEED

Second Growth, Inc., Grantor, conveys to Walnut Ridge Vineyard, L.L.C., Grantee, the following-described real property:

The South one-half of the Southeast Quarter of Section 30, Township 15, South, Range 5, West of the Willamette Meridian in Lane County, Oregon.

15:00DEC.29'94NO5REC 5.00
15:00DEC.29'94NO5PFUND 10.00
20.00

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is $ -0-.

DATED this 28th day of December, 1994.

Rodney Schultz
Second Growth, Inc.
by Rodney Schultz, Secretary

STATE OF OREGON)
) ss.
County of Lane)

This instrument was acknowledged before me on the 28th day of December, 1994, by Rodney Schultz.

Debra E Pilcher
Notary Public for Oregon

OFFICIAL SEAL
DEBRA EVELYN PILCHER
NOTARY PUBLIC-OREGON
COMMISSION NO. 009113
MY COMMISSION EXPIRES NOV. 1, 1998

9488174

State of Oregon,
County of Lane—ss.

I, the County Clerk, in and for the said County, do hereby certify that the within instrument was received for record at

2 DEC 96 10:03

Rec. 2025R

in County OFFICIAL Records.
Lane County Clerk

By _____
Deputy Clerk

9488174

D-13

D-14

5-
10-
11-

FIRST AMERICAN

DIVISION OF CHIEF DEPUTY CLERK
LANE COUNTY DEEDS AND RECORDS

26.00

2000039869 3:21:20 PM 07/07/2000
RPR DEED 1 - 3 CASHIER 07
5.00 11.00 10.00

After recording return to:
WAJ, LLC
4530 Lake Washington Blvd, NE
Kirkland, WA 98033

Until a change is requested all tax statements shall be sent to the following address:
WAJ, LLC
4530 Lake Washington Blvd, NE
Kirkland, WA 98033

Escrow No. 264951WD
Title No. 160188-NM

STATUTORY WARRANTY DEED

WALNUT RIDGE VINEYARD, an Oregon limited liability company:, Grantor, conveys and warrants to WAJ, LLC, an Oregon limited liability company:, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

The South one-half of the Southeast quarter of Section 30, Township 15 South, Range 5 West of the Willamette Meridian, in Lane County, Oregon:

This property is free of liens and encumbrances, EXCEPT:

Taxes for tax lot 801, have not been assessed because of Cemetery Exemption. Should the status be changed or terminated, additional taxes may be levied; As disclosed by the tax roll the premises herein described are classified as forest lands. In the event of declassification, said premises will be subject to additional taxes and interest; Rights of the public in streets, roads and highways; Any violation of or non-compliance with the provisions of Chapter 97, ORS, imposed limitation on the use of said property for cemetery purposes or of any municipal regulations pertaining thereto (Affects tax lot 801);

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is $495,000.00 (Here comply with the requirements of ORS 93.030)

Dated this 06 day of July, 2000.

Walnut Ridge Vineyard, LLC

By: Dieter Boehm, Member

Dieter Boehm, Member

STATE OF OREGON
County of LANE } ss.

This instrument was acknowledged before me on this 6th day of July, 2000 by Dieter Boehm, Member of Walnut Ridge Vineyard, LLC

OFFICIAL SEAL
JAMES P KEITH
NOTARY PUBLIC - OREGON
COMMISSION NO. 331788
MY COMMISSION EXPIRES APR 22, 2004

Notary Public for Oregon

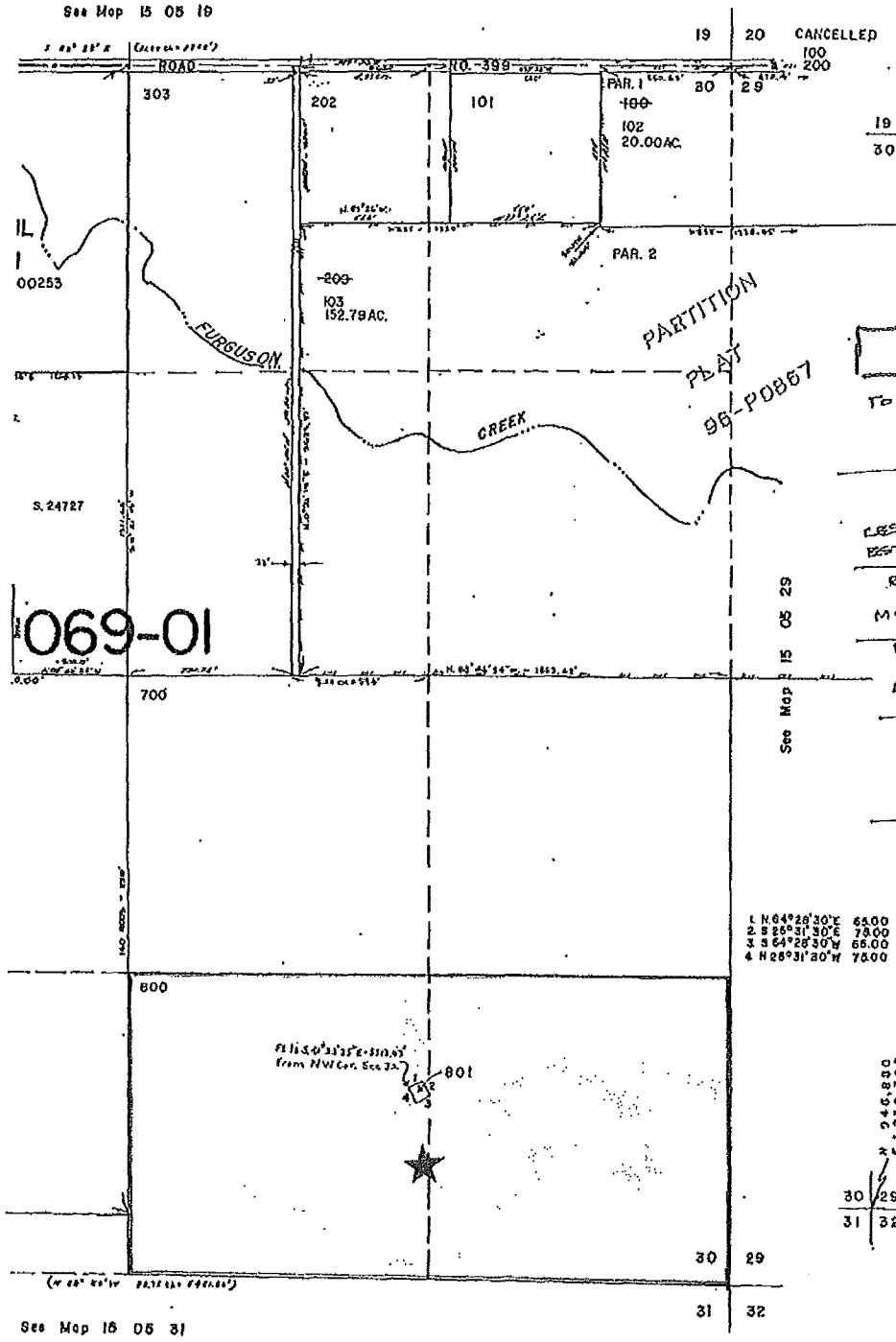
My commission expires: 4/22/04

After Recording Return to:
Western Pioneer Title Co.
PO Box 10145
Eugene, OR 97440

D-15

n 30 T.15 S. R.5 W.W.M.
LANE COUNTY
1"=400'

15 05 30
12-10-96
-ON 306 to 302
4-30-97
-CANC. TL 100 & 200
INTO PART. PLAT 96-P0867
8-25-97
- New Detail Map #1



REEL 358-R/94830 MD
AUG. 14 1967
LESLIE ANDERSON
TO LESLIE & RUTH
ANDERSON
DEED OF ENT. 1/2 INT
EACH

REEL 1722-R/9150167
JULY 29 1991
LESLIE ANDERSON EST. TO
EST. OF DONA HOLDEMAN

REEL 1878-R/9358414 MD
AUG. 20 1993
McDOUGAL BRDG TO ATR
SERVICES

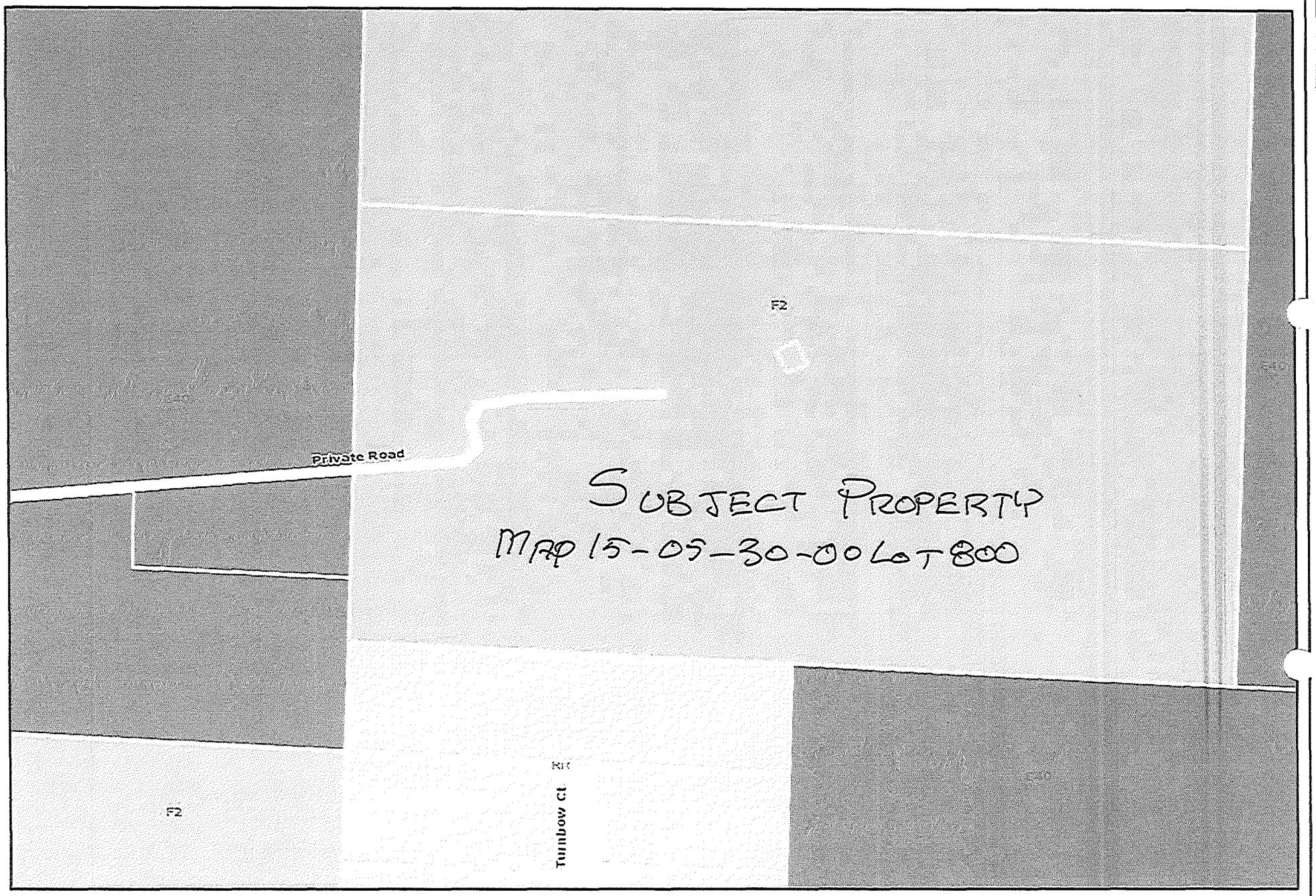
REEL 1880-R/9359731 MD
SEPT. 15 1993
ATR SERVICES TO SECOND
GROWTH INC.

REEL 2025-R/9488174 BSD
DEC. 28 1994
SECOND GROWTH INC.
TO WALNUT RIDGE
VINEYARD L.L.C.

DOC. # 2000-039069 SMD
JULY 6 2000
WALNUT RIDGE
VINEYARD L.L.C. TO
W.A.S. L.L.C.

* MARCH 26 1979
AREA
ZONING
4/5/78

REGISTERED
PROFESSIONAL
LAND SURVEYOR
2/7/2001
OREGON
JANUARY 13, 1998
DONALD G. NICKELL
2585



The information on this map was derived from digital databases on the Lane County regional geographic information system. Care was taken in the creation of this map, but is provided "as is". Lane County cannot accept any responsibility for errors, omissions or positional accuracy in the digital data or the underlying records. Current plan designation, zoning, etc., for specific parcels should be confirmed with the appropriate agency. There are no warranties, expressed or implied, accompanying this product. However, notification of any errors will be appreciated.

N

0 175 350 700 Feet

McGavin Rezone Map

EXHIT F

Well Log Query Results *NEW! GPS points, where available, have been added to the far right of the table. Click link to view on map*

Township: 16.00 S, Range: 5.00 W, Sections: 30

Well Log	T-R-S/ Q-Q-Q	Tax lot	Street of Well	Owner	Company	Special Standards	Well Type	First Water	Completed Depth	Static Water Level	Yield	Completed Date	Received Date	Bonded Constructor	Startcard	Well Id #	New	Abandon	Deepen	Alteration	Conversion	Domestic	Irrigation	Community	Livestock	Industrial	Injection	Thermal	Dewatering	Piezometer	Latitude/ Longitude
LANE 63739	15.00S-5.00W-30	402	95150 TURNBOW LANE, JUNCTION CI	EISASSER, DOROTHY J 800 N HILL ROAD MOWAVILLE OR 97128			W									975															
LANE 64779	15.00S-5.00W-30 SW-NE	700	FERGUSON RD, JUNCTION CITY	JONES, DON 3910 W 12TH ST EUGENE OR 97402			W	218.00	400.00	42.0	3.0	04/22/1998	05/01/1998	LOVING, DONALD J MID VALLEY DRILLING, INC.	106420	16583	√					√										
LANE 54566	15.00S-5.00W-30 SE-NW	306	95095 TURNBOW	DAUROS, JERRY 95095 TURNBOW JUNCTION CITY OR 97448			W	192.00	210.00	10.0	8.0	07/31/1998	08/06/1998	LOVING, DONALD J MID VALLEY DRILLING, INC.	114589	24256	√					√										
LANE 57078	15.00S-5.00W-30 NW-SE	800	94730 TURNBOW RD, JUNCTION CITY		SECOND GROWTH PO BOX 11083 EUGENE OR 97440		W	136.00	330.00	39.0	1.0	06/22/1999	06/06/1999	LOVING, DONALD J MID VALLEY DRILLING, INC.	118457	30040	√					√										
LANE 63362	15.00S-5.00W-30 •	800	94729 TURNBOW RD		WALNUT RIDGE VINEYARDS LLC 94729 TURNBOW RD JUNCTION CITY OR 97448		W	150.00	390.00	79.0	1.0	03/29/2000	07/13/2000	HENDRICKSON, JEFF HENDRICKSON WELL DRILLING INC	130801	38393	√					√										44.22977222, -123.30777777
LANE 63363	15.00S-5.00W-30 •	800	94729 TURNBOW RD		WALNUT RIDGE VINEYARDS LLC 94729 TURNBOW RD JUNCTION CITY OR 97448		W	175.00	430.00	33.0	6.0	03/29/2000	07/13/2000	HENDRICKSON, JEFF HENDRICKSON WELL DRILLING INC	130802	38394	√					√										44.23322666, -123.30694444
LANE 63683	15.00S-5.00W-30 NE-NW	304	95183 TURNBOW LANE	NAIL, EUGENE 95183 TURNBOW LANE JUNCTION CITY OR 97448			W	30.00	40.00	9.0	5.0	09/25/2003	10/21/2003	LOVING, DONALD J MID VALLEY DRILLING, INC.	155693	64664	√					√										
LANE 64157	15.00S-5.00W-30 NW-SE	800	94730 TURNBOW LANE	MCGAHA, JAMES R	GOLISCH, WENDY 94730 TURNBOW LANE JUNCTION CITY OR 97448		W	244.00	354.00	105.0	40.0	01/16/2005	03/18/2005	WHITE, HAROLD RAY WHITE WATER WELL DRILLING	172487	75802	√					√										
LANE 69043	15.00S-5.00W-30 NE-NE	101	25768 FERGUSON RD	MOUG, CLAUDIA 25768 FERGUSON RD JUNCTION CITY OR 97448			W	61.00	260.00	35.0	5.0	10/25/2007	11/14/2007	FIELDER, WILLIAM BILL E BILL FIELDER WELL DRILLING & PUMP	195309	91599	√					√										
LANE 70724 Exempt Use Map	15.00S-5.00W-30 NE-SE	200	FERGUSON RD, JUNCTION CITY	MOFFETT, JAMIE 2080 CITY VIEW EUGENE OR 97405			W	105.00	140.00	42.0	5.0	05/16/2010	09/21/2010	FIELDER, WILLIAM BILL E BILL FIELDER WELL DRILLING & PUMP	1011132	103549	√					√										

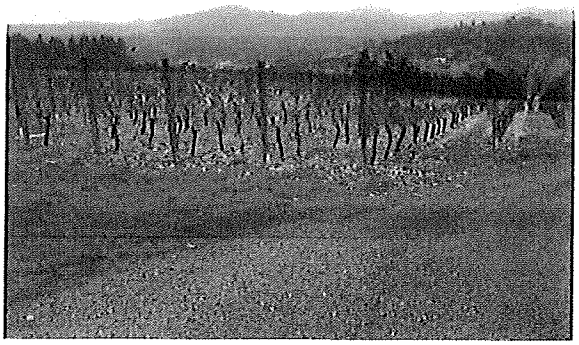
1 2 3 4 5

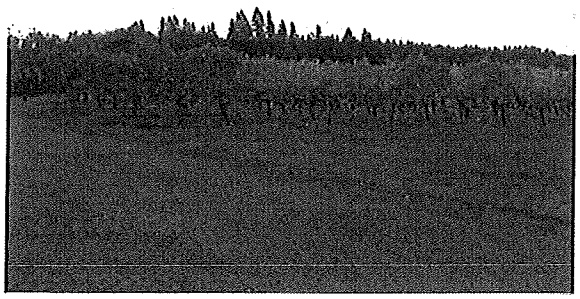
Download Data
Return to Well Log Query

G-1

November 16, 2012

Current photos of James McGavin and Wendy Golish vineyards





H-1

Google earth

feet 1000
meters 500

5/7/1994

H-2

Google earth

feet 1000
meters 500

7/30/2000

H-3

Google earth

feet 1000
meters 500

2/09/2003

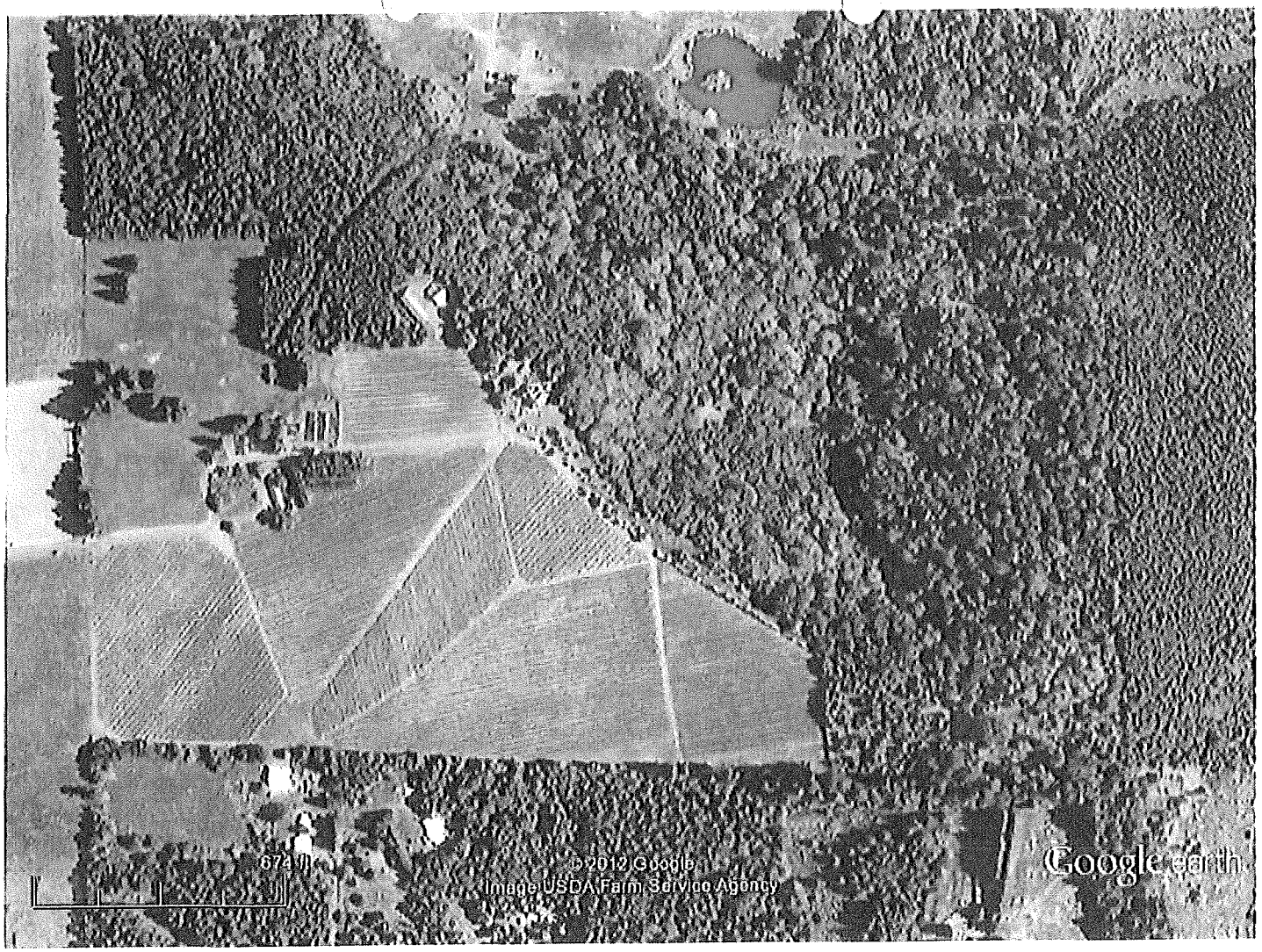
H-4

Google earth

feet 1000
meters 500

8/18/2006

H-5



Google earth

feet 1000
meters 500

11/17/2011

EXHIBIT B

Home | I Want To... | Services | Departments | Contact Us

Department of Public Works - LMD Online

More Information
- LMD Online Information
- Land Management Division
- Land Use Planning & Zoning
- Firewise
- Building
- Subsurface Sanitation
- Compliance

LMD Online Questions?
- Email Us

94739 Turnbow Lane

Home Planning Building Code Compliance

Search | Schedule an Inspection

Record 509-SP04-07104:
Sanitation Installation, Repair, Alteration

Work Location

94739 TURNBOW LN
JUNCTION CITY

Record Details

Applicant:
BOWERS JEFF
ROYAL FLUSH
CRESWELL, OR, 97426
Home Phone:541-554-8352

Owner:
WAJ LLC
94739 TURNBOW WY
JUNCITY CITY OR 97448

▸ More Details

▸ Fees

▾ Inspections

This section is divided into two groups: 'Pending or Scheduled' and 'Resulted'. The 'Pending or Scheduled' group contains inspections that are either associated with the record as 'Pending' or are 'Scheduled' for inspection on a future date. The 'Resulted' group contains a record of inspections that were previously resulted, rescheduled, or canceled.

To schedule a 'Pending' inspection, click on the 'Actions' dropdown immediately to the right of the inspection and choose 'Schedule'. To schedule an inspection type not listed as 'Pending', click on the 'Schedule an Inspection from the Complete List of Available Inspections' link.

Pending or Scheduled

Schedule an Inspection from the Complete List of Available Inspections

You have not added any Inspections.
Click the link above to schedule or request one.

Resulted (2)
Approved - 2

Approved SAN-Final Record Form Complete — View Details
Result by: jm on 06/02/2004 at 12:00 AM

Approved SAN-Final Sewage Disposal Syst — View Details
Result by: jm on 05/20/2004 at 12:00 AM

▸ Processing Status

▸ Related Records

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Contact Webmaster

MINUTES

Lane County Planning Commission
Lane County Customer Service Center—3050 North Delta Highway
Eugene, Oregon

May 21, 2013
5:30 p.m.

PRESENT: Ryan Sisson, Chair; Robert Noble, Vice Chair; George Goldstein, James Peterson, Dennis Sandow, John Sullivan, Lane County Planning Commissioners; Matt Laird, Rafael Sebba, Lane County staff; James McGavin and Wendy Golish, property owners; Ron Funke, agent for property owners; Carrie Black, guest.

ABSENT: Nancy Nichols, Larry Thorp members.

Mr. Sisson convened the Lane County Planning Commission (LCPC) at 7:00 p.m.

A. Approval of Minutes: April 16, 2013

There was no one who wished to offer public comment.

Mr. Peterson offered the following correction:

Page 2, paragraph 5 should read:

> Mr. Peterson commended staff for a well-organized presentation and for understanding the interests of the local residents. He had worked in the Oregon Coast Range for many years, and understood the geology. He did not know the source of the iron, and said it was unlikely that strata transfers were impacting the ground water. ~~He questioned if there was percolation at 180 feet.~~ He had been involved with pest management through invasive species programs, and he cautioned using pesticides around well heads. He noted the riparian buffers ranged from 50 to 75 feet. The more green shade over water, the cooler water would be.
>
> Mr. Peterson, seconded by Mr. Noble, moved to accept revision of the paragraph as stated by Mr. Peterson. The motion passed unanimously, 6:0.

Mr. Goldstein offered the following correction:

Page 2, paragraph 3, add:

> Mr. Goldstein told Ms. Heinkel commended her work and his comments had nothing to with the amount of work she had done on the project.

Mr. Sandow offered the following correction:

Page 2, bottom of page, add:

Mr. Sandow told Ms. Heinkel this was probably the best representation in compliance to Goal 1 that had seen.

Mr. Sullivan, seconded by Mr. Goldstein, moved to accept revisions offered by Mr. Goldstein and Mr. Sandow. The motion passed unanimously, 6:0.

Mr. Noble, seconded by Mr. Sullivan, moved to approve the April 16, 2013 minutes as amended. The motion passed unanimously, 6:0.

B. PUBLIC HEARING

Staff and Commissioners introduced themselves.

Mr. Sisson called for comments from the public related to issues not on tonight's agenda. There were no affirmative responses.

Mr. Sisson thanked James McGavin, Wendy Golish and Ron Funke for attending tonight's public hearing.

Mr. Sisson called for *ex parte* contacts or conflicts of interest on the part of Commissioners, or if any Commissioner wished to abstain from tonight's proceedings due to a conflict of interest. There were no affirmative responses. Mr. Sisson asked if any members of the public wished to challenge the impartiality of the Commissioners. There were no members of the public who wished to challenge the impartiality of the Commissioners.

1. **A request to chance the Rural Comprehensive Plan (RCP) designation of the subject property from Forest to Agriculture, and to change the zoning of the property from Impacted Forest Land (F-2) to Exclusive Farm Use (E-60).**
   Assessor's Map and Tax Lot 15-05-30-0-00-00800/801.

   Lane County File Number: 509-PA12-06341

Mr. Sebba provided the staff report, a copy of which was included in the agenda packet. He said the request before the Planning Commission was a request to amend the RCP to re-designate a 79.9 acre property from 'Forest' (F) to 'Agricultural' (A), and to change the zoning from 'Impacted Forest Land' (F-2) to 'Exclusive Farm Use' (E-60). The applicant was proposing to establish a winery and tasting room in conjunction with an existing 25 acre vineyard on the subject property. Mr. Sebba noted James McGavin's name had been misspelled (as James Gavin) in the notice and staff report. The subject property was owned by James McGavin and Wendy Golish, who were represented by Ron Funke, for this process. Mr. Sebba distributed the following documents that had been entered into the record after the staff report had been completed:

- Email dated May 15, 2013, from Sarah Wilkinson to Rafael Sebba, subject 509-PA-12-06341 Gavin and Golish, which included comments from Lane County Transportation Planning, which waived the traffic impact analysis (TIA) requirement for the proposed plan amendment and zone change.
- Copy of Survey for Leslie G. Anderson Private Cemetery Location, for survey number 18935.
- Letter dated May 20, 2013, from Monica Jelden, Real Properties Coordinator, Seneca Jones Timber Company, to Rafael Sebba, subject Proposed Rural Comprehensive Plan Amendment

and Zone Change—James Gavin & Wendy Golish—Map Number 15053000800 & 150530008001, which requested the applicant be required to execute a covenant to maintain the eastern portion of the property in timber production and to execute a farm/forest management covenant to mitigate possible impacts of the proposed zone change on the adjacent property.

- Assorted views of McGavin/Golish Vineyard/Winery submitted by Ron Funke.
- Email dated May 21, 2013, from Ron Funke to Rafael Sebba, subject McGavin/Golish Farm/Forest Management Agreement, in which Mr. Funke stated the applicant had executed a farm/forest management covenant in 2004. Mr. Funke said the suggested covenant to maintain the eastern portion of the property in timber production was unwarranted.

Mr. Sebba said staff was unaware of any policy or code provision that would justify a covenant restricting the use of the eastern portion of the property. He stated the proposal generally met the criteria for a minor RCP amendment and zone change, and did not appear to raise any conflicts with State and local goals or Lane Code. Staff recommended approval of the proposed plan amendment and zone change modified to include an E-40 designation rather than an E-60 designation.

Mr. Sebba also distributed a colored 2012 aerial photograph, copies of which were included in the agenda packet.

Mr. Sisson called for questions of staff.

Mr. Sullivan asked what the impact of the zone change from E-60 to E-40 would be.

Mr. Sebba said the number was related to the minimum acreage required for the creation of new parcels.

Mr. Peterson asked if the land owner had considered rezoning only half of the property and leaving the other half in forestry.

Mr. Sebba said split zoning properties, while not prohibitive, could complicate development on the property. Forest uses and practices were a permitted use on agriculturally zoned land. The Seneca property to the east of the subject property was zoned E-40.

Mr. Laird added forestry was a permitted use in EFU zones.

In response to Mr. Noble, Mr. Sebba stated Tax Lot 800 was 79.9 acres and Tax Lot 801, which was the private burial site, was .1 acre. Together, the two tax lots were considered one legal lot.

Mr. Noble asked if EFU 40, EFU 60 or EFU 80 had an economic requirement for minimum annual revenue.

Mr. Sebba said $80,000 a year for two of the last three years, or three of the last five years was the minimum revenue for high value farm land. This site was 65 percent Class 3 soils, which were high value soils.

Mr. Goldstein noted there was no soil survey for the subject property, and asked if the soil was Class 4 or above.

Mr. Sebba iterated 65 percent of the property was Class 3 and 35 percent was Class 6. Sixty-five percent of the property was composed of Class 3 soils and considered high value, thus making the subject property predominantly high value for purposes of the income test.

Mr. Sullivan stated if this request was approved, the client's responsibility to get a permit for building a winery was not mitigated by the approval. In approving this amendment, the Planning Commission was not giving the green light to a winery. That decision would be made when the permit was applied for, at which time water, sewer, and parking would be addressed. He asked if approval by the Planning Commission would signal to the Board of County Commissioners (BCC) that they should give a green light for the vineyard.

Mr. Sebba stated wineries were a use identified as being permitted by right in the EFU zone providing it met criteria related to how many acres were planted and the source of the grapes used in wine production. Building permits would be required, and sanitation would be evaluated in conjunction with the building permits. Documentation required for any additional land use approval in the EFU to demonstrate a winery was a written statement submitted to the Planning Director that explained how the applicant complied with the winery criteria. He added if traffic criteria related to private access easements were triggered at the time of development, an evaluation of the traffic evaluation could be triggered when permits were applied for.

Mr. Sandow stated the applicant seemed to suggest that the criteria for compliance with citizen involvement under Goal 1 were established in Lane Code 16.252. He asked Mr. Sebba if he concurred with the applicant's reference to the criteria for Goal 1 being 16.252 or if Mr. Sebba would suggest the criteria for Goal 1 was established in Lane County Bylaws and the Comprehensive Plan.

Mr. Sebba explained the process for a plan amendment is in Lane Code 16.400, which outlined the process for an amendment to the RCP. Lane Code 16.252 addressed the process for a zone change. The notice for comment and opportunity to participate, and opportunity for public participation related to Goal 1 was embedded in the process required for a RCP amendment and update.

Mr. Sisson called for comments from the applicant.

Ron Funke, AICP, Custom Planning Services and Associates, identified himself as the applicant's agent. He stated the applicant intended to apply for a building permit and associated permits for a winery on the property. While the applicant had selected 60 acres because it was the largest acreage available, the applicant had no objections to a 40 acre designation. The road to the property was a private road with a 60 foot easement, which met Chapter 15 requirements. He noted the TIA had been waived by Lane County Transportation Planning. Timber was currently growing on the Seneca property to the east of the subject property that was zoned EFU rather than F-40 as their letter implied. The applicant was in agreement to do a forest/farm management agreement, which had been in effect since 2004, but it did not seem reasonable to add further restrictions to the property. The site consisted of high value farm land for the most part. He agreed that building permits, sanitation and other issues identified by Mr. Sullivan would be addressed after the rezoning was completed. He asked if Commissioners had questions for him.

Mr. Sullivan stated Commissioners had just received the letter dated May 20, 2013, from Seneca Jones Timber Company (Seneca), and he had not had a chance to read it. He understood how conscientious Seneca was about any actions that may affect the company in the future. He asked what Mr. Funke disagreed with Seneca about. Mr. Sullivan did not disagree with Mr. Funke on EFU and F-2 designations. However, in 1984, many mistakes were made with EFU and F-2. He opined Seneca and

many other businesses had not changed the designations because it was a costly and time consuming process. He asked if Mr. Funke or the applicant had had conversations with Seneca.

Mr. Funke stated the applicant was in agreement on the forest/farm management covenant, but placing further restrictions on the future use of the eastern 40 acres was a restraint of economic opportunity. Seneca wanted those 40 acres to continue to be designated timber.

In response to Mr. Sullivan, Mr. Funke said no one had talked with Monica Jelden. He would suggest that the applicant talk with Ms. Jelden since they shared a property line with Seneca. Mr. Funke added he had dealt indirectly with Seneca in the past on the Pfeiffer rezoning several years ago. At that time, Seneca was agreeable to farm/forest management, and did not feel there was a need for a restrictive covenant at that time.

Jim McGavin said he had been farming and expanding the vineyard since 2000, which was the majority of his and Ms. Golish's business interest on the property. The vineyard was well liked by the neighbors and contributed to the neighborhood. They had also leased land to a native plant propagation business for several years, until snow damaged their structures, which they could not afford to replace. The loss of income from the native plant propagation business was the motivation to look at other options to continue to make the farm viable. They had been attentive to ensure they followed the rules and hired Mr. Funke to help them through the land use process. Their intent was to make a rural, vibrant agricultural enterprise. They had been successful with farming the site and generated farm income that exceeded the requirements for having a residence on the property, and they expected to continue to maintain that level of income. Mr. McGavin said he also received the Seneca letter yesterday. The letter did not sound unreasonable on its face, but the mitigation did seem unreasonable. They would not complain if Seneca conducted forestry activities on their site. The current zoning for the McGavin/Golish property did not restrict the eastern portion of the land to exclusive timber. Seneca was asking the applicant to change what they were currently allowed to do, and it was inappropriate for Seneca to ask for a requirement that would only be applied to the applicant's property. He hoped a telephone call would mitigate the issue of restricting the eastern portion of the land to timber. He intended to keep that portion of the property in forest use, but conditions could change in the future. The vineyard had been certified as a sustainable vineyard for seven years. There were minimal inputs on the property and the property was inspected regularly. The vineyard was considered at the highest level of sustainable agriculture in the valley, and he had planted native plant species throughout the property to enhance bees, birds and other wildlife, in an effort to be a good farming steward of the land.

Mr. Peterson said the Seneca property would eventually undergo a harvest operation, which would include some burning, and it would be a fuels management issue. Removing the fuel would benefit the applicant's property. There would be spray operations for several years after the area was replanted. He asked Mr. McGavin how he felt about the spray operation.

Mr. McGavin stated he was not happy about spraying things that would damage his vineyard. He said 2,4-D was extremely volatile, impacted wine grapes excessively, and he would not agree to its use. He explained the topography of his property, noting Seneca's property was on the east side of the hill, while the wind came from the west. He doubted he would be able to see the area if it was clear cut, and the smoke would likely blow away from his property. Other area properties had been logged, and smoke piles burned for about four months last year. It was the "nature of the beast" for the industry. He concurred with Mr. Peterson that he would expect Seneca to be careful with their spraying programs. He was not against Seneca logging or replanting, noise or smoke. He did not think it would be an issue.

Mr. Noble inquired about Mr. McGavin's intent with the cemetery.

Mr. McGavin said the cemetery was on the site prior to his acquisition of the property. He understood one person was buried there, and he intended for the cemetery to remain undisturbed. Ms. Golish had researched the site and learned through records received from the Mormon Church in Utah that confirmed a woman was buried there. They had also spoken with the woman's grandson.

Mr. Noble said Mr. Funke indicated there was a 60 foot easement along the driveway. He asked what it was an easement for since it was a private road.

Mr. McGavin said the easement was for the use of the private road across Mr. McGavin's property by the owner of property adjacent to his property. The easement was granted in 1929 in perpetuity.

Mr. Sisson reviewed the Commission's options: keep the hearing and/or the record open, close the record and/or record, or deliberate.

Mr. Noble observed the parcel in question was primarily the 79 acre parcel, and staff recommended changing the zoning to EFU-40 instead of EFU-60. He asked if there were two parcels.

Mr. Sebba said Tax Lots 800 and 801 together as one legal lot were approximately 80 acres, and zoned E-40, which could be partitioned in the future.

In response to Mr. Goldstein, a substandard parcel could not be created in any zone. A surveyor would to determine if the legal lot was 79.9 acres, 79.99 acres or 80.0 acres. If a surveyor determined that the property was 80.0 acres, it could be partitioned into two 40 acre parcels in the future.

Mr. Laird asserted there was currently no intent to divide the property, and it would remain one 80 acre parcel based on any recommendations proposed by the Planning Commission today. There was no land division before the Commission.

Mr. Sandow asked if Mr. Sebba was aware of the annual report issued by the citizen involvement program committee regarding how to improve citizen involvement.

Mr. Sebba stated he was unaware of the report referred to by Mr. Sandow.

> Mr. Sullivan, seconded by Mr. Peterson, moved to close the public hearing and close the record and move to deliberations. The motion passed unanimously, 6:0.

Mr. Sullivan commended the applicant because he was creating jobs and he had complied with everything required to amend the RCP and to change the zoning from F-2 to E-40. The proposal met two of the justifications under Lane Code 16.400, and only one justification was required. The property would remain a resource property, and did not appear to violate any provisions of Lane Code 16.252. The applicant had answered every question regarding transportation, and understood action taken by the Planning Commission did not imply approval of any permits. He would favor a motion to approve the proposal.

Mr. Noble commended the applicant for their enterprise and forthright presentation on their plans for the property, which helped the Planning Commission move the process forward. The application met Lane Code 16.400 and Lane Code 16.252 criteria, as well as State land use goals. The proposal would result in a more productive use of the land. He would support the motion.

Mr. Goldstein said the application was complete, and a logical progression for the vineyard. He would support the motion.

Mr. Sandow commended the applicant for submitting a delightful application for progressive use of zone change, and something that would benefit the Lane County economy. He thanked the applicant's agent and staff. He could not vote in support of the motion because the Lane County Planning Commission was in violation of its bylaws that stipulated that the Commission would operate as a citizen involvement program, and in doing so, on January 1 of each year, would prepare a report to the BCC on suggestions on how to improve citizen involvement. He could not support the application until the Planning Commission was in compliance with its bylaws, comprehensive plan and statewide planning goals.

Mr. Peterson said the applicant did a good job and he would have no trouble supporting the proposal. He hoped the applicant would work with the neighbors.

Mr. Sisson agreed with the benefits of the project for the local economy, and he was impressed with and inspired by the farm practices the applicant was undertaking. He was in favor of the proposal.

Mr. Sullivan stated he would make a motion in favor of the proposal, on the advice of counsel that the applicant was not required to follow Seneca's requests. He respected the applicant's right to not follow those requests. If the applicant did not have that issue clarified, Seneca may raise the issue before the BCC because they had a deeper responsibility that the Planning Commission to protect Seneca's right and the applicant's rights, which could delay the applicant's moving forward.

> Mr. Sullivan, seconded by Mr. Noble, moved that in the matter of Lane County File Number 509-PA12-06341, the Planning Commission recommend to the Board of County Commissioners that they amend the Rural Comprehensive Plan to redesignate a 79.9 piece of property from Forest to Agriculture, and to change the zoning of the property from Impacted Forest Land (F-2) to Exclusive Farm Use (E-40). The motion passed 5:1, with Commissioners Goldstein, Noble, Peterson, Sisson, and Sullivan voting in favor, and Mr. Sandow voting against the motion.

Mr. Sisson adjourned the meeting at 8:01 p.m.

(Recorded by Linda Henry)

DRAFT

SENECA JONES TIMBER COMPANY

July 16, 2013

ATTN: Rafael Sebba, Planner
Lane County Planning Department
3050 N Delta Hwy
Eugene, OR 97408

Re: PROPOSED RURAL COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE
JAMES GAVIN & WENDY GOLISH
MAP NUMBER 15053000800 & 15053000801

Dear Mr. Sebba:

We are in receipt of your recent notice regarding the proposed amendment to the Rural Comprehensive Plan and zone change to allow a winery and tasting room on F2 land as referenced above and appreciate the opportunity to comment. Seneca Jones Timber Company (SJTC) has timber holdings contiguous to the east of this tax lot.

Following our May 20, 2013 letter, we have discussed our concerns with Mr. McGavin personally. These discussions were quite constructive and he is very much aware and understanding of the concerns we face as a landowner. To minimize these impacts, Mr. McGavin has shared with us a copy of the Farm and Forest Management Covenant attached to this property. We trust that this Farm and Forest Management Covenant, combined with our relationship with Mr. McGavin as a good neighbor, will allow his proposed use to not interfere with our existing forest management uses and provide appropriate mitigation. We are encouraged that Mr. McGavin will convey to winery patrons a focus on the importance and positive impacts that both forest management and winery operations have to Lane County.

Thank you for the opportunity to comment and please keep us apprised of any additional findings in this process.

Sincerely,

Monica Jelden

Monica Jelden
Real Properties Coordinator

cc: T. Payne
D. Riddle
T. Reiss

SEBBA Rafael

From: Ron Funke, AICP <ronfunke@customplanningservices.com>
Sent: Tuesday, May 21, 2013 1:19 PM
To: SEBBA Rafael
Subject: McGaven/Golish_Farm/Forest Management Agreement
Attachments: Farm Forest Management Agreement_00000.pdf; ronfunke.vcf

Rafael,

We reviewed the Seneca Jones letter sent to you on May 20, 2013. My clients agree that Seneca Jones is entitled to forestry activities and in fact have recorded an affidavit to that effect on their deed since 2004, a copy of which is attached. This is the same covenant that the Pfeiffer's agreed to when their property was rezoned from F-2 to EFU in 2008. Seneca Jones was satisfied by covenant in 2008 and dropped their objection to the Pheiffer rezone request.

Notwithstanding the agreement that Seneca Jones is entitled to forestry activities, we note that the Seneca property in question is zoned EFU, the same target zone my client is seeking. It is unclear the basis for an objection to a zone adjustment that aligns with their property.

The Seneca Jones request also asks for an additional restriction (a) that attempts to restrict future development on the eastern half of the McGavin/Golish property. They are asking for restrictions in excess of what current zoning allows for, let alone the new zoning. This is an undue economic restriction on McGavin/Golish's ability to adapt their property to the highest and best use of their land over time. It appears to be an attempt to rewrite Lane County's land use laws

We are happy to agree to (b), as it is already in effect, but we feel request(a) is unwarranted.

Sincerely,

Ron R. Funke, AICP
for James McGavin

Lane County Deeds and Records 2004-044434
$36.00
00588830200400444540030037
06/11/2004 01:06:36 PM
RPR-REST Cnt=1 Stn=7 CASHIER 06
$15.00 $10.00 $11.00

AFTER RECORDING RETURN TO:
JESSE LYON
DAVIS WRIGHT TREMAINE LLP
SUITE 2300
1300 SW FIFTH AVENUE
PORTLAND, OR 97201

FARM USE AND FOREST MANAGEMENT DECLARATION OF RESTRICTIVE COVENANTS

James R. McGavin and Wendy L. Golish ("Landowners") are the owners of real property described on Exhibit "A" attached hereto ("Property"). In accordance with the conditions set forth in the division of the Lane County Land Management Division dated May 23, 2001 approving Special Use Permit PA# 01-5245, for Assessor's Map and Tax Lot No. 15 05 30 00 00800 and No. 15 05 30 00 00801, Landowners agree as follows:

1. The Property is situated in a farm or forest zone in Lane County, Oregon and may be subjected to conditions resulting from farm use or commercial forests operations on adjacent lands. Such operations may include farm use as defined in ORS 215.203 and management and harvesting of timber, disposal of slash, reforestation, application of chemicals, road construction and maintenance, and other accepted and customary forest management activities conducted in accordance with Federal and State laws. Said farm use and forest management activities may produce noise, dust, odors, smoke and other conditions, which may conflict with Landowner's use of Landowner's Property for residential purposes. Landowners agree that, in accordance with ORS 215.293, Landowners will not pursue a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937.

2. Landowners shall comply with all restrictions and conditions for maintaining residences in farm and forest zones that may be required by State, Federal, and local land use laws and regulations. Landowners will comply with all applicable fire safety regulations developed by the Oregon Department of Forestry for residential development within a forest zone.

This Farm Use and Forest Management Declaration of Restrictive Covenants is appurtenant to the Property and shall bind the heirs, successors, and assignees of Landowners.

SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF, the Landowners have executed this Farm Use and Forest Management Declaration of Restrictive Covenants on June 11, 2004.

LANDOWNERS:

James R. McGavin

Wendy L. Golish

STATE OF OREGON)

COUNTY OF LANE)

Signed or attested before me on JUNE 11, 2004

By WILLIAM J. MCCURRY

Signature of Notary

OFFICIAL SEAL
WILLIAM J MC CURRY
NOTARY PUBLIC-OREGON
COMMISSION NO. 370268
MY COMMISSION EXPIRES AUG. 14, 2007

My Commission expires: AUGUST 14, 2007

Exhibit A

The South one-half of the Southeast quarter of Section 30, Township 15 South, Range 5 West, of the Willamette Meridian, in Lane County, Oregon.

ATTACHMENT 6

SENECA JONES TIMBER COMPANY

May 20, 2013

ATTN: Rafael Sebba, Planner
Lane County Planning Department
3050 N Delta Hwy
Eugene, OR 97408

Re: PROPOSED RURAL COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE
JAMES GAVIN & WENDY GOLISH
MAP NUMBER 15053000800 & 15053000801

Dear Mr. Sebba:

We are in receipt of your recent notice regarding the proposed amendment to the Rural Comprehensive Plan and zone change to allow a winery and tasting room on F2 land as referenced above and appreciate the opportunity to comment. Seneca Jones Timber Company (SJTC) has timber holdings contiguous to the east of this tax lot.

As a neighboring forest landowner in Lane County, this tract appears to have adequate capability to continue to support Lane County's Rural Comprehensive Plan Goal Four, conserving forest lands by maintaining the forest land base. The historic use of the property appears 50% for timber production and 50% for agricultural use, well within the current F2 zoning guidelines which states that agricultural uses are frequently intermixed with forest land in this category. Lane Code 16.400(6)(h)(iii)(bb) offers five justification for Plan Amendments. The applicant indicates that the proposed Plan Amendment fulfills the following justifications:

- Necessary to fulfill an identified public or community need for the intended result of the component or amendment; or
- Necessary to provide for the implementation of adopted Plan policy or elements; or
- Otherwise deemed by the Board, for reasons briefly set forth in its decision, to be desirable, appropriate or proper.

From our perspective, these justifications are unsupported through actual evidence, other than applicant's desire to allow a tasting room on the property. In fact, the applicant states there are already several wineries in the area with tasting rooms attached.

The applicant also does not specifically address the impact that the proposed amendment and zone change will have on the surrounding forest land. Our forest management activities are governed by guidelines established in the Oregon Forest Practices Act. Many of our routine activities (i.e. harvesting of tree species, aerial site preparation and slash disposal) can generate noise, dust, visual, and other residual impacts. Historically, wineries and their customers, may

fail to appreciate or understand the long-term value or timing of these activities, asking the adjacent forest landowner to develop and explore costly alternatives.

To mitigate these competing uses without adversely affecting our adjacent timberlands, by either placing undue restrictions or adding costs to generally accepted forestry practices, we respectfully request the:

(a) Applicant execute a covenant maintaining the existing forested area in timber production on the eastern edge of the property as outlined in the development plan to provide a visual and forest management buffer, reducing the potential for impact to our adjacent lands for as long as these lands remain in their current use.

(b) Execution of a Farm/Forest Management Covenant, recorded with the approval of this application wherein the applicant acknowledges and accepts the occurrence of these activities and in the future will not complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

While SJTC genuinely respects a landowner's right to utilize its private property in the highest and best use manner, the burden of impacting the adjacent land should be considered and mitigated prior to a change of use. In this specific situation, mitigation is potentially and entirely feasible. We would have no objection to the applicant's request for amendment and zone change, provided the above stipulations can be accommodated within the approval process.

Thank you for the opportunity to comment and please keep us apprised of any additional findings in this process.

Sincerely,

Monica Jelden

Monica Jelden
Real Properties Coordinator

cc: T. Payne
D. Riddle
T. Reiss

SEBBA Rafael

From: WILKINSON Sarah W
Sent: Wednesday, May 15, 2013 8:10 AM
To: SEBBA Rafael
Cc: INGRAM Daniel B; MCKINNEY Lydia; WILKINSON Sarah W; CLARK Lynnae M
Subject: 509-PA12-06341 Gavin & Golish

TP File:	10491
File No:	509-PA12-06341
Applicant/Owner:	James Gavin and Wendy Golish
Agent:	Ron Funke
Address:	94739 Turnbow Lane
TRS:	15-05-30
Tax Lots:	800 & 801

Proposal: A request to amend the Rural Comprehensive Plan to re-designate a 79.9 acre property from 'Forest' (F) to 'Agriculture' (A) and to change the zoning from 'Impacted Forest Land' (F-2) to 'Exclusive Farm Use' (E-60). The applicant is proposing to establish a winery and tasting room in conjunction with an existing 25 acre vineyard on the subject property.

Comments from Lane County Transportation Planning:

Access to Map & Tax Lot Nos. 15-05-30-00-00800 and -00801 is from Turnbow Lane via a private road. Turnbow Lane is a Lane County road functionally classified as a rural Local Road that has a minimum right-of-way width of 50 feet for building setback purposes (Lane Code 15.070(1)(c)(i)(gg)).

Lane Code 15.697 – Traffic Impact Analysis Requirements
In accordance with Lane Code 15.697(1)(c), a Traffic Impact Analysis may be required as part of a complete land use application for any plan amendment proposal, unless waived by the County Engineer. In accordance with Lane Code 15.697(2)(b), the County Engineer or designee may waive the traffic impact analysis requirements of Lane Code 15.697(1)(c) when:

(b) In the case of a plan amendment or zone change, the scale and size of the proposal is insignificant, eliminating the need for detailed traffic analysis of the performance of roadway facilities for the 20-year planning horizon. Whether the scale and size of a proposal may be considered insignificant may depend on the existing level of service on affected roadways. Generally, a waiver to Traffic Impact Analysis will be approved when:
- **(i) the plan designation or zoning that results will be entirely a resource designation; or**
- **(ii) the plan designation or zoning that results will be entirely residential and the allowed density is not likely to result in creation of more than 50 lots; and**
- **(iii) there is adequate information for the County Engineer or designee to determine that a transportation facility is not significantly affected as defined in Lane County Transportation System Plan Policy 20-d.**

In accordance with Lane Code 15.697(2)(b)(i) and 15.697(2)(b)(iii), the County Engineer waives the traffic impact analysis requirements for the proposed plan amendment and zone change. The proposal will re-designate the subject property "Agriculture," a resource designation, and re-zone the subject property "Exclusive Farm Use," a resource zone. Uses permitted outright in the Exclusive Farm Use Zone (e.g., farm use, winery, fire service facilities, dog training classes) are identified in Lane Code 16.212(3) and appear unlikely to generate traffic that would significantly affect the Lane County Transportation System. Uses allowed subject to Planning Director approval in the Exclusive Farm Use Zone (e.g., parks, golf courses, schools, dwellings) are identified in Lane Code 16.212(5) through 16.212(7) and appear more likely to generate traffic that may significantly affect the Lane County Transportation System. At the time of application for a use subject to Planning Director approval, Lane County Transportation Planning staff will have the opportunity to review the proposal for traffic considerations. The County Engineer does not have any traffic concerns with regard to the proposed plan amendment and zone change.

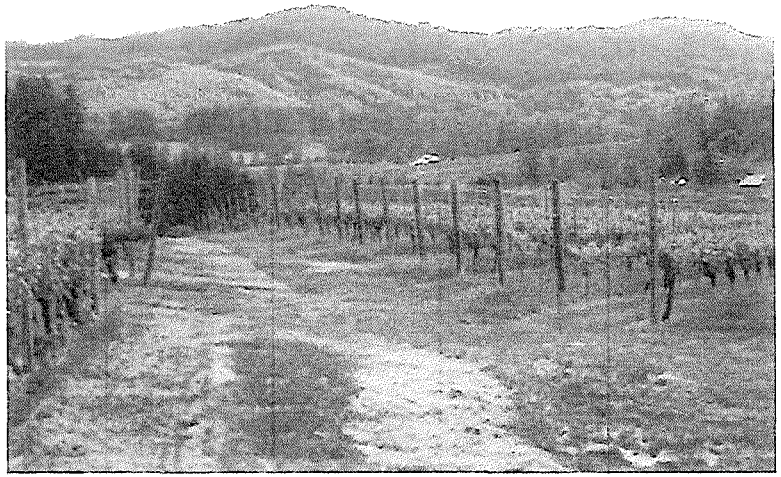
Thank you for providing the opportunity to comment on this proposal.

Sarah Wilkinson, Associate Planner
Department of Public Works

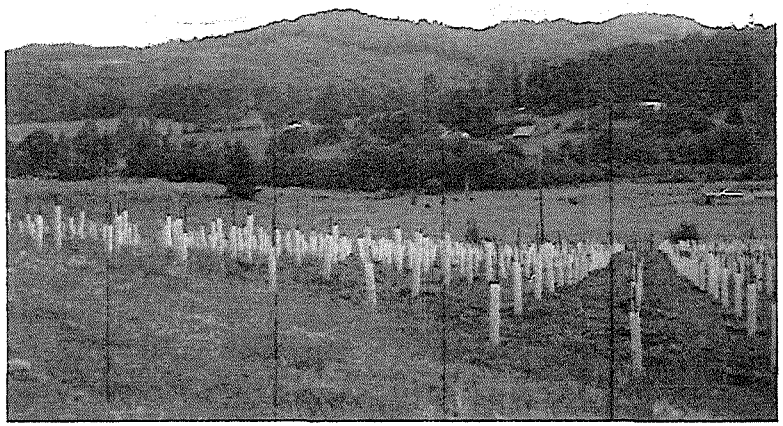
Engineering & Construction Services Division
3040 North Delta Highway | Eugene, OR 97408-1696
541/682-6932 | FAX 541/682-6946
sarah.wilkinson@co.lane.or.us | www.lanecounty.org/pw

ATTACHMENT 8

Assorted views of McGavin/Golish Vineyard/Winery



Established Vineyards, looking west

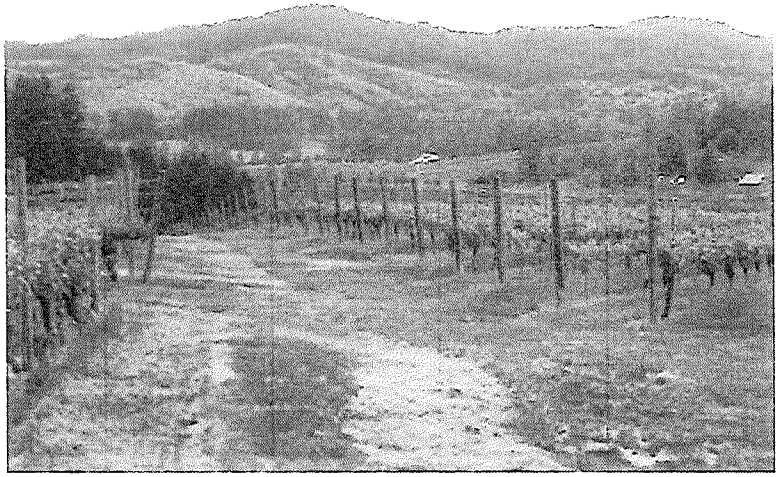


New vineyards, looking west

New and established vineyards, looking south

Established vineyards, looking south

Assorted views of McGavin/Golish Vineyard/Winery



Established Vineyards, looking west

New vineyards, looking west

New and established vineyards, looking south

Established vineyards, looking south

Assorted views of McGavin/Golish Vineyard/Winery

Established Vineyards, looking west

New vineyards, looking west

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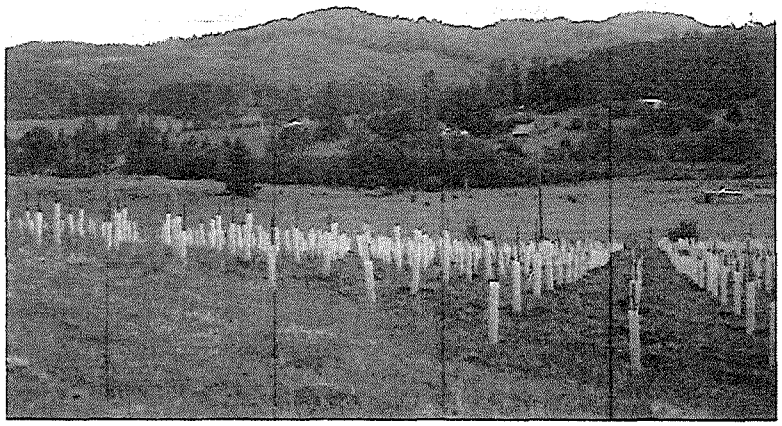
Assorted views of McGavin/Golish Vineyard/Winery

Established Vineyards, looking west



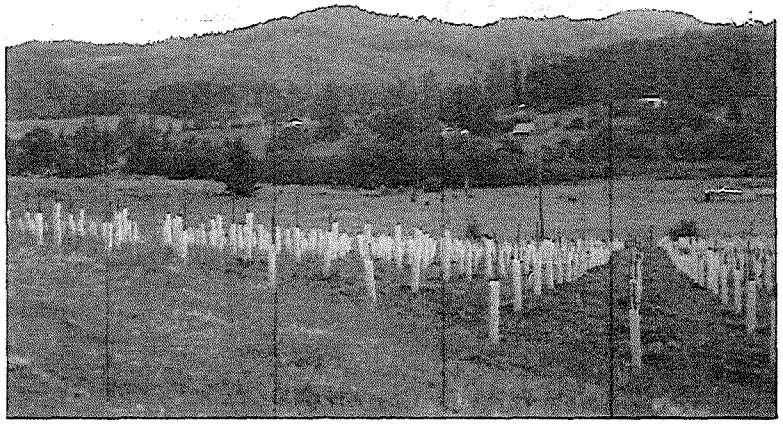
New vineyards, looking west

New and established vineyards, looking south

Established vineyards, looking south

Assorted views of McGavin/Golish Vineyard/Winery

Established Vineyards, looking west



New vineyards, looking west

New and established vineyards, looking south

Established vineyards, looking south